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| LFC Requester: | Hilla, Emily |
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment** _____
Correction _____ **Substitute** _____

Date 1/29/24
Bill No: HM 26

Sponsor: Rep. John Block
Short Title: Removal of Candidates From Ballot

Agency Name and Code AOC 218
Number: _____
Person Writing Kathleen Sabo
Phone: 505-470-3214 **Email** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

| Appropriation | | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY24 | FY25 | | |
| None | None | Rec. | General |
| | | | |

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
|-------------------|---------|---------|---------------------------|---------------|
| FY24 | FY25 | FY26 | | |
| Unknown | Unknown | Unknown | Rec. | General |
| | | | | |

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY24 | FY25 | FY26 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|-------------|-------------|-------------|------------------------------|--------------------------------------|--------------------------|
| Total | Unknown | Unknown | Unknown | Unknown | Rec. | General |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HM 26 resolves that any efforts to remove candidates from state primary election or general election ballots be opposed and that the right of voters of all party affiliations to nominate the candidate of their choice be supported. HM 26 further resolves that voters in states who believe they have been denied the right to vote for the candidate of their choice be welcomed to make their permanent residence in New Mexico, a place of free and fair elections.

Copies of the memorial are to be transmitted to the Colorado Secretary of State, the justices of the Colorado Supreme Court, the Maine Secretary of State and Donald J. Trump.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for transmittal of the memorial to the named individuals. Any additional fiscal impact on the judiciary would be related to any actions to remove Donald Trump from the ballot in New Mexico and challenges to the removal.

SIGNIFICANT ISSUES

- 1) The *New York Times* reports that, as of January 29, 2024, officials in more than a dozen states are evaluating attempts to remove Donald Trump from 2024 election ballots. Additionally, two states, Colorado and Maine, have barred him from their primary ballots. (Colorado justices said that Trump would be allowed to remain on the ballot if the case was appealed to the U.S. Supreme Court – Trump is now certified to appear on the ballot there.) See *What to Know About the Efforts to Remove Trump From the 2024 Ballot*, Bogel-Burroughs and Smith, January 29, 2024, *New York Times* at <https://www.nytimes.com/article/trump-ballot-remove-2024.html>.

The U.S. Supreme Court agreed to hear an appeal of the Colorado case and, the *Times* reports, is set to hear oral arguments on February 8th. The *Times* notes that the ruling could determine whether Donald Trump appears on ballots across the country.

Despite HM 26 asserting that the removal effort in New Mexico has been summarily dismissed, the *Times* is reporting that the challenge in New Mexico is unresolved, as a lawsuit in Federal District Court was dismissed at Trump’s request, but the plaintiff has appealed to the U.S. Court of Appeals for the 10th Circuit. See *Tracking Efforts to Remove Trump From the 2024 Ballot*, Gamio, Smith and Bogel-Burroughs, January 29,

2024, *New York Times* at

<https://www.nytimes.com/interactive/2024/01/02/us/politics/trump-ballot-removal-map.html>.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS