


Joey D. Moya

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

COURTNEY CHAVEZ, RICHARD
EDWARDS, GORDON HILL, and
PATRICK LOPEZ,

Petitioners,

S-1-SC-37371

v.

No.: _____

MAGGIE TOULOUSE OLIVER,
Secretary of State of the State of New Mexico,

Respondent.

VERIFIED PETITION FOR WRIT OF MANDAMUS

BARDACKE ALLISON LLP

Paul Bardacke
Benjamin Allison
Justin Miller

141 E. Palace Avenue, Floor 2
Santa Fe, NM 87501
505-995-8000
505-672-7037 (f)
paul@bardackeallison.com
ben@bardackeallison.com
justin@bardackeallison.com

LAW OFFICE OF HARRY
KRESKY

Of Counsel

Harry M. Kresky
2600 Netherland Avenue,
Suite 3104
Riverdale, NY 10463
212-581-1516
212-581-1352 (f)
kresky.law@gmail.com

*PRO HAC ADMISSION
PENDING*

OPEN PRIMARIES
EDUCATION FUND

Of Counsel

Jeremy Gruber
350 7th Avenue, 20th Floor
New York, NY 10001
646-604-4544
jgruber@openprimaries.org

*PRO HAC ADMISSION
PENDING*

Oral argument requested.

STATEMENT OF COMPLIANCE

Pursuant to Rule 12-504(H) NMRA, the undersigned certifies that this Petition complies with Rule 12-504(G)(3) NMRA in that the body of the Petition is prepared in Times New Roman typeface and contains 5,551 words. The word count was obtained using Microsoft Office Word 2013.

INTRODUCTION

Petitioners are citizens of New Mexico and registered voters who are aggrieved by the expenditure of public funds for closed primary elections in violation of the anti-donation clause of the New Mexico Constitution, which states:

Neither the state nor any county, school district, or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association, or public or private corporation. . .

N.M. Const. art. IX, § 14.

As the chief election officer of New Mexico, the Secretary of State is charged with the supervision and administration of all elections within the state, including party primary elections. In the primary, major political parties choose their nominee for elected offices to be on the ballot at the next general election. Only major political parties may participate in the primary election. Only candidates who are registered with a major political party may run in a primary election. And only voters who have chosen to register with a major political party may vote in a primary election.

More than 270,000 registered voters in New Mexico—22% of the total—have declined to state a party affiliation when completing the required voter registration forms. Such “DTS” or “independent” voters pay for the primaries just like other citizens but may not themselves participate.

New Mexico's closed primary elections are exclusionary and held for the benefit of major political parties, which are purely private entities. Even though the primary election is closed and exclusionary, primary elections are paid for by public funds and New Mexico taxpayers, while the major political parties reap the benefits. This arrangement constitutes "a donation to or in aid of" a private entity and runs afoul of the anti-donation clause.

Petitioners ask this Court for a writ of mandamus to compel the Secretary of State to cease expending public funds on the implementation of party primary elections under the existing electoral framework.

JURISDICTION

Respondent Maggie Toulouse Oliver is the Secretary of State for the State of New Mexico. The Secretary of State is a state officer. N.M. Const. art. V, § 1 ("The executive department shall consist of a . . . secretary of state . . ."). By statute, the Secretary of State is also the chief election officer, charged generally with the supervision and administration of all elections throughout the state. NMSA 1978, §§ 1-2-1 and 1-2-2.

This action asks the Court to enjoin the Secretary of State from spending state funds to supervise and administer primary elections in New Mexico because doing so constitutes a donation to or in aid of private entities in violation of Article IX, Section 14 of the New Mexico Constitution. Petitioners ask the Court to direct the

Secretary of State not to perform the ministerial acts and duties incumbent upon her in supervision and administration of the unconstitutional primary election scheme.

This Court has original jurisdiction over this petition pursuant to Article VI, Section 3 of the New Mexico Constitution, which states: “The supreme court shall have original jurisdiction in quo warranto and mandamus against all state officers, boards and commissions, and shall have superintending control over all inferior courts; it shall also have power to issue writs or mandamus . . . and all other writs necessary or proper for the complete exercise of its jurisdiction and to hear and determine the same.” N.M. Const. art. VI, § 3.

**IT IS PROPER TO SEEK THIS WRIT
PURSUANT TO THIS COURT’S ORIGINAL JURISDICTION**

It is proper for this Court to hear and decide the petition in the first instance because the petition seeks to compel the Secretary of State to cease engaging in unconstitutional conduct, challenges the constitutionality of the primary election law, and addresses matters of great public importance, including ensuring that taxpayer money is not expended on behalf of private entities contrary to the anti-donation clause and enhancing the ability of New Mexico citizens to fully participate in the electoral process. *See State ex rel. Shepard v. Mechem*, 1952-NMSC-105, ¶¶ 10 - 13, 56 N.M. 762) (original mandamus in the Supreme Court is appropriate to challenge the constitutionality of a statute); *see also Thompson v. Legislative Audit Comm’n*, 1968-NMSC-184, ¶ 4, 79 N.M. 693 (explaining that a “mandamus [action

in the Supreme Court] is proper in view of the possible inadequacy of other remedies and the necessity of an early decision on this question of great public importance.”); *State ex rel. Clark v. Johnson*, 1995-NMSC-048, ¶ 19, 120 N.M. 562 (Supreme Court accepted original mandamus jurisdiction, stating that “mandamus is an appropriate means to prohibit unlawful or unconstitutional action.”); *State ex rel. Taylor v. Johnson*, 1998-NMSC-015, ¶ 18, 125 N.M. 343 (Supreme Court exercised its original mandamus jurisdiction, finding that mandamus is the necessary relief where petitioners allege that respondents “engaged in unlawful or unconstitutional official acts.”).

This Court has considered original petitions for mandamus presenting issues similar to the important constitutional questions presented here. In *Baca v. New Mexico Dep’t of Public Safety*, 2002-NMSC-017, ¶ 4, 132 N.M. 282, this Court heard a mandamus petition challenging a statute governing the carrying of concealed weapons originally brought by the Mayor of Albuquerque in his official capacity, even after the petitioning Mayor left office and the ensuing office holder disagreed with the action. Finding that the constitutionality of a concealed carry statute was a matter of great public importance, the Court allowed the former Mayor to continue the petition in his individual capacity. *Id.* Mandamus petitions involving whether a public official acts within the official’s constitutional authority also have been found to raise issues of great public importance. *See State ex rel. Clark*, 1995-NMSC-048,

¶ 15 (finding that voters and taxpayers had standing to bring a petition for mandamus challenging whether the Governor exercised authority properly belonging to the Legislature).

It is a matter of great public importance that the state cease to spend public funds to pay for primary elections that benefit private political parties in violation of the anti-donation clause, and which further perpetuate a system that reduces political participation, increases voter frustration, and decreases public confidence in our elected officials and government.

This is also a matter of significant urgency. Petitioners will face continued injury if the primary election law is not declared unconstitutional, and if the Secretary of State is allowed to continue supervising and administering an unconstitutional primary election system. Should petitioners prevail, the New Mexico Legislature must act to replace it before the next primary election, which is less than two years away.

PARTIES

The petitioners are New Mexico citizens and registered voters. Courtney Chavez is a resident of Bernalillo County and has declined to state her party affiliation on her voter registration form. Richard Edwards is a resident of Bernalillo County and has declined to state his party affiliation on his voter registration form. Patrick Lopez is a resident of Santa Fe County and is a member of the Republican

Party. Gordon Hill is a resident of Doña Ana County and is a member of the Democratic Party.

Petitioners Chavez and Edwards, who are independent voters, are injured by being prohibited from voting in the primary election that they nevertheless are required to pay for. All petitioners are harmed by the unconstitutional use of their taxpayer money to pay for primary elections that benefit private political parties. All petitioners have been injured in fact by the unconstitutional expenditure of tax dollars on primary elections in violation of the anti-donation clause.

The respondent is Maggie Toulouse Oliver, the Secretary of State, who is New Mexico's chief election officer and is named in this petition in her official capacity. The Secretary of State must use public funds to fulfill the duties and obligations of her office when supervising and administering the primary elections. The Secretary of State's use of public funds for this purpose is unconstitutional.

ARGUMENT

I

THE ANTI-DONATION CLAUSE PROHIBITS THE SECRETARY OF STATE FROM SPENDING PUBLIC FUNDS FOR THE BENEFIT OF PRIVATE ENTITIES

In what is commonly known as the "anti-donation clause," the New Mexico Constitution prohibits the state from directly or indirectly donating to or in aid of a private entity:

Neither the state nor any county, school district, or municipality, except as otherwise provided in this constitution, shall directly or indirectly lend or pledge its credit or make any donation to or in aid of any person, association, or public or private corporation. . .

N.M. Const. art. IX, § 14.

**A. The Anti-Donation Clause Prohibits the
Expenditure of Public Funds to Benefit Private Parties,
Regardless of the Public Purpose or Benefit of Such Expenditures**

New Mexico’s anti-donation clause is born of lessons learned in the 19th century when “the demand for improved transportation facilities had developed a mania for extending public aid to private corporations,” particularly railroad companies. *Clovis v. Southwestern Public Service Co.*, 1945-NMSC-030, ¶¶ 23-24, 49 N.M. 270 (internal citation and quotation omitted). Those in favor of public financing of railroads contended that such expenditures were for the “public good,” but too often the government—and taxpayers— became liable for the obligations of failed private partners. *Id.* The anti-donation clause was written into the New Mexico Constitution to prevent the government from entangling itself in private affairs and spending public money belonging to all for the benefit of a few. As the Supreme Court said in *Clovis*, the “significance of the inhibition is found in the evil which it was intended to remedy,” the purpose of which is to “forbid investment of public funds in private enterprises.” *Id.* ¶¶ 23, 46.

New Mexico courts have traditionally interpreted the anti-donation clause in a straightforward manner. In *Harrington v. Atteberry*, 1915-NMSC-058, ¶ 6, 21 N.M. 50, the New Mexico Supreme Court upheld an injunction prohibiting the county from giving money to the county fair based on the anti-donation clause:

The language of the constitutional provision is so clear and explicit that it does not require construction; all that need be done is to read it and apply the language in its ordinary sense. It prohibits the state, county, and other agencies of the state named, from making any donation to or in aid of any person, association, or public or private corporation, except as otherwise provided in the Constitution. Therefore an act of the Legislature appropriating money, or directing a county to appropriate money to a private corporation engaged in conducting a county fair, for the purpose of paying premiums on agricultural and horticultural and other exhibits, which is a duty assumed by such corporation, is in conflict with section 14 of article 9 of the state Constitution, prohibiting donations to persons, associations, and public and private corporations.

This Court has defined “donation” as “a gift, an allocation or appropriation of something of value, without consideration to a person, association or public or private corporation.” *Village of Deming v. Hosdreg Co.*, 1956-NMSC-111, ¶ 36, 62 N.M. 18. The state may pay money to a private entity where the state receives consideration in return, but where there is no consideration and the payment has the “character of a donation in ‘substance and effect,’” the anti-donation clause is violated. *State ex. rel Office of the State Eng’r v. Lewis*, 2007-NMCA-008, ¶ 49, 141 N.M. 1; *see also* N.M. Atty. Gen. Op. 92-03 (1992) (media access to the state capitol

building was permissible because of the consideration provided by the media in helping the Legislature meet its constitutional mandate to provide the public with access to the legislative session).

That a donation to private enterprise might also serve a public purpose does not insulate the transaction from the reach of the anti-donation clause. In *Harrington*, the New Mexico Supreme Court acknowledged that “a county fair . . . is educational and serves a public purpose,” but still found that the county could not appropriate money to the county fair to pay for prizes awarded to contestants. *Harrington*, 1915-NMSC-058, ¶ 5. Private companies routinely engage in activities that serve a useful public purpose, but “if this were the criterion by which the validity of an appropriation of public funds is to be measured, there would hardly be any limit upon the right of the state, county, city, or school districts to appropriate money to a private corporation.” *Id.* Payment for the prizes was an obligation assumed by the county fair, a corporate entity, and the county could not assume the obligation without consideration. *Id.* ¶ 6. To find otherwise would turn the anti-donation clause into “a vain, useless, absurd, and meaningless aggregation of words and sentences.” *Id.* ¶ 5.

The New Mexico Attorney General also has emphasized the irrelevance of a public purpose or benefit. A 1979 opinion advised that a bill allowing taxpayers to distribute state income tax to political parties was unconstitutional. N.M. Att’y Gen.

Op. 79-03 (1979). The Attorney General first noted the private nature of the political parties, stating that “[a] political party is not, however, a subordinate agency of the state. It is rather a voluntary association of persons who act together principally for political purposes.” *Id.* Accordingly, a statute providing for the distribution of tax monies to the political parties—regardless of the “public nature” of such an expenditure—was prohibited by the anti-donation clause. *Id.* Similarly, in 1986 the Attorney General acknowledged the public benefit inherent in transferring a public hospital to a non-profit entity, but stated that without adequate consideration such a transfer would violate the anti-donation clause: “Since county funds cannot be used to operate a private hospital, we believe it would be similarly inappropriate for a county to transfer its hospital to a private enterprise for less than full market value, especially in light of the prohibitions of Article IX, Section 14.” N.M. Att’y Gen. Op. 86-23 (1986). In 1990, the Attorney General found that the Department of Public Safety could not provide its dormitory and meals to the Boy Scouts at a reduced cost, again despite the commendable objective of the expenditure. N.M. Att’y Gen. Op. 90-13 (1990).

**B. The Election Code Establishes an Unconstitutional Scheme
In Which the Private Major Political Parties Improperly Receive the
Benefit of the State’s Funding of Exclusive, Closed Primary Elections**

The election code mandates that a major political party nominate its candidates through a primary election held in June of even-numbered years before

the November general election. NMSA 1978, §§ 1-8-10 through 1-8-52 (the Primary Election Law). The Secretary of State is in charge of the primary elections. As chief election officer, she exercises general supervisory and administrative authority and performs tasks specific to the primary such as publishing the primary proclamation and distributing it to the county clerks (Section 1-8-14), accepting candidate filings (Section 1-8-25), developing and posting election forms (*see, e.g.*, Section 1-8-30), and certifying the names of party nominees (Section 1-8-39.1).

Of necessity these tasks entail the expenditure of public money. The Secretary of State received more than \$4,000,000 designated for “elections” in the General Appropriation Act of 2018. General Appropriation Act of 2018, at 45, relevant pages attached hereto as Exhibit A. The same act appropriated more than \$3,000,000 of state general fund money to the office for personnel and contractual services, a substantial amount of which paid for services necessary to run the primaries. *Id.* A state audit shows that the Secretary of State’s assets include more than \$13,000,000 in “voting systems under the care and custody of the Counties,” including voting machines provided by the Secretary to the County Clerks to be used to tabulate votes in the primary election at the County level. *See* Financial Statements and Independent Auditor’s Report, at 14, June 30, 2017, relevant pages attached hereto as Exhibit B.

Not any political party may qualify as a “major political party” so as to participate in the state-administered primary and benefit from the Secretary of State’s substantial expenditures of public money. A party must have performed well in the previous general election and have broad support. At least one of the party’s candidates must have received five percent of the total number of votes cast for the office of governor or president of the United States, and the party membership must total at least one-third of one percent of statewide registered voters. NMSA 1978, § 1-7-7. Very few political parties qualify as major. Currently, there are only three, the Democratic Party, the Republican Party, and the Libertarian Party. Historically, and in many elections, there have been only two, the Democratic Party and the Republican Party.

By qualifying as a major political party, the party receives the substantial benefit of inclusion in the statutorily required, state-run and state-funded primary elections, a benefit that minor political parties and independent voters are deprived of. Only major political parties may participate in the state-funded primary election. NMSA 1978, § 1-8-1. A minor political party, in contrast, must spend its own funds to nominate its candidates according to internal procedures. *Id.* Independents may not run for nomination or vote in the primary election. NMSA 1978, § 1-8-18(A)(1); § 1-12-7(B). The election code thus establishes a closed, exclusionary system in which the major political parties are relieved of the financial burden of choosing

their own representatives, thereby receiving an improper benefit of the expenditure of public money. *See Harrington*, 1915-NMSC-058, ¶ 6 (public payment of an obligation assumed by a private entity violates the anti-donation clause).

Since the 1980s the political parties have aggressively—and successfully—asserted their status as private entities with a right to First Amendment protection of their associational activities. *See, e.g. Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 357, 117 S. Ct. 1364, 137 L. Ed. 2d 589 (1997) (the First Amendment “protects the right of citizens to form political parties for the advancement of common political goals and ideas”); *Eu v. San Francisco County Democratic Central Comm.*, 489 U.S. 214, 224, 109 S. Ct. 1013, 103 L. Ed. 2d 271 (1989) (freedom of association means that “a political party has a right to identify the people who constitute the association and to select a standard bearer who best represents the party’s ideologies and preferences”); *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208, 217, 107 S. Ct. 544, 93 L. Ed. 2d 514 (1986) (declaring unconstitutional a statute that prohibited unaffiliated voters from voting in a party primary even when the party rules would have permitted it).¹

¹ Just like the Connecticut statute struck down in *Tashjian*, New Mexico law prohibits citizens who do not affiliate with a major political party from voting in a primary. *Compare* NMSA 1978, § 1-12-7(B) (“A person whose major party affiliation is not designated on his original certificate of registration shall not vote in a primary election.”) *with Tashjian*, 479 U.S. 208, 211 n.1 (statute at issue provided that “No person shall be permitted to vote at a primary of a party unless he is on the last-completed enrollment list of such party. . .”).

The major parties have moved to explicitly identify themselves as private entities, and the courts have supported them. The culmination of this effort was the Supreme Court's decision in *California Democratic Party v. Jones*, 530 U.S. 567 (2000), where the majority emphasized the private nature of the political parties' nominating process. This finding opens the door to petitioners' challenge of New Mexico's primary election system because of the public funding of what the United States Supreme Court has said is fundamentally private activity. For the majority, Justice Scalia wrote:

What we have not held, however, is that the processes by which political parties select their nominees are, as respondents would have it, wholly public affairs that States may regulate freely. To the contrary, we have continually stressed that when States regulate parties' internal processes they must act within limits imposed by the Constitution. See, e. g., *Eu v. San Francisco County Democratic Central Comm.*, 489 U. S. 214 (1989); *Democratic Party of United States v. Wisconsin ex rel. La Follette*, 450 U. S. 107 (1981). In this regard, respondents' reliance on *Smith v. Allwright*, 321 U. S. 649 (1944), and *Terry v. Adams*, 345 U. S. 461 (1953), is misplaced. In *Allwright*, we invalidated the Texas Democratic Party's rule limiting participation in its primary to whites; in *Terry*, we invalidated the same rule promulgated by the Jaybird Democratic Association, a "self-governing voluntary club," 345 U. S., at 463. These cases held only that, when a State prescribes an election process that gives a special role to political parties, it "endorses, adopts and enforces the discrimination against Negroes" that the parties (or, in the case of the Jaybird Democratic Association, organizations that are "part and parcel" of the parties, see *id.*, at 482 (Clark, J., concurring)) bring into the process—so that the parties' discriminatory action

becomes state action under the Fifteenth Amendment. *Allwright, supra*, at 664; see also *Terry*, 345 U. S., at 484 (Clark, J., concurring); *id.*, at 469 (opinion of Black, J.). They do not stand for the proposition that party affairs are public affairs, free of First Amendment protections—and our later holdings make that entirely clear. See, *e. g.*, *Tashjian, supra*.

California Democratic Party v. Jones, 530 U.S. 567, 573-74 (2000). Justice Stevens and Justice Ginsburg conceded ground to the extent that they identified the organization and composition of a party’s governing units, the endorsement of candidates, and whether and how to communicate those endorsements to the public as “private expressive associational activity that the First Amendment protects.” *Jones*, 530 U.S. at 592.

New Mexico’s closed primaries provide a system in which a major political party can engage in its core private activity of advancing political goals, selecting standard bearers, and nominating candidates for public office, all while excluding non-party members from participating and having the taxpayers pay for it. Primary elections may serve a public purpose, but that neither exempts public expenditures related to the elections from the scope of the anti-donation clause, nor does it change the fact that the major political parties are private entities that receive the benefit of the public donation. *Harrington v. Atteberry*, 1915-NMSC-058, ¶ 5, 21 N.M. 50.

**C. The State-Funded Primary Elections
Exclude a Large and Growing Number of
Registered Independents, Further Reducing Any
Public Interest in Perpetuating the Unconstitutional System**

Funding primary elections with public money constitutes a donation to or in aid of a private entity in violation of the New Mexico anti-donation clause because the expenditure benefits the major political parties by paying for them to nominate candidates for the general election. The only voters who may participate in a primary election are voters who have chosen to affiliate with a major political party. Voters who are politically independent, or who decline to state a preference for one of the major parties, may not vote in the primary election. NMSA 1978, § 1-12-7 (“A person whose major party affiliation is not designated on his original certificate of registration shall not vote in a primary election.”) Because the state funds only the major political parties in conducting their internal selection process, and independent voters cannot vote in any primary, New Mexico’s “closed” primary system effectively disenfranchises a large percentage of New Mexico’s eligible voters.

The number of independent voters has exploded in recent years. According to data compiled by the Secretary of State, in 1990 only 5% of New Mexican voters were independent. Voter Registration Statistics for 1990, attached hereto as Exhibit C. By August 2016, independent voters numbered 229,543 voters, 18% of the total. Voter Registration Statistics for August 2016, attached hereto as Exhibit D. In the last two years, the number of registered independent voters has increased by another 43,000, now totaling more than 273,000, an amount equal to 22% of all registered voters. Voter Registration Statistics for August 2018, attached hereto as Exhibit E.

Meanwhile, registration in the major political parties declined from 2016 to 2018 and the total number of registered voters increased only slightly. *Compare Exhibit D with Exhibit E.*

As dramatic as the increase in independent voters has been, the numbers likely understate the true count of New Mexicans who do not affiliate with one of the major political parties. Many voters would prefer not to affiliate with a major political party, but because of New Mexico's closed primary system are compelled to do so to cast a meaningful vote. In 2017, 42% of Americans identified as political independents. Gallup survey, *Americans' Identification as Independents Back Up in 2017*, attached hereto as Exhibit F. Political independence is even higher among younger voters. Research shows that 50% of millennials describe themselves as politically independent. Pew Research Center, *Millennials in Adulthood*, attached hereto as Exhibit G.

The negative impact of excluding independent voters from the primary is compounded by the fact that the primary election is often determinative of the eventual office holder. All voters may be able to participate in the general election, but many races feature candidates from only one major political party, causing the primary victor to be unopposed in the general election. In other districts, voter registration leans so heavily in favor of one or the other major political party that the primary victor is virtually assured of prevailing in the general election. In either

scenario, the only vote of consequence occurs in the primary election. Even if the general election is competitive, unaffiliated voters are forced to choose between two candidates they could not participate in nominating.

Closed primaries contribute to a pervasive and dangerous public frustration with the political process, elections, and our elected officials. Nine in ten Americans lack confidence in the political system and four in ten say the two-party system is seriously broken. Associated Press NORC Center for Public Affairs Research, *The Frustrated Public: Views of the 2016 Campaign, the Parties, and the Electoral Process*, attached hereto as Exhibit H. The exclusion of a significant swath of voters from the primaries contributes to this lack of confidence. Such frustrations feed on voters' inability to engage in the political process. Turnout at the June 2018 primary was higher than in recent primary elections but still equaled only about 20% of all registered voters. *See Official Results 2018 Primary*, attached hereto as Exhibit I. The low turnout is not all attributable to voter apathy; lack of participation is the inevitable consequence of a system that excludes more people from voting than actually vote. Compare Exhibit I, *Official Results*, *with* Exhibits C – E, *Voter Registration Statistics*. A sure way to increase participation is by allowing more people to vote.

The major political parties are increasingly viewed as insular, private organizations that do not attend to the interests of ordinary voters, but answer to no

one but themselves. New Mexico's closed primary system contributes to and perpetuates this perception. Because of the exclusionary scheme established in our election code, and the public money that supports the exclusionary scheme, the major political parties can put their own self-interest before the public good. Such perceptions reduce voter participation in the political process. In fact, a recent report ranks New Mexico behind all other states and the District of Columbia for political involvement. *New Mexico: A State of Voter Indifference*, Santa Fe New Mexican, October 19, 2018, attached hereto as Exhibit J.

The First Amendment protects American citizens' right to associate politically, as well as the corollary right not to associate. *Jones*, 530 U.S. at 574. But when New Mexico's independent voters exercise their right not to associate, under New Mexico's unconstitutional primary election law they must nevertheless pay for a primary election in which they have no voice, no ability to participate in choosing who gets nominated for office, and no input into the choices put before the voters in the general election. Registered voters should not be compelled to forego their right not to associate with a political party in order to exercise their right to vote.

II

NEW MEXICO CAN ESTABLISH AN OPEN PRIMARY SYSTEM THAT DOES NOT VIOLATE THE ANTI-DONATION CLAUSE

New Mexico is now one of only nine states that continue to operate a closed primary system. National Conference of State Legislatures, *State Primary Election*

Systems, attached hereto as Exhibit K. The majority of states have moved to some variation of an open primary system, of which there are several viable alternatives. In states which do not have partisan registration, such as Hawaii and South Carolina, on primary day a voter can choose the major party primary ballot on which they cast their vote. Still other states such as Arizona and Massachusetts allow unaffiliated voters to vote in the party primary of their choice, but voters who are affiliated with a party may not cross over and vote in another party's primary. California, Washington, and Nebraska utilize a "top-two" system where all candidates, regardless of party affiliation, appear on one primary ballot open to all voters regardless of party affiliation or non-affiliation, with the two top vote getters facing off in the general election. Louisiana uses a variant of this.

New Mexicans and Americans in general support moving away from a traditionally closed primary system. Seven in ten Americans prefer open primaries, regardless of a voter's political party registration. Associated Press NORC Center for Public Affairs Research, attached hereto as Exhibit H. In New Mexico, 71% of voters believe primary elections should be open to all registered voters. Common Cause 2017 Public Opinion Survey at 6, 25, attached hereto as Exhibit L. This position is held by a wide majority of Democrat and Republican voters, and an overwhelming percentage of independents. *Id.*

Opening primary elections to all voters also finds widespread support among New Mexico's political leaders. The Secretary of State, for example, has said that she supports "a modified open primary system that would allow independent and minor party voters to choose one major political party's ballot to mark in a primary election." Santa Fe New Mexican, June 1, 2018, It's Time for Open Primaries in New Mexico, attached hereto as Exhibit M. In August 2014, Governor Susana Martinez confirmed her support for opening primaries and noted the unfairness of excluding independent voters, saying "Just because they don't see themselves as completely Republican or completely a Democrat doesn't mean that they don't have candidates that they want to vote for, but because they haven't declared a party aren't able to vote at all." Albuquerque Journal, August 8, 2014, Governor Favors Widened Primary Eligibility, attached hereto as Exhibit N. Governor-elect Michelle Lujan Grisham has taken a similar position, recently saying that "opening primary elections to independent voters will create an opportunity for more people to participate and incentivize campaigns ... to reach out to a broader electorate even before the primary election." Albuquerque Journal editorial, May 25, 2018, attached hereto as Exhibit O.

The New Mexico State Auditor, who is charged with monitoring the financial affairs of every state agency and local public body in New Mexico, has recognized the implications of continuing to spend public money on primary elections in light

of the anti-donation clause. In a May 2016 letter to the Legislative Council, then-State Auditor Timothy Keller wrote that “political parties are not considered to be governmental or quasi-governmental entities” and warned that “[i]f the issue of private benefit arises in the context of the primary election, it could affect the audits of 33 counties and the Office of the Secretary of State for Fiscal Year 2016” and “may require additional special auditing of current and historical expenditures” by the Secretary of State and each of New Mexico’s 33 counties. Timothy Keller Letter to Legislative Council Service dated May 18, 2016, attached hereto as Exhibit P.

The current statutory system is unconstitutional and must be struck down. Doing so is well within this Court’s authority. *State ex rel. Shepard v. Mechem*, 1952-NMSC-105, ¶¶ 10 - 13, 56 N.M. 762; *State ex rel. Clark v. Johnson*, 1995-NMSC-048, ¶ 19, 120 N.M. 562; *State ex rel. Taylor v. Johnson*, 1998-NMSC-015, ¶ 18, 125 N.M. 343. But this Court need not and should not be burdened with policy questions concerning how to replace the unconstitutional with a constitutional system. That is the purview of the Legislature. Given the unconstitutionality of the current system and the harm caused by continuing to operate under it, and the variety of options available to correct the system combined with public support for doing so, the Legislature cannot avoid the challenge of adopting a remedy.

RELIEF

The Secretary of State violates Article IX, Section 14 of the New Mexico Constitution by spending public money to supervise and administer primary elections in New Mexico.

WHEREFORE, petitioners pray for the following relief:

A. A declaratory judgment that public funding for closed primary elections in New Mexico, as such primary elections are established in the Election Code, Chapter 1 NMSA 1978, violates Article IX, Section 14 of the New Mexico Constitution; and

B. A writ prohibiting the Secretary of State from administering a primary election in New Mexico under the Election Code's current unconstitutional statutory scheme.

Respectfully submitted,
BARDACKE ALLISON LLP

By: /s/ Paul Bardacke
Paul Bardacke
Benjamin Allison
Justin Miller
141 E. Palace Avenue , 2d Floor
Santa Fe, NM 87501
505-995-8000
505-672-7037 (f)
paul@bardackeallison.com
ben@bardackeallison.com
justin@bardackeallison.com

Of counsel:
LAW OFFICE OF HARRY KRESKY
Harry M. Kresky
2600 Netherland Avenue (Ste. 3104)
Riverdale, NY 10463
212-581-1516
212-581-1352 (f)
kresky.law@gmail.com
PRO HAC VICE ADMISSION PENDING

Of counsel :
Jeremy Gruber
OPEN PRIMARIES EDUCATION
FUND
350 7th Ave. 20th Fl.
New York, NY 10001
646-604-4544
jgruber@openprimaries.org
PRO HAC VICE ADMISSION PENDING

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of November, 2018, I caused a true and correct copy of the foregoing *Verified Petition for Writ of Mandamus* to be served upon the Respondent, Maggie Toulouse Oliver, Secretary of State of the State of New Mexico, via email addressed to Deputy Secretary of State John Blair at the email address john.blair@state.nm.us; Sean Cunniff at the email address scunniff@nmag.gov; and Dylan Lange at the email address dlange@nmag.gov, in accordance with Rule 12-307.2(D).

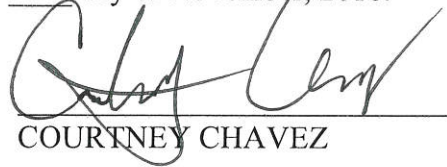
I further certify that on the 13th day of November, 2018, I caused a true and correct copy of the foregoing *Verified Petition for Writ of Mandamus* to be served upon New Mexico Attorney General Hector Balderas via email addressed to Jennifer Saavedra at the email address jsaavedra@nmag.gov in accordance with Rule 12-307.2(D).

BARDACKE ALLISON LLP

By: /s/ Paul Bardacke
Paul Bardacke

VERIFICATION

I, COURTNEY CHAVEZ, do swear and affirm that the foregoing is true and correct to the best of my knowledge and acknowledge the same this 8th day of November, 2018.

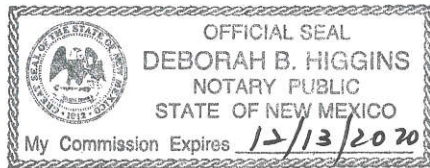

COURTNEY CHAVEZ

SUBSCRIBED AND SWORT TO before me on the 8th day of November, 2018.


Notary Public

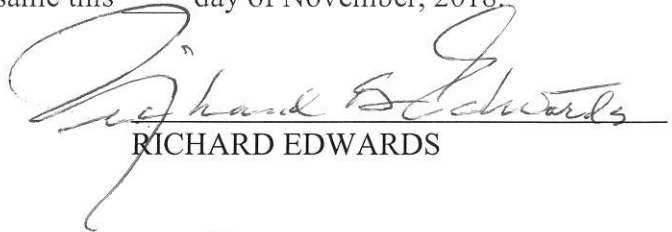
(SEAL)

My Commission Expires: 12/13/2020



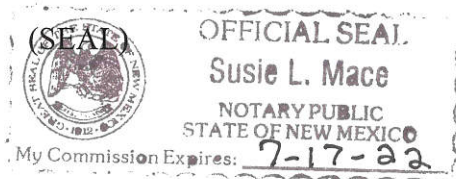
VERIFICATION

I, RICHARD EDWARDS, do swear and affirm that the foregoing is true and correct to the best of my knowledge and acknowledge the same this _____ day of November, 2018.


RICHARD EDWARDS

SUBSCRIBED AND SWORN TO before me on the 9 day of November, 2018.


Notary Public



My Commission Expires: 7-17-22

VERIFICATION

I, GORDON HILL, do swear and affirm that the foregoing is true and correct to the best of my knowledge and acknowledge the same this 8TH day of November, 2018.


GORDON HILL

SUBSCRIBED AND SWORN TO before me on the 8th day of November, 2018.


Notary Public

My Commission Expires: 04/29/20

(SEAL)

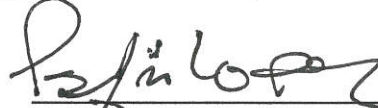


OFFICIAL SEAL
MARIA D. MAURICIO
NOTARY PUBLIC - STATE OF NEW MEXICO

My commission expires: 04/29/20

VERIFICATION

I, PATRICK LOPEZ, do swear and affirm that the foregoing is true and correct to the best of my knowledge and acknowledge the same this ____ day of November, 2018.



PATRICK LOPEZ

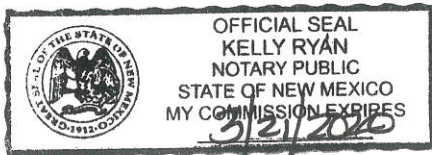
SUBSCRIBED AND SWORT TO before me on the 08 day of November, 2018.



Notary Public

(SEAL)

My Commission Expires: 3.21.2020



AN ACT

MAKING GENERAL APPROPRIATIONS AND AUTHORIZING EXPENDITURES BY STATE AGENCIES REQUIRED BY LAW.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "General Appropriation Act of 2018".

Section 2. DEFINITIONS.--As used in the General Appropriation Act of 2018:

A. "agency" means an office, department, agency, institution, board, bureau, commission, court, district attorney, council or committee of state government;

B. "efficiency" means the measure of the degree to which services are efficient and productive and is often expressed in terms of dollars or time per unit of output;

C. "explanatory" means information that can help users to understand reported performance measures and to evaluate the significance of underlying factors that may have affected the reported information;

D. "federal funds" means any payments by the United States government to state government or agencies except those payments made in accordance with the federal Mineral Leasing Act;

E. "full-time equivalent" means one or more authorized positions that alone or together receives or receive compensation for not more than two thousand eighty hours worked in fiscal year 2019. The calculation of hours worked includes compensated absences but does not include overtime, compensatory time or sick leave paid pursuant to Section 10-7-10 NMSA 1978;

F. "general fund" means that fund created by Section 6-4-2 NMSA 1978 and includes federal Mineral Leasing Act receipts and those payments made in accordance with the federal block grant and the federal Workforce Investment Act but excludes the general fund operating reserve, the appropriation contingency fund, the tax stabilization reserve and any other fund, reserve or account from which general appropriations are restricted by law;

G. "interagency transfers" means revenue, other than internal service funds, legally transferred from one agency to another;

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
------	--------------	-------------------	-------------------------------------	---------------	--------------

1 SECRETARY OF STATE:

2 (1) Administration and operations:

3 The purpose of the administration and operations program is to provide operational services to commercial
4 and business entities and citizens, including administration of notary public commissions, uniform
5 commercial code filings, trademark registrations and partnerships, and to provide administrative services
6 needed to carry out elections.

7 Appropriations:

8 (a) Personal services and					
9 employee benefits	2,854.0				2,854.0
10 (b) Contractual services	146.4				146.4
11 (c) Other	392.4	35.0			427.4

12 (2) Elections:

13 The purpose of the elections program is to provide voter education and information on election law and
14 government ethics to citizens, public officials and candidates so they can comply with state law.

15 Appropriations:

16 (a) Personal services and					
17 employee benefits	638.4				638.4
18 (b) Contractual services	807.7				807.7
19 (c) Other	3,642.0		440.0		4,082.0

20 Notwithstanding the provisions of Section 1-19A-10 NMSA 1978, the internal service funds/interagency
21 transfers appropriation to the elections program of the secretary of state in the other category includes
22 four hundred forty thousand dollars (\$440,000) from the public election fund. Any unexpended balances in
23 the elections program of the secretary of state at the end of fiscal year 2019 from appropriations made
24 from the public election fund shall revert to the public election fund.

25 Performance measures:

Item	General Fund	Other State Funds	Intrnl Svc Funds/Inter-Agency Trnsf	Federal Funds	Total/Target
1	(a) Outcome:	Percent of eligible voters registered to vote			90%
2	(b) Outcome:	Percent of reporting individuals in compliance with			
3		campaign finance reporting requirements			99%
4	(c) Efficiency:	Percent of public records requests responded to within the			
5		statutory deadline			100%
6	(d) Explanatory:	Percent of eligible-but-not-registered voters who respond			
7		to the annual outreach mailing conducted by the secretary			
8		of state			
9	Subtotal				8,955.9
10	PERSONNEL BOARD:				
11	(1) Human resource management:				
12	The purpose of the human resource management program is to provide a flexible system of merit-based				
13	opportunity, appropriate compensation, human resource accountability and employee development that meets				
14	the evolving needs of the agencies, employees, applicants and the public so economy and efficiency in the				
15	management of state affairs may be provided while protecting the interest of the public.				
16	Appropriations:				
17	(a) Personal services and				
18	employee benefits	3,335.0	269.1		3,604.1
19	(b) Contractual services	40.0			40.0
20	(c) Other	305.0			305.0
21	Performance measures:				
22	(a) Outcome:	Average number of days to fill a position from the date of			
23		posting			63
24	(b) Explanatory:	Statewide classified service vacancy rate			
25	(c) Efficiency:	Average state classified employee compa ratio			≥95%

State of New Mexico
Office of the Secretary of State

*Financial Statements
and
Independent Auditor's Report
June 30, 2017*



CPAs | Business & Financial Advisors

EXHIBIT B

State of New Mexico
Office of the Secretary of State
Reconciliation of the Balance Sheet—Governmental Funds to the
Statement of Net Position
June 30, 2017

Fund balance of governmental funds	\$ 681,956
Amounts reported for governmental activities in the statement of net position are different because:	
Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds. These assets consist of the following:	
Voting systems under the care and custody of the Counties	13,196,277
Computer equipment, software and furniture	2,217,459
Accumulated depreciation	(10,151,798)
Some liabilities are not due and payable in the current period, and therefore are not reported in the funds. These liabilities consist of compensated absences.	(144,049)
Net position of governmental activities	<u><u>\$ 5,799,845</u></u>

The accompanying notes are an integral part of these financial statements.

