

For Immediate Release: April 8, 2020
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COMMON CAUSE, LEAGUE OF WOMEN VOTERS AND FOUR OTHER GROUPS FILE AMICUS BRIEF WITH NM SUPREME COURT IN SUPPORT MODIFIED MAIL-IN PRIMARY

Brief: “Standard in-person voting would force the people of New Mexico to choose between their safety and the exercise of their franchise.”

Common Cause New Mexico, the League of Women Voters of New Mexico, NM Native Vote, the ACLU of NM, Disability Rights NM and Santo Domingo Pueblo today filed an amicus curiae (friend of the court) brief with the NM Supreme Court in support of the New Mexico County Clerks and the Secretary of State’s petition to hold the June Primary using a set of vote-by-mail, mobile voting and in-person ballot-drop protocols.

The protocols, proposed by the state’s voting officials, will allow for the continued implementation of social distancing requirements and the extended stay-at-home order mandated by the Governor on March 23 and extended to May 1 on April 5.

The proposed protocols come in an effort to preserve both voting access and public health as New Mexico experiences the Covid-19 pandemic, which to date (April 7) has claimed 13 lives and grown to 794 cases throughout the state.

“New Mexicans should not have to choose between their safety and the exercise of their right to vote,” said Levi Monagle, Common Cause New Mexico Board member, and author of the amicus brief.

Monagle said in the brief that the constitution states that for New Mexico citizens the right to vote is the supreme right. “*But the constitution is not a suicide pact, neither is the Election Code,*” he added.

The amicus brief contends that absentee ballot voting alone does not offer equal protection to all the people of the state, especially rural voters and Navajos, who often do not have street addresses or reliable mail service. Absentee ballots present “heightened procedural hurdles,” and should not be used as a “one-size-fits-all solution,” the brief states.

The groups are asking the Supreme Court to act to permit the Clerks' plan to apply to only the June primary, since a meeting of the legislature in special session presents logistic and constitutional difficulties in light of the Governor's ban on gatherings of more than five people and a provision of the state constitution that requires legislative meetings to be in Santa Fe.

Meanwhile, the clock is ticking as overseas ballots must be sent out by April 18, with printing scheduled to begin April 14, according to the Secretary of State.

"In a time of pandemic, it falls to the judiciary to protect the fundamental right to vote," the brief states.

"The League of Women Voters believes that voting is a fundamental citizen right that must be guaranteed," said Hannah Burling, president of the New Mexico League. "We support protection of the right of every citizen to vote, methods that increase voter participation, and systems that improve the election experience and provide ease of ballot access."

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***Common Cause New Mexico** is a nonpartisan, grassroots organization dedicated to fair elections and making government at all levels more democratic, open, and responsive to the interests of all people.*

***The League of Women Voters of New Mexico** is an affiliate of the League of Women Voters of the United States, which has worked for 100 years to educate and register voters and make government at all levels more accessible, accountable, and responsive to the public.*