

The 2020 New Mexico Primary

July 17, 2020

In the state’s June 2 primary, New Mexico residents turned out to vote in impressive numbers, reaching approximately 42% turnout despite the COVID-19 pandemic and a non-competitive primary election. Election officials reported a record high number of absentee ballots in this election compared to prior years. The influx of election-related mail overwhelmed the U.S. Postal Service, resulting in significant mail delays to voters awaiting their absentee ballots and vote-counting delays. In-person voter turnout, in contrast, was relatively light, as most voters chose to vote absentee. New Mexico’s June 2 primary also revealed ballot access barriers for vulnerable members of the population, including Native American and senior voters, who are at a higher risk of contracting COVID-19. New Mexico confronts these challenges as the November 3 general election approaches.

Authors: Michael Jacobs, Spencer McManus, Susana Herrera, Melody Wong

Table of Contents

| | |
|---|-----------|
| Summary | 2 |
| Background to New Mexico’s June 2 Primary Election | 4 |
| Elections in Play | 4 |
| New Mexico Government’s Response to COVID-19 | 4 |
| Preparations for the Primary | 4 |
| Vote by Mail | 5 |
| Polling Place Voting | 5 |
| Primary Preparations By County | 7 |
| Challenges Faced in Transitioning to Vote-by-Mail | 8 |
| Legal Challenges | 8 |
| Logistical Challenges | 9 |
| Challenges in Native American Communities | 10 |
| Primary Results Post-Mortem | 10 |
| Summary | 11 |
| Absentee Ballot Process | 11 |
| Voter Turnout | 11 |
| Mail Voting Experience | 11 |

| | |
|--|-----------|
| In-Person Voting Experience | 12 |
| Election Count Issues | 13 |
| Next Steps | 13 |
| Additional News Articles & Reports | 15 |
| Appendix: Review of Procedures Listed on County Election Websites | 16 |

Summary

The June 2 primary in New Mexico had one of the highest voter turnouts in the state’s history. Despite the challenges created by COVID-19, the overall number of ballots exceeded 417,000—a record for a primary election in New Mexico. An influx of approximately [250,000](#) absentee ballots played a role in the increased voter turnout, accounting for almost 60% of the total votes. While the percentage of eligible voters who voted (42%) was high, it was not a record for a primary in New Mexico. Turnout of eligible voters was 6 points higher than in 2016, and 15 points higher than in 2012.

In the months leading up to the primary election, the Secretary of State and county clerks petitioned the state supreme court for an order to conduct the June 2 primary exclusively by mail. Although the New Mexico Supreme Court did not grant the full relief sought, it ordered all county clerks to mail absentee ballot applications to voters and for all in-person voting on Election Day or during the early voting period to comply with the state’s ongoing public health orders.

Despite New Mexico’s high turnout rate, the state faced other challenges during the primary election, including vote-count delays, uncounted ballots, and barriers to voting for Native American voters. County clerk offices received an unprecedented number of absentee ballots during the primary, which resulted in counting delays. Some counties had to request multi-day extensions of the deadline to submit results to several days after the election. In addition, the Native American population was disproportionately impacted by COVID-19: Tribal governments closed their lands to non-residents, closed polling centers, and reduced the number of translators at polling locations, creating barriers to accessing voting in-person or by mail. These issues raise concerns for the general election in November.

After the June 2 primary election, a [bill](#) was proposed to create emergency procedures for the November 2020 election. The changes were intended to create some flexibility for election officials as they prepare for the general election amid the COVID-19 pandemic and protect Native American voting locations. The state legislature passed S.B. 4, but not before it [removed provisions](#) that would have allowed county clerks to automatically send mail-in ballots to registered voters without a request.

This analysis highlights four key obstacles from New Mexico's experience:

1. **Delays in Delivering Ballots.** Election officials were not permitted to directly mail ballots to eligible voters, overwhelming the United States Postal Service with absentee ballot applications and separate mailing and return of absentee ballots themselves. New Mexico also experienced significant delivery delays for completed ballots, giving rise to concerns that votes would not count.
2. **Delays in Counting Ballots.** Faced with an overwhelming number of absentee ballots, county clerks could not provide election results in a timely manner. For the upcoming general election, S.B. 4 eliminated the need for county clerks to petition a court for an extension by temporarily removing deadlines for election results.
3. **Disproportionate Effects on Native American Communities.** Native American voters encountered barriers to voting because of fewer translators at in-person polling locations, fewer in-person polling locations on reservations, and disrupted mail service due to closed tribal borders. Converting to a mail-ballot system imposed a hardship on many Native American voters as some residents on reservations lack traditional street addresses. S.B. 4 provides election officials with authority to address these distinct challenges in the upcoming general election.
4. **Resource Constraints.** County clerks had limited staff members available to address questions regarding ballot delays.