NEW MEXICO SECRETARY OF STATE
VOTER REGISTRATION QUARTERLY REPORT - CLOSE QUARTER
Listing by County - Period Ending October, 1990

County	Democrat	Republican	Minor Parties	Decline to State	Total	Dem/ Rep Ratio
Bernalillo	112277	90611	355	13923	217166	1.24
Catron	1070	843	44	43	2000	1.27
Chaves	11492	11606	413	900	24411	0.99
Cibola	6442	2071	34	318	8865	3.11
Colfax	4477	1575	3	206	6261	2.84
Curry	9180	5376	8	513	15077	1.71
De Baca	1214	258	5	1	1478	4.71
Dona Ana	29188	19005	62	3771	52026	1.54
Eddy	15470	5657	16	446	21589	2.73
Grant	9661	2748	12	359	12780	3.52
Guadalupe	2329	562	14	18	2923	4.14
Harding	426	347	15	6	794	1.23
Hidalgo	2305	514	39	12	2870	4.48
Lea	13139	8138	2	682	21961	1.61
Lincoln	2999	3741	43	259	7042	0.80
Los Alamos	4884	5356	13	1057	11310	0.91
Luna	4850	2418	26	363	7657	2.01
McKinley	14758	4253	224	1024	20259	3.47
Mora	2345	923	73	5	3346	2.54
Otero	10045	7921	34	1053	19053	1.27
Quay	3956	1231	3	96	5286	3.21
Rio Arriba	12495	2001	11	363	14870	6.24
Roosevelt	4593	2417	5	395	7410	1.90
Sandoval	14873	9280	702	1171	26026	1.60
San Juan	17993	14997	182	1642	34814	1.20
San Miguel	9856	2179	0	401	12436	4.52
Santa Fe	32511	10398	1436	1698	46043	3.13
Sierra	2806	2157	14	322	5299	1.30
Socorro	4441	2840	420	172	7873	1.56
Taos	8600	2595	396	248	11839	3.31
Torrance	3092	2047	86	89	5314	1.51
Union	1616	723	45	22	2406	2.24
Valencia	12058	6828	413	591	19890	1.77
TOTALS:	387441	233616	5148	32169	658374	1.66

EXHIBIT C

NEW MEXICO

Voter Registration Statistics Report

By Jurisdiction
As of August 31, 2016

Jurisdiction	DEM		REP		DTS		OTH		Total
BERNALILLO	204618	47%	131232	30%	84401	19%	17758	4%	438009
CATRON	828	27%	1674	55%	409	13%	125	4%	3036
CHAVES	10057	31%	15499	48%	5676	17%	1236	4%	32468
CIBOLA	8706	63%	2833	20%	1956	14%	427	3%	13922
COLFAX	4488	52%	2714	31%	1351	16%	127	1%	8680
CURRY	6672	30%	10582	48%	4822	22%	183	1%	22259
DE BACA	695	52%	511	38%	108	8%	22	2%	1336
DONA ANA	50495	46%	29757	27%	24125	22%	4219	4%	108596
EDDY	10969	37%	13227	44%	4920	16%	766	3%	29882
GRANT	12220	55%	5566	25%	3605	16%	722	3%	22113
GUADALUPE	2729	80%	489	14%	147	4%	57	2%	3422
HARDING	309	41%	377	50%	18	2%	43	6%	747
HIDALGO	1825	59%	897	29%	303	10%	81	3%	3106
LEA	8786	27%	16089	49%	7047	22%	615	2%	32537
LINCOLN	3232	24%	7453	55%	2282	17%	549	4%	13516
LOS ALAMOS	5278	38%	4884	35%	2973	22%	623	5%	13758
LUNA	5217	46%	3644	32%	2315	20%	278	2%	11454
MCKINLEY	25397	64%	6168	15%	7353	18%	992	2%	39910
MORA	2913	77%	649	17%	154	4%	66	2%	3782
OTERO	9276	30%	14262	46%	6517	21%	914	3%	30969
QUAY	2705	45%	2233	37%	988	16%	137	2%	6063
RIO ARriba	20165	77%	2919	11%	2632	10%	527	2%	26243
ROOSEVELT	2847	30%	4775	49%	1694	18%	331	3%	9647
SAN JUAN	21901	31%	31632	45%	13919	20%	2465	4%	69917
SAN MIGUEL	14113	73%	2503	13%	2325	12%	493	3%	19434
SANDOVAL	39535	44%	31578	35%	15342	17%	4008	4%	90463
SANTA FE	60926	64%	15306	16%	16625	18%	2053	2%	94910
SIERRA	2573	34%	3257	43%	1390	18%	361	5%	7581
SOCORRO	5659	51%	3442	31%	1695	15%	368	3%	11164
TAOS	17724	70%	3325	13%	3397	13%	974	4%	25420
TORRANCE	3362	36%	4170	44%	1498	16%	401	4%	9431
UNION	1023	40%	1216	48%	253	10%	60	2%	2552
VALENCIA	18947	46%	13805	33%	7303	18%	1529	4%	41584
Total	586190	47%	388668	31%	229543	18%	43510	3%	1247911

New Mexico Voter Registration Statistics

Statewide by County

As of August 31, 2018

COUNTY	DEMOCRATIC		REPUBLICAN		LIBERTARIAN		NO PARTY/INDEPENDENT/DECLINED TO SELECT		OTHER		TOTAL
Bernalillo	192,178	46.3 %	117,621	28.3 %	3,523	0.8 %	97,923	23.6 %	4,145	0.0 %	415,390
Catron	672	23.4 %	1,681	58.6 %	20	0.7 %	468	16.3 %	26	0.0 %	2,867
Chaves	9,426	29.1 %	15,646	48.3 %	224	0.7 %	6,403	19.8 %	685	0.0 %	32,384
Cibola	8,353	59.6 %	2,942	21.0 %	60	0.4 %	2,480	17.7 %	170	0.0 %	14,005
Colfax	4,184	49.4 %	2,696	31.8 %	32	0.4 %	1,488	17.6 %	73	0.0 %	8,473
Curry	6,478	28.3 %	10,877	47.5 %	175	0.8 %	5,188	22.7 %	185	0.0 %	22,903
De Baca	616	47.1 %	531	40.6 %	5	0.4 %	149	11.4 %	7	0.1 %	1,308
Dona Ana	52,390	46.1 %	29,984	26.4 %	843	0.7 %	29,460	25.9 %	939	0.0 %	113,616
Eddy	10,366	33.5 %	14,104	45.6 %	226	0.7 %	5,961	19.3 %	281	0.0 %	30,938
Grant	11,499	54.6 %	5,201	24.7 %	134	0.6 %	3,962	18.8 %	274	0.0 %	21,070
Guadalupe	2,616	77.0 %	505	14.9 %	10	0.3 %	251	7.4 %	15	0.0 %	3,397
Harding	297	41.5 %	360	50.3 %	3	0.4 %	54	7.6 %	1	0.1 %	715
Hidalgo	1,794	58.4 %	893	29.1 %	12	0.4 %	356	11.6 %	15	0.0 %	3,070
Lea	8,446	25.0 %	16,661	49.2 %	214	0.6 %	8,178	24.2 %	347	0.0 %	33,846
Lincoln	3,141	22.9 %	7,459	54.3 %	112	0.8 %	2,918	21.3 %	101	0.3 %	13,731
Los Alamos	5,485	38.9 %	4,602	32.6 %	207	1.5 %	3,714	26.3 %	110	0.0 %	14,118
Luna	5,166	44.5 %	3,649	31.5 %	76	0.7 %	2,633	22.7 %	73	0.0 %	11,597
McKinley	26,105	62.4 %	6,246	14.9 %	121	0.3 %	8,844	21.1 %	548	0.0 %	41,864
Mora	2,811	76.3 %	626	17.0 %	7	0.2 %	205	5.6 %	30	0.0 %	3,679
Otero	9,251	28.5 %	14,701	45.3 %	284	0.9 %	7,812	24.1 %	391	0.0 %	32,439
Quay	2,377	39.9 %	2,433	40.8 %	31	0.5 %	1,083	18.2 %	36	0.0 %	5,960
Rio Arriba	19,452	75.3 %	2,910	11.3 %	97	0.4 %	2,995	11.6 %	382	0.0 %	25,836
Roosevelt	2,735	27.2 %	4,977	49.6 %	85	0.8 %	2,148	21.4 %	98	0.0 %	10,043
San Juan	21,574	29.7 %	32,558	44.9 %	535	0.7 %	17,192	23.7 %	715	0.0 %	72,574
San Miguel	13,493	71.7 %	2,445	13.0 %	66	0.4 %	2,555	13.6 %	260	0.0 %	18,819
Sandoval	40,478	42.8 %	31,936	33.7 %	780	0.8 %	20,756	21.9 %	733	0.0 %	94,683
Santa Fe	62,553	63.5 %	15,140	15.4 %	541	0.5 %	19,378	19.7 %	922	0.0 %	98,534
Sierra	2,443	32.6 %	3,269	43.6 %	49	0.7 %	1,644	21.9 %	100	0.5 %	7,505
Socorro	5,514	49.4 %	3,459	31.0 %	61	0.5 %	1,978	17.7 %	154	0.1 %	11,166
Taos	16,750	68.4 %	3,155	12.9 %	132	0.5 %	4,118	16.8 %	338	0.0 %	24,493
Torrance	3,178	32.8 %	4,389	45.2 %	73	0.8 %	1,970	20.3 %	91	0.0 %	9,701
Union	948	38.0 %	1,224	49.1 %	10	0.4 %	297	11.9 %	16	0.2 %	2,495
Valencia	18,521	43.8 %	14,202	33.6 %	253	0.6 %	8,747	20.7 %	568	0.0 %	42,291
TOTAL	571,290	45.9 %	379,082	30.4 %	9,001	0.7 %	273,308	21.9 %	12,829	1.0 %	1,245,510

GALLUP®

JANUARY 8, 2018

Americans' Identification as Independents Back Up in 2017

BY JEFFREY M. JONES

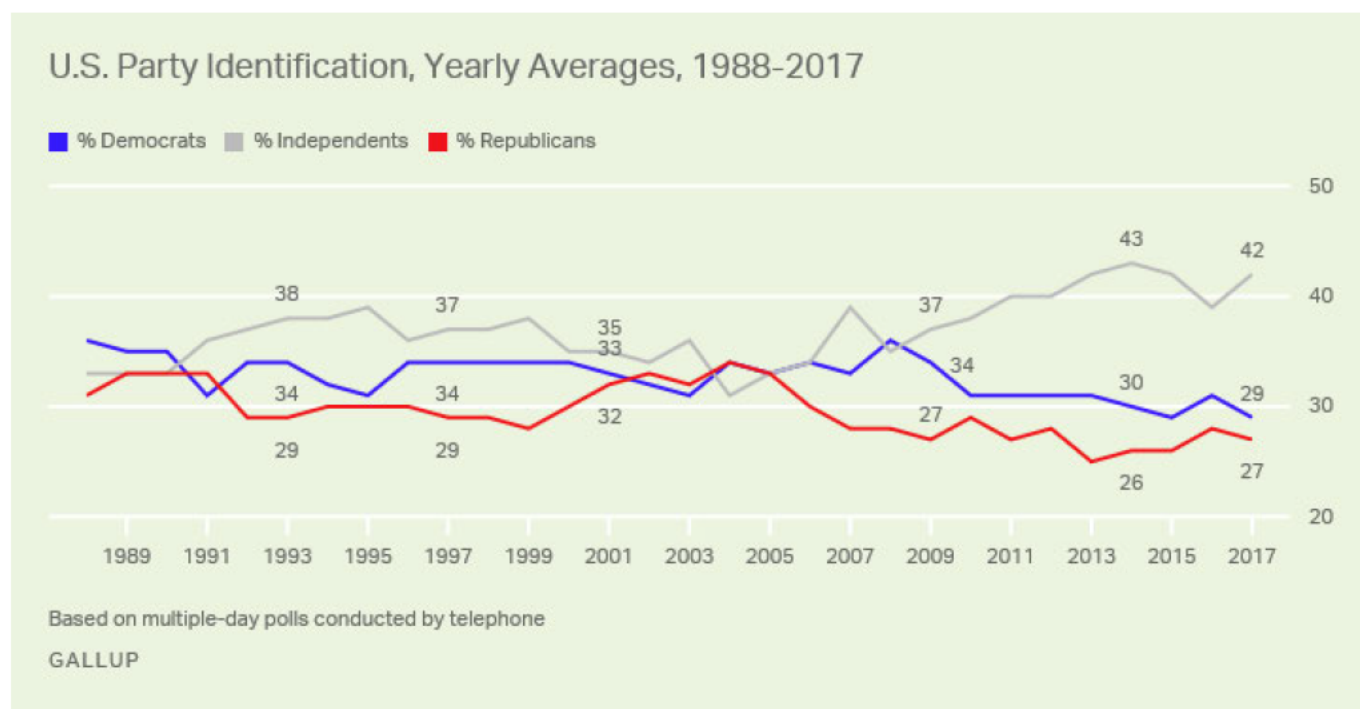


EXHIBIT F

STORY HIGHLIGHTS

- 42% identified as independents in 2017, up from 39% in 2016
- Three-point rise the largest for any year after a presidential election
- Democrats maintain edge over Republicans

WASHINGTON, D.C. -- Last year, 42% of Americans, on average, identified as political independents, erasing the decline to 39% seen in the 2016 presidential election year. Independent identification is just one percentage point below the high of 43% in 2014. Twenty-nine percent of Americans identify themselves as Democrats and 27% as Republicans.



The dip in independent identification in 2016 and recovery in 2017 is a typical pattern for a presidential election year and the year after. Latent partisanship in some independents is likely activated in the highly political environment of a presidential campaign, but fades once the election is over.

However, the three-point increase in the proportion of independents in 2017 is larger than what Gallup typically has seen in the year after a presidential election. The average over the past eight presidential elections has been a one-point increase, although the increase has tended to be larger since 2005.

Changes in Independent Identification in Years After Presidential Elections

	First year (election year)	Second year (year after election)	Change
	%	%	pct. pts.
2016 to 2017	39	42	+3
2012 to 2013	40	42	+2
2008 to 2009	35	37	+2
2004 to 2005	31	33	+2
2000 to 2001	35	35	0
1996 to 1997	36	37	+1
1992 to 1993	37	38	+1
1988 to 1989	33	33	0

GALLUP

In contrast to the average one-point increase in independent identification in the year after a presidential election year, the average decrease during a presidential election year is three points. These historical patterns suggest that the percentage of independents would generally not revert back to its pre-election level as quickly as it did this last cycle.

With a nearly record-high proportion of Americans identifying as independents in 2017, it follows that identification with the two major parties is near the historical low for each. In fact, the 29% of Americans who identify as Democrats ties 2015 as the lowest in Gallup's trend for that party. Republican identification (27%) is two points above its low of 25% in 2013.

More Americans typically identify as Democrats than as Republicans, but

Democrats' two-point advantage in 2017 is on the lower end of Gallup's annual trend.



Gallup News Alerts

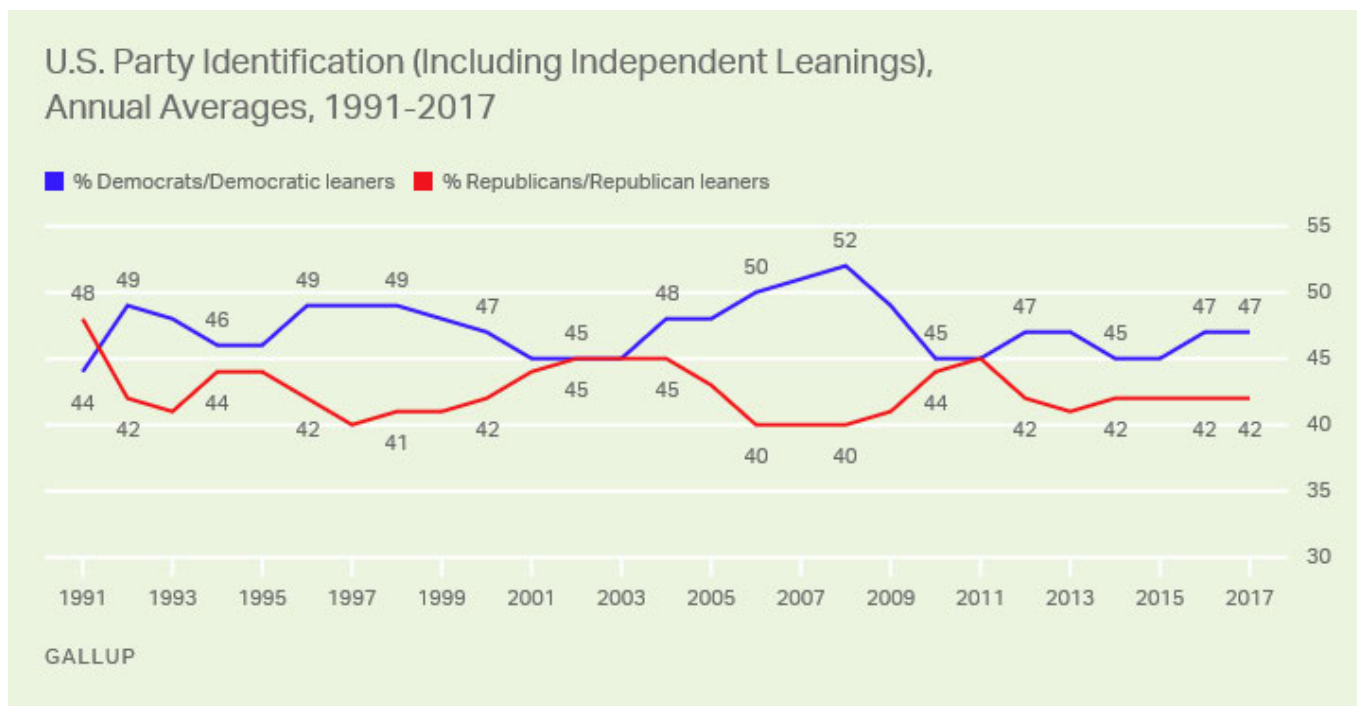
Get the latest data-driven news delivered straight to your inbox.

[Sign Up](#)

Democratic Lead Expands Once Independent Leanings Taken Into Account

Most people who initially identify as independents will express a "leaning" toward one of the major parties if probed. Gallup has asked independents for their party leanings consistently since 1991. In addition to the 29% of Americans who identify as Democrats, another 18% initially identify as independents but when asked say they lean toward the Democratic Party, resulting in a combined 47% of Democratic identifiers and leaners. Meanwhile, 42% of Americans identify as Republicans (27%) or are Republican-leaning independents (15%).

The five-point Democratic advantage in this combined measure of party affiliation was the same in 2017 as in 2016, but higher than the three-point Democratic leads in 2014 and 2015. Since 1991, the average has been a five-point Democratic edge. The record high for Democrats was 12 points in 2008, the year Barack Obama was elected president -- replacing George W. Bush, whose popularity was low amid the ongoing Iraq War and an economic recession. The high for Republicans was a four-point GOP advantage in 1991, the year George H.W. Bush presided over a quick and decisive U.S. victory in the Gulf War.



Democrats' advantage in leaned party affiliation appears to be expanding, as it was six points (46% to 40%) in the fourth quarter of 2017 compared with four points in both the second and third quarters. Gallup found similar Democratic gains late in the year in an analysis of monthly data from its daily tracking survey.

Implications

Americans' frustrations with the way the government is working and their generally low favorable ratings of the two major parties are two reasons why more identify politically as independents. With neither party held in high esteem, it makes sense that an increasing percentage of Americans would be reluctant to express an affinity for either one.

Greater political independence could mean voters are more likely to act as free agents when casting ballots in federal elections. Such a dynamic might explain the strong performances of anti-establishment candidates Donald Trump and Bernie Sanders in the 2016 presidential primaries. It could also explain the more frequent changes in party control of Congress, with the majority party in the House of Representatives switching three times since 1994 -- after the 1994, 2006 and 2010 midterm elections -- after 40 consecutive years of Democratic House majorities.

Americans will vote in midterm elections this fall to elect a new Congress -- and with an unpopular incumbent president, the increase in independents may only escalate the chances that party control of Congress will change hands once again.

SURVEY METHODS

Results for this Gallup poll are based on telephone interviews conducted in 2017 with a random sample of 13,185 adults, aged 18 and older, living in all 50 U.S. states and the District of Columbia. For results based on the total sample of national adults, the margin of sampling error is ± 1 percentage point at the 95% confidence level. All reported margins of sampling error include computed design effects for weighting.

Each sample of national adults includes a minimum quota of 70% cellphone respondents and 30% landline respondents, with additional minimum quotas by time zone within region.

Landline and cellular telephone numbers are selected using random-digit-dial methods.

Learn more about how the Gallup Poll Social Series works.

RELEASE DATE: January 8, 2018

SOURCE: Gallup <https://news.gallup.com/poll/225056/americans-identification-independents-back-2017.aspx>

CONTACT: Gallup World Headquarters, 901 F Street, Washington, D.C., 20001, U.S.A

+1 202.715.3030

Copyright © 2016 Gallup, Inc. All rights reserved.

Gallup, Inc. maintains several registered and unregistered trademarks that include but may not be limited to: A8, Accountability Index, Business Impact Analysis, BE10, CE11, CE11 Accelerator, Clifton StrengthsExplorer, Clifton StrengthsFinder, Customer Engagement Index, Customer Engagement Management, Dr. Gallup Portrait, Employee Engagement Index, Enetrix, Engagement Creation Index, Follow This Path, Gallup, Gallup Brain, Gallup Business Journal, GBJ, Gallup Consulting, Gallup-Healthways Well-Being Index, Gallup Management Journal, GMJ, Gallup Panel, Gallup Press, Gallup Tuesday Briefing, Gallup University, Gallup World News, HumanSigma,

HumanSigma Accelerator, ICE11, I10, L3, ME25, NurseInsight, NurseStrengths, Patient Quality System, Performance Optimization, Power of 2, PrincipallInsight, Q12, Q12 Accelerator, Q12 Advantage, Selection Research, Inc., SE25, SF34, SRI, Soul of the City, Strengths Spotlight, Strengths-Based Selling, StatShot, StrengthsCoach, StrengthsExplorer, StrengthsFinder, StrengthsInsight, StrengthsQuest, SupportInsight, TX(R+E+R)=P3, TeacherInsight, The Gallup Path, The Gallup Poll, The Gallup School, VantagePoint, Varsity Management, Wellbeing Finder, Achiever, Activator, Adaptability, Analytical, Arranger, Belief, Command, Communication, Competition, Connectedness, Consistency, Context, Deliberative, Developer, Discipline, Empathy, Fairness, Focus, Futuristic, Harmony, Ideation, Includer, Individualization, Input, Intellection, Learner, Maximizer, Positivity, Relator, Responsibility, Restorative, Self-Assurance, Significance, Strategic, and Woo. All other trademarks are the property of their respective owners. These materials are provided for noncommercial, personal use only. Reproduction prohibited without the express permission of Gallup, Inc.



Pew Research Center

Social & Demographic Trends

MENU

RESEARCH AREAS

SEARCH

MARCH 7, 2014



Millennials in Adulthood

Detached from Institutions, Networked with Friends

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-01/>)

The Millennial generation is forging a distinctive path into adulthood. Now ranging in age from 18 to 33¹, they are relatively unattached to organized politics and religion, linked by social media, burdened by debt, distrustful of people, in no rush to marry—and optimistic about the future.

