



## **How New Mexicans stopped the worst election bills ever**

There was lots of talk about increased voting rights if only the Governor and Secretary of State (SOS) could get their voting rights packages passed and signed into law.

The problem was that claim was false and simply double-speak to put the public at ease. The truth is, the Governor and her progressive allies were trying to get a bill passed that was worse than the Federal HR1 Voting Rights Act which has failed four times in Congress.

Yes, the legislation was that bad! And fortunately for the state, there were many people and some great legislators on high alert to the problems with this legislation.

Several procedural moves changed the trajectory of this legislation and, ultimately, led to its demise. If the desired election law reforms had been reasonable, they would have had better results. But as I told my friends, they got greedy and lost everything.

There were three bills in play:

1) **SB 6 Election Security & Administration**. This bill was largely administrative, and while it contained some questionable parts, it was supported on a bipartisan basis, passing the Senate 39 for and 0 against. It passed its only House committee with one Democrat vote against it, but couldn't get through the House floor.

2) **SB 8 Voters' Rights Provisions** was one of the worst bills of the session and was discussed frequently in our emails and by the media. It passed every Senate committee on a straight party-line vote with all Republicans opposing.

It provided for:

- Automatic front-end voter registration at DMV or other state agencies **without consent**.
- Automatic back-end voter registration at all state agencies, searching state databases for anyone not registered to vote and registering them **without consent**.
- SOS could provide lists of eligible but unregistered voters to third parties.
- \$20 million annually from early childhood education for the SOS with no requirements.
- Felon voting rights to be restored before completion of probation.
- 16-year-olds to vote.
- Permanent absentee voters list.
- State holidays on elections days but maintains school holidays.
- Mandatory voting drop boxes (unmanned but with surveillance).

The public had been vocal during the entire process that they did not want this legislation passed. NMBC, along with our partners in Better Together New Mexico, generated 94,129 emails from New Mexicans to legislators along with 923 petition signatures, and at least 3,565 telephone calls – all in opposition to this bad legislation. In addition, the county clerks had a very limited opportunity to review the legislation. They returned a vote within their group of 21 opposed, 4 abstentions, and 1 in support.

3) **SB 144 Intimidation of Election Officials.** Intimidation of election officials has not been much of an issue in New Mexico. But other states were passing this legislation, so New Mexico needed to follow suit. The bill passed the Senate with a bipartisan vote of 38 to 0. It would've been an easy pass in the House, but this is where the games began.

But first, let's look at what happened to the bad bill . . . SB 8

When SB 8 went to the Senate floor, minority leader Greg Baca put a call on the Senate for the vote. That meant every Senator must be in the room for the vote to be taken. Two Senators were Missing In Action, so the bill could not go to a vote.

Senator Jacob Candelaria, DTS, claimed he would support the legislation but was out because of Covid concerns. On the other hand, not being in the room was an intentional act by Senator Gregg Schmedes, Republican, and we applaud his bravery and commitment to the state. Had he not taken this decisive action, SB 8 would now be law and the integrity of our election process would be in serious jeopardy.

As the hours wore on and the end of the session crept closer, the Democrat leadership, at the behest of the governor and SOS, grew desperate. They decided to break several rules, with the hope of cheating their way to success. Which, by the way, was the same reason SB 8 needed to be stopped! That bill would cause a loss of voting system integrity, giving those in charge much more leeway to do questionable things during elections. It would have codified what many New Mexicans feared – cheating and making voting pointless.

The pressure from the governor grew and spilled into public discussions and the media. The Republicans became even more steeled in their resolve to stop that bill and the public was incensed at the thought of it passing.

We started hearing rumors from progressives that legislators would make a move to substitute or amend either SB 6 or SB 144. The rumors, unfortunately, proved to be accurate and right on target.

As the desperation grew, the Democrats decided to amend SB 144 in the House Judiciary Committee, its only committee assignment in the House. Normal procedure is two committee assignments in each chamber to assure legislation is at least nominally vetted as it's rushed through our short legislative session. But as they say, desperate times, call for desperate measures and there was little time left to get the problematic election proposals over the finish line and to the governor.

A 165-page amendment was introduced in House Judiciary with very little notice to the public, which breaks the rule of a minimum 24-hour notice period. In addition, the amendment was not published for public review and even Republican legislators had only hours to review it.

This is a horrible way to do legislative business and disregards the peoples' rights to review the legislation. But those in charge seemed to feel that if they make the rules, they can break the rules at their convenience.

The only reason NMBC found out about this smoke and mirror attempt to get parts of SB 6 and SB 8 passed, quite frankly, is because we were expecting it. Because the progressives are great at social media with a tell-all format, we saw what was happening and ran the warning flag up the pole. We were blessed to get our hands on a copy of the amendment *before* it went to committee. We were not at all surprised by the shenanigans, but we were angry that they would disrespect the people of this state to that extent to get their way. Like Governor Lujan Grisham told reporters, "I'm not very good at taking 'no' for an answer – ever."

They had one little problem, besides the fact that they were breaking all the rules, they forgot to put back in the original two pages of SB 144 into this massive 165-page amendment, which should have been a substitute bill.

Oops! Ah, but no worries. They don't have to be concerned about procedure; they just stuck those two pages back in before it went to the House floor for a vote.

On the night before adjournment, Speaker Egolf kept the floor running all night, except for a short break at midnight. And at just before 7 am on 2/71/22, with adjournment at noon, they brought up SB 144 for a vote. Debate is limited to 3 hours on any measure in the House, but the House had plenty of time to waste and still get it approved and to the Senate for concurrence.

There was just that one nasty little detail legislators pushing this bill couldn't get around. Because the House had made such a significant change to the bill, breaking all the rules to get it done, the Senate would have to concur with the changes.

And, of course, using the 'majority rule' strategy, the Senate would concur – if they got the bill back before adjournment. It was the governor, SOS, and majority Floor leader, Peter Wirth, who would lead the brigade for a vote of concurrence because this was their baby, and they were going to see it become law.

When the House was nearing its 3-hour debate limit, the Senate was positioning itself to receive the amended bill and immediately take it up for concurrence. To be ready, Senator Wirth, Majority Floor Leader, didn't want to get bogged down on another bill, so he went to Announcements and Miscellaneous business. His strategy backfired big time! After several others made short announcements, Senator Sharer picked up the mike and gave the Senate quite a bit of both (announcement and miscellaneous extraneous conversation). The Senator is known for filibusters and is well seasoned at

delivering them. He started talking just after 9:30 am and went until no time remained except for the Sine Die adjournment at noon.

While there is a two-hour time limit on bill debates in the Senate, the Senator was not debating a bill. No one challenged him, some ignored him, some grew frustrated in both chambers as they saw their wicked scheme going up in smoke. At the end of the session, no election bill, or any part of the three election bills passed.

And that, ladies and gentlemen, is the reason that you can and should vote. Try as they may, they were unable to codify that which would make voting rights questionable in this state. Don't listen to their pandering that they did this FOR your voting rights; understand clearly, they did this AGAINST you and your right to a free and secure election.

If you are frustrated with the total disregard for:

Your right to review legislation before it is discussed.

Your right to be heard.

Legislators to follow established rules.

Election integrity.

Then do not miss the opportunity to vote.

We are long past the time in New Mexico to have leadership that will hear our voice and act on what we say. We saw that happen this session with the precious few legislators in both the House and the Senate. We are grateful for their actions and would like to see many more like them serving in our state's government. To accomplish that, we must take action to find and elect more leaders who serve to help the state, not to pursue their personal agendas.

Now is the time to get involved - or at the very least make sure to vote!