Key Resources:

- [New Mexico Secretary of State's voter information page](#)
- [New Mexico Secretary of State's official election results page](#)
- [New Mexico Department of Health's executive and public health orders page](#)
- [Public Health Emergency Order Clarifying Polling Places](#)

I. Background to New Mexico's June 2 Primary Election

A. Elections in Play

New Mexico held a primary election on June 2 for federal, state, and local offices. [Election results are available here](#). In presidential election years, the presidential primary is held concurrently with the primary election for other federal, state, and local offices. Ballots included primaries for New Mexico's three U.S. House seats, one U.S. Senate seat, two state supreme court seats, one state court of appeals seat, forty-two seats in the state senate, seventy seats in the state house of representatives, and [more](#).

B. New Mexico Government's Response to COVID-19

In response to the New Mexico Supreme Court's decision to maintain in-person voting for the June 2 primary, on April 30, the New Mexico Department of Health (NMDOH) issued an [order](#) providing guidance on implementing social distancing measures in polling places. The order specifically emphasized that “[t]he safest way to vote during the primary election is by absentee ballot” and that “[a]ll eligible New Mexicans are advised to apply for absentee ballots and to cast their ballots by mail.” The order was in effect only for the duration of the primary election process, but is not for the November general election.

Over the month of April, NMDOH extended the state's stay-at-home order [several times](#) with some modifications. On April 30, Governor Lujan Grisham [announced](#) the state's phased reopening plan, which would begin May 1 and extend into summer. Under the [All Together New Mexico](#) plan, certain businesses could reopen if they implemented and adhered to the COVID Safe Practices issued by the state. For New Mexicans who left their homes, the state required face masks in public spaces, maintaining a distance of six feet, and avoiding gatherings. At the time of the primary election on June 2, New Mexico had recorded [8,024 confirmed cases and 367 deaths](#).

II. Preparations for the Primary

A. Vote by Mail

Under New Mexico state law, county clerks are prohibited from mailing ballots to any person other than the applicant for the ballot, and only upon request. In response to COVID-19, Secretary of State Maggie Toulouse Oliver and a majority of the state's county clerks [petitioned](#) the New Mexico Supreme Court to allow for an all-mail June primary election. A strictly mail-ballot process was billed as a solution to voting during ongoing social distancing directives tied to the COVID-19 pandemic. On April 14, the New Mexico Supreme Court [rejected the request](#) to hold the election entirely by mail. However, the court ordered the county clerks or the secretary of state to [mail applications for absentee ballots](#) to all registered voters. The Secretary of State's office mailed absentee ballot request forms to all registered voters who registered with a major political party.

Voters were able to cast an absentee ballot or vote in-person at their local county clerk's office or an early voting location prior to Election Day. By statute, some counties have designated mail-ballot election precincts for this purpose, while other counties are permitted to provide ballot drop boxes. The [rules for voting by mail](#) for the June 2 primary were as follows:

- The deadline to register for the 2020 primary election was May 5, 2020.
- Third-party registration agents were allowed to assist persons to register to vote.
- Voters needed to be registered with a major political party (Democratic, Republican, or Libertarian).
- Voters were allowed to apply for absentee ballots until May 28, 2020.
- There were three options for applying to get an absentee ballot:
 - (1) Fill out an absentee ballot request through an [online portal](#).
 - (2) Contact the county clerk in person, by phone, or email.
 - (3) Download an absentee ballot application and then mail, email, hand deliver or, in some counties, fax it to the county clerk.
- Third parties were permitted to distribute, collect or solicit absentee applications from voters so long as they were submitted within 48 hours of completion.
- All absentee ballots had to be returned no later than 7:00 PM on June 2, 2020.

Overall, 250,000 absentee ballots were cast by mail in this year's primary, up from about 23,000 in 2016. Overall turnout surged past 375,000 from roughly 320,000 in the 2016 presidential primary. The record number of absentee ballots caused [vote count delays](#) for some county clerks.

B. Polling Place Voting

Although New Mexico’s stay-at-home order encouraged voters to vote by absentee ballot, most polling locations remained open during the June 2 primary. Since a record number of voters chose to vote absentee, however, the state’s order helped to reduce the amount of in-person voting for both early voting and on Election Day. The state ordered in-person polling places and poll workers to [observe social distancing measures](#) to protect themselves and voters. The location of all New Mexico’s county clerks’ offices are [listed here](#) by the New Mexico Secretary of State.

- Limited in-person voting: Statewide, there were 21 fewer early voting locations for the June 2 primary than in 2016. The state said that there will be 167 fewer sites open during November’s Election Day than in 2016. A list of available early voting and Election Day voting locations is provided below. Of the state’s 23 tribes, including Navajo, Pueblo, and Apache, most decided to close their borders during the primary election, therefore closing in-person voting locations altogether.

