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HOUSE BILL 203

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Zachary J. Cook

AN ACT

RELATING TO PUBLIC OFFICIALS; PROVIDING FOR REMOVAL FROM PUBLIC OFFICE IMMEDIATELY UPON CONVICTION OF A FELONY; PROVIDING FOR FORFEITURE OF CAMPAIGN FUNDS.

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

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

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

A. A person convicted of a [~~felonious or infamous crime~~] felony, unless such person has been pardoned or restored to political rights, shall not be qualified to be elected or appointed to any public office in this state.

B. If a person who holds a public office in this state is convicted of a felony, the person shall be deemed to

underscoring material = new  
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1 have resigned from the public office immediately upon  
2 conviction, and the office shall be deemed vacant. All funds  
3 belonging to the person's campaign committee or committees  
4 shall be subject to forfeiture pursuant to the provisions of  
5 the Forfeiture Act; provided that, upon forfeiture, any funds  
6 shall be deposited into the voting system revolving fund.

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

- 8 (1) any elective office in the state;
- 9 (2) the office of a cabinet secretary; or
- 10 (3) an appointed position on a public board or

11 commission."