They are also America's most racially diverse generation. In all of these dimensions, they are different from today's older generations. And in many, they are also different from older adults back when they were the age Millennials are now.

Pew Research Center surveys show that half of Millennials (50%) now

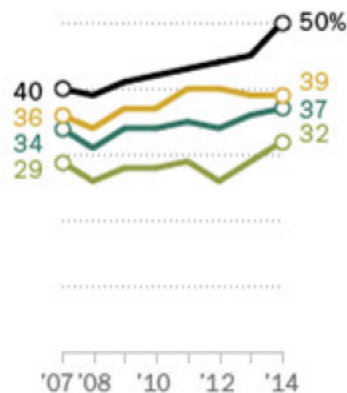
describe themselves as political independents; and about three-in-ten (29%) say they are not affiliated with any religion. These are at or near the highest levels of political and religious disaffiliation recorded for any generation in the quarter-century that the Pew Research Center has been polling on these topics.

At the same time, however, Millennials stand out for voting heavily Democratic and for liberal views on many political and social issues, ranging from a belief in an activist government to support for same-sex marriage and marijuana legalization. (For more on these views, see Chapters 1 and 2.)

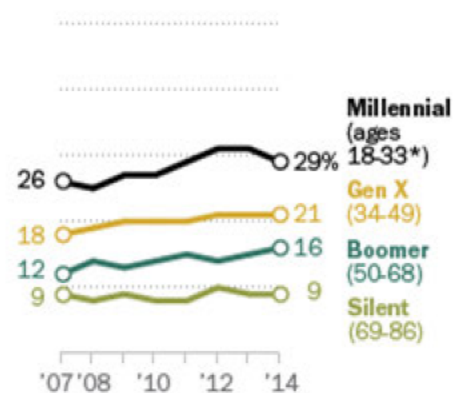
(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-02/>) These findings are based on a new Pew Research Center survey conducted

Millennials: Unmoored from Institutions

Percent who consider themselves political independents



Percent of adults in each generation who are religiously unaffiliated



* Age ranges are for 2014

Source: Data points represent totals based on all Pew Research surveys of the general public conducted in that calendar year.

PEW RESEARCH CENTER

Feb. 14-23, 2014 among 1,821 adults nationwide, including 617 Millennial adults, and analysis of other Pew Research Center surveys conducted between 1990 and 2014.

Millennials have also been keeping their distance from another core institution of society—marriage. Just 26% of this generation is married. When they were the age that Millennials are now, 36% of Generation X, 48% of Baby Boomers and 65% of the members of the Silent Generation were married. (See box on page 10 for demographic portraits of America’s four adult generations). Most unmarried Millennials (69%) say they would like to marry, but many, especially those with lower levels of income and education, lack what they deem to be a necessary prerequisite—a solid economic foundation.²

Digital Natives

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-03/>) Adults of all ages have become less attached to political and religious institutions in the past decade, but Millennials are at the leading edge of this social phenomenon. They have also taken the lead in seizing on the new platforms of the digital era—the internet, mobile technology, social media—to construct personalized networks of friends, colleagues and affinity groups.³

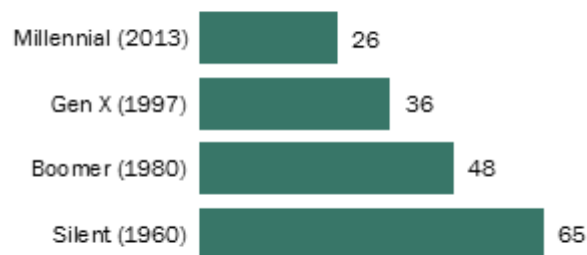
They are “digital natives”—the only generation for which these new technologies are not something they’ve had to adapt to. Not surprisingly, they are the most avid users. For example, 81% of Millennials are on Facebook, where their generation’s median friend count is 250, far higher than that of older age groups (these digital generation gaps have narrowed somewhat in recent years).

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-04/>) Millennials are also distinctive in how they place themselves at the center of self-created digital networks. Fully 55% have posted a “selfie” on a social media site; no other generation is nearly as inclined to do this. Indeed, in the new Pew Research survey, only about six-in-ten Boomers and about a third of Silents say they know what a “selfie” (a photo taken of oneself) is—though the term had acquired enough cachet to be declared the Oxford Dictionaries “word of the year” in 2013.⁴

However, amidst their fervent embrace of all things digital, nine-in-ten Millennials say people generally share too much information about themselves online, a view held by similarly lopsided proportions of all older generations.

The Decline in Marriage Among the Young

% married at age 18 to 32, by generation

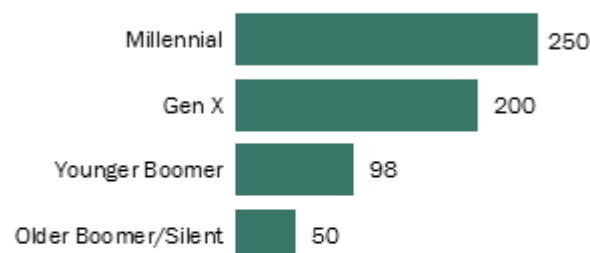


Source: Data from 1980, 1997 and 2013 are from the March Current Population Survey; 1960 data are from the 1960 Census

PEW RESEARCH CENTER

Generations, Facebook and Friends

Median number of friends



Note: Based on Facebook users, n=960. In 2013, “Younger Boomers” were ages 49 to 57, “Older Boomers” were ages 58 to 67 and “Silents” were ages 68 to 85.

Source: Pew Research Center’s Internet Project survey, Aug. 7-Sep. 16, 2013

PEW RESEARCH CENTER

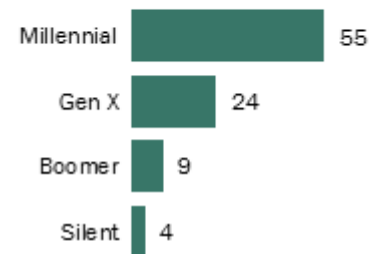
Racial Diversity

Millennials are the most racially diverse generation in American history, a trend driven by the large wave of Hispanic and Asian immigrants who have been coming to the U.S. for the past half century, and whose U.S.-born children are now aging into adulthood. In this realm, Millennials are a transitional generation. Some 43% of Millennial adults are non-white, the highest share of any generation. About half of newborns (http://www.cdc.gov/nchs/data/nvsr/nvsr62/nvsr62_09.pdf) in America today are non-white, and the Census Bureau projects (<https://www.census.gov/newsroom/releases/archives/population/cb12-243.html>) that the full U.S. population will be majority non-white sometime around 2043.

The racial makeup of today's young adults is one of the key factors in explaining their political liberalism. But it is not the only factor. Across a range of political and ideological measures, white Millennials, while less liberal than the non-whites of their generation, are more liberal than the whites in older generations.

Generations and "Selfies"

% saying they have shared a selfie



Note: Based on all adults, N=1,821. Respondents who knew what a selfie was were asked if they had ever shared a selfie on a photo sharing or social networking site such as Facebook, Instagram or Snapchat.

Source: Pew Research survey, Feb. 14-23, 2014

PEW RESEARCH CENTER

Low on Social Trust; Upbeat about the Nation's Future

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-05/>) Millennials have emerged into adulthood with low levels of social trust. In response to a long-standing social science survey question, "Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people," just 19% of Millennials say most people can be trusted, compared with 31% of Gen Xers, 37% of Silents and 40% of Boomers.

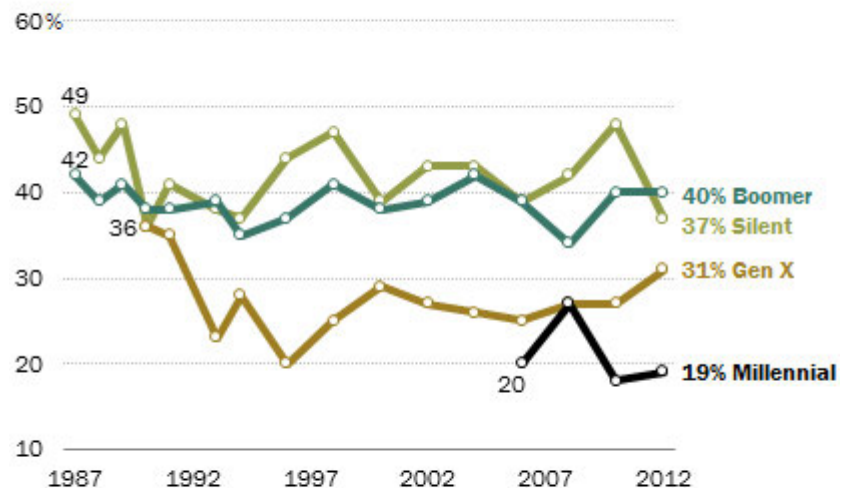
Their racial diversity may partly explain Millennials' low levels of social trust. A 2007 Pew Research Center analysis found that minorities and low-income adults had lower levels of social trust than other groups.⁵ Based on similar findings over many years from

other surveys, sociologists have theorized that people who feel vulnerable or disadvantaged for whatever reason find it riskier to trust because they're less well-fortified to deal with the consequences of misplaced trust.⁶

Despite this distrust of people and detachment from traditional institutions, Millennials are not out of step with

Millennials Less Trusting of Others

% saying that, generally speaking, most people can be trusted



Question wording: "Generally speaking, would you say that most people can be trusted or that you can't be too careful in dealing with people?"

Source: General Social Survey data, 1987-2012

PEW RESEARCH CENTER

older adults when it comes to their views about big business and the role of government. They are about as likely as their elders to have a favorable view of business, and they are more likely than older generations to say they support an activist government.

They are also somewhat more upbeat than older adults about America's future, with 49% of Millennials saying the country's best years are ahead, a view held by 42% of Gen Xers, 44% of Boomers and 39% of Silents.⁷

The relative optimism of today's young adults stands in contrast to the views of Boomers when they were about the same age as Millennials are now. In a 1974 Gallup survey, only about half of adults under the age of 30 said they had "quite a lot" of confidence in America's future, compared with seven-in-ten of those ages 30 and older.⁸

Boomers came of age in the late 1960s and 1970s, helping to lead the civil rights, women's rights, anti-war and counter-cultural movements of that turbulent era. In 1972, the first presidential election in which large numbers of Boomers were eligible to vote, they skewed much more Democratic than their elders. But attitudes formed in early adulthood don't always stay fixed. In the latest Pew Research survey, about half of all Boomers (53%) say their political views have grown more conservative as they have aged, while just 35% say they have grown more liberal.

Economic Hardships

Millennials are also the first in the modern era (<http://www.pewsocialtrends.org/2014/02/11/the-rising-cost-of-not-going-to-college/>) to have higher levels of student loan debt, poverty and unemployment, and lower levels of wealth and personal income than their two immediate predecessor generations (Gen Xers and Boomers) had at the same stage of their life cycles.⁹

Their difficult economic circumstances in part reflect the impact of the Great Recession (2007-2009) and in part the longer-term effects of globalization and rapid technological change on the American workforce. Median household income in the U.S. today remains below its 1999 peak, the longest stretch of stagnation in the modern era, and during that time income and wealth gaps have widened.

The timing of these macro-economic trends has been especially hard on older Millennials, many of whom were just entering the workforce in 2007 when the economy sank into a deep recession from which it has yet to fully recover.

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-06/>) Not surprisingly, the new Pew Research survey finds that about seven-in-ten Americans, spanning all generations, say that today's young adults face more economic challenges than their elders did when they were first starting out.

At the same time, fully a third of older Millennials (ages 26 to 33) have a four-year college degree or more—making them the best-educated cohort of young adults in American history. Educational attainment is highly correlated with economic success (<http://www.pewsocialtrends.org/2014/02/11/the-rising-cost-of-not-going-to-college/>), even more so for this generation than previous ones. In an increasingly knowledge-based economy, young adults today who do not advance beyond high school have been paying a much stiffer penalty—in terms of low wages and high unemployment—than their counterparts did one and two generations ago.¹⁰

However, the new generation of college graduates also have their own economic burdens. They are entering adulthood with record levels of student debt: Two-thirds of recent bachelor's degree recipients have outstanding student loans, with an average debt of about \$27,000. Two decades ago, only half of recent graduates had college debt, and the average was \$15,000.¹¹

The economic hardships of young adults may be one reason that so many have been slow to marry. The median age at first marriage is now the highest in modern history—29 for men and 27 for women. In contrast to the patterns of the past, when adults in all socio-economic groups married at roughly the same rate, marriage today is more prevalent among those with higher incomes and more education.

Perhaps because of their slow journey to marriage, Millennials lead all generations in the share of out-of-wedlock births. In 2012, 47% of births to women in the Millennial generation were non-marital, compared with 21% among older women. Some of this gap reflects a lifecycle effect—older women have always been less likely to give birth outside of marriage. But the gap is also driven by a shift in behaviors in recent decades. In 1996, when Gen Xers were about the same age that Millennials were in 2012, just 35% of births to that generation's mothers were outside of marriage (compared with 15% among older women in 1996).¹²

Millennials join their elders in disapproving of this trend. About six-in-ten adults in all four generations say that more children being raised by a single parent is bad for society; this is the most negative evaluation by the public of any of the changes in family structure tested in the Pew Research survey (see Chapter 3).

Economic Optimism; Social Security Worries

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-07/>) Despite their financial burdens, Millennials are the nation's most stubborn economic optimists. More than eight-in-ten say they either currently have enough money to lead the lives they want (32%) or expect to in the future (53%). No other cohort of adults is nearly as confident, though when Gen Xers were the age Millennials are now, they were equally upbeat about their own economic futures. Some of this optimism, therefore, may simply reflect the timeless confidence of youth.

The confidence of Millennials in their long-term economic prospects is even more notable in light of another finding from the latest Pew Research survey: Fully half of Millennials (51%) say they do not believe there will be any money for them in the Social Security system by the time they are ready to retire, and an additional 39% say the system will only be able to provide them with retirement benefits at reduced levels. Just 6% expect to receive Social Security benefits at levels enjoyed by current retirees.

About six-in-ten Millennials (61%) oppose benefit cuts as a way to address the long-term funding problems of Social Security, a view held by about seven-in-ten older adults. There is a much bigger generation gap, however, on the question of whether government should give higher priority to programs that benefit the young or the old. About half (53%) of Millennials say the young, compared with 36% of Gen Xers and just 28% each of Boomers and Silents.

Millennials Are Independent, But Vote Democratic

The Generations Defined

The Millennial Generation

Born: After 1980
Age of adults in 2014: 18 to 33*
Share of adult population: 27%
Share non-Hispanic white: 57%
Ind 50%; Dem 27%; Rep 17%

Generation X

Born: 1965 to 1980
Age in 2014: 34 to 49
Share of adult population: 27%
Share non-Hispanic white: 61%
Ind 39%; Dem 32%; Rep 21%

The Baby Boom Generation

Born: 1946 to 1964
Age in 2014: 50 to 68
Share of adult population: 32%
Share non-Hispanic white: 72%
Ind 37%; Dem 32%; Rep 25%

The Silent Generation

Born: 1928 to 1945
Age in 2014: 69 to 86
Share of adult population: 12%
Share non-Hispanic white: 79%
Dem 34%; Ind 32%; Rep 29%

* The youngest Millennials are in their teens. No chronological endpoint has been set for this group.

Note: The "Greatest Generation," which includes those born before 1928, is not included in the analysis due to the small sample size. Share of total population and share non-Hispanic white are based on adults only in 2013; 85-year-old Silents are not included due to data limitations.

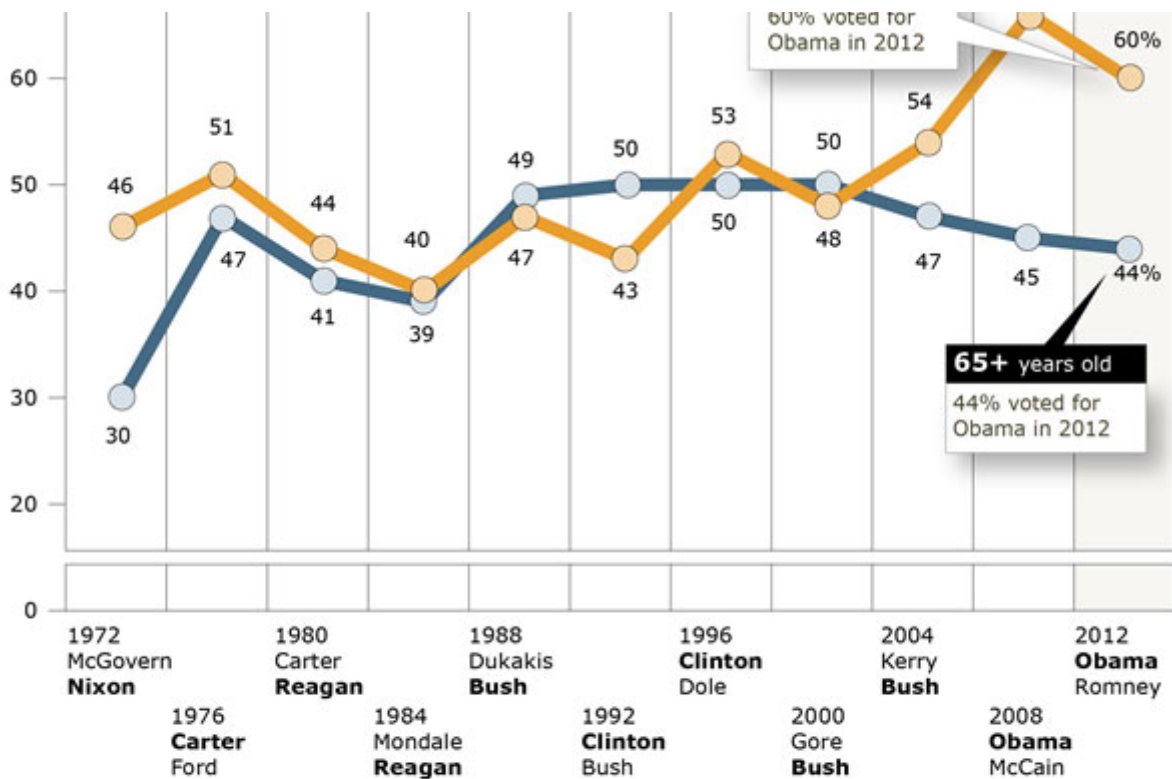
Source: March 2013 Current Population Survey (IPUMS) and Pew Research surveys, January and February 2014

PEW RESEARCH CENTER

Yet Millennials continue to view the Democratic Party more favorably than the Republican Party. And Millennials today are still the only generation in which liberals are not significantly outnumbered by conservatives.

PEW RESEARCH CENTER

YOUNG OLD GAP ▶	+16	+4	+3	+1	-2	-7	+3	-2	+7	+21	+16
70% —								18-29 years old		66	



Note: From 1972 through 1988 oldest age category is 60 and older.

Source: Based on exit polls. 1972 and 1976: CBS. 1980–1988: CBS/New York Times. 1992: Voter Research & Surveys. 1996 and 2000: Voter News Service. 2004–2012: National Election Pool

PEW RESEARCH CENTER

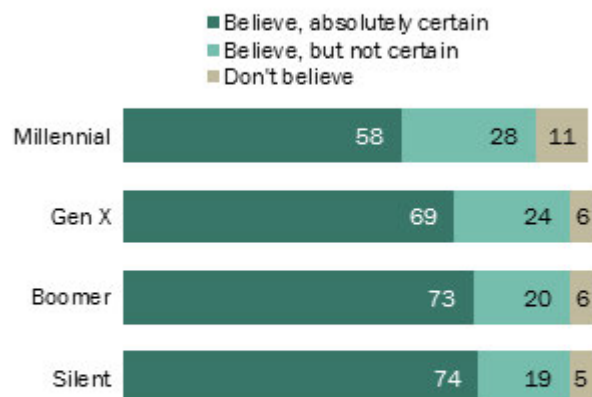
Social and Religious Views

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-10/>) Millennials' liberalism is apparent in their views on a range of social issues such as same-sex marriage, interracial marriage and marijuana legalization. In all of these realms, they are more liberal than their elders. However, on some other social issues—including abortion and gun control—the views of Millennials are not much different from those of older adults.

This generation's religious views and behaviors are quite different from older age groups. Not only are they less likely than older generations to be affiliated with any religion, they are also less likely to say they believe in God. A solid majority still do—86%—but only 58% say they are “absolutely certain” that God exists, a lower share than among older adults, according to a 2012 survey by the Pew Research Center's Religion & Public Life Project. But if past is prologue, these young adults may develop a stronger belief in God over the course of their lives, just as previous generations have.

Millennials and God

% saying they ... in God



Note: “Don't know/Refused” and “Other” responses not shown.

Source: Pew Research Center's Religion & Public Life Project survey, Jun. 28-Jul. 9, 2012

PEW RESEARCH CENTER

Self-Identification

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-11/>) In response to a battery of questions in the latest Pew Research survey about how they think of themselves, Millennials are much less inclined than older adults to self-identify as either religious or patriotic.