| County | Polling Locations | | | |
|------------|-------------------|--------|---------------|--------|
| | Early In-Person | | Election Day | |
| | Original Plan | Actual | Original Plan | Actual |
| Bernalillo | 21 | 17 | 72 | 61 |
| Catron | 2 | 2 | 8 | 8 |
| Chavez | 3 | 3 | 11 | 11 |
| Cibola | 4 | 2 | 18 | 9 |
| Colfax | 2 | 1 | 8 | 8 |
| Curry | 2 | 2 | 9 | 9 |
| De Baca | 1 | 1 | 1 | 1 |
| Dona Ana | 8 | 8 | 40 | 21 |
| Eddy | 2 | 2 | 13 | 9 |
| Grant | 2 | 2 | 11 | 6 |
| Guadalupe | 1 | 1 | 5 | 5 |
| Harding | 1 | 1 | 2 | 2 |
| Hidalgo | 1 | 1 | 6 | 6 |
| Lea | 5 | 5 | 17 | 6 |
| Lincoln | 2 | 2 | 6 | 3 |
| Los Alamos | 2 | 2 | 5 | 3 |
| Luna | 2 | 2 | 3 | 3 |
| McKinley | 7 | 5 | 44 | 25 |
| Mora | 1 | 1 | 11 | 11 |
| Otero | 5 | 5 | 17 | 17 |
| Quay | 1 | 1 | 6 | 6 |
| Rio Arriba | 6 | 6 | 28 | 28 |
| Roosevelt | 2 | 2 | 5 | 5 |
| San Juan | 5 | 4 | 27 | 6 |
| San Miguel | 2 | 2 | 14 | 14 |
| Sandoval | 21 | 11 | 47 | 30 |
| Santa Fe | 9 | 9 | 31 | 20 |
| Sierra | 1 | 1 | 8 | 6 |
| Socorro | 2 | 2 | 8 | 8 |
| Taos | 5 | 5 | 36 | 13 |
| Torrance | 2 | 1 | 11 | 11 |
| Union | 1 | 1 | 4 | 4 |
| Valencia | 4 | 4 | 16 | 6 |
| | 135 | 114 | 548 | 381 |

Source: New Mexico Secretary of State

- **Voting location:** Most county websites provided information on early voting and Election Day voting polling locations, and some included maps of polling locations. Some counties, such as Catron County, allowed voters to vote at any precinct location regardless of where

voters lived. Most county websites did not include information regarding social distancing measures.

- **Provisional voting:** [Provisional ballots](#) were available if poll workers could not locate voter's information, if a voter's name did not appear on the roster of the polling place, or if the voter was a first time voter who registered by mail. Most county websites did not mention if provisional voting ballots were available or how to locate provisional ballots.
- **COVID Preparations:** A [public health order](#) clarifying polling location procedures was released on April 30, 2020. The order imposed certain social distancing restrictions on polling locations.
 - Polling locations could accommodate no more than four voters at a time or 20% of the maximum occupancy of the location.
 - Any polling location that was a mobile unit was limited to two voters at any given time.
 - Voting stations, tables, machines, and writing utensils had to be regularly sanitized.
 - Polling locations had to adhere to social distancing protocols and ensure that voters did not come within six feet of each other.
 - Poll workers and staff were directed to wash and sanitize their hands frequently.
 - Poll workers and voters were asked to wear a face mask at polling locations.
 - Voters who showed up at polling locations without a face mask were [given one](#).

Some counties implemented other procedures beyond the requirements from the state's order. For example, in [Grant County](#), poll workers worked behind plexiglass and were provided face shields and gloves. Poll workers' temperatures were also taken before they entered the voting center.

C. Primary Preparations By County

New Mexico counties adopted similar procedures to comply with the state's directions, as described below. A complete review of the county procedures is presented in the Appendix.

In-Person Voting:

- At least 12 of New Mexico's 33 counties did not provide information on in-person voting locations on their clerk's website. For those counties that did provide polling locations, they were often inconsistent when compared with the chart provided by the Secretary of State.
- Most counties did not mention COVID-19 related procedures for voting in-person.
- Only two county websites mentioned provisional in-person voting available for those who applied but did not receive their absentee ballot on time. These two counties also provided links for voters to track their provisional ballots.

Applying for an Absentee Ballot:

- The Secretary of State's office mailed absentee ballot request forms to all registered voters who registered with a major political party, but only a handful of counties noted this on their websites. All absentee ballots sent by the Secretary of State had pre-paid postage for mail return. Only half of New Mexico's counties had information on how to request an absentee ballot.
- Counties gave voters various options to request and return absentee ballots. Some counties gave voters the option to request absentee ballots via the internet, phone, in-person, or email and return ballots by mail, email, hand deliver or, in some counties, fax to the county clerk.

County Innovations:

- Santa Fe County had a user-friendly video on the different ways to obtain and use an absentee ballot.
- Rio Arriba County provided educational tools and information to inform people how to vote.
- Socorro County provided an educational guide on voting, targeting the younger population in the county.

County Website Concerns:

- Several county websites did not have any readily accessible information on voting or the 2020 primary election (e.g., Colfax County, De Baca County, Mora County, Quay County, Union County).

