

Signature Requirements for an Independent Candidate in New Mexico

Parker v. Duran (Martha Vázquez, D.N.M. 1:14-cv-617)

An independent candidate who did not collect enough signatures to appear on the general-election ballot filed a federal complaint challenging the signature requirement as improperly greater than the requirement for minor-party candidates. The district court denied the plaintiff relief, and the court of appeals affirmed dismissal of the case.

Subject: Getting on the ballot. *Topics:* Getting on the ballot; equal protection; intervention.

One week after a timely filing of insufficient ballot-petition signatures, an independent candidate for New Mexico’s public-education commission filed a federal complaint in the District of New Mexico against New Mexico’s secretary of state complaining that the signature requirement for independent candidates was improperly greater than the requirement for minor-party candidates.¹ With his complaint, he filed a motion for a temporary restraining order and a preliminary injunction.²

Six days after the complaint was filed, Judge Martha Vázquez ruled that the plaintiff had not satisfied the criteria for an *ex parte* temporary restraining order.³ One week later, New Mexico’s attorney general moved to intervene on behalf of the state,⁴ a motion Judge Vázquez ultimately granted.⁵

Five weeks after the complaint was filed, on August 7, 2014, Judge Vázquez denied the plaintiff relief: “Plaintiff, as a prospective independent candidate, is not similarly situated to a prospective minor-party candidate”⁶ Judge Vázquez dismissed the action on April 30, 2015.⁷ The court of appeals affirmed the dismissal on April 12, 2016.⁸

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1. Complaint, *Parker v. Duran*, No. 1:14-cv-617 (D.N.M. July 3, 2014), D.E. 1.
 2. Motion, *id.* (July 3, 2014), D.E. 2.
 3. Order, *id.* (July 9, 2014), D.E. 4.
 4. Intervention Motion, *id.* (July 16, 2014), D.E. 8.
 5. Docket Sheet, *id.* (July 3, 2014) (D.E. 14).
 6. Opinion at 11, *id.* (Aug. 7, 2014), D.E. 12, 2014 WL 7653394.
 7. Opinion, *id.* (Apr. 30, 2015), D.E. 17.
 8. *Parker v. Winter*, 645 F. App’x 632 (10th Cir. 2016).