Political Party's Mailing Absentee Ballot Applications

Republican Party of New Mexico v. New Mexico
(Dee Benson, D.N.M. 1:00-cv-1307)

A federal complaint challenged a new state rule prohibiting political parties from mailing out absentee-ballot applications. The case was assigned to a visiting judge after all judges on the local bench recused themselves. The presiding judge denied the plaintiffs immediate injunctive relief, and the case subsequently settled.

Subject: Absentee and early voting. *Topics:* Absentee ballots; party procedures; recusal; case assignment.

On September 15, 2000, New Mexico's Republican Party and its chair filed a federal complaint challenging a new rule by New Mexico's secretary of state that prohibited political parties from mailing out absentee-ballot applications.[1] With their complaint, the plaintiffs filed a motion for a preliminary injunction.[2] On September 22, the plaintiffs filed a motion for a temporary restraining order.[3]

Upon recusal by the local bench, the court assigned the case to visiting Judge Dee Benson of the District of Utah.[4] On October 30, Judge Benson denied the plaintiffs immediate injunctive relief.[5] The court then gave the state defendants an extension of time to respond to the complaint while the parties negotiated a settlement.[6] The case was voluntarily dismissed on September 17, 2001.[7]

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1. Complaint, Republican Party of N.M. v. New Mexico, No. 1:00-cv-1307 (D.N.M. Sept. 15, 2000), D.E. 1; *see* Barry Massey, *Absentee Ballot Issue Before Judge*, Albuquerque J., Oct. 4, 2000, at B3.

2. Preliminary-Injunction Motion, *Republican Party*, No. 1:00-cv-1307 (D.N.M. Sept. 15, 2000), D.E. 2.

3. Temporary-Restraining-Order Motion, *id.* (Sept. 22, 2000), D.E. 13.

4. Assignment Order, *id.* (Sept. 22, 2000), D.E. 9; *see* Richard Benke, *Absentee Voting Argument Rejected*, Albuquerque J., Oct. 11, 2000, at B3.

Judge Benson died on November 30, 2020. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

5. Order, *Republican Party*, No. 1:00-cv-1307 (D.N.M. Oct. 30, 2000), D.E. 17; *see* Benke, *supra* note 4.

6. Order, *Republican Party*, No. 1:00-cv-1307 (D.N.M. June 19, 2001), D.E. 21; Order, *id.* (Dec. 14, 2000), D.E. 19.

7. Voluntary Dismissal, *id.* (Sept. 17, 2001), D.E. 22.