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HOUSE BILL 64

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Gail C. Beam

FOR THE CORRECTIONS OVERSIGHT, COURTS AND JUSTICE COMMITTEE

AN ACT

**RELATING TO ELECTIONS; REQUIRING THE CORRECTIONS DEPARTMENT AND
COURT CLERKS TO NOTIFY THE SECRETARY OF STATE WHEN A PERSON
CONVICTED OF A FELONY BECOMES ELIGIBLE FOR REGISTRATION;
REQUIRING THE CORRECTIONS DEPARTMENT TO PROVIDE A CERTIFICATE
OF COMPLETION TO A PERSON CONVICTED OF A FELONY WHO HAS
SATISFIED ALL CONDITIONS OF A SENTENCE.**

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

**Section 1. Section 1-4-27.1 NMSA 1978 (being Laws 2001,
Chapter 46, Section 1) is amended to read:**

**"1-4-27.1. 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**

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1 file a certificate of felony conviction with the secretary of
2 state. The secretary of state shall notify the county clerk of
3 the county where the convicted felon is registered to vote.

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

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

- 10 (1) name;
- 11 (2) age;
- 12 (3) sex;
- 13 (4) marital status;
- 14 (5) birthplace;
- 15 (6) birth date;
- 16 (7) social security number, if any;
- 17 (8) date of conviction; and
- 18 (9) address.

19 D. When a voter convicted of a felony, for which a
20 sentence of imprisonment is authorized but deferred or
21 suspended by order of the court, has completed the conditions
22 of the court order, the clerk of the court shall notify the
23 ~~[county clerk of the county where the convicted felon was~~
24 ~~registered to vote]~~ secretary of state that the person is
25 eligible for registration. The secretary of state shall notify

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1 all county clerks that the person is eligible for registration.

2 E. When a voter convicted of a felony is
3 unconditionally discharged from a correctional facility under
4 the jurisdiction of the corrections department, or is
5 conditionally discharged from a facility under the jurisdiction
6 of the corrections department and has completed all conditions
7 of probation or parole, the corrections department shall notify
8 the ~~[county clerk of the county where the felon was registered~~
9 ~~to vote]~~ secretary of state that the person is eligible for
10 registration. The secretary of state shall notify all county
11 clerks that the person is eligible for registration.

12 F. When a voter convicted of a federal offense
13 constituting a felony is unconditionally discharged from a
14 correctional facility under the jurisdiction of a federal
15 corrections agency, or is conditionally discharged from a
16 correctional facility under the jurisdiction of a federal
17 corrections agency, and has completed all conditions of
18 probation or parole, the federal agency having jurisdiction of
19 that person shall notify the ~~[county clerk of the county where~~
20 ~~the felon was registered to vote]~~ secretary of state that the
21 person is eligible for registration. The secretary of state
22 shall notify all county clerks that the person is eligible for
23 registration. "

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

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

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

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

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

14 (3) was unconditionally discharged from a
15 correctional facility under the jurisdiction of a federal
16 corrections agency or was conditionally discharged from a
17 correctional facility under the jurisdiction of a federal
18 corrections agency and has completed all conditions of
19 probation or parole; or

20 (4) has presented the governor with a
21 certificate verifying the completion of [~~his~~] the sentence and
22 was granted a pardon or a certificate by the governor restoring
23 [~~his~~] the person's full rights of citizenship.

24 B. When a person has completed the terms of a
25 suspended or deferred sentence imposed by a court for a felony

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1 conviction, the clerk of the district court shall notify the
2 secretary of state. The secretary of state shall notify all
3 county clerks that the person is eligible for registration.

4 ~~[B-]~~ C. A person who has served the entirety of a
5 sentence imposed for a felony conviction, including a term of
6 probation or parole shall ~~[upon his request to the corrections~~
7 ~~department]~~ be issued a certificate of completion by the
8 corrections department. ~~[Presentation of the certificate of~~
9 ~~completion to a county clerk shall entitle]~~ Upon issuance, the
10 corrections department shall inform the person that the person
11 is entitled to register to vote. The certificate of completion
12 shall state that the person's voting rights are restored.

13 D. When the corrections department issues a person
14 a certificate of completion, the corrections department shall
15 notify the secretary of state that the person is entitled to
16 register to vote. The secretary of state shall notify all
17 county clerks that the person is eligible for registration.

18 Additionally, a county clerk ~~[may]~~ shall accept the following
19 documents as proof that a person has served the entirety of
20 ~~[his]~~ the sentence for a felony conviction and is eligible for
21 registration:

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

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(2) a certificate of completion from the
corrections department; or

~~[(2)]~~ (3) a certificate of completion from
another state or the federal government.

~~[E.]~~ E. 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]~~ the sentence and was granted a pardon
or a certificate by the governor restoring ~~[his]~~ the person's
full rights of citizenship. "

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