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Supreme Court issues opinion on the meaning and scope of legislative immunity

SANTA FE – The state Supreme Court issued an opinion today that for the first time interprets the scope of a constitutional grant of immunity to members of the New Mexico Legislature.

The Court unanimously concluded that legislators cannot be sued for “legitimate legislative activities,” including a Senate leader’s decision to relocate a member’s seat in the Senate chambers and office in the Capitol.

Under the Speech or Debate Clause of the New Mexico Constitution – Article IV, Section 13 – legislators “shall ... not be questioned in any other place for any speech or debate or for any vote cast in either house.”

In an opinion by Chief Justice David K. Thomson, the Court explained that the “immunity reinforces the separation of powers” by preventing interference with the Legislature by the executive and judicial branches of government and it protects members of the House and Senate from lawsuits over their legislative activities.

“Private actions, just like those brought by the executive branch, divert legislators’ attention from their work and bring judicial power to bear, imperiling legislative independence,” the Court wrote.

The opinion provided the legal reasoning for an order by the Court in late December dismissing a lawsuit brought in 2022 by former Sen. Jacob Candelaria against Senate President Pro Tempore Mimi Stewart. He alleged that Stewart retaliated against him by moving his office and Senate floor seat because he criticized her handling of a personnel matter involving a committee staff director. The Court issued its order after hearing oral arguments in the case.

The legal dispute reached the Supreme Court after a district court in Albuquerque determined it should examine Stewart’s motives for the office and seat reassignments before deciding whether her actions were covered by the immunity in the constitution’s Speech or Debate Clause.

“We hold that Stewart’s motive is irrelevant and that she is entitled to legislative immunity as a matter of law under the New Mexico Constitution,” the Court wrote. “When legislative immunity applies, recourse is found not in the courts, but at the ballot box.”

The justices rejected arguments by Candelaria that the Speech or Debate Clause immunity applied only to official acts by lawmakers during legislative proceedings on matters requiring a vote.

The Court concluded that “to the extent that moving Candelaria’s office involved the allocation of funds, Stewart’s act is a legitimate legislative activity.” The justices determined that Candelaria’s assignment to a different seat on the Senate floor “related to structuring the deliberative process,” which made it a legislative activity for which Stewart was entitled to immunity.

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To read the decision in *Stewart v. Ramczyk*, No. S-1-SC-40573, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/536902/index.do>