

New Mexico 2020 Special Session

SB 4 - Election Administration Bill Review

Part of good governance is ensuring that our electoral systems remain accessible to all voters. New Mexicans made it clear with an unprecedented number voting by mail in the June primary election that they value their ability to vote safely. During the June 18th NM Legislative special session, SB 4 was proposed and passed by Senators Ivey Soto, Ramos and Representatives Johnson and Trujillo. Although SB 4 will result in increased safety and access for New Mexicans, especially our Native American communities, it was disappointing for advocates that allowing for ballots to be mailed out to eligible voters was amended out of the original bill. SB 4 passed the legislature on Saturday, June 20th, 2020. The Governor will have 20 days to act on the legislation and is expected to sign SB 4. A final version of the bill, amendments and committee votes can be found [here](#).

What does the bill do?

While giving an increased say to sovereign Native American governments, it gives county clerk's authority to send absentee ballot request forms, and has minor changes to other parts of the election code. SB 4 also permanently opens primaries to decline to state and minor party members who wish to change their party the day that they vote.

Specific SB 4 Policies

- Maintains in-person voting as the default option for all New Mexicans.
- County Clerks may opt into mailing ballot applications to voters
- Increases requirements on mail ballots by requiring the last 4 of voters' social security number to be provided on the ballot envelope.
- Indian Nation, tribes, and pueblos will have increased say and discretion over their voting locations.
- The Secretary of State will have emergency powers as required by health orders.
- There will be specific instructions on all mail ballots that will instruct the voter on the return of their ballot.
- Ballots will still need to be received on election day by 7 pm
- Minimum voting location requirements are still in effect
- As long as there is no conflict with this bill, all other existing election laws will remain in place.

How did this happen?

Broad Coalition

Through the nearly decade long America Votes-New Mexico, Election Administration Coalition (EAC), which is comprised of partners such as The Brennan Center for Justice, The Center for Civic Policy, The Center for Secure and Modern Elections, Common Cause, NAVA Education Project, and many other partners in both the C3 and C4 spaces, the EAC collectively identified the need for election reform shortly after the Covid-19 pandemic gripped the nation. In concert with key legislative allies, this group of partners began advocating for a universal vote-by-mail election while maintaining in-person options. This was done

with other election reforms in mind, specifically, an increased say for our Native American population that was particularly disenfranchised by the pandemic and resulting chaos.

Initial Attempts at Reform

On Monday, March 30th, County Clerks asked the state Supreme Court for an emergency order that would allow them to conduct the June 2 primary by mail. Amicus Briefs were filed with signers from the ACLU, Common Cause, League of Women Voters, and NAVA Education Project. Although that effort was defeated, the arguments laid out with key allies and partners were important to inform future efforts. As the month of May began there was little political appetite to change any election law heading into a general election in New Mexico. As partners outreached initially, there was little hope that consensus could be reached on any election bill, that took time and effort by all groups to get to a piece of passed legislation.

Coordination and Legislative Success

After a disappointing Supreme Court ruling, coalition partners went to work to win a progressive victory on voting rights for all New Mexicans. The Center for Civic Policy organized individual meetings with House leadership, Senate leadership, and high-level staff with the Governor's office that featured election reform. America Votes, CSME, Common Cause, and others reached out to key legislative allies collectively working on a policy platform. CCP, Common Cause, Progress Now, Sierra Club, and others lead a public-facing campaign that argued for reform. Through a combination of different efforts and tactics, a critical mass of support for election reform grew, and ultimately the coalition was successful in making election administration a priority for the special session.

Race Equity

AVNM and our partners highly value a race equity lens when it comes to election law. An election environment with safe, accessible options for voting will always be crucial. Specifically coordinating with organizations close to Native American populations in New Mexico like NAVA EP/NM Native Vote, Common Cause, Forward Together, and others were key to ensure safe elections for those hardest hit by the pandemic. People of color in New Mexico deserve equal access to elections and that lens was continually applied as the policy was being crafted.

Communications

ProgressNow, Sierra Club, and others led a coordinated communications effort to push for a universal vote by mail with in-person options to the very end. Although the progressive community came up short there, a strong narrative developed on social media and in public comment during committee hearings.

Current Law in Comparison to the Bill

Current Law	SB 4
SUBSTANTIVE CHANGES	
No Emergency Powers	Emergency Powers for the Secretary of State
Unclear authority and funding for sending ballot requests by government agencies	County clerks can opt in to have their voters mailed an absentee ballot request form automatically
Major conflicts in law with Tribal Sovereignty	Increased Sovereignty and Authority for Native American Tribes, Pueblos and Navajo Nation
Lack of clear guidelines and accessibility to ballot drop boxes	Increased accessibility of ballot drop boxes across the state
No Changes	
Absentee Ballots Requests online still require an ID	Absentee Ballots Requests online still require an ID
The date is the same for which ballots can be sent to voters	The date is the same for which ballots can be sent to voters
Voters will still have to request a ballot	Voters will still have to request a ballot
In-Person option to vote is maintained	In-Person option to vote is maintained
Votes have to be received by election day	Votes have to be received by election day

Next Steps

County Clerk Outreach

County Clerks outreach will be needed to urge them to both mail ballot applications and to keep as many voting locations as possible. This effort will be lead by America Votes New Mexico but will rely on our many strong partner organizations to ensure the best possible outcome for every county in New Mexico.

Voter Education

In all C3/C4 work, communicating the key elements of this bill will be crucial. From advocating with administrators for clear, aligned language to direct communication to voters, the progressive community in New Mexico is ready to get to work on making sure every voter knows the many options they have to vote and how to return a ballot.