

New Mexico 2022 Midterm Election Results and Analysis

BROWNSTEIN CLIENT ALERT, NOV. 9, 2022

Friends and colleagues,

New Mexico Democrats strengthened their hold on state government by winning all statewide constitutional offices, including Supreme Court and Court of Appeals seats that were on the ballot. Democrats, who currently hold a 45-24-1 (with one independent) edge in the New Mexico House of Representatives, stand to lose one incumbent seat—which, with another Republican pickup of the seat vacated by the independent, will result in a 44-26 majority for the Democrats in the lower chamber. Although, two of those seats, one Republican and the other Democrat, are subject to a recount. Regardless of the outcome of those races, Democrats will maintain control of both legislative chambers. No Senate seats were on the ballot this election, so Democrats will continue to control the upper chamber by a margin of 26-15 (with one vacancy due to a resignation to be filled by a Democrat) at least through the election of 2024.

In New Mexico's three congressional seats, two Democrat incumbents easily won reelection with the third seat held by a Republican too close to call with the Democrat challenger holding a preliminary lead of about 1,000 votes at this writing.

New Mexico voters also approved three constitutional amendments by a wide margin as well as all statewide bond issues.

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 next legislative session. You can find the rest of our state election analyses for California, Colorado, Florida, Nevada, New Mexico and Wyoming [here](#). You can find our federal election analysis [here](#).

Kind regards,

Hal Stratton
Shareholder

Mike Stratton
Senior Policy Director

Sarah Mercer
Shareholder

New Mexico Statewide Constitutional Offices

In the gubernatorial race, incumbent Democratic Gov. Michelle Lujan Grisham won reelection against Republican and former TV meteorologist Mark Ronchetti by a margin of 52%-46%. This was Ronchetti's second loss statewide, having lost the race for U.S. Senate in 2020 to Sen. Ben Ray Lujan. Current Bernalillo County District Attorney Raul Torrez, a Democrat, won the attorney general race by a margin of 55%-45% over political newcomer Jeremy Gay, a Republican, former JAG officer and lawyer from Gallup, New Mexico. Democratic Secretary of State Maggie Toulouse Oliver was reelected by defeating Republican Audrey Trujillo by a margin of 54% to 43%. Democrats also won all remaining statewide constitutional offices—state treasurer, state auditor and state land commissioner—by similar margins.

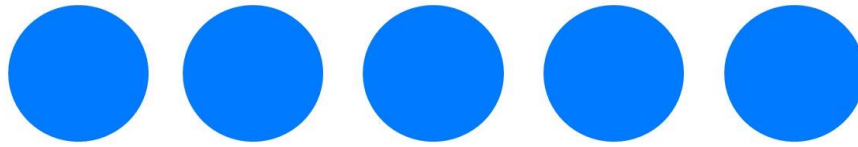
Democrats also won all statewide judicial elections on the ballot. In New Mexico, judicial vacancies are filled by appointment by the governor. Thereafter, the appointee must run in the next partisan political race to retain the office. The winner of that election then stands for a retention vote thereafter. In such Supreme Court races, Democratic Justice Julie Vargas defeated Republican Thomas Montoya and Democratic Justice Briana Zamora defeated Republican Kerry Morris by similar margins of 54%-46%. In the Court of Appeals races, Democratic Judge Edward Baca defeated Republican Barbara Johnson by a margin of 50% to 43%, with Libertarian Sophie Cooper garnering 6% of the vote. In the other Court of Appeals race, Democratic Judge Kathrine Wray defeated Republican Gertrude Lee by a margin of 51% to 43% with Libertarian Stephen Curtis garnering 6% of the vote. Justice Michael Vigil of the New Mexico Supreme Court and Judge Jane Yohalem of the New Mexico Court of Appeals, both Democrats, were retained by gaining majority votes of 69% and 67%, respectively.

** indicates an incumbent*

NEW MEXICO EXECUTIVE OFFICES

Governor	Michelle Lujan Grisham*
State Attorney General	Raul Torres
Secretary of State	Maggie Toulouse Oliver*

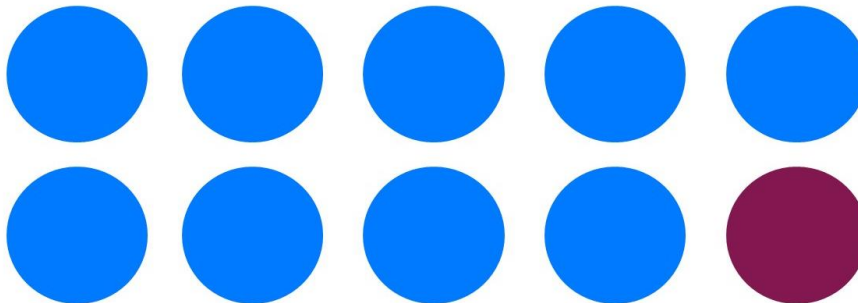
NEW MEXICO SUPREME COURT



5 DEMOCRATS | 0 REPUBLICANS

Position 1	Julie Vargas* (D) defeated Thomas Montoya by 54%-46%.
Position 2	Briana Zamora* (D) defeated Kerry Morris (R) by 54%-46%.