For example, only about half (49%) of Millennials say the phrase “a patriotic person” describes them very well—with 35% saying this is a “perfect” description.¹³ By contrast, 64% of Gen Xers, 75% of Boomers and 81% of Silents say this describes them very well. This gap may be due more to their age and stage in life than a characteristic of their generation. When Gen Xers were young, they too lagged behind their elders on this measure in a similarly worded question.¹⁴

Millennials are also somewhat less likely than older adults to describe themselves as environmentalists—just 32% say this describes them very well, compared with at least four-in-ten among all older generations.

On the other hand, they are far more likely to say they are supporters of gay rights—some 51% do so, compared with 37% of Gen Xers and about a third of older adults.

Millennials by Age and Race

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-12/>) As is the case within any generation, Millennials are not all alike. They are a diverse group with a myriad of views on many of the important issues of their time. Cultural arbiters have yet to determine how young the youngest Millennials are, or when the next generation begins. And some political analysts have suggested that older and younger Millennials may differ in terms of their political views and party allegiances.

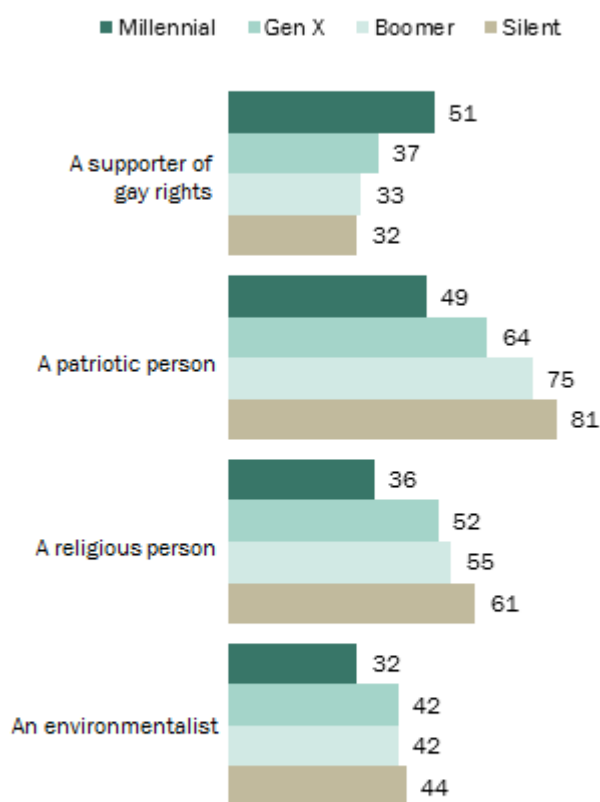
But an analysis of Pew Research surveys conducted in 2014 shows that the shares of younger and older Millennials who identify with the Democratic Party are roughly comparable.

Younger and older Millennials also have similar assessments of the job Barack Obama is doing as president. According to Pew Research surveys taken in 2014, 50% of younger Millennials (ages 18 to 25) and 47% of older Millennials (26 to 33) approve of the way Obama is handling his job as president.

The political views of Millennials differ significantly across racial and ethnic lines. About half of white Millennials (51%) say they are political independents. The remainder divide between the Republican (24%) and Democratic (19%) parties. Among non-white Millennials, about as many (47%) say they are independent. But nearly twice as

How the Generations See Themselves

% saying ... describes them very well



Note: Percentages reflect those who rated each description 8-10 on a scale of 1-10 where “10” is a perfect description and “1” is totally wrong.

Source: Pew Research survey, Feb. 14-23, 2014

PEW RESEARCH CENTER

many (37%) identify as Democrats while just 9% identify as Republicans.

These partisan patterns are closely linked to views of Obama. While Millennials as a group are somewhat more approving of Obama than Gen Xers, Boomers or Silents, these differences are driven more by race and ethnicity than by age. White Millennials' views of Obama are not substantially different from those of older whites. Some 34% of white Millennials approve of the job Obama is doing as president, compared with 33% of Gen Xers, 37% of Boomers and 28% of Silents. By contrast 67% of non-white Millennials give Obama high marks for the job he's doing as president.

(<http://www.pewsocialtrends.org/2014/03/07/millennials-in-adulthood/sdt-next-america-03-07-2014-0-13/>) White and non-white Millennials have different views on the role of government as well. On balance, white Millennials say they would prefer a smaller government that provides fewer services (52%), rather than a bigger government that provides more services (39%). Non-white Millennials lean heavily toward a bigger government: 71% say they would prefer a bigger government that provides more services, while only 21% say they would prefer a smaller government. The racial gaps are about as wide among Gen Xers and Boomers.

The remainder of this report is organized in the following way. Chapter 1 looks at key political trends by generation, drawing on Pew Research data from the past decade or longer. The trends include party identification, political ideology, presidential approval and views of Congress. Chapter 2 looks at key policy issues by generation, including same-sex marriage, marijuana legalization, immigration, abortion, gun control, Social Security and the role of government. Chapter 3 looks at economic attitudes, technology use, and views on major societal trends, all through the lens of generation. It also looks at how adults from different generations self-identify across a range of dimensions (religiosity, patriotism, environmentalism and gay rights).¹⁵

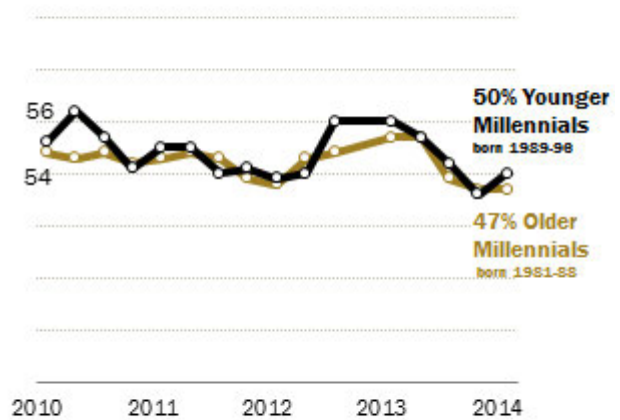
About the Data

Findings in this report are based primarily on data from Pew Research Center surveys.

- Much of the analysis comes from a new Pew Research telephone survey conducted Feb. 14-23, 2014 among a national sample of 1,821 adults, including an oversample of young adults ages 18 to 33. Interviews were conducted on landline telephones (481) and cell phones (1,340) under the direction of Princeton Survey Research Associates International. The margin of sampling error is plus or minus 2.6% for results based on the total sample at the 95% confidence level.
- Additional analysis is based on two Pew Research Center telephone surveys conducted Jan. 23-Feb. 9, 2014 and Feb. 12-26, 2014 among national samples of adults. For both surveys, interviews were conducted on landline telephones (1671/1671) and cell phones (1670/1667) under the direction of Abt SRBI. Each of the surveys has a margin of sampling error of plus or minus 2.0% for results based on the total sample at the 95% confidence level.

Obama Job Approval among Older, Younger Millennials

% of each group who approve of the job Obama is doing as president



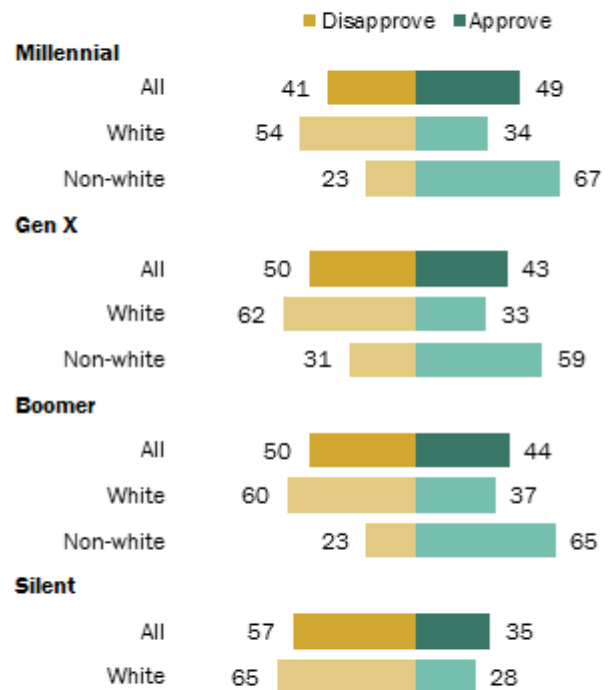
Source: Data points represent totals based on all Pew Research surveys of the general public conducted in each quarter of that calendar year

PEW RESEARCH CENTER

- Analysis of long-term Pew Research Center trends is based on pooled data from surveys conducted from 1990 through February 2014.

Across Generations, Racial Differences in Obama Job Approval

% of each group who ... of the job Obama is doing as president



Note: Whites are non-Hispanic; non-whites include Hispanics. Racial differences shown when significant sample is available.

Source: Data from Pew Research surveys, January and February 2014

PEW RESEARCH CENTER

1. This report focuses on Millennial adults. However, the youngest Millennials are in their teens and no chronological end point has been set for this group yet. ↩
2. For more on changing views about marriage and family, see Pew Research Center, [“The Decline of Marriage and Rise of New Families,”](#) Nov. 18, 2010. ↩
3. Rainie, Lee and Barry Wellman, 2012, [“Networked: The New Social Operating System,”](#) MIT Press, April. ↩
4. Data were collected a week before the March 2 Academy Award telecast that featured a “selfie” that Host Ellen DeGeneres took with a group of movie stars. The record-breaking tweet got more than a million retweets in an hour and was widely covered in the traditional media. ↩
5. See Pew Research Center, [“Americans and Social Trust: Who, Where and Why,”](#) February 22, 2007, Pew Research Center, [“Trust and Citizen Engagement in Metropolitan Philadelphia: A Case Study,”](#) April 18, 1997 and Smith, Sandra Susan, 2010. [“Race and Trust,”](#) Annual Review of Sociology, 36: 453-75. ↩
6. See e.g., Paxton, Pamela. 2005. “Trust in Decline?” Contexts, 4(1): 40-46. Wuthnow, Robert, 1998. “The Foundations of Trust” Philosophy & Public Policy Quarterly, 18(3): 3-8. ↩
7. A previously published version of this report cited results for a similar question from a November 2011 survey. This revised version includes results from a new February 2014 survey. The statement of findings in the report have not changed. For more on generations and views of the nation, see Pew Research Center, [“The Generation Gap and the 2012 Election,”](#) Nov. 3, 2011. ↩
8. Gallup survey, March 29-April 1, 1974. Question: “How much confidence do you have in the future of the United States: quite a lot, some, very little, or none at all?” The oldest Boomer was 28 in 1974. ↩
9. On other measures of economic well-being such as personal earnings and household income, Millennials do not appear to be doing worse—and in some

cases are doing somewhat better—than earlier generations. See Pew Research Center, “[The Rising Cost of Not Going to College](#),” February 11, 2014. ↩

10. For more on higher education and economic outcomes, see Pew Research Center, “[The Rising Cost of Not Going to College](#),” February 11, 2014. ↩

11. Sandra Baum, “[How much do students really pay for college?](#)” Urban Institute, December 5, 2013. And National Center for Education Statistics, [Degrees of Debt: Student Loan Repayment of Bachelor’s Degree Recipients 1 Year After Graduating: 1994, 2001, and 2009](#), NCES 2014-011, Washington, DC: NCES. ↩

12. Data are from the National Center for Health Statistics. ↩

13. Respondents were asked to rate how well each word or phrase described them on a scale of 1 to 10, where “10” represented a description that is perfect for the respondent, and “1” represented a description that is totally wrong for the respondent. In this analysis, responses ranging from 8 to 10 are interpreted as describing the respondent very well. ↩

14. In the 1999 survey, when Gen Xers were ages 19 to 34, the question asked how well “a patriot” described the respondent. ↩

15. Topline results and complete descriptions of survey methodologies are available at <http://www.pewresearch.org/> ↩



The Associated Press-NORC
Center for Public Affairs Research

THE FRUSTRATED PUBLIC: VIEWS OF THE 2016 CAMPAIGN, THE PARTIES, AND THE ELECTORAL PROCESS

Seventy percent of Americans say they feel frustrated about this year's presidential election, including roughly equal proportions of Democrats and Republicans, according to a recent national poll conducted by The Associated Press-NORC Center for Public Affairs Research. More than half feel helpless and a similar percent are angry.

Nine in 10 Americans lack confidence in the country's political system, and among a normally polarized electorate, there are few partisan differences in the public's lack of faith in the political parties, the nominating process, and the branches of government.



© 2016 AP Photo/Matt Rourke

Americans do not see either the Republicans or the Democrats as particularly receptive to new ideas or the views of the rank-and-file membership. However, the candidacy of Bernie Sanders for the Democratic nomination is more likely to be viewed as good for his party than Donald Trump's bid for the Republican Party.

The nationwide poll of 1,060 adults used the AmeriSpeak® Omnibus, a monthly multi-client survey using NORC at the University of Chicago's probability based panel. Interviews were conducted between May 12 and 15, 2016, online and using landlines and cellphones.

Some of the poll's key findings are:

- Just 10 percent of Americans have a great deal of confidence in the country's overall political system while 51 percent have only some confidence and 38 percent have hardly any confidence.

Three Things You Should Know about The AP-NORC Poll on the health of the electoral system:

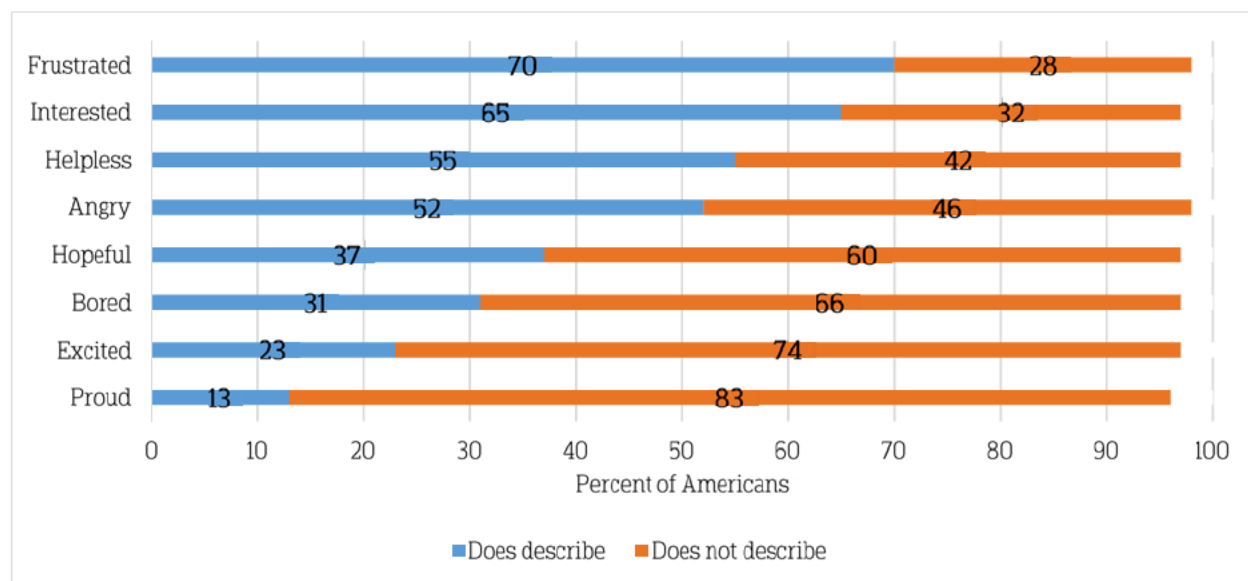
- 1) Nine in 10 Americans lack confidence in the country's political system, and 4 in 10 say the two-party system is seriously broken.
- 2) While 65 percent of the public is interested in the 2016 presidential campaign, 70 percent of Americans are frustrated by this year's election.
- 3) Few Americans say either party is particularly receptive to new ideas or responsive to the views of ordinary voters.

- Similarly, only 13 percent say the two-party system for presidential elections works, while 38 percent consider it seriously broken. About half (49 percent) say that although the two-party system has real problems, it could still work well with some improvements.
- Most Americans report feeling discouraged about this year's election for president. Seventy percent say they experience frustration and 55 percent report they feel helpless.
- Few Americans are feeling pride or excitement about the 2016 presidential campaign, but it is grabbing the public's attention. Two-thirds (65 percent) of the public say they are interested in the election for president this year; only 31 percent say they are bored. However, only 37 percent are feeling hopeful about the campaign, 23 percent are excited, and just 13 percent say the presidential election make them feel proud.
- The public has little confidence in the three branches of government. A quarter (24 percent) say they have a great deal of confidence in the Supreme Court and only 15 percent of Americans say the same of the executive branch. Merely 4 percent of Americans have much faith in Congress. However, more than half (56 percent) of Americans have a great deal of confidence in the military.
- Only 29 percent of Democrats and just 16 percent of Republicans have a great deal of confidence in their party. Similarly, 31 percent of Democrats and 17 percent of Republicans have a lot of faith in the fairness of their party's nominating process.
- Neither party is seen as particularly receptive to fresh ideas. Only 17 percent of the public say the Democratic Party is open to new ideas about dealing with the country's problems; 10 percent say that about the Republican Party.
- The views of ordinary voters are not considered by either party, according to most Americans. Fourteen percent say the Democratic Party is responsive to the views of the rank-and-file; 8 percent report that about the Republican Party.
- Donald Trump, the presumptive Republican nominee, has never held elected office or worked for the government, but most Americans do not regard the Republican Party as especially receptive to candidates from outside the usual influence of Washington and party politics. Only 9 percent consider the Republican Party open to outsiders.
- Most Republicans (57 percent) say Trump's candidacy has been good for the Republican Party, although only 15 percent of Democrats and 24 percent of independents agree.
- The Democratic Party is not viewed as friendly to outsiders either. Only 10 percent say the Democratic Party is open to candidates that are independent of the established order.
- However, in contrast to Trump, the entry of Bernie Sanders into the race for the Democratic nomination is not seen as a negative for the party. Nearly two-thirds (64 percent) of Democrats say Sanders' bid for the nomination has been good for the Democratic Party, along with 43 percent of Republicans and 22 percent of independents (54 percent of independents report it is neither good nor bad). Although Sanders has served in Congress as a House member and Senator for more than 25 years, he was an independent and did not register as a Democrat until recently.

AMERICANS EXPRESS FRUSTRATION REGARDING THE 2016 PRESIDENTIAL ELECTION AND FIND BOTH PARTIES INFLEXIBLE TO NEW IDEAS.

In general, the election is provoking more negative feelings than positive ones. Although two-thirds of Americans say they are interested in the 2016 presidential election, about 7 in 10 say they feel frustrated and more than half feel helpless or angry. Far fewer report they feel either hopeful, excited, or proud.

Americans most frequently describe their feelings about the 2016 presidential election as frustrated, interested, helpless, and angry.



Question: For each of the following, please say if each of the following words describes or does not describe how you feel about the 2016 presidential election.

Currently the public is lukewarm about the inclusion of Democratic officeholders and party officials as superdelegates in the nominating process. The implementation of superdelegates in 1984 by the Democratic Party was an effort to merge the knowledge and experience of party insiders with the wishes of rank-and-file Democrats, and therefore, prevent the nomination of candidates with little chance of success.

Hillary Clinton has 1,768 pledged delegates, won through the primary and caucus process, 274 more than Sanders. But because she is supported by 525 superdelegates, Clinton needs 90 more delegates to clinch the nomination, while Sanders, who is only backed by 39 superdelegates, needs 847. Superdelegates are free to change their support at any time before the convention.¹

More than 30 years after superdelegates were introduced to the Democratic Party's nominating process, few voters see them as a positive. Less than 2 in 10 consider superdelegates a good idea for the Democratic Party, while about half say their inclusion is a bad idea and nearly 3 in 10 say it is

1. <https://interactivesap.org/2016/delegate-tracker/>

neither good nor bad. Republicans (67 percent) are more likely than Democrats (46 percent) or independents (37 percent) to consider superdelegates a bad idea.

DESPITE THE SUCCESS OF DONALD TRUMP AND BERNIE SANDERS, BOTH PARTIES ARE SEEN AS RESISTENT TO NEW IDEAS AND CANDIDATES FROM OUTSIDE THE PARTY ORGANIZATIONS.

