



**New Mexico
Local News
Fund**

Voting

A New Mexico Local News Fund Backgrounder

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Introduction

The 2020 COVID-19 pandemic affected every area of American life, including voting. While 19 states delayed primary elections, New Mexico successfully conducted its relatively late June 3 primary with near-record turnout, including massive use of absentee ballots. However, the election was not entirely smooth.

A [review of the 2020 primary](#) coauthored by UNM political science professor Gabriel Sanchez highlighted several concerns, including [access issues for voters on tribal lands](#), the lack of a receipt or tracking mechanism for absentee ballots, uncertainty about the absentee ballot deadline and delays in reporting results. The report contained four recommendations:

1. Canvass all absentee ballots postmarked on Election Day or received up to seven days after Election Day;
2. Establish a robust remedy, or “curing,” process for rejected ballots;
3. Allow absentee ballot collection at designated sites for Native voters; and
4. Create voting sites on or adjacent to Tribal lands that are restricted to and staffed by residents of those communities.

During a mid-June special session, lawmakers addressed several of those issues in a temporary election law update (SB4) that expires at the end of 2020. Although at least 1,300 absentee ballots [arrived after the deadline](#) during the June 2020 primary, lawmakers chose not to extend the deadline; ballots must be received by 7 p.m. Election Day.

Lawmakers did [specify](#) that county clerks must notify a voter within 24 hours if their ballot is rejected, and provide information about how to fix or “cure” it.

The law prohibited counties from closing or consolidating polling places on tribal lands, and directed that there must be at least one polling location within the boundaries of each Nation, Tribe or Pueblo. It did not address voting sites staffed by residents of tribal lands, but did authorize the creation of polling sites that operate exclusively as ballot drop-offs.

Absentee Voting

The use of voting by mail increased after a 2018 law required that all [special elections](#) be [conducted by mail](#), and [especially during the COVID-19 pandemic](#).

No excuse is needed to [request an absentee ballot](#) in New Mexico. Since 2019, voters have been able to request absentee ballots online. New Mexico does not have “permanent” absentee list, unlike five states that allow voters to make a one-time request and receive a mailed ballot for every future election.

The state does not require the signature of witnesses or a notary, as 12 states do, but the voter must sign the envelope and provide the last four digits of their Social Security number.

In the 2020 primary election, a majority of the state’s county clerks had asked the Supreme Court to allow them to automatically mail ballots to all voters and eliminate most in-person voting as a health precaution. [The court ruled](#) that state law did not permit them to order an all-mail election, and directed county clerks to instead mail absentee ballot applications to all registered voters. Democratic lawmakers tried to allow automatic ballot mailing in the 2020 temporary election changes, but it was [rejected by a powerful Senate committee](#).

Third party groups are allowed to distribute and collect absentee ballot applications and in 2020, a Washington, D.C. nonprofit [mailed more than 785,000](#) applications to registered voters in New Mexico; as of late [August](#), more than 67,000 were used to request ballots. At least 10 county clerks chose to mail applications to all registered voters, but the nonprofit's forms arrived before those sent by county clerks, causing some confusion.

The secretary of state's office [encouraged counties](#) to use drop boxes for the 2020 general election and offered reimbursement from \$6 million in federal funding. Many counties set up secure containers inside polling places. Bernalillo County set up a drive-thru location at the state fairgrounds, but some county clerks [declined to use the boxes](#), citing security.

Ballots must be received by the county clerk's office or a polling location by 7 p.m. on Election Day. Counties that receive more than 10,000 applications for absentee ballots are allowed to begin feeding the ballots into voting machines up to two weeks ahead, although the results are not tallied until Election Day.

During the June 2020 primary, the huge increase in mailed ballots [overwhelmed the absentee ballot boards](#) convened by some county clerks, but for the general election, several clerks said they had increased the number of people assigned to process absentee ballots. For example, the Doña Ana county clerk said she increased her board [from 11 people to 40](#).

Voter Registration

New Mexico is among the 39 states that offer [online voter registration](#). Voters can also use the website to update their information if they move. The state uses the Electronic Registration Information Center (ERIC) and National Change of Address records to maintain voter rolls, as most states do.

In 2019, [a new law](#) allowed voters to register and vote on the same day at their county clerk's office as soon as early voting opens, and at other early voting sites Oct. 17-31, 2020. Voters can update their registrations at that time—but not change their party affiliation. The bill delayed full implementation until January 1, 2021, after which New Mexicans will be able to register and vote up to and on Election Day.

