

Bond Case Briefs

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EMPLOYMENT - NEW MEXICO

Kane v. City of Albuquerque

Supreme Court of New Mexico - August 13, 2015 - P.3d - 2015 WL 4761421

Captain of fire department, who was nominated as a candidate for state House of Representatives, brought action against city, seeking injunctive relief to enable her to seek elective office despite prohibitions in city charter and personnel rules. The District Court granted captain a permanent injunction. City appealed. The Court of Appeals certified two related cases to the Supreme Court, which was accepted.

The Supreme Court of New Mexico held that:

- City's regulations were supported by a rational basis;
- Regulations did not violate captain's right to speak on a matter of public concern;
- Regulations were not unconstitutional qualifications for elective office;
- Municipalities have the legislative authority to enact qualifications for appointive positions;
- Statute protecting hazardous duty officers from prohibitions on political activity is not a general law regulating a topic of statewide concern; and
- City had power to prohibit hazardous duty officers from seeking elective office in its home rule charter.