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NEW MEXICO ATTORNEY FILES LAWSUIT TO OPEN STATE PRIMARY ELECTIONS

Fights for Right to Vote for Non-Affiliated Voters

ALBUQUERQUE – Albuquerque attorney J. Edward Hollington has filed a lawsuit in State District Court on behalf of David G. Crum aimed at allowing non-party-affiliated voters access to New Mexico's primary election ballot.

"We are hoping that this suit means yesterday was the last primary in which 1 and 240,740 other voters could not cast a ballot simply because we have not declared a political party affiliation," Crum explained.

Currently in New Mexico, 19 percent of the state's registered voters, or 240,741 individuals, are registered as "Decline to State" their political party, or DTS. They are prohibited from voting in the state's primary election since state election code requires voters to affiliate with one of the major political parties, Democrat or Republican.

The lawsuit would allow for those voters currently registered as DTS to request a major party ballot at the polls during the primary election. They could then vote for the Democratic or Republican slate of candidates of their choice.

According to the state constitution, all residents who are registered to vote and not disqualified "by reason of criminal conviction or felony" are permitted to vote in state elections. "The right to vote is one of our most fundamental, constitutionally-protected rights, and the State of New Mexico is arbitrarily denying that right to nearly a quarter of a million New Mexicans," Hollington said.

Crum attempted to vote early on May 21, 2014 and was turned away by polling officials citing his DTS registration status. "I am one of a rapidly growing group of voters who choose not to affiliate with a political party on voter registration, but that choice doesn't allow the state to exclude me from voting," he said.

Crum added that since elections are paid for with taxpayer money and the state's constitution says registered voters have the right to vote "at all elections for public officers," he believes his lawsuit has merit and will ultimately be affirmed by the courts.

New Mexico is currently one of 11 states that operate on a closed primary system. According to the New Mexico Secretary of State website statistics, since 2000 and 2014, the number of voters registered as

DTS increased from 100,932 to 240,741, or 138.5 percent. Currently, DTS voters comprise 19 percent of the statewide electorate.

Hollington said he hopes the lawsuit will be resolved within two years so that more voters will have access to the 2016 primary election. Crum added that he believes allowing more voters a say in determining candidates for the general election will force candidates to have more accountability to all voters. "The primary election is a critical part of the election of public officers. Allowing DTS voters the right to vote in primary elections will ensure that their constitutional right to vote is protected."

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