III. Challenges Faced in Transitioning to Vote-by-Mail

A. Legal Challenges

On March 30, 2020, twenty-seven out of New Mexico's thirty-three county clerks and the New Mexico Secretary of State jointly filed an [emergency petition](#) with the New Mexico Supreme Court, seeking a court order to change the voting process for the June 2 primary. [Section 1-6-5\(F\)](#) of the New Mexico Statutes prohibits county clerks from mailing unsolicited absentee ballots to any person other than an applicant for the ballot, except during [special elections](#) which exclusively use mailed ballots. The petitioners sought to use exclusively mailed ballots for the June 2 primary, with limited exceptions for in-person voting, using the existing voting procedures for mailing ballots to registered voters in special elections. Under the proposed procedures, for voters whose election-related

mail were returned or were on the inactive voter list, county clerks would not send a ballot unless the voter applied, updated his or her certificate of registration, or requested a replacement ballot. In addition to requesting these modified election rules, the parties requested the closure of election-day polling sites, citing the threat of COVID-19, and the conversion of alternate voting sites and county clerk offices into service centers to assist voters and serve as drop-off locations for completed ballots.

Shortly thereafter, the Republican Party of New Mexico, thirty-one Republican state legislators, and three county clerks intervened and filed a [brief](#) opposing the petition on the grounds that automatically sending absentee ballots to every registered voter would violate state law. In its responsive [brief](#), the Democratic Party expressed support for the petition, criticizing the Republican Party's position as an "attempt to interfere with a bipartisan solution by making unsubstantiated claims about voter fraud." The New Mexico Supreme Court [denied](#) the petition, finding that the New Mexico's Election Code barred such a voting system. Instead, the court ordered the Secretary of State to mail every major party registered voter in New Mexico an application for an absentee ballot for the upcoming primary, if the voter had not already submitted an application.

B. Logistical Challenges

After Governor Lujan Grisham declared a public health emergency in March, Secretary of State Oliver took several steps aimed at protecting the health and safety of voters. First, she opened the online absentee ballot portal—a tool developed to help eligible voters to submit an online request for an absentee ballot—[one month early](#) on March 21. Second, she created a [website](#) that let voters track the status of their application and ballot. Specifically, voters could confirm whether the county clerk received their application, whether the ballot had been mailed, and whether the county clerk received their completed ballot. Third, her office [collaborated](#) with the New Mexico county clerks to petition the New Mexico Supreme Court for an all-mail election for the June 2 primary, which was later denied (see above).

The New Mexico Supreme Court's rejection of the petition to allow county clerks to mail unsolicited absentee ballots directly to eligible voters presented challenges to conducting a safe and effective primary election. The increase in the number of absentee ballot applications and absentee ballots exchanged through the mail imposed a substantial burden on the United States Postal Service, resulting in considerable [delays](#). In anticipation of these delays, Secretary of State Toulouse Oliver [encouraged](#) voters to request and submit their ballots well ahead of the June 2 primary.

Despite these efforts, voters and election officials expressed [concern](#) that New Mexico residents would not receive or return their ballots in time to participate in the primary. In particular,

the state law requirement that election officials must receive ballots by 7:00 PM on Election Day for the vote to count created difficulties, given the significant mail delays. Heather Ferguson, the executive director of Common Cause New Mexico, reported a [nine-day delivery time](#) herself when tracking the ballot from the Bernalillo County Clerk's office to her neighborhood of Northeast Heights in Albuquerque. Carol Bush, an 85-year-old voter who does not drive, waited [nearly three weeks](#) for her ballot.

In Santa Fe, a discrepancy in the database connection between the state's voter registration system and a vendor contracted by the county clerk's office to mail ballots resulted in multiple [missing ballots](#). Santa Fe County Clerk Geraldine Salazar explained that the vendor used the wrong list to mail the ballots. This mistake affected about 50 voters in one precinct, including at least [33 voters](#) at a senior living facility, who were at high risk for contracting COVID-19 and had requested absentee ballots early in the process.

C. Challenges in Native American Communities

Fewer in-person polling locations and heavy reliance on the Postal Service disproportionately placed Native Americans voters at a disadvantage by creating barriers to voting both in-person and by-mail. Vote by mail places [unique burdens](#) on Native American communities. Rural areas in which Native Americans disproportionately live often [lack access to broadband](#), making it difficult to register online. Residents on reservations who [do not have street addresses](#) sometimes drive significant distances to reach a post office, and as a result, do not frequently check their mail. The pandemic exacerbated these challenges that Native American voters faced, despite [attempts](#) by Native American liaisons to lessen the impact.

In mid-May, [60% of all positive cases](#) in New Mexico were among tribal communities, with the Navajo Nation representing 45% of all cases, even though Native Americans constitute only 11% of the state population. 50% of all COVID-19-related deaths in the state were in Native American communities. To contain the COVID-19 outbreaks, **Pueblo** and tribal governments, in collaboration with the state government, enacted [roadblocks](#) to keep non-tribal members off the reservations, which disrupted mail service in some instances. For example, the disrupted mail service forced **Zia Pueblo** residents to drive [20 miles](#) to a post office in **Bernalillo** to pick up and drop off mail. Closed borders also meant some Pueblos could [not host early voting sites](#), which are open to the general public, further preventing Native American access to the ballot. Fewer polling stations on reservations also [reduced the number of translators](#) available. Whereas there would have been one translator at each of the 13 stations on the **Navajo Nation** working with an average of 500 voters, election officials

deployed translators to four total polling sites, with only two sites located on the reservation, in this primary.

