

## Opinion

# Editorial: Legislature, court, leave DTS voters in the cold

By [Albuquerque Journal Editorial Board](#)

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Almost a quarter of a million New Mexico voters – 241,000 – will continue to be disenfranchised every primary election, thanks to the New Mexico Senate and a ruling by 2nd Judicial District Judge Denise Barela-Shepherd.

The judge ruled last week that the Legislature's closed primary system – which bars voters who Decline To State a party preference from casting ballots – was not unconstitutional and within the purview of lawmakers.

Petitioners argued that Article II, Section 18 of the New Mexico Constitution meant what it says: “all elections shall be free and equal.” But in the election law system upheld by the court, free and equal applies only to Democrats and Republicans, not the growing number of independent voters who make issues and individual candidates, rather than party ideology, their top criterion on Election Day.

More than one in five New Mexico voters has declined to state a party when registering to vote, and about 38 percent of registered voters ages 18 to 24 are DTS. Because many candidates in New Mexico face no opposition beyond the primary, many of the state's future decision makers never get a chance to weigh in from the sidelines on who will run their city, county and state governments.

Meanwhile, the New Mexico Senate refused to do anything with SB 650, “Allow Open Primary Elections,” sponsored by Sens. Bill O'Neill, D-Albuquerque, and Stephanie Garcia Richard, D-Los Alamos. The bill, which would have given parties the option to open up their primaries, did not advocate a free-for-all. Instead it wisely would have required independent voters to pick one or the other major political party in a primary. It sat waiting to be heard by the Senate Rules Committee after it was introduced Feb. 19. And sat. And sat.

Kind of like an independent voter on primary Election Day.

Independent voter David Crum had challenged the constitutionality of the closed primaries in state court, and his attorney Ed Hollington says an appeal is planned. “This is Round One,” he says. “We're confident we have other issues for the appellate courts.”

Almost a quarter of a million New Mexico voters are waiting and hoping he's right.

*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*