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Challenge To Voter Rules Considered

By Scott Sandlin Journal Staff Writer

A federal judge is considering whether to halt a series of new and — according to challengers — unduly restrictive state voter registration procedures enacted in 2005.

The statute includes a rule that says completed voter registration forms must be turned in within 48 hours and sets up potential civil and criminal penalties for noncompliance, even when there are extenuating circumstances.

Meanwhile, the lawsuit attacking the procedures as a violation of free speech and association right has attracted more parties who want to jump in. This week, the state Republican Party, two legislators and a county clerk asked to become intervenors on the side of the Secretary of State's Office in defense of the statute.

U.S. District Judge James O. Browning engaged in what amounted to a seven-hour dialogue with John Boyd, lead attorney for four state and national organizations that sued over the procedures, and Assistant Attorney General Scott Fuqua, who is defending them, before telling parties he would try to issue a ruling soon.

Boyd asked for a preliminary injunction barring Secretary of State Mary Herrera from enforcing the law.

State Sen. Shannon Robinson, D-Albuquerque, a lawyer who lost the June primary election in his district, has asked to intervene on his own behalf. Attorney Pat Rogers asked to intervene on behalf of state Rep. Justine Fox-Young, R-Albuquerque, the state GOP and Chaves County Clerk Rhoda Coakley.

The groups that sued over the statute, the American Association of People With Disabilities, Federation of American Women's Clubs Overseas, New Mexico Public Interest Research Group Education Fund and the SouthWest Organizing Project, say they've been forced to curtail their previously active voter registration efforts because of the impact of the law, which they say has a chilling effect on political speech. The groups sued in state court, but the state moved it to federal court because of constitutional issues involved.

Would-be intervenors claim that "thousands of fraudulent or invalid registrations were submitted" in 2004 and that the revisions passed by the Legislature the next year don't go far enough.

Browning tentatively set a hearing for Aug. 29 to decide the intervention issue, though he said he may rule on the merits of the preliminary injunction request before that.