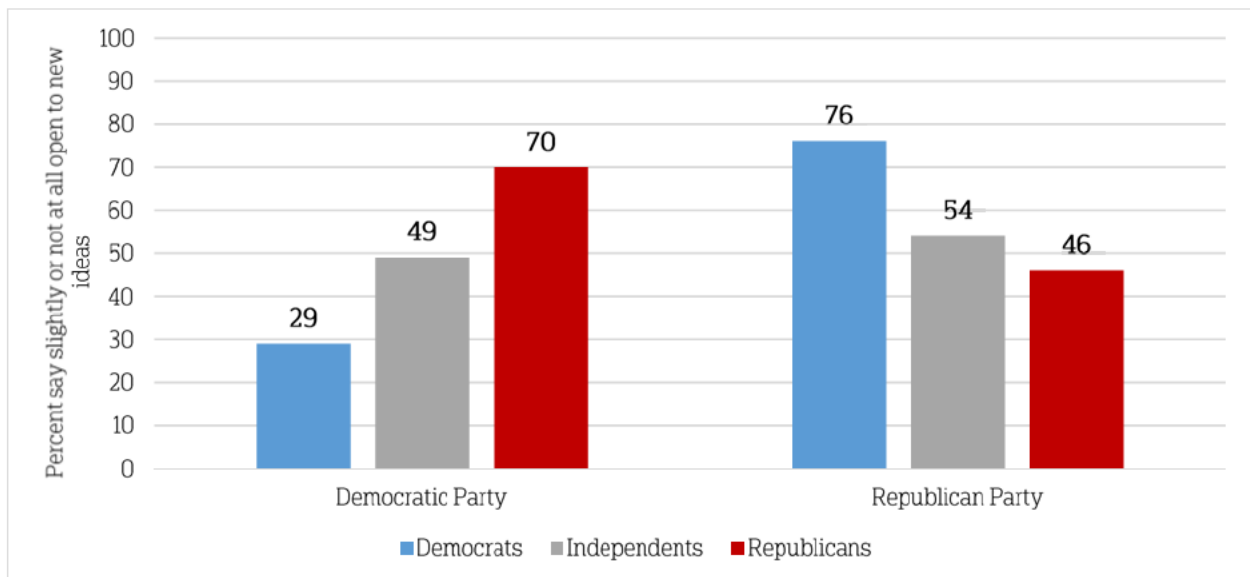
Few Americans see either party as receptive to fresh ideas. Just 17 percent of the public say the Democratic Party is open to new ideas about dealing with the country's problems; 10 percent report that about the Republican Party.

Additionally, most Americans say neither political party takes much notice of the views of ordinary voters. Fourteen percent say the Democratic Party is responsive to the opinions of the average voter; 8 percent say the same about the Republicans.

Americans view both parties as resistant to outside candidates that are independent from the Washington establishment and party politics. Seventeen percent consider the Democratic Party amenable to outsider candidates. Even fewer, only 9 percent, regard the Republican Party as willing to consider an independent candidate.

There are clear partisan divisions when it comes to views about the parties being open to new ideas. Democrats are most likely to see the Republican Party as resistant to new ideas while Republicans are most likely to see the Democratic Party as resistant to new ideas.

There are partisan divisions when it comes to beliefs about the parties resisting new ideas.



Questions: How open do you think the Democratic Party is to new ideas about dealing with the country's problems?

How open do you think the Republican Party is to new ideas about dealing with the country's problems?

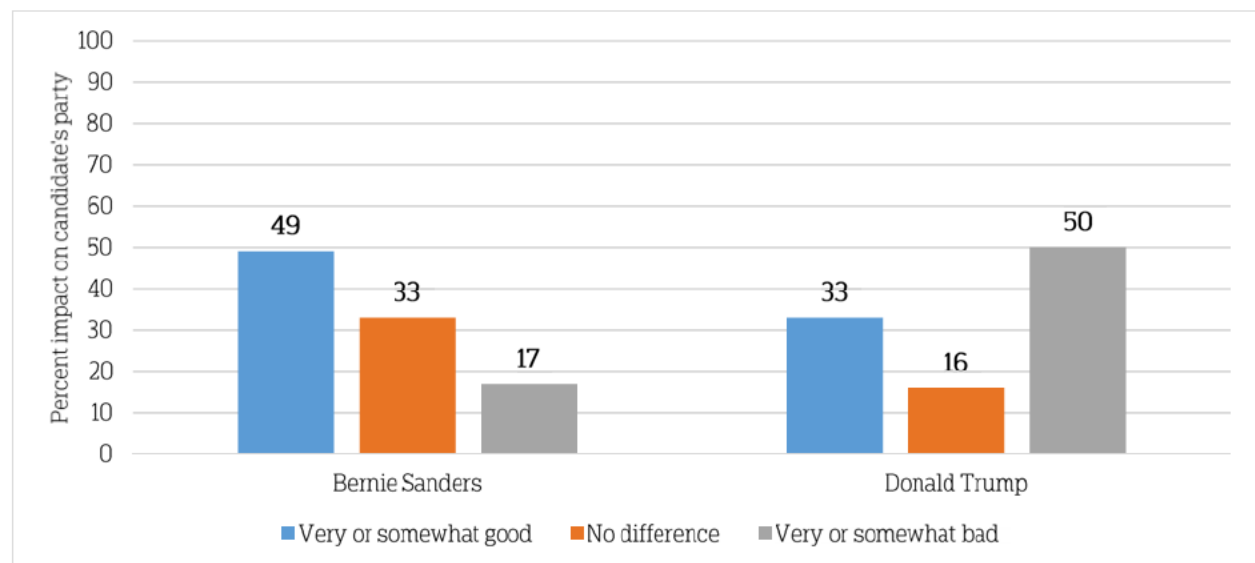
Although the public does not see the parties as being particularly receptive to candidates from outside the usual sphere of party influence, the nominating process on both sides of the aisle have major candidates that could be considered outsiders.

The presumptive Republican nominee has never held elected office, and Trump will be the first major party candidate for President to have never been elected to public office since Dwight D. Eisenhower was the Republican nominee in 1952 after serving as the Supreme Commander of the Allied Forces in Europe during World War II. And while Sanders was a member of the United States House of Representative for 16 years, and has represented Vermont in the United States Senate since 2006, he has served in Congress most years as an independent, albeit one that caucuses with the Democrats.

Are the campaigns of these candidates a positive force for their parties? The public is divided. Perhaps an indication of his low overall favorability rating,² half of Americans say Trump's campaign has been bad for the Republican Party while 1 in 3 say it has been good. Republicans are more likely than either Democrats or independents to say Trump has been good for the Republican Party (57 percent vs. 15 percent and 24 percent, respectively). Democrats overwhelmingly say Trump has been bad for the Republican Party (71 percent).

The public is more positive about Sanders' campaign. About half of the public regards Sanders' bid for the nomination as beneficial to the Democratic Party, while about 2 in 10 say it has had a negative effect. Democrats are more likely than Republicans or independents to say Sanders has been good for the Democratic Party (64 percent vs. 43 percent and 22 percent).

Nearly half of Americans say Sanders' campaign for the Democratic nomination has been good for the party; fewer say the same about Trump's campaign to be the Republican nominee.



Questions: Regardless of whether or not you support him, overall do you think Donald Trump running for the Republican nomination for President has been good for the Republican Party, bad for the Republican Party, or doesn't make much difference either way?

Regardless of whether or not you support him, overall do you think Bernie Sanders running for the Democratic nomination for President has been good for the Democratic Party, bad for the Democratic Party, or doesn't make much difference either way?

² In a national AP-GfK poll taken March 31 to April 4, 26 percent of the public had a favorable opinion of Trump and 69 percent were unfavorable. Sanders was viewed favorably by 48 percent and unfavorably by 39 percent.

<http://ap-gfkipoll.com/main/wp-content/uploads/2016/04/March-2016-AP-GfK-Poll-FINAL-Sanders.pdf>

AMERICANS SHOW LITTLE CONFIDENCE IN THE BRANCHES OF THE FEDERAL GOVERNMENT, THE POLITICAL SYSTEM, AND THE COUNTRY'S MAJOR POLITICAL PARTIES.

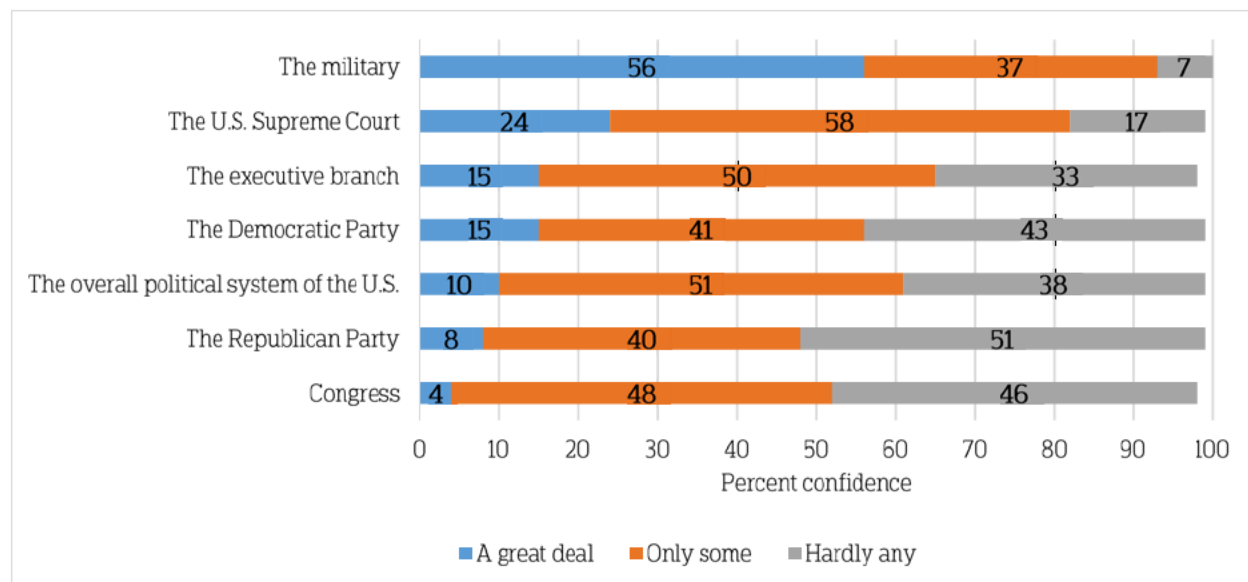
Few Americans have a lot of confidence in the three branches of the federal government, although over the last few years, more people express at least some confidence in the Supreme Court, Congress and the White House than in the recent past.³ In contrast, more than half of the public continues to have a great deal of confidence in the military.

Americans express middling levels of confidence in political institutions and procedures. Only 1 in 10 have a great deal of confidence in the political system of the United States while about half have some confidence and nearly 4 in 10 have hardly any confidence. About half of Americans have hardly any confidence in the Republican Party, and 43 percent report the same about the Democratic Party.

Partisans have more confidence in their own party than those of who do not identify with the party, but confidence is low across the board. Twenty-nine percent of Democrats have confidence in the Democratic Party compared to just 5 percent of independents and 2 percent of Republicans.

And only 16 percent of Republicans have a great deal of confidence in the Republican Party compared to just 3 percent of Democrats or independents.

Americans express high levels of confidence in the military but little confidence in other governmental and political institutions.



Question: Here are some institutions in this country. As far as the people running these institutions are concerned, would you say you have a great deal of confidence, only some confidence, or hardly any confidence at all in them?

How much confidence do you have [ITEM]?

³ http://www.apnorc.org/PDFs/Balancing%20Act/AP-NORC%202013_Civil%20Liberties%20Poll_Topline_Trend.pdf

Also asked in trust media poll: <http://mediainsight.org/PDFs/Trust/TrustToplineFinal.pdf>

THERE IS PUBLIC CONFIDENCE IN THE ACCURACY OF VOTE COUNTS BUT STRONG RESERVATIONS ABOUT THE TWO-PARTY SYSTEM AND THE FAIRNESS OF THE NOMINATING PROCESS.

While Americans have doubts about the overall political system and its fairness, nearly 3 in 4 say they have at least some confidence that their vote will be counted accurately. Just 1 in 4 report they have hardly any confidence that their vote will be counted.

Still, many Americans express qualms about how well the two-party system works for presidential elections. Nearly 4 in 10 regard the two-party system as seriously broken. About half say this system for electing a president has major problems, but could still work with some improvement. Just 13 percent of the public says the two-party system works fairly well.

Americans also question the fairness of the political parties' presidential nominating processes. About 4 in 10 have little confidence in the equity of the parties' nominating process for president. Four in 10 have some faith that the Republican Party's means of selecting its standard bearer is fair, but only about 1 in 10 have a great deal of confidence in the process. Similarly, 38 percent have some confidence in the Democratic Party's procedures, but only 17 percent have a great deal of confidence.

Again, while partisans are more confident in their own party, the levels are low. Thirty-one percent of Democrats express confidence in the Democratic Party's nominating process, compared with 9 percent of Republicans and 6 percent of independents. Republicans have even less faith in their party's system: 17 percent have confidence in the Republican Party's nominating process. Only 11 percent of Democrats and 5 percent of independents agree.

Many Americans want changes to the process. Seven in 10 would prefer to see primaries and caucuses be open to all voters, regardless of the party registration. Only 3 in 10 favor a system of closed nominating contests, where only voters registered in a party can participate in that party's primary or caucus. A majority of each party say they favor open primaries and caucuses, though Democrats are more likely than Republicans to support them (73 percent vs. 62 percent).

Most states hold primaries rather than caucuses, and most voters prefer primaries. Eight in 10 Americans say primaries are a more fair method of nominating a candidate. Less than 1 in 5 view caucuses as a more fair method.

ABOUT THE STUDY

Survey Methodology

This survey was conducted by The Associated Press NORC Center for Public Affairs Research and with funding from NORC at the University of Chicago. Data were collected using AmeriSpeak Omnibus®, a monthly multi-client survey using NORC at the University of Chicago's probability based panel designed to be representative of the U.S. household population. The survey was part of a larger study that included questions about other topics not included in this report. During the initial recruitment phase of the panel, randomly selected U.S. households were sampled with a known, non-zero probability of selection from the NORC National Sample Frame and then contacted by U.S. mail, email, telephone, and field interviewers (face to face).

Interviews for this survey were conducted between May 12 and 15, 2016, with adults age 18 and over representing the 50 states and the District of Columbia. Panel members were randomly drawn from AmeriSpeak, and 1,060 completed the survey—761 via the web and 299 via telephone. The final stage completion rate is 29.6 percent, the weighted household panel response rate is 23.8 percent, and the weighted household panel retention rate is 90.5 percent, for a cumulative response rate of 6.4 percent. The overall margin of sampling error is +/- 4.1 percentage points at the 95 percent confidence level, including the design effect. The margin of sampling error may be higher for subgroups.

Once the sample has been selected and fielded, and all the study data have been collected and made final, a poststratification process is used to adjust for any survey nonresponse as well as any non-coverage or under- and oversampling resulting from the study specific sample design. Poststratification variables included age, gender, census division, race/ethnicity, and household phone status. The weighted data, which reflect the U.S. population of adults age 18 and over, were used for all analyses.

All differences reported between subgroups of the U.S. population are at the 95 percent level of statistical significance, meaning that there is only a 5 percent (or lower) probability that the observed differences could be attributed to chance variation in sampling.

A comprehensive listing of the questions, complete with tabulations of top level results for each question, is available on The AP NORC Center website: www.apnorc.org.

CONTRIBUTING RESEARCHERS

From NORC at the University of Chicago

Marjorie Connelly
Dan Malato
Jennifer Benz
Trevor Tompson
David Sterrett
Ivana Cvarkovic
Nada Ganesh

From The Associated Press

Emily Swanson

ABOUT THE ASSOCIATED PRESS-NORC CENTER FOR PUBLIC AFFAIRS RESEARCH

The AP NORC Center for Public Affairs Research taps into the power of social science research and the highest quality journalism to bring key information to people across the nation and throughout the world.

The Associated Press (AP) is the world's essential news organization, bringing fast, unbiased news to all media platforms and formats.

NORC at the University of Chicago is one of the oldest and most respected, independent research institutions in the world.

The two organizations have established The AP NORC Center for Public Affairs Research to conduct, analyze, and distribute social science research in the public interest on newsworthy topics, and to use the power of journalism to tell the stories that research reveals.



New Mexico Secretary of State

■ Precincts Fully Reporting: 1492 of 1492 ■ Precincts Partially Reporting: 0 of 1492

Statewide Voter Turnout: 262,357 of 950,959 [i](#)

[My Tracked Contests](#) | [Results Home](#) | [SOS Home](#)

OFFICIAL RESULTS

2018 PRIMARY - June 5, 2018

Auto Update: 0:00 Last Updated: 6/19/2018 2:44:28 PM

Voter Turnout

	Ballots Cast	*Eligible Voters
Statewide	262,357 27.59%	950,959

County	Ballots Cast
+ Bernalillo County	80,641 Precincts Reporting: 441 of 441
+ Catron County	1,015 Precincts Reporting: 6 of 6
+ Chaves County	7,015 Precincts Reporting: 55 of 55
+ Cibola County	2,984 Precincts Reporting: 25 of 25
+ Colfax County	2,140 Precincts Reporting: 19 of 19
+ Curry County	3,381 Precincts Reporting: 37 of 37
+ De Baca County	440 Precincts Reporting: 4 of 4
+ Dona Ana County	17,568 Precincts Reporting: 120 of 120
+ Eddy County	4,629 Precincts Reporting: 41 of 41
+ Grant County	6,098 Precincts Reporting: 35 of 35
+ Guadalupe County	1,598 Precincts Reporting: 5 of 5
+ Harding County	350 Precincts Reporting: 2 of 2
+ Hidalgo County	1,004 Precincts Reporting: 6 of 6
+ Lea County	4,663 Precincts Reporting: 43 of 43
+ Lincoln County	2,425 Precincts Reporting: 22 of 22
+ Los Alamos County	3,671 Precincts Reporting: 17 of 17
+ Luna County	2,527 Precincts Reporting: 12 of 12
+ McKinley County	8,830 Precincts Reporting: 62 of 62
+ Mora County	1,930 Precincts Reporting: 11 of 11
+ Otero County	6,930 Precincts Reporting: 41 of 41
+ Quay County	1,576 Precincts Reporting: 12 of 12

EXHIBIT I

County	Ballots Cast
 Rio Arriba County	8,814Precincts Reporting: 42 of 42
 Roosevelt County	2,087Precincts Reporting: 18 of 18
 San Juan County	14,404Precincts Reporting: 77 of 77
 San Miguel County	5,575Precincts Reporting: 28 of 28
 Sandoval County	17,751Precincts Reporting: 86 of 86
 Santa Fe County	28,042Precincts Reporting: 90 of 90
 Sierra County	2,107Precincts Reporting: 9 of 9
 Socorro County	2,939Precincts Reporting: 27 of 27
 Taos County	7,227Precincts Reporting: 36 of 36
 Torrance County	2,576Precincts Reporting: 16 of 16
 Union County	826Precincts Reporting: 6 of 6
 Valencia County	8,594Precincts Reporting: 41 of 41

© 2014 New Mexico Secretary of State

Advertisement

SANTA FE NEW MEXICAN

http://www.santafenewmexican.com/news/local_news/new-mexico-a-state-of-voter-indifference/article_02d7ddb2-ccba-578d-ba2c-9574a30dc536.html

New Mexico: A state of voter indifference

By Robert Nott | rnott@sfnewmexican.com Oct 18, 2018 Updated 9 hrs ago

New Mexicans accustomed to seeing their state near or at the bottom of national rankings might not be surprised to learn that they've come in dead last in yet another study.

The bigger question is whether they care, given the evidence of apathy that solidified this ranking.

The personal finance website WalletHub released a report Thursday that ranked New Mexico 51st for political involvement. That puts New Mexico behind all the other states and the District of Columbia.

The study used 10 measures. Analysts included how many eligible voters registered, the number of voters who cast ballots in the 2014 midterm and 2016 presidential elections, and preregistration figures for young voters.

On a scale of one to 100, New Mexico received just under 22 points. Hawaii finished next to last, with 23.08 points.

At the opposite extreme was the District of Columbia, which scored 79.19 points. Maine came in second for the most politically involved voters and Utah was third.

New Mexico ranked 47th for the number of registered voters who took part in the 2016 presidential election, and it had one of the lowest rates in the nation of voting-age citizens registered to vote. Just two-thirds of the state's 1.2 million eligible voters had registered.

One former U.S. senator from New Mexico found the news dispiriting.

“With all the other unfavorable comparisons that we have seen between our state and others related to childhood poverty, educational attainment and dropout voters, it is particularly unfortunate to see we also lag behind other states in the percentage of the population registered to vote and in voter participation,” former U.S. Sen. Jeff Bingaman of Santa Fe said after reviewing the study. “Voting is one of the main ways we have to confront the challenges facing the state. By failing to vote, we reinforce the status quo.”

The WalletHub report comes less than three weeks before the Nov. 6 midterm election, and there have been some signs of a turnabout in New Mexico.

For example, after the primary election in June, Secretary of State Maggie Toulouse Oliver said New Mexicans turned out to vote in higher numbers than in the past couple of gubernatorial primaries.

A total of 261,615 voters cast ballots. That figure was up from the 202,327 voters who participated in the 2014 primary election and the 258,614 who voted in 2010.

WalletHub in January named New Mexico as the worst state in which to raise a family. In July, it ranked New Mexico last when it comes to public education.