IV. Primary Results Post-Mortem

A. Summary

New Mexico voters participated in record numbers in the 2020 primary, despite the ongoing pandemic and presumptive nominees for both political parties. However, election officials could not completely avoid the significant mail delays associated with converting to a primarily absentee ballot voting system, even though the Secretary of State and county clerks spent two-and-a-half months preparing in advance. As a result, over 1,000 votes were excluded from the count in this election. Further, the unprecedented number of absentee ballots cast in this primary delayed the election results in six counties for several days, leading two county clerks to petition the district court to extend their deadlines under New Mexico's election code.

B. Absentee Ballot Process

New Mexico saw a surge in absentee ballot applications for the 2020 primary, even though the state has had [no-excuse absentee voting](#) since 1993. On the [morning of May 27](#), the day before the deadline to apply for an absentee ballot, 149,155 voters had already voted by mail, and almost 300,000 register voters statewide requested an absentee ballot. In comparison, the [2008 primary](#)—the year that New Mexico recorded the highest number of absentee ballots—counted just 30,854 absentee ballots.

More than [250,000 absentee ballots](#) were cast statewide in the 2020 primary. Overall, absentee turnout was [10 times higher](#) than the absentee turnout in the 2016 primary. On election night, [seven counties](#) delayed their results, reflecting the sheer number of absentee ballots received.

C. Voter Turnout

New Mexico experienced surprisingly high voter turnout in this primary election despite the COVID-19 public health crisis, recording more ballots compared to prior years. According to the New Mexico Secretary of State's website, there were [417,538 total ballots](#) cast among New Mexico's 993,827 eligible voters, including around [244,000](#) in the Democratic primary and around [157,000](#) in the Republican primary. The [42% voter turnout](#) recorded for this election was [6-points](#) higher than in 2016 and 15-points higher than in 2012.

D. Mail Voting Experience

Unlike many other states that held early primaries, New Mexico's June 2 primary gave Secretary of State Toulouse Oliver and the New Mexico county clerks two and a half months to prepare for an unprecedented number of absentee ballots. Despite having an [online absentee ballot application process](#) available and the [campaigns](#) to encourage early absentee voting, New Mexico voters still encountered [significant delays](#) with receiving their ballots.

- The regional United States Postal Service experienced an unprecedented surge in election-related mail as a result of increased absentee ballot applications and absentee ballots.
- Many voters who called their county clerk's office to inquire about their ballots could not connect with anyone and instead, reached [full mailboxes](#). Other voters waited anywhere from two weeks to a [month](#), if not more, for their absentee ballots to arrive.
- For one senior living facility in Santa Fe County, [at least 33 residents](#) almost did not receive an absentee ballot due to a discrepancy with the voter registration lists used by a vendor to mail ballots.

Given the concerns about [mail delays](#), New Mexico also allowed voters, or an immediate family member or caregiver of the voter, to deliver their absentee ballot in person to any voting early voting location or the county clerk's office, or to a polling station on Election Day. However, having fewer polling sites available had a disparate impact on [Native American voters](#) and [older citizens](#) who do not drive, as there were 21 fewer early voting locations and 167 fewer polling stations on Election Day.

E. In-Person Voting Experience

New Mexico county clerks conducted in-person voting according to the social distancing and sanitization measures set in Secretary of Health Kunkel's [public health order](#) issued on April 30. The order reduced the maximum number of voters inside a polling location to the greater of four voters or 20% of the maximum occupancy, and the maximum number of voters inside a mobile unit to two voters. Poll workers also had to frequently wash and sanitize their hands and routinely clean all surfaces and reusable writing instruments. Some polling sites also [provided extra face masks](#) for voters who forgot to wear one.

Fewer New Mexico residents voted in-person for this primary than in previous years. There were [no reports of long lines](#), but instead, most polling places experienced a "steady [but] not busy"

stream of voters. Overall, Presiding Judge Elizabeth Zellner of the Election Board of Bernalillo County [described in-person voter turnout](#) as “very light,” as expected, given the Secretary of State’s absentee ballot campaigns. While in-person voting generally ran smoothly, there were some problems with the voter registration lists during early voting (see above). Moreover, the closure of some early voting sites and regular polling sites on tribal lands also risked [reducing Native American communities’ access](#) to the ballot.

F. Election Count Issues

Due to the unprecedented numbers of voters who used absentee ballots, several counties were delayed in counting votes and reporting their results. **Taos County**, for example, experienced delays in counting its over 6,500 absentee ballots. The previous highest number of absentee votes in a primary election in Taos County was 315 in 2008. In addition to a large number of absentee ballots, the number of staff in the office was limited to five in order to comply with the state’s current health orders. Absentee ballots take more time to count than regular ballots because the absentee voter board must work to verify the name on each ballot, as well as the outer and inner envelopes of each ballot, before tabulation. Martinez said the ballot machines can read one ballot every eight seconds, equating to about 450 ballots in one hour. With only two machines, counting over 6,500 ballots proved difficult. [Five other](#) counties, including Bernalillo, Doña Ana, McKinley, Santa Fe, and Valencia also had delayed election results due to absentee ballots. Both Taos and Santa Fe Counties had to petition a district court to extend the initial 24-hour deadline for vote tabulations; both petitions were [granted](#).

