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**SENATE BILL 43**

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

**INTRODUCED BY**

**Richard M. Romero**

**AN ACT**

**RELATING TO ELECTIONS; RESTORING THE VOTING RIGHTS OF A PERSON  
CONVICTED OF A FELONY WHO HAS FULFILLED THE TERM OF HIS  
SENTENCE.**

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

**Section 1. Section 1-4-27.1 NMSA 1978 (being Laws 2001,  
Chapter 46, Section 1) is amended to read:**

**"1-4-27.1. 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 to  
vote.**

underscored material = new  
[bracketed material] = delete

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~~] term of the deferred or suspended sentence  
20 imposed by the court, the clerk of the court shall notify the  
21 county clerk of the county where the convicted felon was  
22 registered to vote that the person is eligible for  
23 registration.

24           E. When a voter convicted of a felony is  
25 unconditionally discharged from a correctional facility under

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[bracketed material] = delete

1 the jurisdiction of the corrections department, or is  
2 conditionally discharged from a facility under the  
3 jurisdiction of the corrections department and has completed  
4 [~~all conditions~~] the term of probation or parole, the  
5 corrections department shall notify the county clerk of the  
6 county where the felon was registered to vote that the person  
7 is eligible for registration.

8 F. When a voter convicted of a federal offense  
9 constituting a felony is unconditionally discharged from a  
10 correctional facility under the jurisdiction of a federal  
11 corrections agency, or is conditionally discharged from a  
12 correctional facility under the jurisdiction of a federal  
13 corrections agency, and has completed [~~all conditions~~] the  
14 term of probation or parole, the federal agency having  
15 jurisdiction of that person shall notify the county clerk of  
16 the county where the felon was registered to vote that the  
17 person is eligible for registration. "

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

20 "31-13-1. FELONY CONVICTION--RESTORATION OF  
21 CITIZENSHIP.--

22 A. A person who has been convicted of a felony  
23 shall not be permitted to vote in any statewide, county,  
24 municipal or district election held pursuant to the provisions  
25 of the Election Code, unless the [~~person~~] person's right to

. 139304. 2

underscored material = new  
[bracketed material] = delete

1 vote is restored.

2 B. A person's right to vote is restored if the  
3 person:

4 (1) has completed the [~~terms~~] term of a  
5 suspended or deferred sentence imposed by a court;

6 (2) was unconditionally discharged from a  
7 correctional facility under the jurisdiction of the  
8 corrections department or was conditionally discharged from a  
9 correctional facility under the jurisdiction of the  
10 corrections department and has completed [~~all conditions~~] the  
11 term of probation or parole;

12 (3) was unconditionally discharged from a  
13 correctional facility under the jurisdiction of a federal  
14 corrections agency or was conditionally discharged from a  
15 correctional facility under the jurisdiction of a federal  
16 corrections agency and has completed [~~all conditions~~] the term  
17 of probation or parole; or

18 (4) has presented the governor with a  
19 certificate verifying the completion of his sentence and was  
20 granted a pardon or a certificate by the governor restoring  
21 his full rights of citizenship.

22 [~~B.~~] C. A person who has served the entirety of a  
23 sentence imposed for a felony conviction, including a term of  
24 probation or parole shall, upon his request to the corrections  
25 department, be issued a certificate of completion by the

1 corrections department. Presentation of the certificate of  
2 completion to a county clerk shall entitle the person to  
3 register to vote. Additionally, a county clerk may accept the  
4 following documents as proof that a person has served the  
5 entirety of his sentence for a felony conviction:

6 (1) a judgment and sentence from a court of  
7 this state, another state or the federal government, which  
8 shows on its face that the person has completed the entirety  
9 of his sentence; or

10 (2) a certificate of completion from another  
11 state or the federal government.

12 [~~C-~~] D. A person who has been convicted of a  
13 felony shall not be permitted to hold an office of public  
14 trust for the state, a county, a municipality or a district,  
15 unless the person has presented the governor with a  
16 certificate verifying the completion of his sentence and was  
17 granted a pardon or a certificate by the governor restoring  
18 his full rights of citizenship. "