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## Independent files suit to get on ballot sans signatures

By Megan Bennett / Journal North Reporter

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Carol Miller of Ojo Sarco, N.M.

SANTA FE, N.M. — A longtime northern New Mexico liberal activist and former congressional candidate has filed a lawsuit against Rio Arriba County Clerk Linda Padilla claiming that the requirement that she submit petitions to get on the general election ballot for a county office is unconstitutional.

Carol Miller of Ojo Sarco filed last month as an independent candidate for the County Commission's District 1 seat. But she was disqualified for not submitting 99 nominating signatures to the County Clerk's office.

According to state election law, independent candidates for a county office must get valid signatures from at least 3 percent of registered voters in their district.

Major party candidates for county office, however, pay a \$50 filing fee instead of submitting petitions, according to the Secretary of State's Candidate Guide. The County Clerk can waive the fee if the candidate can prove they can't afford it.

According to Miller's court complaint, the election rules violate the standards for equal protection under the law laid out in the state constitution.

"There is no justification for different rules for one class of candidates for county offices from the rules for members of major parties," Miller said in a press release. "And we believe the Court will agree."

Miller is asking a judge to deem the relevant portions of the election code void and to allow her to be placed on the Nov. 6 general election ballot. Democrat James Martinez is the Democratic nominee for the District 1 commission position. There is no Republican candidate.

Miller, a former public health professional, has run for the state's 3rd Congressional District seat three times. In 1997, she ran as a Green Party candidate in a special election and again in a regular election the following year. She then ran as an Independent in 2008.

Miller's attorney is Blair Dunn of Albuquerque, a Libertarian candidate for state attorney general.

"Fairness, equality and access to the ballot really shouldn't even be a debate issue in our New Mexico elections, yet, clearly the state has set forth an unconstitutional requirement that discriminates against independent candidates with no justifiable reason for doing so," said Dunn in the news release.

Earlier this month, Miller was in the headlines when her old congressional campaign committee mistakenly was sent a \$5,000 donation from Vice President Mike Pence's PAC, Great America Committee, meant for conservative congressional candidate Carol Miller of West Virginia.

The New Mexico Miller forwarded the check to the West Virginia Miller, with a letter saying she would be "urging all of the Carol Millers in the U.S." to vote for the West Virginia Miller's Democratic opponent.

**Contact the writer.**

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