

SUPREME COURT OF NEW MEXICO

Ruiz v. Vigil-Giron, 145 N.M. 280

196 P.3d 1286 (N.M. 2008) · No. No. 31,080 · Decided November 7, 2008

SUMMARY

The Supreme Court of New Mexico affirmed the dismissal of a challenge to signatures on a candidate's nominating petitions. The court held that substantial evidence supported the finding that Rebecca D. Vigil-Giron had collected enough valid signatures, including evidence summarized from voter-registration records, and therefore did not reach the separate issue of pleading specificity.

CASE DETAILS

COURT	Supreme Court of New Mexico
WRITING FOR THE COURT	Per Curiam
JURISDICTION	New Mexico
DECIDED	November 7, 2008
DOCKET	No. 31,080
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed the district court's dismissal of their Rule 1-096 NMRA challenge to the validity of signatures on a candidate's nominating petitions.
STANDARD OF REVIEW	Admission or exclusion of evidence is reviewed for abuse of discretion; the district court's factual finding regarding the number of valid signatures is reviewed for substantial evidence. Factual disputes and reasonable inferences are resolved in favor of the prevailing party, and the appellate court will not reweigh evidence or substitute its judgment for that of the fact finder.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of New Mexico
PARTIES	Harriet Ruiz, Rosemarie Sanchez, Whitney C. Buchanan v. Rebecca D. Vigil-Giron

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QUESTIONS PRESENTED

1. Whether the district court abused its discretion by admitting Vigil-Giron's summary of valid signatures under Rule 11-1006 NMRA.
2. Whether substantial evidence supported the district court's finding that Vigil-Giron had submitted enough valid signatures to qualify for placement on the primary election ballot.

HOLDINGS

1. The district court did not abuse its discretion by admitting Vigil-Giron's exhibit summarizing valid signatures because the witness testified about its compilation from voter-registration information, the underlying records were admissible public records, and the challengers had access to the same voter-registration list.
2. Substantial evidence supported the district court's finding that Vigil-Giron submitted enough valid signatures to be placed on the primary election ballot.

KEY QUOTATIONS

"Therefore, the burden is on the challenger to demonstrate that specific signatures should not be counted" (196 P.3d 1288)

"we will not reweigh the evidence nor substitute our judgment for that of the fact finder." (196 P.3d 1290)

"Accordingly, we affirm the dismissal of the challenge on that basis." (196 P.3d 1291)

FACTUAL BACKGROUND

Rebecca Vigil-Giron sought to become the Democratic Party's candidate for the United States House of Representatives from New Mexico's First Congressional District. After failing to obtain the party's pre-primary designation, she filed additional signatures under NMSA 1978, Section 1-8-33(D), and needed at least 1,214 valid signatures. The challengers claimed that Vigil-Giron was 85 signatures short, while Vigil-Giron introduced a summary based on Bernalillo County voter-registration records showing that challenged signatures were valid. The district court credited 102 additional valid signatures, concluding that Vigil-Giron had enough signatures to appear on the primary ballot.

PROCEDURAL HISTORY

Rebecca Vigil-Giron sought placement on the Democratic primary ballot after failing to receive the party's pre-primary designation. Harriet Ruiz, Rosemarie Sanchez, and Whitney C. Buchanan challenged signatures on her nominating petitions. After an evidentiary hearing, the district court admitted evidence offered by both sides, found that Vigil-Giron had submitted enough valid signatures, and dismissed the challenge, also concluding that the complaint failed to identify the grounds for each challenged signature with sufficient specificity. The New Mexico Supreme Court affirmed on the sufficient-signatures ground and did not reach the pleading issue.

DISPOSITION

affirmed

CASES CITED

- Simmons v. McDaniel, 101 N.M. 260, 263, 680 P.2d 977, 980 (1984)
- Valdez v. Herrera, 48 N.M. 45, 53, 145 P.2d 864, 869 (1944)
- Coates v. Wal-Mart Stores, Inc., 1999-NMSC-013, ¶¶ 36, 46, 127 N.M. 47, 976 P.2d 999
- State v. Rojo, 1999-NMSC-001, ¶ 41, 126 N.M. 438, 971 P.2d 829
- United States v. Samaniego, 187 F.3d 1222, 1223 (10th Cir. 1999)
- Benavidez v. Benavidez, 99 N.M. 535, 539, 660 P.2d 1017, 1021 (1983)
- State v. Ramirez, 89 N.M. 635, 644-45, 556 P.2d 43, 52-53 (Ct. App. 1976)
- Sells v. State, 98 N.M. 786, 788, 653 P.2d 162, 164 (1982)
- Chavarria v. Fleetwood Retail Corp., 2006-NMSC-046, ¶¶ 12, 17, 140 N.M. 478, 143 P.3d 717
- Landavazo v. Sanchez, 111 N.M. 137, 138, 802 P.2d 1283, 1284 (1990)
- Las Cruces Prof'l Fire Fighters v. City of Las Cruces, 1997-NMCA-044, ¶ 12, 123 N.M. 329, 940 P.2d 177