NEW MEXICO COURT OF APPEALS



9 DEMOCRATS | 1 REPUBLICAN

Position 1	Edward Baca* (D) defeated Barbara Johnson (R) by 50%-43%.
Position 2	Kathrine Wray* (D) defeated Gertrude Lee (R) by 51%-43%.

New Mexico Congressional Seats

In New Mexico's three congressional seats, in U.S. House District 1 Congresswoman Melanie Stansbury (D) and U.S. House District 3 Congresswoman Teresa Leger Fernandez were re-elected with each gaining approximately 57% of the votes in their races. In U.S. House District 3 held by Republican Yvette Herrell, the race is still too close to call. Preliminary results show Democrat challenger Gabe Vasquez, a Las Cruces city councilor, defeating Herrell by a margin of 1,015 votes. Should Vasquez prevail, New Mexico's entire congressional delegation, including U.S. Sens. Martin Heinrich and Ben Ray Lujan, will be Democrat.

New Mexico State House of Representatives

In the New Mexico legislature, none of the state senate seats were on the ballot in this election. In the House, Republicans expected to pick up a few seats to pare down the Democrats' majority of 45-24-1 by winning some traditional Republican seats in Albuquerque's Northeast Heights, now held by Democrats. However, the Democratic incumbents held on tight to these seats and appear to have further ousted one longtime Republican House member in the Rio Rancho/Corrales area.

In Sandoval County, Republican Jane Powdrell-Culbert of Corrales appears to have lost her House seat by 237 votes to Democratic opponent Kathleen Cates, a realtor from Rio Rancho. The seat was substantially reshaped in redistricting.

However, Republicans made gains in two open seats—with Alan Martinez defeating Democrat Ramon Montano for a district covering part of Rio Rancho and Bernalillo and Jimmy Mason defeated a Libertarian challenger in southeast New Mexico.

In Albuquerque, Democrats kept some or all of the gains they've made since 2018. They retained their seats in several competitive races throughout Albuquerque's Northeast Heights and West Side, including:

- Democrat **Marian Matthews** had an 8 point and 149 vote edge over Republican **Robert Godshall** in Northeast Albuquerque.
- Democrat **Pamelya Herndon** led Republican **Nicole Chavez** by four points and 651 votes in the Sandia foothills.
- Democrat **Natalie Figueroa** was up 10 points over Republican **Kurstin Johnson** in Northeast Albuquerque
- Democrat **Joy Garratt** had a 6-point edge over Republican **Gregory Cunningham** on the West Side.
- Democrat **Meredith Dixon** had a 12-point advantage over Republican **Robert Salazar** in southeastern Albuquerque.

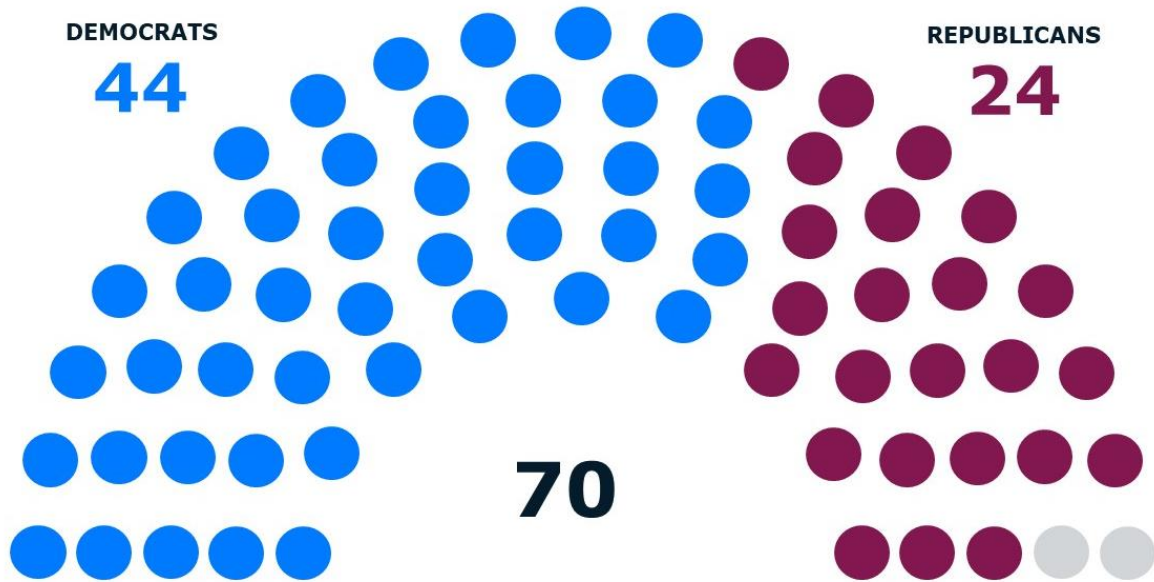
But one race—for an open seat on the West Side—was still close. Republican Robert Moss, an attorney and business owner, and Democrat Charlotte Little, who works for a group that advocates for Native American voters, each had 50% of the vote, with the lead flipping back and forth as votes were counted. The seat had been held by a Democrat, giving Republicans a chance to gain ground in Albuquerque. Moss had a 11-vote margin in preliminary returns. This race is subject to a possible recount.

