



The Associated Students of New Mexico State University

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Office of the Attorney General

Official Opinion

TO: Danielle Duran, *ASNMSU Chief Justice*

FROM: Ruben Morales Jr. *ASNMSU Deputy Attorney General*

Rahaf Ben Ali, *ASNMSU Attorney General*

DATE: September 25th, 2025

TITLE: “Advisory Opinion Regarding Judicial Actors Signing Nomination Forms for Senatorial Candidates”

Subject:

Questions have arisen concerning whether ASNMSU judicial actors may sign or otherwise endorse nomination forms for candidates seeking ASNMSU Senate positions. This opinion addresses the ethical and procedural implications of such actions.

Applicable State Law:

[NM Code of Judicial Conduct - Rule 21-402 NMRA](#) (Subsections [4] & [8])



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“C. A judge shall not, except as permitted by Rule 21-402 NMRA,

(1) act as a leader or hold office in a political organization;

(2) publicly endorse or publicly oppose

(a) a candidate for public office, or

(b) a ballot issue unrelated to the administration of justice or the legal system

[4] Judges and judicial candidates retain the right to participate in the political process as voters in all local, state, and government elections.

[8] A judge is prohibited from publicly endorsing a judicial candidate or candidate for public office, e.g., adding the judge's name to a list of supporters or publicly recommending the judge's election or appointment. Private endorsements, however, are permitted. A judge or judicial candidate is not prohibited from privately expressing the judge's or judicial candidate's views on judicial candidates or other candidates for public office.”

Applicable Bylaws:

“4-4. ASNMSU CODE OF JUDICIAL CONDUCT

An independent and honorable judiciary is indispensable to justice within the ASNMSU. The provisions of this code should be construed and applied to further that objective.

4-4-2. A JUSTICE SHALL PERFORM THE DUTIES OF OFFICE IMPARTIALLY AND DILIGENTLY

In the performance of judicial duties, an ASNMSU Justice shall apply the following standards:

An ASNMSU Justice shall observe the standards of confidentiality, fidelity, and diligence that apply to the ASNMSU Justice.



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4-4-3. DISQUALIFICATION

An ASNMSU Justice is disqualified and shall recuse themselves in any proceeding in which:

A. An ASNMSU Justice has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding; and

B. An ASNMSU Justice acted in their official capacity in any inferior ASNMSU Court or as an ASNMSU Special Master; and

C. Their spouse, or a person by blood, marriage, or other relationship to them:

1. Is a party to the proceeding, or an officer, director, or trustee of a party; or
2. Is acting as representative counsel in the proceedings; or
3. Is known by the ASNMSU Justice to have an interest that could be substantially affected by the outcome of the proceeding; or
4. Is to the ASNMSU Justice's knowledge likely to be a material witness in the proceeding; or
5. A party to the proceeding is an employee of the ASNMSU Court, whether assigned to the ASNMSU Justice or otherwise.

4-4-4. A JUSTICE SHOULD REGULATE THEIR ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH THEIR JUDICIAL DUTIES

A. They may appear at a public hearing before an executive or legislative body, and they may consult with an executive or legislative body or official, but only on matters concerning the administration of justice within the ASNMSU, except as required through the bylaws; and

B. An ASNMSU Justice may participate in civic and charitable activities that do not reflect adversely upon their impartiality or interfere with the performance of their judicial duties; and

C. An ASNMSU Justice shall not serve or perform any services for any committee, commission, or organization that conflicts with their judicial duties.



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4-4-5. A JUSTICE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO THEIR JUDICIAL OFFICE

A. Notwithstanding other provisions of the ASNMSU Code of Judicial Conduct or except as the ASNMSU bylaws provide for:

1. No ASNMSU Justice, while serving, shall be nominated, appointed, or elected to any other office.

4-4-6. APPLICABILITY

This ASNMSU Code of Judicial Conduct applies to all ASNMSU Supreme Court Justices and ASNMSU Justices/Special Masters of any inferior ASNMSU Courts.”

Opinion Rendered:

1. **Judicial Independence:** It has been historically prudent that ASNMSU judicial actors refrain from any political activity, as reflected in section 4-4 – ASNMSU Code of Judicial Conduct – and the New Mexico’s Code of Judicial Conduct, specifically **Rule 21-401**. While judicial actors retain the same individual voting rights as any other student, their actions carry added implications because of their official role. A vote or signature from a judicial actor does not legally weigh more than any other student’s; however, the public perception of partiality or favoritism can compromise the integrity of the ASNMSU judiciary. Yes, the judicial actor may “recuse” themselves from related proceedings if they were to arise, but such actions intentionally invite questions of bias and undermine the appearance of neutrality the judiciary is designed to maintain.
2. **What is “signing a form of support”?:** For the purposes of this opinion, “signing a form of support” refers to endorsing or lending one’s name to a candidate’s petition for ballot access or nomination. Even if done in a personal capacity, it functions as a public display of support for that candidate and can be reasonably perceived as an endorsement.



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Conclusion:

So, while yes judicial actors are allotted the freedom to vote in ASNMSU elections provided doing so does not conflict with their official duties or violate the bylaws. It is the Attorney General's official opinion that signing or otherwise endorsing a candidate for nonjudicial office – such as a Senator – while serving in a judicial role is not advisable. While not expressly illegal under the bylaws, such conduct is ultimately unethical and risks eroding public trust, creating potential conflicts, and requiring future recusals. Judicial actors should therefore aim to refrain from signing or public supporting candidates for office to preserve the integrity and neutrality of the ASNMSU judiciary.

If you have any concerns or questions, please do not be afraid to reach out to the Attorney General's Office.

Respectfully submitted,

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