Robert Nott

Education Reporter

Robert Nott covers education and youth issues for the Santa Fe New Mexican

State Primary Election Systems

**Note this chart only pertains to state, local and congressional elections.*

	<u>Closed</u> <i>Voters must be registered members of the party holding the primary.</i>	<u>Partially Closed</u> <i>Voters must be registered members of the party holding the primary; however, parties may choose each election whether to allow unaffiliated voters to participate.</i>	<u>Partially Open</u> <i>Voters may choose which primary to vote in, but must either do so publicly or their vote may be regarded as a form of registration with that party.</i>	<u>Open to Unaffiliated Voters</u> <i>Unaffiliated voters may choose which party primary they want to vote in, but voters affiliated with other parties may not cross over.</i>	<u>Open</u> <i>Voters may choose which primary to vote in privately. The choice does not register the voter with the party.</i>	<u>Top-Two</u> <i>The top two vote-getters advance to the general election regardless of party.</i>	<u>Applies to Presidential</u>
Alabama ¹					X		YES
Alaska ²		X					NO
Arizona ¹				X			NO
Arkansas ²					X		YES
California ²						X	NO
Colorado ²				X			YES
Connecticut ²		X					NO
Delaware ³	X						YES
Florida ²	X						YES
Georgia ¹¹					X		YES
Hawaii ¹¹					X		NO
Idaho ¹²		X					YES
Illinois ¹¹			X				YES
Indiana ¹⁵			X				YES
Iowa ¹⁵			X				YES
Kansas ¹⁶				X			NO
Kentucky ¹²	X						YES
Louisiana ¹⁸						X	NO
Maine ¹⁹				X			NO
Maryland ²¹	X						YES
Massachusetts ²¹				X			YES
Michigan ²¹					X		NO
Minnesota ²¹					X		YES
Mississippi ²⁴					X		YES
Missouri ²⁵					X		YES
Montana ²⁶					X		YES
Nebraska ²⁷						X	NO

<u>Closed</u> Voters must be registered members of the party holding the primary.	<u>Partially Closed</u> Voters must be registered members of the party holding the primary; however, parties may choose each election whether to allow unaffiliated voters to participate.	<u>Partially Open</u> Voters may choose which primary to vote in, but must either do so publicly or their vote may be regarded as a form of registration with that party.	<u>Open to Unaffiliated Voters</u> Unaffiliated voters may choose which party primary they want to vote in, but voters affiliated with other parties may not cross over.	<u>Open</u> Voters may choose which primary to vote in privately. The choice does not register the voter with the party.	<u>Top-Two</u> The top two vote-getters advance to the general election regardless of party.	<u>Applies to Presidential</u>
Nevada ²³						YES
New Hampshire ²⁴			X			YES
New Jersey ²⁵			X			NO
New Mexico ²⁶						YES
New York ²⁷						YES
North Carolina ²⁸	X					YES
North Dakota ²⁹				X		NO
Ohio ³⁰		X				YES
Oklahoma ³¹	X					YES
Oregon ³²						YES
Pennsylvania ³³	X					YES
Rhode Island ³⁴			X			YES
South Carolina ³⁵				X		YES
South Dakota ³⁶	X					YES
Tennessee ³⁷		X				YES
Texas ³⁸				X		YES
Utah ³⁹	X					YES
Vermont ⁴⁰				X		YES
Virginia ⁴¹				X		YES
Washington ⁴²					X	NO
West Virginia ⁴³			X			YES
Wisconsin ⁴⁴				X		YES
Wyoming ⁴⁵		X				YES

Primary Types

Closed: In general, a voter seeking to vote in a closed primary must first be a registered party member. Typically, the voter affiliates with a party on his or her voter registration application. This system deters “cross-over” voting by members of other parties. Independent or unaffiliated voters, by definition, are excluded from participating in the party nomination contests. This system generally contributes to a strong party organization.

Partially Closed: In this system, state law permits political parties to choose whether to allow unaffiliated voters or voters not registered with the party to participate in their nominating contests before each election cycle. In this type of system, parties may let in unaffiliated voters, while still excluding members of opposing parties. This system gives the parties more flexibility from year-to-year about which voters to include. At the same time, it can create uncertainty about whether or not certain voters can participate in party primaries in a given year.

Partially Open: This system permits voters to cross party lines, but they must either publicly declare their ballot choice or their ballot selection may be regarded as a form of registration with the corresponding party. Illinois and Ohio have this system. Iowa asks voters to choose a party on the state voter registration form, yet it allows a primary voter to publicly change party affiliation for purposes of voting on primary Election Day. Some state parties keep track of who votes in their primaries as a means to identify their backers.

Open to Unaffiliated Voters: A number of states allow only unaffiliated voters to participate in any party primary they choose, but do not allow voters who are registered with one party to vote in another party's primary. This system differs from a true open primary because a Democrat cannot cross over and vote in a Republican party primary, or vice versa. Some of these states, such as Colorado and New Hampshire, require that unaffiliated voters declare affiliation with a party at the polls in order to vote in that party's primary.

Open: In general, but not always, states that do not ask voters to choose parties on the voter registration form are “open primary” states. In an open primary, voters may choose privately in which primary to vote. In other words, voters may choose which party's ballot to vote, but this decision is private and does not register the voter with that party. This permits a voter to cast a vote across party lines for the primary election. Critics argue that the open primary dilutes the parties' ability to nominate. Supporters say this system gives voters maximal flexibility—allowing them to cross party lines—and maintains their privacy.

Top-Two: California, Louisiana, Nebraska (for state elections) and Washington currently use a “top two” primary format. The “top two” format uses a common ballot, listing all candidates on the same ballot. In California and Louisiana, each candidate lists his or her party affiliation, whereas in Washington, each candidate is authorized to list a party “preference.” The top two vote getters in each race, regardless of party, advance to the general election. Advocates of the “top-two” format argue that it increases the likelihood of moderate candidates advancing to the general election ballot. Opponents maintain that it reduces voter choice by making it possible that two candidates of the same party face off in the general election. They also contend that it is tilted against minor parties who will face slim odds of earning one of only two spots on the general election ballot.

¹ Alabama: <https://www.alabamavotes.gov/FAQ.aspx?m=Voters#11>. The presidential primary is an open primary. http://www.openprimaries.org/states_alabama.

² Alaska: The parties must submit notice clarifying whether or not their primaries will be open by September 1st of the year before the election. AS § 15.25.014. The Democrats currently have an open primary and the Republican primary is open to Republicans and unaffiliated voters. https://www.elections.alaska.gov/ei_primary.php. In 2001 following the United States Supreme Court ruling against blanket primaries Alaska switched to a system which allows each party to determine which type of primary it will hold. In 2008 and 2010, the Democratic Party allowed any registered voter to participate in its “open” primary. The Republican primary was open to registered Republicans, Nonpartisan or Undeclared voters. Currently the Democratic presidential primary is open and the Republican presidential primary is closed. http://www.openprimaries.org/states_alaska.

³ Arizona: Arizona has a closed primary system, but independents can vote in any party's primary. A.R.S. § 16-467. The Democratic and Republican presidential primaries in Arizona are both closed. http://www.openprimaries.org/states_arizona.

⁴ Arkansas: A.C.A. § 7-7-307. The presidential primary is an open primary. http://www.openprimaries.org/states_arkansas.

⁵ California: <http://www.sos.ca.gov/elections/primary-elections-california/>. California holds a partially closed primary for presidential elections. <http://www.sos.ca.gov/elections/primary-elections-california/>.

⁶ Colorado: Following the passage of Propositions 107 & 108 in 2016, unaffiliated voters will receive a combined primary ballot and then may only vote in one party's primary contest for each office. To qualify for the ballot Colorado holds closed party caucuses at which candidates who receive more than 30% of the vote proceed to the primary election. Candidates may also petition to get onto the primary ballot. For presidential elections, Colorado will hold a primary in 2020 with similar rules to statewide primaries, after previously holding closed party caucuses.

⁷ Connecticut: Connecticut has closed primaries but the individual parties may allow unaffiliated voters to vote. C.G.S.A. § 9-431. Unaffiliated voters can register to vote with the party up until the day before the primary election. <http://www.ctpost.com/local/article/Unaffiliated-voters-could-be-X-factor-in-Conn-7223090.php>. Candidates who lose the primary in Connecticut may then register as Independents, allowing them a position on the general election ballot. The presidential primary is closed. <http://www.courant.com/politics/elections/hc-what-you-need-to-know-ahead-of-connecticut-s-april-26th-primary-20160419-story.html>.

⁸ Delaware: 15 Del.C. § 3110. The presidential primary is a closed primary. http://www.openprimaries.org/states_delaware.

⁹ Florida: West's F.S.A. § 101.021. The presidential primary is a closed primary. http://www.openprimaries.org/states_florida.

¹⁰ Georgia: <http://www.southernpoliticalreport.com/2016/04/29/up-next-georgias-may-24-primary-election/>. The presidential primary is an open primary. http://www.openprimaries.org/states_georgia.

¹¹ Hawaii: Voters are entitled to select any party ballot they want. HRS § 12-31. The Democratic presidential primary is open and the Republican presidential primary is closed. http://www.openprimaries.org/states_hawaii.

¹² Idaho: A party may elect to open its primary to unaffiliated voters and voters affiliated with other parties by notifying the Secretary of State's office by the last Tuesday before the election. I.C. § 34-904A. In April, 2011, Idaho enacted legislation to change from an open primary system without any party registration to a partially closed system. In 2012, voters could elect which party's ballot to vote, and their choice will constitute registration. After 2012, parties could decide prior to each election whether to permit unaffiliated voters or members of other parties to vote in their primaries. The presidential primary is also a partially closed primary. I.C. § 34-904A.

¹³ Illinois: 10 ILCS 5/7-43. The presidential primary is also a partially open primary because the voter's ballot selection is public. <http://www.galesburg.com/article/20160313/NEWS/160319905>.

¹⁴ Indiana: IC 3-10-1-6. The presidential primary is also a partially open primary because the voter's ballot selection is public. <http://www.lwvindy.org/VoterFAQ.html>.

¹⁵ Iowa: A voter can request any party's ballot after changing party affiliation at the polls. I.C.A. § 43.42. The presidential caucuses are also partially open because voters have the option to register with a party on caucus day in order to participate in a party caucus. <https://sos.iowa.gov/elections/voterinformation/regfaq.html#9>.

¹⁶ Kansas: http://www.openprimaries.org/states_kansas. A voter's right to vote in a primary can be challenged if that voter is not a member of the party. K.S.A. 25-216. Both major parties had closed caucuses in 2016, but Democrats allowed voters to register as Democrats on caucus day. <http://www.kansascity.com/news/politics-government/article63197947.html>.

Source: National Conference of State Legislatures
June 2016

For more information, contact the elections team at 303-364-7700.

-
- 17 Kentucky: To vote in a party primary the voter must either be a new registrant or registered with that party since December 31st of the year before the election. KRS § 116.055. The presidential primaries are closed. http://www.openprimaries.org/states_kentucky.
- 18 Louisiana: In Louisiana, unlike in other top-two systems, a candidate who receives a majority of the vote in the primary is automatically elected, in which case the race does not proceed to a general election. <http://www.sos.la.gov/ElectionsAndVoting/GetElectionInformation/ReviewTypesOfElections/Pages/default.aspx>. The presidential primaries are closed. http://www.openprimaries.org/states_louisiana.
- 19 Maine: A party may allow voters affiliated with other parties to vote in the party primary by providing notice to the Secretary of State's office by February 1st of the election year. If no notice is received then it remains a closed primary. However, traditionally unaffiliated voters have been allowed to participate in primaries through same-day voter registration 21-AM.R.S.A. § 340. Maine formerly had a presidential caucus but will switch to a presidential primary for 2020. The presidential primaries are closed. http://www.openprimaries.org/states_maine.
- 20 Maryland: A party can permit unaffiliated voters to participate in its primary if the chairman of the party's State Central Committee notifies the State Board of Elections at least 6 months prior to the date of the primary election. MD Code, Election Law, § 8-202(c). However, historically the state and presidential primaries have always been closed. http://www.openprimaries.org/states_maryland.
- 21 Massachusetts: A voter can only vote in the primary for the party in which that voter is affiliated; however, the voter can change affiliation at any time from 20 days until the election through Election Day. M.G.L.A. 53 § 38. Although the "unenrolled" voters must declare, they are not thereby "enrolled" with the chosen party. The presidential primary is also open to unaffiliated voters. http://www.masslive.com/politics/index.ssf/2016/02/rules_for_the_2016_massachusetts.html.
- 22 Michigan: Michigan has nonpartisan voter registration. State primaries are open, but for the presidential primaries voters must choose a party ballot and that ballot selection is public. http://www.michigan.gov/documents/sos/2016_Questions_and_Answers_for_Michigan_Presidential_Primary_510281_7.pdf.
- 23 Minnesota: The ballot has a party for each column and voters may only vote for candidates in one party column. M.S.A. § 204D.08. Minnesota formerly used caucuses but switch to a presidential primary for 2020. The presidential primary is a partially open primary in that voters do not have to affiliate with a party beforehand, but ballot choices will be public record. http://www.openprimaries.org/states_minnesota.
- 24 Mississippi: A poll worker can challenge a voter's vote if the poll worker knows that the voter is crossing over and voting in the opposite party's primary. <http://www.jacksonfreepress.com/news/2014/aug/20/mississippi-primaries-open-or-not/>. The presidential primary is an open primary. http://www.openprimaries.org/states_mississippi.
- 25 Missouri: V.A.M.S. 115.397. The presidential primary is an open primary. http://www.openprimaries.org/states_missouri.
- 26 Montana: Registration is nonpartisan, and voters may select one party ballot from any party. <http://sos.mt.gov/ELECTIONS/FAQ/index.asp>. The presidential primary is an open primary. http://www.openprimaries.org/states_montana.
- 27 Nebraska: Nebraska uses a non-partisan top-two system for its unicameral legislature (senate) races and some state offices. Unaffiliated voters may vote in any party primary for U.S. House of Representatives and U.S. Senate. For other state offices Nebraska has closed party primaries unless a party notifies the Secretary of State's Office that they will be having an open primary by 60 days prior to the primary election. Neb. Rev. St. § 32-912. The presidential primary is a partially open primary. http://www.openprimaries.org/states_nebraska. At the Democratic caucuses voters can register as a Democrat on caucus day. http://www.omaha.com/news/politics/q-a-the-nebraska-democratic-caucuses-are-today-here-s/article_2d0833e8-e244-11e5-a719-f3ecc0e0cdd2.html.
- 28 Nevada: <http://www.clarkcountynv.gov/election/Pages/PartyAff.aspx>. The presidential caucuses are closed. http://www.openprimaries.org/states_nevada.
- 29 New Hampshire: Title LXIII 659:14. The presidential primary is also open to unaffiliated voters. http://www.openprimaries.org/states_new_hampshire.
Source: National Conference of State Legislatures
June 2016
For more information, contact the elections team at 303-364-7700.

-
- 30 New Jersey: http://www.openprimaries.org/states_new_jersey. In order to vote in a party primary the voter must have been a member of that party since 55 days prior to the primary, unless that voter is a new voter or has not voted in a primary before. N.J.S.A. 19:23-45. First time primary voters can declare their affiliation at the polls. <http://www.state.nj.us/state/elections/voting-information-voting-faq.html>. The presidential primary is closed. http://www.openprimaries.org/states_new_jersey.
- 31 New Mexico: <http://www.theatlantic.com/politics/archive/2014/06/why-one-in-five-registered-voters-in-new-mexico-couldnt-vote-tuesday/458328/>. The presidential primaries are closed. http://www.openprimaries.org/states_new_mexico.
- 32 New York: McKinney's Election Law § 8-302. The presidential primaries are closed. http://www.openprimaries.org/states_new_york.
- 33 North Carolina: Voters cannot cross over and vote in another party's primary, but unaffiliated voters can vote in party primaries if the party opens their primary to unaffiliated voters. N.C.G.S.A. § 163-59. If a party chooses to allow unaffiliated voters to vote in the primary they must notify the State Board of Elections by December 1st of the year before the election. N.C.G.S.A. § 163-119. The presidential primaries are also partially closed. http://www.openprimaries.org/states_north_carolina.
- 34 North Dakota: Voters may select one party ballot. <https://vip.sos.nd.gov/PortalListDetails.aspx?ptlhpPKID=55&ptlPKID=7>. North Dakota is also the only state that does not have voter registration. <https://vip.sos.nd.gov/pdfs/Portals/votereg.pdf>. Democrats have an open presidential primary, and Republicans nominate delegates to the convention and do not hold a primary or caucuses. <http://www.cbsnews.com/news/how-does-the-north-dakota-republican-convention-work/>.
- 35 Ohio: Voters in Ohio do not declare a party affiliation when they register to vote, but are considered to be affiliated with a party when requesting that party's primary ballot. <http://www.sos.state.oh.us/sos/elections/Voters/FAQ/genFAQs.aspx#declare>. A poll worker may challenge a voter's party affiliation. R.C. § 3513.19. According to the Ohio Secretary of State's Office, a voter can only be challenged for crossing over to vote in another party's primary if the poll worker has actual first-hand knowledge that the voter is affiliated with a different party. In that case, the voter must sign a document declaring affiliation with the new party. <http://www.dispatch.com/content/stories/public/2016/What-you-need-to-know-about-voting-in-the-Ohio-primary.html>. The presidential primary is also partially open. http://www.openprimaries.org/states_ohio.
- 36 Oklahoma: Oklahoma has closed party primaries, but the party may allow independents to vote by notifying the State Election Board between November 1st and 30th of the year before the election. 26 Okl.St. Ann. § 1-104. The presidential primary is also partially closed. <https://www.ok.gov/elections/faqs.html>.
- 37 Oregon: The parties have the option of choosing between a closed primary and an open primary. <http://sos.oregon.gov/voting/Pages/voteinor.aspx>. Traditionally the parties have had closed primaries for the state and presidential elections. http://www.openprimaries.org/states_oregon.
- 38 Pennsylvania: 25 P.S. § 299. The presidential primaries are closed. http://www.openprimaries.org/states_pennsylvania.
- 39 Rhode Island: Rhode Island voters must be affiliated with a party in order to vote in that party's primary, but a voter may register with that party on Election Day. Unaffiliated voters can vote in any primary, but once they do so they are considered a member of that party unless they disaffiliate. <http://www.elections.state.ri.us/faq/#typeprim>. The presidential primary is also open to unaffiliated voters. http://www.openprimaries.org/states_rhode_island.
- 40 South Carolina: Parties may change their rules for membership. Title 7 § 7-9-20. The presidential primary is an open primary. http://www.openprimaries.org/states_south_carolina.
- 41 South Dakota: No voter can vote in a party primary without being affiliated with that party, but any party may allow unaffiliated voters to vote in their party primary through their constitution or bylaws. SDCL § 12-6-26. The presidential primary is also a partially closed primary. http://www.openprimaries.org/states_south_dakota.
- 42 Tennessee: Although voter registration is non-partisan, a voter declares allegiance to a party when selecting that party's ballot. T.C.A. § 2-7-115(b)(2). The presidential primary is an open primary. http://www.openprimaries.org/states_tennessee.

43 Texas: Texas has an open primary system, but voters are bound to that party for a runoff election. V.T.C.A., Election Code § 162.004. The presidential primary is an open primary. http://www.openprimaries.org/states_texas.

44 Utah: Parties that have primaries must file a statement with the Lieutenant Governor specifying whether unaffiliated voters or members of other parties may vote in their primary. U.C.A. 1953 § 20A-9-403(2)(a). Parties can also hold closed caucuses—if more than 60 percent of the vote goes to one candidate, the party bypasses the primary. If no candidate receives more than 60 percent of the vote, the party determines which type of primary it will hold. The presidential primaries are partially closed. http://www.openprimaries.org/states_utah.

45 Vermont: VT Const. CH II, § 42. The presidential primary is an open primary. http://www.openprimaries.org/states_vermont.

46 Virginia: Virginia's open primary law was found to be unconstitutional on the grounds that it violates a party's freedom of association when people not affiliated with the party are selecting that party's nominee. *Miller v. Brown*, 503 F.3d 360 (4th Cir. 2007). In *Parson v. Alcorn* the United States District Court for the Eastern District of Virginia held that the Republican Party may choose to include a loyalty pledge on the ballot. The presidential primary is an open primary. http://www.openprimaries.org/states_virginia.

47 Washington: <https://www.sos.wa.gov/elections/faqcandidates.aspx>. The presidential primary is partially closed. http://www.openprimaries.org/states_washington.

48 West Virginia: Independents can request a ballot for any party. http://www.sos.wv.gov/elections/current/Pages/VoterFAQs.aspx#anchor_1404242592222. The presidential primary is also open to unaffiliated voters. http://www.openprimaries.org/states_west_virginia.

49 Wisconsin: Voters don't register with a party. Instead, they get a ballot with a column for each party and they are only allowed to fill out one column. <http://www.gab.wi.gov/node/3909>. The presidential primary is an open primary. http://www.openprimaries.org/states_wisconsin.

