Brownstein Hyatt Farber Schreck

November 6, 2020

New Mexico 2020 General Election Results and Analysis

Friends and Colleagues,

This has been an election year like no other. New Mexico, like the rest of the nation, woke up Wednesday and Thursday, and then again on Friday, without knowing who the country's next president will be. All of the state's 112 legislative seats—42 in the Senate and 70 in the House of Representatives—were up for election. Democrats maintained control over both chambers, netting one seat in the state Senate but losing two in the House. Five appellate judgeships were up for election and one for retention, with Democrats winning all of them. In addition, all five statewide ballot measures passed with the three bond questions passing handily.

The real story of the election, however, happened during the primary when several moderate Democrats were beaten by more progressive challengers, moving the party decisively to the left. A progressive bloc in the New Mexico Legislature will almost certainly mean that issues ranging from gun control to abortion to marijuana legalization to minimum wage will be front and center during the 2021 session.

In a highly watched congressional race, Republican Yvette Herrell defeated Democrat Xochitl Torres Small, flipping the CD-2 seat. In another watched congressional race, Democrat Ben Ray Lujan defeated Republican Mark Ronchetti and Libertarian Bob Walsh for the federal Senate seat. Check out our full analysis of the federal election results here.

Incredibly, New Mexico had its highest-ever voter turnout with 922,133 ballots cast. That was markedly higher than the previous record from 2008 of 833,365.

We stand ready to answer any of your election-related questions and to help navigate the many new opportunities and challenges that will present themselves during the 2021 legislative session. Also, you can access the rest of our state election analyses here.

Kind regards,

Hal Stratton
Shareholder

Mike Stratton
Policy Director

Sarah Mercer
Shareholder

New Mexico Supreme Court

There were two state supreme court elections on Tuesday. Justices Shannon Bacon and David Thomson, who were appointees of Gov. Michelle Lujan Grisham, both won their races. Their victories take the state supreme court to 4-1 Democratic majority. The lone Republican, Justice Judith Nakamura, chose not to stand for retention and will instead retire at the end of this year. Her replacement will be appointed by Gov. Lujan Grisham from the candidates recommended by the judicial nominating commission.
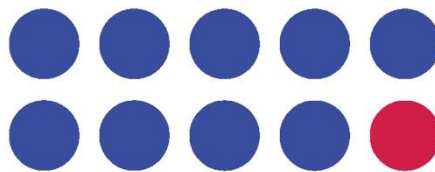
New Mexico Supreme Court

5

| 4 Democrat | 1 Republican |

Position 1	Democrat and sitting Justice Shannon Bacon defeated Republican Ned Fuller, 56%-44%.
Position 2	Democrat and sitting Justice David Thomson defeated Republican Kerry Morris, 54%-46%.

New Mexico Court of Appeals

New Mexico's intermediate court consists of 10 judges, three of whom faced elections and one of whom was up for retention. All four judges are Democrats and all four won their races, maintaining the court under 9-1 Democratic control. A group of the Republican challengers banded together in an attempt to convince voters to put the law before politics and to choose "a new voice for justice." Ultimately, their teamwork and funny campaign ads did not succeed, but the approach was novel and may set a new precedent for future elections.
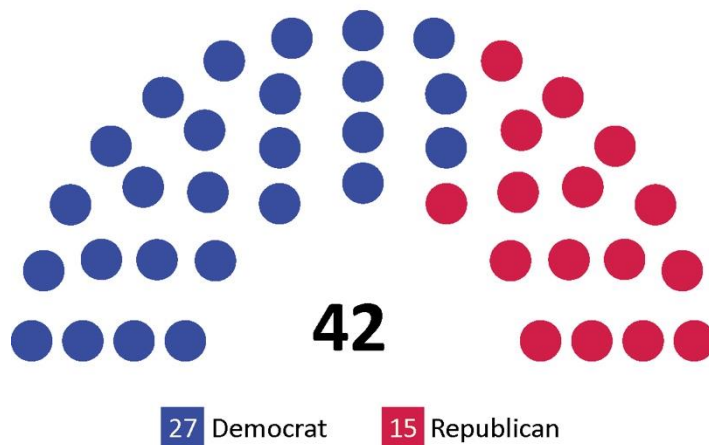
New Mexico Court of Appeals

10

9 Democrat   1 Republican

Position 1	Democrat and sitting Judge Zach Ives defeated Republican Barbara Johnson.
Position 2	Democrat and sitting Judge Shammara Henderson defeated Republican Gertrude Lee and Libertarian Stephen Curtis, 51%-42%-7%.
Position 3	Democrat and sitting Judge Jane Yohalem defeated Republican Thomas Montoya, 52%-48%.
Retention	Democrat and sitting Judge Jacqueline Medina was retained, 73%-27%.

