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HOUSE BILL 74

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Gail Chasey

FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO ELECTIONS; REPEALING CANCELLATION OF VOTING
REGISTRATION AFTER FELONY CONVICTION; AMENDING, REPEALING AND
ENACTING SECTIONS OF LAW.

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

SECTION 1. Section 1-4-24 NMSA 1978 (being Laws 1969,
Chapter 240, Section 80, as amended) is amended to read:

"1-4-24. CANCELLATION OF REGISTRATION--COUNTY CLERK--
GROUNDS.--The county clerk shall cancel certificates of
registration for the following reasons:

A. death of the voter;

~~[B. a felony conviction of the voter;~~

~~G.]~~ B. at the request of the voter; or

~~[D.]~~ C. at the direction of the board of
registration."

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underscored material = new
[bracketed material] = delete

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1 SECTION 2. Section 1-4-27.1 NMSA 1978 (being Laws 2001,
2 Chapter 46, Section 1, as amended) is repealed and a new
3 Section 1-4-27.1 NMSA 1978 is enacted to read:

4 "1-4-27.1. [NEW MATERIAL] INMATES INELIGIBLE TO VOTE OR
5 REGISTER TO VOTE--ELIGIBILITY TO VOTE AND REGISTER TO VOTE UPON
6 RELEASE.--

7 A. A voter is ineligible to vote while imprisoned
8 in a correctional facility as part of a sentence for a felony
9 conviction. Except as provided in this section, a qualified
10 elector is ineligible to register to vote while imprisoned in a
11 correctional facility as part of a sentence for a felony
12 conviction.

13 B. At the time an inmate is preparing for release
14 from a state correctional facility, if the inmate is a voter or
15 qualified elector, the inmate shall be given an opportunity to
16 register to vote, or update an existing registration, by means
17 of a transaction with the motor vehicle division of the
18 taxation and revenue department prior to the inmate's release
19 from custody. If the inmate does not conduct a transaction
20 with the motor vehicle division of the taxation and revenue
21 department prior to the inmate's release from custody, the
22 corrections department shall provide the inmate an opportunity
23 to register to vote or update an existing registration by means
24 of an online portal provided by the secretary of state or, if
25 such a portal is not available, by means of a paper

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underscoring material = new
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1 registration form.

2 C. The voter registration of a voter who is an
3 inmate may be canceled in any manner provided for in Chapter 1,
4 Article 4 NMSA 1978. In addition to being ineligible to vote,
5 a voter who is an inmate shall be considered to have changed
6 the voter's address from the voter's precinct of registration,
7 pursuant to Section 1-4-28 NMSA 1978, and shall follow the
8 procedures of that section, provided that the secretary of
9 state shall not send a confirmation mailing to a voter who is
10 an inmate.

11 D. The corrections department shall deliver to the
12 secretary of state information and data necessary to carry out
13 the provisions of this section. The secretary of state shall
14 maintain current information in the statewide voter
15 registration electronic management system on the ineligibility
16 status of an inmate to vote or register to vote pursuant to
17 this section, as well as an inmate's eligibility status to vote
18 upon release and to register to vote or update an existing
19 voter registration while preparing for release.

20 Notwithstanding a person's status in the statewide voter
21 registration electronic management system, a voter or a
22 qualified elector who appears personally before a county clerk,
23 the clerk's authorized representative or a precinct board
24 member is presumed eligible to vote or register to vote
25 pursuant to the provisions of this section."

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1 SECTION 3. Section 31-13-1 NMSA 1978 (being Laws 1963,
2 Chapter 303, Section 29-14, as amended) is repealed and a new
3 Section 31-13-1 NMSA 1978 is enacted to read:

4 "31-13-1. [NEW MATERIAL] FELONY CONVICTION--RESTORATION
5 OF RIGHTS.--

6 A. A person who has been convicted of a felony
7 shall not be permitted to hold an office of public trust for
8 the state or any political subdivision of this state, unless
9 the person's rights have been restored pursuant to this section.

10 B. The rights of a person who has been convicted of
11 a felony in this state are restored if the person receives a
12 pardon or, for purposes of this state only, if the governor of
13 New Mexico issues the person a certificate of restoration of
14 rights.

15 C. The rights of a person who has been convicted of
16 a felony in another state are restored if the governor of that
17 state issues the person a pardon or other restoration of rights
18 or, for purposes of this state only, if the governor of New
19 Mexico issues the person a certificate of restoration of
20 rights.

21 D. The rights of a person who has been convicted of
22 a felony in federal court are restored if the president of the
23 United States issues the person a pardon or other restoration
24 of rights or, for purposes of this state only, if the governor
25 of New Mexico issues the person a certificate of restoration of

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