50 Wyoming: Requesting a partisan primary ballot requires a declaration of affiliation with that party. W.S. 1977 § 22-5-212. The presidential primary is also partially open. http://www.openprimaries.org/states_wyoming.

COMMON CAUSE PUBLIC OPINION SURVEY JANUARY 2017

RESEARCH
& POLLING
INC



TABLE OF CONTENTS

METHODOLOGY..... 3

EXECUTIVE SUMMARY 5

SUMMARY OF RESULTS..... 8

DATA TABLES..... 22

DEMOGRAPHICS 37

QUESTIONNAIRE 39

METHODOLOGY

This research study was commissioned by Common Cause New Mexico in order to measure New Mexico voters' attitudes and opinions on issues relating to proposed campaign finance and ethical reforms.

THE INTERVIEW

A random sample of 459 registered voters in New Mexico was interviewed by telephone. Telephone numbers were generated from the Research & Polling, Inc. database. All interviews were conducted between January 5th and January 9th, 2017.

The telephone interviewers are professionals who are brought together for a training session prior to each survey. This ensures their complete and consistent understanding of the survey instrument. To avoid potential bias, 50% of the phone interviews were completed through random dialing of cell phone numbers of registered voters.

MARGIN OF ERROR

A sample size of 459 at a 95% confidence level provides a maximum margin of error of approximately 4.6%. In theory, in 95 out of 100 cases, the results based on a random sample of 459 will differ by no more than 4.6 percentage points in either direction from what would have been obtained by interviewing all New Mexico registered voters statewide.

SAMPLE BIAS

In any survey, there are some respondents who will refuse to speak to the professional interviewer. A lower response rate among certain types of individuals can result in a sample wherein certain types of individuals are over-represented or under-represented. The potential for sampling bias increases as the response rate decreases. Research & Polling, Inc. often sets quotas for various segments of the population who are historically undercounted. This has the effect of minimizing, but not necessarily eliminating, sampling bias.

THE REPORT

This report summarizes the results from each question in the survey and reports on any variances in attitude or perception, where significant, among demographic subgroups. The subgroups examined in this report include:

- Region
- Gender
- Ethnicity
- Age
- Household income
- Education attainment level
- Political party

EXECUTIVE SUMMARY

RESEARCH
& POLLING
INC



EXECUTIVE SUMMARY

CAMPAIGN FINANCE REFORM

Voters in New Mexico overwhelming support various campaign finance and ethics reform proposals that may be introduced in the legislature.

- Nine-in-ten voters (91%) support a proposal that would require all large political contributions from individuals, corporations, political action committees (PACs), non-profits and unions to be made public (75% *strongly support* the measure).
- Nine-in-ten voters support a bill that would require all independent political groups who are spending money on political campaigns to report who their donors are and how the money is being spent.
- Three-quarters (74%) of voters say they support keeping limits on the amount of money that individuals can contribute to political candidates (50% are *strongly supportive*).

Campaign finance reform has broad bipartisan support with the large majority of Democrats, Republicans, and independents supporting each of three proposals listed above.

It should also be noted that two-thirds of voters (68%) believe that limiting the amount of campaign contributions to a candidate helps to prevent corruption. The majority of Democrat (71%), independent (69%), and Republican (62%) voters believe placing limits on individual campaign contributions helps to prevent corruption.

LOBBYISTS

The vast majority of voters (90%) say it would be a good idea to require registered lobbyists to make public the bills or issues they have been hired to advocate for so that voters know who is lobbying on issues in New Mexico.

Furthermore, nearly nine-in-ten voters (87%) support requiring former legislators to wait at least two years after their term ends before they are able to become paid lobbyists to the New Mexico Legislature (66% *strongly support* this proposal).

INDEPENDENT COMMISSIONS

Nine-in-ten voters statewide say they either *strongly support* (62%) or *somewhat support* (27%) the creation of an independent ethics commission that would establish and enforce rules relating to the ethical behavior and action of state officials.

Seven-in-ten voters also say they support creation of an independent commission that would be responsible for redrawing the state's legislative districts, rather than having state legislators responsible for redistricting.

OPEN VS CLOSED PRIMARY ELECTIONS

Approximately seven-in-ten (71%) voters believe primary elections should be open to all registered voters rather than only allowing Democrats and Republicans to vote in their respective primaries. Not surprisingly, independents are the most supportive of this proposal (83%), though the large majority of Democrats (70%) and Republicans (64%) support open primaries in New Mexico.

SHOULD PRIMARY ELECTIONS BE OPEN TO ALL VOTERS OR REMAIN CLOSED?

QUESTION 4: CURRENTLY NEW MEXICO HAS A CLOSED PRIMARY ELECTION SYSTEM. FOR EXAMPLE, ONLY REGISTERED DEMOCRATS CAN VOTE IN DEMOCRATIC PRIMARY ELECTIONS AND ONLY REGISTERED REPUBLICANS CAN VOTE IN THE REPUBLICAN PRIMARIES. APPROXIMATELY ONE-IN-FIVE VOTERS IN NEW MEXICO ARE EITHER NOT ASSOCIATED WITH A PARTY OR BELONG TO A MINOR PARTY AND THEREFORE CANNOT VOTE IN DEMOCRAT AND REPUBLICAN PRIMARY ELECTIONS. DO YOU THINK PRIMARY ELECTIONS SHOULD BE OPENED TO ALL VOTERS, OR REMAIN CLOSED AS THEY ARE NOW?

	TOTAL SAMPLE (N=459)	REGION					GENDER		ETHNICITY		AGE				EDUCATION			
		ABQ METRO	NORTH WEST	NORTH CENTRAL	SOUTH/ SOUTHWEST	EASTSIDE	MALE	FEMALE	HISPANIC	ANGLO	18 TO 34 YEARS	35 TO 49 YEARS	50 TO 64 YEARS	65 YEARS OR OLDER	H.S. GRADUATE OR LESS	SOME COLLEGE/ ASSOCIATE	COLLEGE GRADUATE DEGREE	
OPEN TO ALL REGISTERED VOTERS	71%	68%	74%	71%	69%	78%	66%	75%	75%	68%	75%	77%	71%	61%	80%	71%	74%	56%
REMAIN CLOSED	26%	27%	17%	26%	31%	21%	31%	21%	21%	30%	21%	19%	28%	35%	16%	26%	22%	42%
DEPENDS (VOLUNTEERED)	2%	2%	4%	3%	-	-	2%	2%	2%	1%	1%	4%	2%	1%	2%	2%	1%	1%
DON'T KNOW/WON'T SAY	2%	2%	5%	-	-	1%	1%	2%	3%	1%	3%	-	-	4%	2%	1%	2%	1%

	TOTAL SAMPLE (N=459)	POLITICAL PARTY				SOURCES OF INFORMATION				NIM HEADED IN RIGHT DIRECTION/WRONG TRACK		TELEPHONE	
		DEMOCRAT	REPUBLICAN	INDEPENDENT/ D-T-S		TV NEWS	NEWS PAPERS	SOCIAL MEDIA	POLITICAL BLOGS	RIGHT DIRECTION	OFF ON WRONG TRACK	LANDLINE	CELL PHONE
OPEN TO ALL REGISTERED VOTERS	71%	70%	64%	83%		70%	66%	78%	65%	65%	73%	66%	75%
REMAIN CLOSED	26%	26%	34%	13%		26%	30%	18%	31%	34%	22%	29%	22%
DEPENDS (VOLUNTEERED)	2%	2%	1%	4%		2%	2%	3%	3%	-	2%	2%	2%
DON'T KNOW/WON'T SAY	2%	2%	1%	-		2%	2%	1%	1%	1%	2%	2%	1%

SANTA FE NEW MEXICAN

It's time for open primaries in New Mexico

- Maggie Toulouse Oliver
- Jun 1, 2018



Maggie Toulouse Oliver

Primary election season is an exciting time in New Mexico.

County clerks are hard at work making sure their voting locations are ready for the waves of voters eager to cast their ballot. My staffers are tying up loose ends to make sure everything runs smoothly on election day.

In many ways, New Mexico's primary election is a great example of the power of American democracy. However, there is one change we could make that would significantly improve the electoral process for all New Mexico voters — a switch to an open primary system.

Under New Mexico law, voters may only participate in a primary election if they register to vote with one of the state's three major political parties — Democratic, Libertarian or Republican — at least 28 days prior to primary election day.

To understand why this is such a real problem, we need to take a closer look at our current voter registration data.

Of the 1,233,513 individuals registered to vote in New Mexico, 950,032 are affiliated with one of the three major political parties. The other 283,481 voters either chose not to be affiliated with any political party or registered with one of the state's many minor parties. That means about 23 percent of all New Mexico voters will be forced to watch from the sidelines during this primary election.

It's difficult to say that we have a fair and equal voting process when a large segment of the voting population isn't allowed to have a say in who the general election candidates will be.

I support moving to an open primary system here in New Mexico.

In particular, I support a modified open primary model that would allow independent and minor-party voters to choose one major political party's ballot to mark in a primary election. Democrats would still vote in the Democratic primary, Republicans would still vote in the Republican primary and Libertarians would still vote in the Libertarian primary. The only change? Every independent and minor party voter would choose one primary major party ballot to cast their vote.

This version of the open primary guarantees every voter has the same opportunity to make his or her voice heard.

Some opponents of open primaries worry that independent or minor party voters might try to flood one party's primary to game the system against particular candidates. But these fears are unfounded when you consider that independent and minor party voters could already do this in the current system by registering to vote in large numbers with one of the major parties before the primary election. The reality is that just doesn't happen.

The benefits are obvious. Open primaries contribute to a healthy democracy by forcing candidates to listen to all voters, rather than a select few. In these polarized times, we would all benefit from a more open political dialogue that includes a wider variety of voices and from campaigns working to garner support from a broader spectrum of voters.

I'm going to push for an open primary system here in New Mexico, but I can't do it alone. We need our lawmakers to pass legislation creating an open primary system that makes sense for New Mexico's voters and we need a governor who will sign it into law.

I'll do my part by continuing to work with good government advocacy groups — like New Mexico Open Primaries — leading up to and during next year's legislative session to find enough lawmakers to champion the cause and get the job done.

Our democracy is at its strongest when we maximize the number of voters who participate in the electoral process. Unfortunately, countless New Mexico voters have been left out due to an outdated primary election system that counts certain voters but not others.

That's unacceptable, so let's change the system together.

Maggie Toulouse Oliver is the New Mexico secretary of state.

Gov. favors widened primary eligibility

By James Monteleone / Journal Staff Writer

Friday, August 8th, 2014 at 12:05am

Republican Gov. Susana Martinez said Thursday that she would support legislation to allow voters who decline to state their party affiliation to cast ballots in New Mexico primary elections, a plan so far pitched by Democrats.

"I think that it's important that every individual who can vote is able to vote," Martinez told the **Journal** on Thursday in Albuquerque.

"Just because they don't see themselves as completely Republican or completely a Democrat doesn't mean that they don't have candidates that they want to vote for, but because they haven't declared a party aren't able to vote at all," Martinez said.

The governor's support for expanding primary election participation flew in the face of a statement a day earlier by New Mexico Republican Party Chairman John Billingsley, who said that allowing decline-to-state or independent voters to participate in major party primaries would "dilute" elections and diminish party values.

But after hearing of Martinez's support for expanded primaries, the Republican Party chairman said he would evaluate the proposal and reconsider his position, party spokeswoman Emily Strickler said Thursday.

"There are forms of partial (expanded) primaries that he could warm up to, so to speak, but there definitely needs to be more details," Strickler said.

New Mexico has for decades allowed only registered Republicans or Democrats to participate in their parties' respective primary elections. Some independent and decline-to-state voters contend they are disenfranchised by the system.

Sen. Bill O'Neill and Rep. Emily Kane, both Albuquerque Democrats, formally announced on Thursday plans to push legislation in January to expand primary election voting to include independent and decline-to-state voters.

The proposal would not allow Republicans to vote in Democratic primaries or Democrats to vote in Republican primaries, O'Neill said, referring to a so-called "open primary" system.

Supporters say the change is needed in light of dismal primary election turnouts, including this year's election in June, in which about 20 percent of eligible voters cast ballots.

Supporters of the primary election change also highlight a surge of young voters who are shunning party identification. About 38 percent of voters age 18 to 24 are registered as a decline-to-state or with minor parties, outpacing the number of young voters registered either Democratic or Republican.

Before Martinez voiced her support Thursday, the push to expand primary participation in New Mexico was largely a Democratic effort. The only elected officials attending a news conference earlier Thursday to announce the effort were Democrats.

On Wednesday, Democratic Party Chairman Sam Bregman said he personally had dropped his opposition to

EXHIBIT N

expanded primaries and now backs the effort to include independents and decline-to-state voters as a way of increasing voter engagement.

Kane, one of the prospective sponsors of the primary election legislation, said she welcomed the governor's support.

"That makes me very hopeful," Kane said. "That's really good news. I really believe it's a nonpartisan position."

Attorney General Gary King, the Democratic nominee challenging Martinez's re-election effort this year, said Thursday that he supports expanding primary election participation.

However, King said he would go a step further to allow any registered voter to cast a ballot in whichever primary they choose, including allowing Democrats and Republicans to cross over party lines.

"I'm amenable to any sort of system that would be fair to everybody concerned," King said in an interview.

King's support comes despite his position as state attorney general in opposition to the practice. His office is fighting a lawsuit filed in June that asks the courts to extend primary election voting rights to decline-to-state and independent voters.

King defended that official action, saying his job is to defend the laws enacted by the state, including the laws currently providing for closed primary elections.

Support local journalism

AlbuquerqueJournal

Support local journalism

\$10/mo

- Access the eJournal replica
- Enjoy Journal Rewards
- Uninterrupted web experience

Subscribe

Other Offers

-
- Sign up for newsletters
 - Enable notifications

Already a subscriber? Sign In

Support local journalism

AlbuquerqueJournal

Editorials

Editorial: Journal endorses Lujan Grisham in Democratic governor primary

By Albuquerque Journal Editorial Board

Friday, May 25th, 2018 at 12:02am

New Mexico Democrats are fortunate to have three solid candidates for governor who have spent time laying out what they would do if elected to the state's top elected office. Sen. Joseph Cervantes has been stalwart in the Legislature, fighting for open government and standing up to members of his own party on some issues, even when it's not politically expedient. Jeff Apodaca has enjoyed a varied career in the private sector and demonstrated the ability to offer solutions outside the box.

But Michelle Lujan Grisham's broad résumé and boundless energy give her an edge in the Democratic primary for governor.



U.S. Rep. Michelle Lujan Grisham

She's served as a Cabinet secretary for 16 years under three governors – two Democrats and a Republican – and is finishing up her third term as a congresswoman. In Congress, Lujan Grisham has cultivated a good track record of constituent services and of representing her district, and she has shown the ability to take moderate positions.

Lujan Grisham knows the ins and outs of state government, having served as health secretary under Gov. Bill Richardson, and overseeing the state Agency on Aging under Govs. Bruce King, Gary Johnson and Richardson. And thanks to the six years she's served in Congress, she also has intimate knowledge of the federal government's inner workings.

EXHIBIT O

She also served as a Bernalillo County commissioner, further bolstering her public-service résumé.

On the economy, Lujan Grisham realizes the potential of clean power energy – wind and solar – to create jobs in New Mexico. But she is also realistic and knows investments in electric transmission infrastructure will be required in order to unlock those economic possibilities.

She says New Mexico's tax system needs to be overhauled to create a fair system that maximizes revenues while lessening burdens on families. She is in favor of legislation that would impose a gross receipts tax on internet sales for large sellers to put them on equal footing with New Mexico businesses.

And she takes a cautionary position on legalizing recreational cannabis, saying such legislation must include sensible regulations and protections for kids, DWI and medical cannabis patients.

Lujan Grisham also favors changing New Mexico's primary system, saying "opening primary elections to independent voters will create an opportunity for more people to participate and incentivize campaigns ... to reach out to a broader electorate even before the primary election."

With all that said, voters should be troubled by Lujan Grisham's reluctance to talk to reporters about the recent criticisms her campaign has faced.

Her opponents have raised questions about the circumstances of her 2007 resignation as Department of Health secretary and they've pushed for her to release her state personnel files. Instead of agreeing to release the file, Lujan Grisham's spokesperson uttered some nonsense about it being unclear whether those files could even be released. Given the circumstances, Lujan Grisham can, and should, give the OK to release her personnel file.

And rather than taking questions from a Journal reporter about the health care consulting company she co-founded, Lujan Grisham is allowing her campaign treasurer to handle the controversy. Between her service as a Cabinet secretary and her time as a congresswoman, Lujan Grisham co-founded Delta Consulting Group, which provides management and consulting services for nonprofit organizations in health, disability and long-term care reform issues. She divested herself from the company last year after announcing her run for governor. The company currently has a \$600,000 contract with the state.

Hopefully, the less-than-forthright and direct approach that we've seen this week isn't a sign of what a Lujan Grisham gubernatorial administration would be like.

That said, nothing learned so far on either issue would disqualify her.

A 12th-generation New Mexican who earned both her bachelor's and law degrees from the University of New Mexico, she is a hard-working public servant who will fight hard for our state. She has demonstrated her ability to listen to both sides of an argument. And her record of serving under both Democratic and Republican governors underscores the fact she is willing to cross party lines to get things done.

The Journal endorses Michelle Lujan Grisham in the Democratic primary for governor.

Below is the Journal's recommendation in the contested Democratic primary for governor. Three Democrats are competing in the race. The winner will face Republican Steve Pearce, who is giving up his congressional seat to run for governor.

This editorial first appeared in the Albuquerque Journal. It was written by members of the editorial board and is unsigned as it represents the opinion of the newspaper rather than the writers.

Support local journalism

AlbuquerqueJournal

Timothy M. Keller
State Auditor



Sanjay Bhakta, CPA, CGFM, CFE, CGMA
Deputy State Auditor

State of New Mexico
OFFICE OF THE STATE AUDITOR

May 18, 2016

Legislative Council
c/o Raul E. Burciaga
Legislative Council Service
raul.burciaga@nmlegis.gov

Legislative Council,

The Office of the State Auditor ("Office") is charged with the constitutional and statutory duty to examine the financial affairs of governmental agencies within New Mexico that receive public money. As such, we write to make you aware of concerns with the primary election process in New Mexico that may cause audit actions and consequences, so that the Legislature may consider these issues proactively.

Chapter 1, Article 8 of the New Mexico Statutes establishes that major political parties nominate their candidates as prescribed in the Primary Election Law (NMSA 1978, §§ 1-8-10 through 1-8-52). The Primary Election Law describes the process for candidates of each major political party to be elected. The process includes the participation of the major political parties in holding a convention to determine ballot order. If a vacancy occurs after a primary election, the central committee of the state or county political party selects the candidate, NMSA 1978, § 1-1-8. Only persons whose major party affiliation is designated on their original certificates of registration are permitted to participate in a primary election. NMSA 1978, § 1-12-7.

As we understand New Mexico law, political parties are not considered to be governmental or quasi-governmental entities. See Attorney General Op. No. 79-02 ("A political party is not, however, a subordinate agency of the state. It is rather a voluntary association of persons who act together principally for political purposes."). The role that political parties, as voluntary associations, play in the public election process is unique and part of broader election laws.

The Office's Special Investigations Division received an inquiry suggesting that the use of public funds to hold primary elections is a violation of New Mexico's anti-donation clause. N.M. constitution, Article IX, Section 14. Because only persons who have declared a major party affiliation may vote in a primary election, the complainant suggests that only the members of those voluntary associations benefit from the primary elections. The complainant suggests that in this manner, primary elections are conducted in aid of an association and in violation of the anti-donation clause.

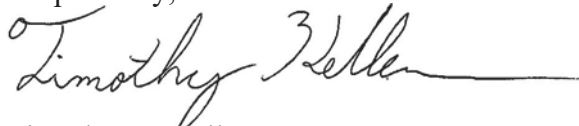
EXHIBIT P

2540 Camino Edward Ortiz, Suite A, Santa Fe, New Mexico 87507
Phone (505) 476-3800 * Fax (505) 827-3512
www.osanm.org * 1-866-OSA-FRAUD

A definitive legal analysis of this question is outside of the purview of the Office, but we request the attention of the Legislative Council Service because of the nexus between these issues and annual audits. The Audit Rule, NMAC 2.2.2.10.G(9), requires an evaluation of anti-donation clause compliance in each annual audit. If the issue of private benefit arises in the context of the primary election, it could affect the audits of 33 counties and the Office of the Secretary State for Fiscal Year 2016. Additionally, if a court were to hold that the current system violates the anti-donation clause, it may require additional special auditing of current and historical expenditures by these entities.

We thank you for your attention to this matter and look forward to hearing the results of any analysis.

Respectfully,

A handwritten signature in black ink, reading "Timothy M. Keller". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Timothy M. Keller
State Auditor

cc: Legislative Finance Committee c/o David Abbey
The Honorable Brad Winter, New Mexico Secretary of State