New Mexico Legislature

Five state Senate seats flipped, with Democrats netting one and maintaining control over the Republicans at 27-15. There are an additional six Senate newcomers who won their elections and held their party's seat. The real story, however, is the shift to the left that has occurred within the Senate Democrats after more progressive challengers defeated longtime, moderate incumbents in the Democratic primaries. Republicans defeated two of these progressive Democrats, taking over John Arthur Smith and Clemente Sanchez's seats. Republicans, too, saw more conservative challengers defeat longtime, moderate incumbents in the Republican primaries, meaning the makeup of the chamber is more on the fringe on both sides of the aisle. In the House, Republicans picked up one seat—with one additional pickup possible in a race still too close to call—and an Independent won a seat away from the Democrats. Still, Democrats maintain strong control of the chamber 44-25-1.
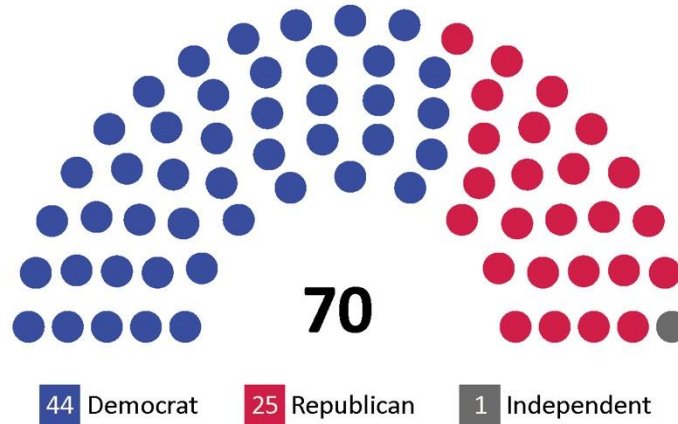
New Mexico Senate

42

| 27 Democrat | 15 Republican |

SENATE FLIPS

SD 10	Katy Duhigg replaces Candace Gould.
SD 20	Martin Hickey replaces Bill Payne.
SD 23	Harold Pope Jr. replaces Sander Rue.
SD 30	Joshua Sanchez replaces Clemente Sanchez.
SD 35	Crystal Diamond replaces John Arthur Smith.

SENATE NEWCOMERS

SD 5	Leo Jaramillo replaces Richard Martinez.
SD 9	Brenda Grace McKenna replaces John Sapien.
SD 19	Gregg Schmedes replaces Jim White.
SD 28	Siah Correa Hempill replaces Gabriel Ramos.
SD 38	Carrie Hamblen replaces Mary Kay Papen.
SD 41	David Gallegos replaces Gregg Fulfer.

New Mexico House of Representatives

70

44 Democrat   25 Republican   1 Independent

HOUSE FLIPS

HD 12	Independent challenger Brittney Barrera replaces retiring Democratic incumbent Patricio Ruiloba.
HD 39	Luis Terrazas replaces Rudy Martinez.

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HOUSE NEWCOMERS

HD 3	T. Ryan Lane replaces Paul Bandy.
HD 20	Meredith Dixon replaces Abbas Ali Akhil.
HD 22	Stefani Lord replaces Gregg Schmedes.
HD 40	Roger Montoya replaces Joseph Sanchez.
HD 42	Kristina Ortez replaces Daniel Barrone.
HD 45	Linda Serrato replaces Jim Trujillo.
HD 48	Tara Lujan replaces Linda Trujillo.
HD 53	Too close to call between Democratic incumbent Willie Madrid and Republican challenger Ricky Little.
HD 60	Joshua Hernandez replaces Timothy Lewis.
HD 61	Randall Pettigrew replaces David Gallegos.
HD 70	Ambrose Castellano replaces Tomás Salazar.

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Statewide Ballot Measures

There were five statewide ballot measures referred to voters by the Legislature for the 2020 general election ballot. Three of the ballot measures authorize a collective $199 million bond package for improvements at senior citizen facilities, library acquisitions, and capital expenditures for higher education, special schools and tribal schools. The other two measures make changes to the state constitution, with one measure seeking to modify the composition and selection of the Public Regulatory Commission and the other measure seeking to allow the date of election and terms for non-statewide elected officials to be adjusted.

Title	Description	Outcome
Constitutional Amendment 1	Makes the Public Regulatory Commission a three-member appointed commission rather than a five-member elected one.	**Passed – 55%**
Constitutional Amendment 2	Allows the date of election and terms for non-statewide elected officers to be adjusted.	**Passed – 64%**
Bond Question A	Authorizes up to $33.3 million in bonds for senior citizen facility improvements.	**Passed – 68%**
Bond Question B	Authorizes up to $9.7 million in bonds for public libraries.	**Passed – 66%**
Bond Question C	Authorizes up to $156.3 million in bonds to make capital expenditures for higher education, special schools and tribal schools.	**Passed – 65%**