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Supreme Court issues opinion on ruling that invalidated election changes

SANTA FE – The Legislature can change the timing of elections for prosecutors, judges and county officials only through a constitutional amendment, the Supreme Court concluded in an opinion released today.

The unanimous opinion explained the Court's reasoning for an order issued in August that stopped the secretary of state from implementing portions of election legislation (House Bill 407) enacted earlier this year. The Court invalidated statutory changes that sought to stagger the terms of office for district and metropolitan court judges facing retention elections and postpone the timing of elections for some county officials. Also nullified was a provision that that would have placed district attorneys on the ballot in 2022 – a gubernatorial election year – rather than continuing to have them run in presidential election years such as 2020.

Groups representing prosecutors, judges and county officials brought separate legal challenges to the legislation.

The New Mexico Constitution establishes the terms of office for district attorneys, elective county officers as well as judges in district courts and the Bernalillo County Metropolitan Court. The justices concluded that lawmakers could not alter the timing of elections for those offices by a statutory change because it had the result of improperly extending the terms of incumbent officer holders.

"We hold that the challenged provisions of HB 407 impermissibly alter the constitutionally prescribed terms of office of the three petitioning groups. In reaching this conclusion, we are of course mindful that the Legislature is vested with broad authority to regulate the timing, process and conduct of elections," the Court concluded in an opinion written by Justice Barbara J. Vigil.

"Assuming, as appears to be the case, that the Legislature wishes to pursue the election-related policy goals sought to be effectuated through the portions of HB 407 that we strike down today,

it is its prerogative to propose, and the voters to adopt, a constitutional amendment to that end," the Court stated.

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To read the decision in *State ex rel. Sugg, et al. v. Toulouse Oliver*, Nos. S-1-SC-37723, 37785, & 37789, please visit the New Mexico Compilation Commission's website using the following link:

https://nmonesource.com/nmos/nmsc/en/item/454783/index.do