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State of New Mexico

OFFICE OF
SECRETARY OF STATE

Susana Martinez
Governor

April 6, 2017

SENATE EXECUTIVE MESSAGE NO. 36

The Honorable Mary Kay Papen, President Pro Tempore and
Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Honorable President Pro Tempore Papen and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return SENATE BILL 78, as amended, enacted by the Fifty-Third Legislature, First Session, 2017.

By prohibiting private employers from inquiring into the criminal history of an applicant on the initial application, Senate Bill 78 ("SB 78") inappropriately limits the rights of private employers to determine the substance of an application that will ultimately provide a pool of qualified candidates that best meets the workforce needs of the employer. Furthermore, by allowing an employer to include a notification that a criminal history could disqualify an applicant, but delaying any inquiry into criminal history, SB 78 could result in wasted time for the applicant as well as the employer.

For these reasons I hereby veto SB 78.

Respectfully yours,

A handwritten signature in cursive script that reads "SMartinez".

Susana Martinez
Governor

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The Honorable Mary Kay Papen

April 6, 2017

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RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 10:19 a.m. p.m.
Date: April 6th, 2017

By [Signature]
Secretary of State

Time: 11:31 a.m. p.m.
Date: 4-6, 2017

By Jean Mai for Chief Clerk
Chief Clerk of the Senate