

  
Joey D. Moya

1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **August 26, 2019**

3       **NO. S-1-SC-37723**

4       **STATE OF NEW MEXICO ex rel.,**  
5       **JOHN P. SUGG, DIANNA LUCE,**  
6       **FRANCESCA MARTINEZ-ESTEVEZ,**  
7       **CLINT WELLBORN, DONALD**  
8       **GALLEGOS, ANDREA REEB,**  
9       **PAULA PAKKALA, and**  
10       **LEMUEL L. MARTINEZ,**

11                   Petitioners,

12       v.

13       **MAGGIE TOULOUSE OLIVER,**  
14       **Secretary of State for the**  
15       **State of New Mexico,**

16                   Respondent.

17   **ORDER**

18                   WHEREAS, this matter came on for consideration by the Court upon  
19       verified petition for original writ of mandamus and declaratory judgment, response  
20       thereto, amicus brief of the legislative sponsors of H.B. 407, 54th Leg., 1st Sess.  
21       (N.M. 2019), and responses thereto;

22                   WHEREAS, H.B. 407 was passed by the Legislature, signed by the  
23       Governor, and chaptered as Chapter 212 of New Mexico Laws of 2019;

24                   WHEREAS, the application of Chapter 212, Subsection 103(B)(17) of New  
25       Mexico Laws of 2019 would result in an unconstitutional alteration to the term of

1 office of the district attorney; and

2 WHEREAS, in light of the foregoing, the Court having considered the  
3 petition, amicus brief, and responses and being sufficiently advised, Chief Justice  
4 Judith K. Nakamura, Justice Barbara J. Vigil, and Justice Michael E. Vigil  
5 concurring;

6 NOW, THEREFORE, IT IS ORDERED that the petition is GRANTED and  
7 a writ of mandamus shall issue directing the Secretary of State not to implement  
8 Chapter 212, Subsection 103(B)(17) of New Mexico Laws of 2019;

9 IT IS FURTHER ORDERED that the writ of mandamus shall direct the  
10 Secretary of State to include the office of the district attorney on the 2020 general  
11 election proclamation and the 2020 primary and general election ballots;

12 IT IS FURTHER ORDERED that the oral argument set for this matter on  
13 Friday, September 13, 2019, is VACATED; and

14 IT IS FURTHER ORDERED that an opinion explaining the decision of the  
15 Court shall issue at a later date.

16 IT IS SO ORDERED.



WITNESS, the Honorable Judith K. Nakamura,  
Chief Justice of the Supreme Court of the State of  
New Mexico, and the seal of said Court this 26th  
day of August, 2019.

A handwritten signature in black ink, appearing to read "Joey D. Moya".

Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

17 I CERTIFY AND ATTEST:  
A true copy was served on all parties  
or their counsel of record on date filed.

Joey D. Moya

Chief Clerk of the Supreme Court  
of the State of New Mexico