

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 90

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

AN ACT

RELATING TO PUBLIC OFFICIALS; ADDING THE DEFINITION "FELONIOUS OR INFAMOUS CRIME" TO THE ELECTION CODE; ADDRESSING THE RESTORATION OF VOTING RIGHTS; PROVIDING FOR REMOVAL FROM PUBLIC OFFICE IMMEDIATELY UPON CONVICTION OF A FELONY; PROVIDING FOR FORFEITURE OF CAMPAIGN FUNDS; REPEALING SECTION 31-13-1 NMSA 1978 (BEING LAWS 1963, CHAPTER 303, SECTION 29-14, AS AMENDED).

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

SECTION 1. A new section of Chapter 1, Article 1 NMSA 1978 is enacted to read:

"[NEW MATERIAL] FELONIOUS OR INFAMOUS CRIME--DEFINITION.--
As used in the Election Code, "felonious or infamous crime" means a capital crime or a first or second degree felony or an equivalent crime from another jurisdiction."

SECTION 2. Section 1-4-27.1 NMSA 1978 (being Laws 2001, .199850.3

underscored material = new
[bracketed material] = delete

1 Chapter 46, Section 1, as amended) is amended to read:

2 "1-4-27.1. CANCELLATION OF REGISTRATION FOLLOWING
3 CONVICTION--ELIGIBILITY FOR VOTING UPON SATISFACTION OF
4 CONDITIONS.--

5 A. When a voter has been convicted of a [~~felony~~]
6 felonious or infamous crime in any state or federal court, the
7 voter's registration shall be canceled.

8 B. A person convicted of a [~~felony~~] felonious or
9 infamous crime who is otherwise a qualified elector is eligible
10 to register to vote when that person:

11 (1) has been unconditionally discharged from a
12 correctional facility or detention center;

13 (2) has completed all conditions of parole or
14 supervised probation; [~~or~~]

15 (3) has had the conviction overturned on
16 appeal; or

17 (4) has been granted a pardon or a certificate
18 by the governor restoring the person's full rights of
19 citizenship.

20 C. No person imprisoned in a facility operated or
21 managed by the corrections department shall be permitted to
22 vote during the period of imprisonment.

23 [~~G.~~] D. The secretary of state shall each month
24 maintain current in the statewide voter registration electronic
25 management system the eligibility status of persons convicted

1 of ~~[felonies]~~ felonious or infamous crimes to register to vote
 2 pursuant to this section.

3 ~~[D.]~~ E. The corrections department, the New Mexico
 4 sentencing commission and the administrative office of the
 5 courts shall deliver to the secretary of state information and
 6 data as needed to carry out the provisions of this section.

7 ~~[E.]~~ F. The secretary of state shall request from
 8 the United States attorney for the district of New Mexico, in
 9 conformance with 42 U.S.C. Section 1973gg-6(g), information and
 10 data as needed to carry out the provisions of this section."

11 **SECTION 3.** Section 10-1-2 NMSA 1978 (being Laws 1912,
 12 Chapter 44, Section 1, as amended) is amended to read:

13 "10-1-2. PUBLIC OFFICE--CONVICTION OF CRIME--
 14 DISQUALIFICATION--REMOVAL--FORFEITURE.-- ~~[Sec. 2. That No]~~

15 A. A person convicted of a felonious or infamous
 16 crime, as defined in the Election Code, unless such person has
 17 been pardoned or restored to political rights, shall not be
 18 qualified to be elected or appointed to any public office in
 19 this state.

20 B. If a person who holds a public office in this
 21 state is convicted of a felony, the person shall be deemed to
 22 have resigned from the public office immediately upon
 23 conviction, and the office is vacant. If the felony is related
 24 to the exercise of a person's elective office, all funds
 25 belonging to the person's campaign committee or committees

.199850.3

1 shall be subject to forfeiture pursuant to the provisions of
2 the Forfeiture Act; provided that upon forfeiture, any funds
3 shall be deposited into the children's trust fund.

4 C. As used in this section, "public office" means:

5 (1) any elective office;

6 (2) the office of a cabinet secretary; or

7 (3) an appointed position on a public board or
8 commission."

9 SECTION 4. REPEAL.--Section 31-13-1 NMSA 1978 (being Laws
10 1963, Chapter 303, Section 29-14, as amended) is repealed.

11 SECTION 5. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2015.