

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 2/14/07

SPONSOR Duran LAST UPDATED _____ HB _____

SHORT TITLE Replacement of Candidates on Ballot SB 510

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

Responses Received From
Attorney General's Office (AGO)

No Responses Received From
Secretary of State

SUMMARY

Synopsis of Bill

Senate Bill 510 appears to only allow the placement of names of candidates on the general election ballot to address vacancies caused by the death of a candidate or office holder. The bill amends NMSA Sections 1-8-7 and 1-8-8 of the Election Code to apparently prohibit the placement of a name of a candidate on the general election ballot due to the resignation of a person holding public office *before* the primary election, or due to the resignation or other cause (except death) of a nominee or person holding office *after* the primary election.

SIGNIFICANT ISSUES

According to the Attorney General's Office the impact of this bill may be to prohibit political parties from nominating a replacement candidate, and having his name placed on the general election ballot, if their original nominee withdraws, resigns, becomes incapacitated or otherwise fails to run for any reason other than death.

Senate Bill 510 – Page 2

This means if a candidate selected in the primary decides to withdraw on October 31, he cannot withdraw. If he wins the election, he can choose to resign. The appropriate appointing official (i.e. governor) will select the replacement.

The AGO points out that the state Supreme Court in Johnson v. Vigil-Giron, 2006-NMSC-061, 16-24 conducted a short analysis on other aspects of this section of law.

EO/mt