Paper Ballots

New Mexico was an [early adopter](#) of paper ballots, and in 2006 it became the first state to adopt a uniform statewide system of fill-in-the-bubble paper ballots and optical scan tabulation machines. Such [systems are more common today](#). Unlike the all-digital or [touchscreen](#) systems that preceded it, New Mexico's current set up provides a verifiable, auditable paper trail, and is viewed as less vulnerable to hacking.

Voter ID

There is no state law requiring voter ID in New Mexico, but municipalities are allowed to require it for municipal elections and [they do in Albuquerque](#), Rio Rancho, Clovis and Hobbs. A [scientific analysis](#) of the 2008 election found "consistent problems in the administration of voter identification" and that Hispanics and men were more likely to be asked to show ID when they didn't need to.

When registering by mail, first-time voters are required to submit a copy of a valid photo ID and proof of address. If those are not included with the registration, then the voter will be asked to provide them at the poll.

In 2012, as the Legislature was considering requiring identification to vote, an [analysis by NM Voices for Children](#) showed it could cost more than \$1 million per year in voter education, administration and printing of special photo ID cards. Groups such as the League of Women Voters and American Civil Liberties Union opposed a 2016 proposal, which [they said](#) would have disenfranchised thousands of potential voters.

Voter ID was a priority for Martinez when, in 2011, former Secretary of State Dianna Duran claimed she had evidence that more than 100 foreign nationals had registered to vote in New Mexico, and that a third of them had actually voted. Duran refused to release the public records she said showed the fraud, and in 2017 [the state paid \\$125,000](#) to settle an open records lawsuit from the American Civil Liberties Union.

Open Primaries

Voters must register with a party in order to vote in primary elections in New Mexico, although the number of voters who [decline to state a party has increased](#) significantly since 1990.

In 2019, the [New Mexico Supreme Court denied a request](#) to declare the closed system unconstitutional. In its 2020 temporary election bill, the Legislature allowed unaffiliated voters to vote in a primary election—provided they register with a party on the day of the election—but the speaker of the statehouse indicated it's [unlikely the measure would be extended](#).

Ranked-Choice Voting

Ranked-choice voting is an [increasingly popular](#) system that has been adopted in two New Mexico cities and [more than two dozen other cities](#) across the country, including New York City, Minneapolis and Memphis. The method has the potential to save money, improve the civility of campaigns and ensure winning candidates have majority support, according to a 2019 [policy brief by New Mexico First](#).

In a [ranked-choice](#) system, also known as instant runoff, voters don't just select their preferred candidate, instead they put the candidates in order of preference, marking a second, third, fourth choice etc. (Imagine ordering a salad with blue cheese dressing, and telling the server if they don't have blue cheese, you'll take ranch. And if they don't have ranch, you'd like Italian etc.) It is similar to regular run-off elections, but instead of narrowing the field to two candidates and asking voters to go back to the polls weeks after Election Day, the second round happens immediately.

In 2018 Alan Webber was elected mayor of Santa Fe in the [state's first ranked-choice election](#). A city charter amendment authorized the change in 2007, but it was delayed until the necessary hardware and software became available and a lawsuit forced implementation. In 2019 [Las Cruces voters chose to adopt](#) ranked-choice voting, while the [Albuquerque City Council voted 5-4 to reject](#) it; Albuquerque already has a system of run-off elections.

[Supporters say](#) ranked-choice voting ensures that the winning candidate is always the one who has the broadest support and earns more than 50% of the vote. Opponents say it's complicated and doesn't produce different results.

Further Reading

[Absentee and Mail Voting: New Mexico in Comparison to Other States](#) *National Conference of State Legislatures, 2020*

[New Mexico Vote-by-Mail: Matters of the Primary and State Election Laws](#) *UCLA Voting Rights Project and the UNM Center for Social Policy, 2020*

[Assessing Electoral Performance in New Mexico Using an Ecosystem Approach](#) *UNM, Caltech/MIT Voting Technology Project, University of Utah and the Institute of Public and International Affairs, 2009*

[The Rise of Ranked-Choice Voting](#) *Sabato's Crystal Ball, UVA Center for Politics, 2020*

[Ranked Choice Voting: Policy Brief](#) *New Mexico First, 2019*