Administrative Office of the Courts

FOR IMMEDIATE RELEASE
July 14, 2020

Contact: Barry Massey, public information officer
bmassey@nmcourts.gov
505-827-4805; 505-470-3436

Supreme Court ruling provides guidance on nominating petition forms used by candidates

SANTA FE – The New Mexico Supreme Court today ruled that the state's top elections official cannot invalidate candidate nominating petitions solely because the petition form lacks a non-statutorily required heading or text prescribed by the secretary of state.

"Considering the relevant portions of the Election Code, we conclude that the Legislature did not delegate the power to invalidate nominating petitions that conform with Section 1-8-30(C) when it empowered the Secretary to approve the forms and procedures for elections," the Court concluded in a unanimous opinion written by Justice David K. Thomson.

To file for elective office, candidates in New Mexico submit nominating petitions with signatures of a certain number of registered voters. The Legislature established the petition form in state statute, NMSA 1978, § 1-8-30(C), and the form carries a heading of "NOMINATING PETITION." The secretary of state published petitions for candidates to use in this year's election with additional text and the heading, "2020 PRIMARY NOMINATING PETITION."

Anastacia Golden Morper submitted 49 nominating petitions when filing earlier this year to run for the Republican nomination for the state's Third Congressional District seat. The secretary of state invalidated 44 of the petitions, containing more than 700 voter signatures, that omitted the heading "2020 PRIMARY NOMINATING PETITION." Morper was disqualified as a candidate because the remaining petitions did not contain the required number of voter signatures.

Morper filed a lawsuit challenging the secretary of state's decision, arguing that her nominating petitions conformed to the statutorily required form. A district court judge ruled against her, determining that a provision in state law authorized the secretary of state to approve forms and procedures used in elections.

Morper appealed to the Supreme Court, which ruled in her favor in March. The Court's written opinion provides the legal rationale behind its order allowing Morper to be a candidate at the state Republican Party's pre-primary nominating convention. She later dropped out of the

primary election race after failing to earn enough support at the convention for a place on the ballot.

“The Secretary must ensure that the nominating process takes place in accordance with the laws enacted by the Legislature. However, the Secretary cannot impose greater requirements on the process than those imposed by the Legislature,” the Court stated.

###

To read the decision in *Morper v. Toulouse Oliver*, No. S-1-SC-38173, please visit the New Mexico Compilation Commission's website using the following link:

https://decisia.lexum.com/nmos/nmsc/en/item/482406/index.do