

Political Party's Mailing Absentee Ballot Applications

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

On September 15, 2000, New Mexico's Republican Party and its chair filed a federal complaint challenging New Mexico's secretary of state's new rule prohibiting 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

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.

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.