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Testimony of Jeremy Gruber, SVP of Open Primaries
House Government, Elections, & Indian Affairs Committee
January 27, 2023
HB54– New Mexico Open Primaries

Madam Chairwoman and Members of the Committee,

My name is Jeremy Gruber and I am the Senior Vice President of Open Primaries. Open Primaries is a national non-profit organization dedicated to more open and inclusive election systems. I want to thank you for the opportunity to submit testimony in favor of HB 54- a bill that would open primary elections in the state of New Mexico to registered independent voters.

There are 325,000 registered independent voters in the state of New Mexico that are currently disenfranchised by the state's closed primary elections. That's 25% of all registered voters. To put that in context, New Mexico bars more voters from participating in its primary elections than exist in the entire state of Wyoming.

New Mexico's independent voters are not going away. They are the fastest growing group of voters in the state by far. In the last ten years, Democratic Party registration has dropped 3%. Republican Party registration has stayed the same and independent voter registration has grown by 6%. Denying the fastest growing group of voters in the state the franchise is simply unsustainable. New Mexico is far from alone in experiencing a historic shift in voter affiliation. Independent voters are now the largest or second largest group of registered voters in a majority of states.

Who are independent voters? They are a cross section of Americans, but some groups stand out. That starts with our young people. Over 50% of millennial and GenZ voters-now the largest group of voters by age in the country-are independent.

Half our veterans-49% of Iraq and Afghanistan veterans in particular-are independent. I think we can all agree that citizens who serve their country, who lay their lives on the line to protect our democracy, should be able to cast a vote in every election.

40% of Asian Americans, 37% of Hispanics, 30% of African Americans and 20% of Native Americans are independent. These are the voters being shut out in closed primaries; who are denied a say in who represents them and how they are governed. It's a massive act of voter suppression.

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That increasingly matters, because general election races in New Mexico and across the country are becoming more and more uncompetitive. In the 2022 general election, for example, 43% of New Mexico House races were uncontested and only 13% of races were competitive. That means the state's primary elections are where the real competition, real choices and real opportunities to have a meaningful impact exist for voters.

When less voters get to vote, voting power is distributed unequally. Which is why the exclusion of growing numbers of New Mexican voters from round one of the electoral process is a key driver of hyper-partisanship at every level of government today. More open primary systems increase competition and accountability and have a marked effect on voter turnout. That's why when Colorado adopted the form of open primary envisioned by HB54, voter registration in the state surged, and the state shattered records for participation.

New Mexico is in poor company as one of only 12 states that continue to maintain a closed primary. 38 states have some form of open primary, including all of New Mexico's neighboring states. HB54 encapsulates the most common form of open primary by far, where independent voters are allowed to choose the ballot of either the Democrat or Republican Party in the primary. Registered members of the parties can only vote in their party primary. The vast majority of states in the U.S. today have been able to adopt open primaries-red states, blue states and purple states-without incident.

Some have raised the question of why independent voters should be afforded the right to vote in private party elections. It's akin to having a member of the Elks Club vote in the election of the Lion's Club, they argue. But primary elections are anything but private. Primary elections in the state of New Mexico cost taxpayers millions of dollars every election year. They are held in government buildings, run by government employees and administered by the Secretary of State, yet they remain closed to many of the taxpaying citizens that fund them. It's a modern version of taxation without representation.

That's why HB 54 is such an important bill. Everyone benefits from a healthier, more inclusive political system that encourages competition. It is a solution that enjoys broad, bipartisan support among voters. Instead of lagging behind the rest of the nation, New Mexico has the opportunity to lead. It's time to tell everyone in New Mexico: No more taxation without representation. No more closed primaries that shut out a quarter of all voters from exercising the franchise. HB54 would let all voters vote, and give New Mexico more inclusive and democratic elections. I hope you will lend your support to it.

Thank you again and I'm happy to answer any questions the Committee may have.

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