

Turnout, security at stake in election debate

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Published: Tuesday, April 7th, 2020 at 10:05pm

Updated: Tuesday, April 7th, 2020 at 10:11pm

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SANTA FE – Voters turned out in unusually high numbers last year when Albuquerque Public Schools conducted a special election by mail.

Nearly 29% of voters participated, far higher than the single-digit turnout that school elections sometimes draw.

But about 53,000 ballots – of the roughly 420,000 mailed out – were returned to election officials as “undeliverable,” meaning they didn’t reach the voters they were intended for, because the people hadn’t updated their voter registration or some other snag.

The increased turnout and bounced-back ballots illustrate the potential consequences as New Mexico debates how to conduct a primary election amid the virus pandemic. Election Day is June 2.



Maggie Toulouse Oliver

Twenty-seven county clerks and Secretary of State Maggie Toulouse Oliver are backing an election-by-mail system similar to the APS one, but with some adjustments to comply with federal law for elections involving federal candidates.

They also say changes in state law since 2019 will reduce the number of undeliverable ballots – because clerks will no longer send ballots to inactive voters.

On the other side of the debate are the Republican Party of New Mexico, 29 GOP legislators and a few county clerks. They say conducting the election by absentee ballot would be better, using a two-step process in which voters would submit a request for a ballot to be mailed to them, ensuring the ballots get to the right addresses.

Republican Party Chairman Steve Pearce said he would like to see Election Day polling locations closed and the voting occur entirely through the absentee process. His party's Supreme Court petition doesn't explicitly seek closure of polling locations.

The two-step process is the better option for the primary, especially given inaccuracies in New Mexico's voter rolls, Pearce said.

"Vote-by-mail is much more susceptible to fraud," he said, "and the mail-in absentee ballots are not. It's just that simple."

Daniel Ivey-Soto, an attorney for the 27 clerks and a Democratic state senator from Albuquerque, said the absentee option has its own flaws. It would disenfranchise people who usually vote on Election Day and are unfamiliar with the need to request an absentee ballot ahead of time, which creates an extra hurdle to vote.

The two-step process, Ivey-Soto said, also threatens to overwhelm the Postal Service and election workers – who would have to handle twice as many transactions than if they just mailed out a ballot to everyone.

He also contends safeguards are already in place to thwart fraudulent votes. Voters would authenticate their ballots by noting their year of birth, Ivey-Soto said, a process outlined in the election-by-mail system that clerks are seeking permission to use.

"Even when looking for extraordinary relief," he said, "we're trying to stay within the procedures in the election code, so we honor the Constitution, preserve democracy and save people's lives."

The dispute is both legal and political. The 27 clerks are asking the Supreme Court for permission to close Election Day polling sites and move almost entirely to a mail election. A hearing is set for April 14.

Republican lawmakers, meanwhile, have called on the governor to convene a special session of the Legislature to work out emergency election procedures.

Brian Sanderoff, president of Research & Polling Inc., which conducts scientific surveys for the Journal and other organizations, said each option has its strengths. The APS election demonstrated the power of an election by mail to boost turnout, he said, but the two-part application and absentee ballot process provides an extra security step.

“There’s no perfect solution,” Sanderoff said.