Democratic Rep. Candie Sweetser also appears to have lost her House seat in southwestern New Mexico, where she trailed Republican Jenifer Jones by 49 votes. The rural seat was among Republicans' best pickup opportunities in the state House. Sweetser is a former Republican who is

married to a GOP county commissioner. This race is also subject to a recount.

Democrats had a 45-24-1 majority in the House in this year’s legislative sessions. They’ve held somewhere between 38 to 46 seats since 2017. Republicans had a 37-33 majority from 2015 to 2016.

PROJECTED BALANCE OF POWER IN STATE HOUSE



Note: Grey indicates races favoring Republicans that are up for recount.

STATE HOUSE FLIPS

HD 23	Alan Martinez (R) won a new seat that had been held by Democrats in its old location, beating out Ramon Montano (D) with about 53% of the vote.
HD 32	Jenifer Jones (D) holds a slim lead over Candie Sweester (D). This race is heading for a recount.
HD 38	Tara Jaramillo (D) won an open seat traditionally held by Republicans over Sandra Hammack (R).
HD 44	Kathleen Cates (D) defeated Jane Powdrell-Culbert (R) in a district largely reshaped after the 2020 census.
HD 66	Jimmy Mason (R) won a seat previously held by an independent in southeastern New Mexico.
HD 68	Robert Moss (R) holds a slim lead over Charlotte Little (D) in a seat currently held by Democrats. This race is heading for a recount.

Statewide Ballot Questions

All three constitutional amendments on the ballot were also approved by the voters. New Mexico voters also approved three statewide bond issues by wide margins. These provisions covered bonding for senior citizen centers; public school, tribal and public libraries; and higher education, tribal and special school capital improvements.

TITLE	DESCRIPTION	OUTCOME
Constitutional Amendment 1	Funds devoted to early childhood programs from the Land Grant Permanent Fund	70.2% YES
Constitutional Amendment 2	Authorizes the New Mexico State Legislature to provide funds for household services infrastructure, including internet, electric, natural gas, water, wastewater or other services provided by law	65% YES
Constitutional Amendment 3	Provide that an appointed judge be up for election at the next general election one year after appointment	68.7% YES
Bond Question 1	Issues \$24,470,000 in bonds for senior citizen facility improvements	66.3 YES
Bond Question 2	Issues \$19,266,000 in bonds for public libraries	62.7% YES
Bond Question 3	Issues \$215,986,000 million in bonds for public higher education institutions, special public schools, and tribal schools	61.2% YES

THIS DOCUMENT IS INTENDED TO PROVIDE YOU WITH GENERAL INFORMATION REGARDING THE 2022 MIDTERM ELECTION RESULTS IN NEW MEXICO. THE CONTENTS OF THIS DOCUMENT ARE NOT INTENDED TO PROVIDE SPECIFIC LEGAL ADVICE. IF YOU HAVE ANY QUESTIONS ABOUT THE CONTENTS OF THIS DOCUMENT OR IF YOU NEED LEGAL ADVICE AS TO AN ISSUE, PLEASE CONTACT THE ATTORNEYS LISTED OR YOUR REGULAR BROWNSTEIN HYATT FARBER SCHRECK, LLP ATTORNEY. THIS COMMUNICATION MAY BE CONSIDERED ADVERTISING IN SOME JURISDICTIONS.