

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 2/13/07
 LAST UPDATED 2/28/07 HB _____

SPONSOR Duran

SHORT TITLE Independent Candidate Qualification SB 506/aSJC

ANALYST Ortiz

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SJC Amendment

Senate Judiciary Committee amendment to SB 506 makes a word change regarding independents who may become candidates for general election. It explains that no person shall become a candidate for nomination as an independent candidate for any office as opposed to the original bill, which narrowed it to state offices only. The same word change is also made so that a voter may challenge the candidacy of any person seeking nomination as an independent candidate for any office for the reason that the person does not meet the requirements of Section 1 Subsection A.

Synopsis of Original Bill

Senate Bill 506 would enact a new section in the Election Code to prohibit a person from becoming an independent candidate for state office unless their voter registration shows that they have no affiliation with a political party on the date of the Governor's proclamation for the primary election, and that they actually reside in the district of the office for which they are a candidate. The bill allows any voter to challenge the candidacy of a person not meeting those requirements in District Court and sets time limits for filing a petition, holding a hearing, issuing a decision, and appealing that decision.

SIGNIFICANT ISSUES

It appears, offers the Attorney General's Office that this bill is attempting to clarify the restrictions placed on independent candidates by current state law.

The AGO reports that NMSA Section 1-8-12 requires the Governor to file a proclamation calling a primary election with the Secretary of State on the last Monday in January of each even-numbered year. NMSA Section 1-8-45 defines "independent candidate" as a person without party affiliation for an office to be voted on at a general election or special election for United States Representative and who has not appeared as a major party candidate for the same office on the primary election ballot.

NMSA Section 1-4-16B states: *"Every person appearing as a candidate on the primary or general election ballot shall be a candidate only under the name and party affiliation designation appearing on his existing certificate of registration on file in the county clerk's office on the date of the governor's proclamation of a primary election."*

In 2006, a state district judge read these sections together to accomplish the result sought for in this bill See *Boehler v. Sowers, Vigil-Giron* (CV-2006-001653). This bill would memorialize this reading of the law.

OTHER SUBSTANTIVE ISSUES

According to the Secretary of State, individuals would not be allowed to change party affiliation or move, because they decide at the last minute to run for office after the Governor's proclamation has been signed.

EO/nt