

HOUSE BILL 74

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

INTRODUCED BY

Gail Chasey

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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.

.218447.1AIC February 12, 2021 (3:38pm)

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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."

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 Section 1-4-27.1 NMSA 1978 (being Laws 2001, Chapter 46, Section 1, as amended) is repealed and a new Section 1-4-27.1 NMSA 1978 is enacted to read:

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

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

B. At the time an inmate is preparing for release

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from a state correctional facility, if the inmate is a voter or qualified elector, the inmate shall be given an opportunity to register to vote, or update an existing registration, by means of a transaction with the motor vehicle division of the taxation and revenue department prior to the inmate's release from custody. If the inmate does not conduct a transaction with the motor vehicle division of the taxation and revenue department prior to the inmate's release from custody, the corrections department shall provide the inmate an opportunity to register to vote or update an existing registration by means of an online portal provided by the secretary of state or, if such a portal is not available, by means of a paper registration form.

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

D. The corrections department shall deliver to the secretary of state information and data necessary to carry out the provisions of this section. The secretary of state shall maintain current information in the statewide voter registration electronic management system on the ineligibility status of an inmate to vote or register to vote pursuant to

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this section, as well as an inmate's eligibility status to vote upon release and to register to vote or update an existing voter registration while preparing for release. Hf11→If an inmate is required to register as a sex offender pursuant to the provisions of the Sex Offender Registration and Notification Act, the secretary of state shall not update the inmate's registration in the statewide voter registration electronic management system until the inmate has registered as a sex offender.←Hf11 Notwithstanding a person's status in the statewide voter registration electronic management system, a voter or a qualified elector who appears personally before a county clerk, the clerk's authorized representative HJC→or←HJC HJC→,←HJC a precinct board member HJC→or at an office of the motor vehicle division of the taxation and revenue department←HJC is presumed eligible to vote or register to vote pursuant to the provisions of this section Hf11→unless the person has not yet registered as a sex offender pursuant to the provisions of the Sex Offender Registration and Notification Act←Hf11 ."

HJC→E. All persons released from imprisonment who are otherwise qualified to register to vote or to vote are automatically presumed eligible to register and vote.←HJC

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

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"31-13-1. [NEW MATERIAL] FELONY CONVICTION--RESTORATION
OF RIGHTS HJC→**TO HOLD AN OFFICE OF PUBLIC TRUST**←HJC .--

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

B. The rights of a person who has been convicted of a felony in this state HJC→**to hold an office of public trust**←HJC are restored if the person receives a pardon or, for purposes of this state only, if the governor of New Mexico issues the person a certificate of restoration of rights.

C. The rights of a person who has been convicted of a felony in another state HJC→**to hold an office of public trust**←HJC are restored if the governor of that state issues the person a pardon or other restoration of rights or, for purposes of this state only, if the governor of New Mexico issues the person a certificate of restoration of rights.

D. The rights of a person who has been convicted of a felony in federal court HJC→**to hold an office of public trust**←HJC are restored if the president of the United States issues the person a pardon or other restoration of rights or, for purposes of this state only, if the governor of New Mexico issues the person a certificate of restoration of rights."