More than a thousand absentee ballots [arrived too late](#) to be counted. State law prohibits county clerks from tabulating any ballots that arrive after election night. In Bernalillo County, 1,046 ballots came in the mail too late to be counted, and another 316 ballots arrived late in Santa Fe County. Lea County also continued to receive late ballots up to a week after the election.

G. Next Steps

On June 20, 2020, Governor Lujan Grisham [signed](#) new election legislation—known as S.B. 4—into law, providing election officials with some flexibility to protect voting in the 2020 general election during the COVID-19 pandemic. [S.B. 4](#) notably authorizes the Secretary of Health to issue health-related orders regarding the conduct of the 2020 general election so long as the recommendations are consistent with the U.S. Centers for Disease Control and Prevention or are evidence-based. Because the recommendations in public health orders could vary by county depending on the severity of the outbreak, S.B. 4 also empowers county clerks to enact special election rules for their county to address public health.

The flexibility provided by S.B. 4 could allow proposed procedures such as drive-thru polling sites, expanded early-voting hours, or direct mailing of absentee ballots without a request. Additionally, S.B. 4 also seeks to protect Native American voters by ensuring that at least one polling location within tribal lands remains open if voters cannot leave their reservations to vote. The legislation also addressed vote-counting delays by removing a deadline for county clerks to announce election results, thus removing the need to file emergency petitions. These measures have the potential to cure many of the shortcomings highlighted by the June 2 primary.

Additional News Articles & Reports

Before Election Day

- [Secretary of State Supports the Collaborative Effort Between New Mexico's County Clerks and her Office to Conduct All-Mail 2020 Primary](#)
- [New Mexico Supreme Court denies state's petition for mail-in primary election](#)
- [New Mexicans fear late mail ballot](#)
- [Election Officials Prepare to Count Flood of Absentee Ballots](#)

After Election Day

- [New Mexico Voting Surges, Shifts to Absentee Balloting](#)
- [Senate approves key changes to New Mexico primary election process](#)
- [Voter Turnout Hits 'Historic' Percentage Level](#)

Appendix: Review of Procedures Listed on County Election Websites

Information from New Mexico's county websites was gathered after the June 2 primary election.

| County | County Seat | Population | Website / Other URLs | Election Procedures + Analysis |
|-------------------|-------------|------------|---|--|
| Bernalillo County | Albuquerque | 679,121 | www.bernco.gov/clerk | <p>Election procedures align with state's. Provides all information on important election deadlines and key dates. Absentee ballot application is available online (not yet available for the 2020 general election). Voters can also download an application and mail it using own postage stamp. Provides a hotline for questions regarding absentee voting. Sample ballots are available online and each sample ballot is specific to a voter's precinct. The website provides which voting centers are available for early voting and election day voting and states, "Due to the Covid-Pandemic, Early Voting Sites are subject to change." Provides information on how to have voting rights reinstated after a felony conviction.</p> <p>The clerk's office is currently closed to the public due to the coronavirus public health emergency.</p> |
| Catron County | Reserve | 3,527 | http://www.catroncounty.us | <p>Election procedures align with state's. Provides all information on important election deadlines and key dates. Redirects to the state website for ballot and voter registration information. Voters could vote at any precinct location regardless where they lived. One precinct was an all-mail ballot precinct. Early voting was limited to the Catron County Courthouse and mobile/early voting was available at three different locations. Early voting began May 5th.</p> <p>No mention of changes of voting locations due to COVID-19 or if the clerk's office is closed to the public.</p> |
| Chaves County | Roswell | 64, 615 | http://www.co.chaves.nm.us | <p>Election procedures align with state's. Provides detailed information on voter registration. Provides website for sample ballot and polling</p> |

| | | | | |
|-----------------|-------------|---------|---|---|
| | | | /159/Clerks-Office | locations. Voters can apply for an absentee ballot by calling the county clerk's office or applying online. Three early voting locations were available, and 11 election day voting centers were available with no mention of possible changes due to COVID-19. |
| Cibola County | Grants | 26,675 | http://www.cibolacountynm.com/elected_officials/clerk_s_office.php | Election procedures align with state's. Offers a list of polling locations changed due to COVID-19. The list provides 10 locations for election day voting, 2 for early voting and 1 absentee site (county clerk's office). Voters can apply online and phone. Website does not mention important dates but links to the state website for election information. Application for poll worker position available on website. |
| Colfax County | Raton | 11,941 | http://www.colfax.nm.us/ | Election procedures are unclear. No information on elections dates or polling locations. Website has an Election FAQ section which seems to be outdated. Provides sample ballots on the website. Can request an absentee ballot from the county clerk via phone, and "candidate organizations and political parties often carry out absentee application events." |
| Curry County | Clovis | 48,954 | https://www.currycounty.org/elected-officials/clerk-s-office | Election procedures align with state's. Provides information on important election deadlines and key dates. Absentee applications are requested via phone or submitted online. Provides a list of open polling centers, including 10 for election day and 1 early voting center. Includes information about absentee and in-person "early" voting with no mention of COVID-19. |
| De Baca County | Fort Sumner | 1,748 | N/A | De Baca County does not have its own county website. It is unclear what its voting procedures are. |
| Doña Ana County | Las Cruces | 218,195 | http://www.donaanacounty.org | Election procedures align with state's. Encourages voters to consider voting via absentee ballot. Important dates are listed on the website. States that absentee ballots must be requested before each election in which a voter |

