

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:

"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.

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

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

- (1) name;
- (2) age;

- (3) sex;
- (4) marital status;
- (5) birthplace;
- (6) birth date;
- (7) social security number, if any;
- (8) date of conviction; and
- (9) address.

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

E. When a voter convicted of a felony is unconditionally discharged from a correctional facility under the jurisdiction of the corrections department, or is conditionally discharged from a facility under the jurisdiction of the corrections department and has completed all conditions of probation or parole, the corrections department shall notify the county clerk of the county where the felon was registered to vote that the person is eligible for registration.

F. When a voter convicted of a federal offense constituting a felony is unconditionally discharged from a correctional facility under the jurisdiction of a federal

corrections agency, or is conditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency, and has completed all conditions of probation or parole, the federal agency having jurisdiction of that person shall notify the county clerk of the county where the felon was registered to vote that the person is eligible for registration. "

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

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

A. A person who has been convicted of a felony shall not be permitted to vote in any statewide, county, municipal or district election held pursuant to the provisions of the Election Code, unless the person:

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

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

(3) was unconditionally discharged from a correctional facility under the jurisdiction of a federal corrections agency or was conditionally discharged from a

correctional facility under the jurisdiction of a federal corrections agency and has completed all conditions of probation or parole; or

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

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

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

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

C. A person who has been convicted of a felony shall not be permitted to hold an office of public trust for the state, a county, a municipality or a district, unless

the person has presented the governor with a certificate verifying the completion of his sentence and was granted a pardon or a certificate by the governor restoring his full rights of citizenship. "

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

"1-20-18. PERMITTING A PRISONER TO VOTE. --

A. Permitting a prisoner to vote consists of a warden of a penitentiary, a sheriff or jailer or any other person having custody of a convict or prisoner taking him or permitting him to be taken to a polling place for the purposes of voting in any election.

Whoever permits a prisoner to vote is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

B. This section does not prohibit permitting a prisoner convicted of a misdemeanor from voting by absentee ballot pursuant to the provisions of the Absent Voter Act."

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

Section 5. APPLICABILITY. --The provisions of Sections 1 and 2 of this act apply to a person convicted of a felony offense prior to, on or after July 1, 2001.

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