

SENATE RULES COMMITTEE SUBSTITUTE FOR
SENATE BILL 204

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

AN ACT

RELATING TO ELECTIONS; RESTORING THE RIGHT TO VOTE TO A PERSON
CONVICTED OF A FELONY WHO HAS SATISFIED ALL CONDITIONS OF A
SENTENCE; AMENDING, REPEALING AND ENACTING SECTIONS OF THE
NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Election Code is enacted
to read:

"~~[NEW MATERIAL]~~ CANCELLATION OF REGISTRATION FOLLOWING
CONVICTION-- ELIGIBILITY FOR REGISTRATION UPON SATISFACTION OF
CONDITIONS. --

A. When a voter has been convicted of a felony,
the clerk of the district court where the conviction occurred
shall file a certificate of felony conviction with the county
clerk of the county where the convicted felon is registered.

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1 B. For purposes of cancellation of registration,
2 verification of a felony conviction may be obtained by
3 comparing the voter's registration record with the certificate
4 of felony conviction filed by the clerk of the district court.

5 C. The certificate of felony conviction shall
6 include the voter's:

- 7 (1) name;
- 8 (2) age;
- 9 (3) sex;
- 10 (4) marital status;
- 11 (5) birthplace;
- 12 (6) birth date;
- 13 (7) social security number, if any;
- 14 (8) date of conviction; and
- 15 (9) address.

16 D. When a voter convicted of a felony, for which a
17 sentence of imprisonment is authorized but deferred or
18 suspended by order of the court, has completed the conditions
19 of the court order, the clerk of the court shall notify the
20 county where the convicted felon was registered that the
21 person is eligible for registration.

22 E. When a voter convicted of a felony is
23 unconditionally discharged from a correctional facility under
24 the jurisdiction of the corrections department, or is
25 conditionally discharged from a facility under the

1 jurisdiction of the corrections department and has completed
 2 all conditions of probation or parole, the corrections
 3 department shall notify the county clerk where the felon was
 4 registered that the person is eligible for registration.

5 F. When a voter convicted of a federal offense
 6 constituting a felony is unconditionally discharged from a
 7 correctional facility under the jurisdiction of a federal
 8 corrections agency, or is conditionally discharged from a
 9 correctional facility under the jurisdiction of a federal
 10 corrections agency, and has completed all conditions of
 11 probation or parole, the federal agency having jurisdiction of
 12 that person shall notify the secretary of state that the
 13 person is eligible for registration. "

14 Section 2. Section 31-13-1 NMSA 1978 (being Laws 1963,
 15 Chapter 303, Section 29-14) is amended to read:

16 "31-13-1. [~~EFFECT OF CRIMINAL CONVICTION UPON CIVIL~~
 17 ~~RIGHTS--GOVERNOR MAY PARDON OR GRANT~~] FELONY CONVICTION--
 18 RESTORATION OF CITIZENSHIP. --

19 A. [Any] A person who has been convicted of a
 20 felony shall not be permitted to vote in any statewide,
 21 county, municipal or district election held pursuant to the
 22 [~~laws of the state or any subdivision thereof, nor shall such~~
 23 ~~person be permitted to hold any office of public trust for the~~
 24 ~~state or any subdivision thereof.~~

25 B. ~~When any convict shall pass the entire period~~

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1 ~~of his sentence within the penitentiary, he shall be entitled~~
2 ~~to a certificate thereof by the superintendent of the~~
3 ~~penitentiary; or if such person shall complete the period of~~
4 ~~his sentence while on parole, he shall be entitled to a~~
5 ~~certificate thereof by the director of parole.~~

6 C. ~~The disability imposed by this section may only~~
7 ~~be removed by the governor. Upon presentation to the governor~~
8 ~~of a certificate evidencing the completion of an individual's~~
9 ~~sentence, the governor may, in his discretion, grant to such~~
10 ~~individual a pardon or a certificate restoring such person to~~
11 ~~full rights of citizenship] provisions of the Election Code,~~
12 unless the person:

13 (1) has completed the terms of a suspended or
14 deferred sentence imposed by a court;

15 (2) was unconditionally discharged from a
16 correctional facility under the jurisdiction of the
17 corrections department or was conditionally discharged from a
18 correctional facility under the jurisdiction of the
19 corrections department and has completed all conditions of
20 probation or parole;

21 (3) was unconditionally discharged from a
22 correctional facility under the jurisdiction of a federal
23 corrections agency or was conditionally discharged from a
24 correctional facility under the jurisdiction of a federal
25 corrections agency and has completed all conditions of

1 probation or parole; or

2 (4) has presented the governor with a
 3 certificate verifying the completion of his sentence and was
 4 granted a pardon or a certificate by the governor restoring
 5 his full rights of citizenship.

6 B. A person who has served the entirety of a
 7 sentence imposed for a felony conviction, including a term of
 8 probation or parole shall, upon his request to the corrections
 9 department, be issued a certificate of completion by the
 10 corrections department. Presentation of the certificate of
 11 completion to a county clerk shall entitle the person to
 12 register to vote. Additionally, a county clerk may accept the
 13 following documents as proof that a person has served the
 14 entirety of his sentence for a felony conviction:

15 (1) a judgment and sentence from a court of
 16 this state, another state or the federal government, which
 17 shows on its face that the person has completed the entirety
 18 of his sentence; or

19 (2) a certificate of completion from another
 20 state or the federal government.

21 C. A person who has been convicted of a felony
 22 shall not be permitted to hold an office of public trust for
 23 the state, a county, a municipality or a district, unless the
 24 person has presented the governor with a certificate verifying
 25 the completion of his sentence and was granted a pardon or a

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1 certificate by the governor restoring his full rights of
2 citizenship. "

3 Section 3. Section 1-20-18 NMSA 1978 (being Laws 1969,
4 Chapter 240, Section 442, as amended) is amended to read:

5 "1-20-18. PERMITTING ~~[PRISONERS]~~ A PRISONER TO VOTE. --

6 A. Permitting ~~[prisoners]~~ a prisoner to vote
7 consists of ~~[any]~~ a warden of a penitentiary, a sheriff or
8 jailer or any other person having custody of ~~[convicts or~~
9 ~~prisoners]~~ a convict or prisoner taking him or permitting him
10 to be taken ~~[such convicts or prisoners to any]~~ to a polling
11 place for the purposes of voting in any election.

12 Whoever permits ~~[prisoners]~~ a prisoner to vote is guilty
13 of a misdemeanor and shall be ~~[punished by a fine of not less~~
14 ~~than one hundred dollars (\$100) nor more than one thousand~~
15 ~~dollars (\$1,000), or by imprisonment for not less than thirty~~
16 ~~days nor more than ninety days, or both]~~ sentenced pursuant to
17 the provisions of Section 31-19-1 NMSA 1978.

18 B. This section does not prohibit permitting
19 ~~[prisoners to vote]~~ a prisoner convicted of a misdemeanor from
20 voting by absentee ballot pursuant to the provisions of the
21 Absent Voter Act. "

22 Section 4. REPEAL. -- Section 1-4-27 NMSA 1978 (being Laws
23 1969, Chapter 240, Section 83, as amended) is repealed.

24 Section 5. APPLICABILITY. -- The provisions of Sections 1
25 and 2 of this act apply to a person convicted of a felony

1 offense prior to, on or after July 1, 2001.

2 Section 6. EFFECTIVE DATE. -- The effective date of the
3 provisions of this act is July 1, 2001.

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