| | | | | |
|------------------|-------------|--------|---|---|
| | | | | wishes to vote absentee, with a link to the application is available on-line. Due to COVID-19, the website provides consolidated polling locations. Provisional ballots are available if election workers cannot locate your information. For the provisional ballot, voters will have to fill out their information and sign the envelope. |
| Eddy County | Carlsbad | 58,460 | http://www.co.eddy.nm.us/185/County-Clerk | Election procedures seem to align with state's. Provides links to the state's website for voter information and election procedures. Provides polling locations with no mention of COVID-19. |
| Grant County | Silver City | 26,998 | https://grantcountynm.gov/ | Election procedures align with state's. The county clerk office suspended all in person services with the exception of Marriage License. Information on registration, absentee ballots, early voting and poll locations are all found on the website. No mention of polling changes due to COVID-19. |
| Guadalupe County | Santa Rosa | 4,300 | https://www.guadalupecountynm.org/clerk-s-office | Election procedures align with state's. Refers to Secretary of State's website voter information. Important election dates provided on the website. Polling location information and information around COVID-19 not provided. |
| Harding County | Mosquero | 625 | http://hardingcounty.org/clerk.html | Election procedures align with state's. No election/voting information on the website. Provides the Secretary of State's website for voter /election information. |
| Hidalgo County | Lordsburg | 4,198 | http://www.hidalgocounty.org/index.php/government/county-departments/county-clerk/ | Election procedures align with state's. No election/voting information on the website. Provides the Secretary of State's website for voter /election information. |

| | | | | |
|-------------------|------------|--------|---|--|
| Lea County | Lovington | 71,070 | http://www.learcounty.net/clerk.htm | Election procedures align with state's. Provides a list of open polling centers with no mention of COVID-19. Provides information on important election deadlines and key dates. |
| Lincoln County | Carrizozo | 19,572 | http://www.lincolncountynm.gov | Election procedures align with state's. Absentee ballot applications can be picked up in person, requested via mail; downloaded from the website and forms can be returned via phone, email or online application. Available polling centers provided as a map to show the different precincts. |
| Los Alamos County | Los Alamos | 19,369 | http://www.losalamosnm.us/government/elected_officials/countyclerk | Election procedures align with state's. Website states "In response to the ongoing public health crisis, the Los Alamos County Clerk's Office is preparing to mail out informational notices to county voters encouraging the use of absentee ballots." Drop in ballot box for absentee by mail ballots available. |
| Luna County | Deming | 23,709 | http://www.lunacountynm.us/government/clerk/index.php | Election procedures align with state's. Website states: "As part of her commitment to protecting democracy and ensuring the state's 2020 elections proceed as efficiently and normally as possible, Secretary of State Maggie Toulouse Oliver today announced the opening of her Office's online absentee ballot portal in light of New Mexico's ongoing public health emergency regarding the COVID-19 outbreak" The online absentee ballot application portal was provided. No information about polling locations was provided. |
| McKinley County | Gallup | 71,367 | http://www.cookcountynm.us/190/County-Clerk | Election procedures align with state's. Website states: "The Secretary of State and the Bureau of Election for each County will send an Application for Absentee Voting to each eligible, Democrat, Libertarian and Republican voters within Counties; informing them that this method of voting is the best way to avoid crowds at the polls; and, would aid in reducing places of potential exposure to the COVID-19 virus." Citizens can call the Bureau of Elections at 800-245-1771 to find out where to vote or get answers to any questions they may have about |

| | | | | |
|-------------------|-----------------|--------|---|---|
| | | | | the voting process. Link to request an absentee ballot was provided. In Response and Aid of slowing and stopping the spread of the COVID-19 Pandemic, McKinley County Bureau of Elections had consolidated (18) Traditional /Rural Precincts to be added to existing Polling sites for the June 2020 Primary Election. |
| Mora County | Mora | 4,521 | https://countyofmora.com/departments/courthouse-clerk/ | Election procedures are unclear. No information on voting, elections, or polling. |
| Otero County | Alamogordo | 67,490 | http://co.otero.nm.us/ | Election procedures align with state's. Provides Secretary of State's website for voter information No polling location information available. |
| Quay County | Tucumcari | 8,253 | http://quaycounty-nm.gov/elected-officials/courthouse-clerk/ | Election procedures are unclear. No information on voting, elections, or polling. |
| Rio Arriba County | Tierra Amarilla | 38,921 | http://www.rioarriba.org | Election procedures align with state's. Important election dates and voting deadlines provided on the website. Information for voters with disabilities and information on federal voting assistance is available. Absentee application portal available. Educational information on how to vote on the website. Links to find provisional ballot information is available. Polling location information available, there were 2 all mail election precincts and were handled as absentee voting in lieu of polling place. Due to COVID-19, county offices are closed. |
| Roosevelt County | Portales | 18,500 | http://www.rooseveltcounty.com | Election procedures align with state's. Primary election information provided with important dates and deadlines. A list of available polling locations provided. Absentee application link or downloadable pdf not found in website, but website indicates that they sent out absentee application to all registered voters. Instructions on returning absentee applications available. Voters were encouraged to absentee by mail, |

