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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/10

SPONSOR Martinez, K. LAST UPDATED \_\_\_\_\_ HB 206

SHORT TITLE Ex-Felon Voter Registration SB \_\_\_\_\_

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	No Appropriation		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Corrections Department (NMCD)  
 NM County Clerks Association

### SUMMARY

#### Synopsis of Bill

House Bill 206 adds language to the Election Code stating that a convicted felon shall be restored to vote and shall be eligible to vote if he has completed the term of a suspended or deferred sentence imposed by a court; was unconditionally discharged from a correctional facility; was conditionally discharged from a correctional facility and has completed all conditions of probation or parole; was placed on supervised probation or parole and has completed the conditions of supervision ordered by the court; or was granted a pardon or a certificate by the governor restoring the person's full rights of citizenship.

The bill also indicates that convicted felons shall not be permitted to hold public office unless the person presents the governor with a certificate verifying completion of the person's sentence and the governor grants a pardon or issues a certificate restoring the person's full rights of citizenship.

The bill also repeals Sections 1-4-27.1 and 31-13-1 NMSA. These two provisions both require NMCD to issue a certificate of completion to felony offenders who have completed their sentences (including any probation or parole period), and to notify the Secretary of State that the felony offender has completed his sentence and is now entitled to register to vote. Section 31-

132-1 also states that convicted felons shall not be permitted to hold public office unless the person has presented a certificate of completion to the governor and the governor has granted a pardon or a certificate restoring the person's full rights of citizenship.

The bill does not repeal Section 1-4-24, which requires the county clerk to cancel voter registration certificates for voters convicted of felonies.

### **SIGNIFICANT ISSUES**

This bill repeals the existing felon cancellation/restoration language in the Election Code and substitutes in new material. However, the existing Section 1-4-27.1 A, being repealed and not replaced in the new language, means that there is now no statutory method to cancel voter registration for a felon.

According to the AGO, the provisions of HB206 duplicate current law that already provide requirements for registering to vote and for holding public office for convicted felons. NMSA 1978 Sections 1-4-27.1(B)-(D) and 31-13-1(A) currently provide eligibility criteria for registering convicted felons to vote. These sections and HB206 contain overlapping and duplicative provisions. NMSA 1978 Section 31-13-1(E) provides substantively the same requirements for holding public office as provided for in HB206. Thus, in order to have clear requirements in these areas, further amendment of our state statutes, including removing the current provisions in these areas, is likely needed.

### **ADMINISTRATIVE IMPLICATIONS**

NMCD points out that if the bill is passed it would eliminate its administrative workload caused related to creating or issue Certificates of Completion and notifying the Secretary of State regarding felony offenders that have completed their sentences.

### **ALTERNATIVES**

This bill should be amended to restore the cancellation language in Section 1-4-27.1 A.

EO/svb