| | | | | |
|-------------------|------------|----------|---|--|
| | | | | website states: “ Absentee Voting is a safe and secure way of voting , especially with the COVID-19 Pandemic.” |
| San Juan County | Aztec | 123, 958 | http://www.sjcclerk.net | Election procedures align with state’s. Information on how to register to vote, canceling a voter registration, how to cancel a voter registration for a deceased voter, and restoration of voting rights after a felony conviction. Requests for an absentee ballot application may be made by contacting the County Clerk’s Office at 505-334-9471 or 1-800-956-0900. Voters can also fill out an absentee application online or download an absentee application. Summary of voter rights provided along with information for Native American voters. Website states: Due to the COVID-19 Pandemic, San Juan County Clerk’s office has reduced the 33 Voting Convenience Centers to 9 Voting Convenience Centers. |
| San Miguel County | Las Vegas | 27,277 | http://co.sanmiguel.nm.us/elected_officials/clerk/index.php | Election procedures align with state’s. The online absentee ballot application portal can be accessed directly at this link or through the Secretary of State’s Voter Information Portal. All absentee ballots may be returned by mail (with postage already paid for by the state) to the voter’s County Clerk’s Office, or in-person at an alternative voting location, mobile alternative voting location, or any Election Day polling location no later than 7:00 pm on June 2, 2020. Website states: “ I encourage voters to utilize an absentee ballot as a way to fulfill your civic duty to vote while also fulfilling your civic duty to practice social distance.” |
| Sandoval County | Bernalillo | 146, 748 | https://www.sandovalcountynm.gov/elected-officials/county-clerk/ | Election procedures align with state’s. Absentee voting application available online. <u>Secretary of State’s website</u> provided for registering to vote. No polling locations information available on the website. Website states: “Same day Registrations at all Early Voting Locations Only!” |
| Santa Fe County | Santa Fe | 150,358 | http://www.santafecountynm.gov/clerk/el | Election procedures align with state’s. Primary election information provided with important dates and deadlines. Can request absentee |

| | | | | |
|-----------------|-----------------------|--------|---|--|
| | | | ctions_infor mation | ballot via online or available as a pdf. Video on how to obtain and use an absentee ballot. Replacement Polling place location and precinct boundary adjustment (Map of available precincts to vote at available). Qualified Voters Registered in Santa Fe County may cast their Vote at any of the 30 Voting Convenience Centers (VCC's) in Santa Fe County. |
| Sierra County | Truth or Consequences | 10,791 | https://www.sierraco.org/department/clerk/ | Election procedures align with state's. Absentee ballots are available online. Voter Registration information is available from the Secretary of State's website or the US Election Assistance Commission . No polling locations provided on the website. |
| Socorro County | Socorro | 16,637 | http://www.socorrocounty.net/elected/clerk | Election procedures align with state's. Information on voter registration available, also available for federal and overseas voters. Guide on voting for young voters is available on the website. Primary election information provided with important dates and deadlines. No information on how to request an absentee ballot. Polling locations available for early voting and election day voting. There were as well as 2 all mail ballot precincts |
| Taos County | Taos | 32,723 | http://www.taoscounty.org/170/Clerk | Election procedures align with state's. Primary election information provided with important dates and deadlines. Provides the Secretary of State's website for voter/ election information and procedures. Voters can download a pdf version of an absentee application. No Polling locations are provided. |
| Torrance County | Estancia | 15,461 | http://www.torrancecountynm.org | Election procedures align with state's. Absentee ballots can be requested via phone or state's online portal. Voters were "highly recommended" to fill out an absentee application. A list of polling locations was provided along with alternate voting sites, and mobile voting sites. All precincts could vote at any Voting Convenience Center. Website states: "Please note that if restrictions are still in place due to the corona virus voters may have to wait to enter the polling place. Distancing will be required and my poll officials will have to disinfect after each voter." |

| | | | | |
|-----------------|-----------|--------|---|---|
| Union County | Clayton | 4,059 | https://unionnm.us/clerks-office-1 | Election procedures are unclear. Only provides 2020 Secretary of State General Election Proclamation. Does not provide information on absentee ballots. No polling locations or important dates provided. |
| Valencia County | Los Lunas | 76,688 | http://www.co.valencia.nm.us/235/County-Clerk | Election procedures align with state's. Important election dates and deadlines provided. Voters could download a pdf version of an absentee application or can request one online. Voter registration information and links available for the Secretary of State's website. Instructions on how to properly mark ballots. Difficult to find the list of polling places and there were no changes of locations due to COVID-19 |