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HOUSE BILL 866

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

EDWARD C. SANDOVAL

FOR THE ELECTION CODE RECODIFICATION COMMITTEE

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:

"~~[NEW MATERIAL]~~ 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.

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

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

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

16 D. When a voter convicted of a felony, for which a
17 sentence of imprisonment is authorized and deferred or suspended
18 by order of the court, has satisfactorily completed the
19 conditions of the court order, the clerk of the court shall
20 notify the county where the convicted felon was registered that
21 the person is eligible for registration.

22 E. When a voter convicted of a felony is
23 unconditionally discharged from a correctional facility under
24 the jurisdiction of the corrections department, or is
25 conditionally discharged from a facility under the jurisdiction

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1 of the corrections department and has satisfactorily completed
2 all conditions of probation or parole, the corrections
3 department shall notify the county clerk where the felon was
4 registered that the person is eligible for registration.

5 F. When a voter convicted of a federal offense
6 constituting a felony is unconditionally discharged from a
7 correctional facility under the jurisdiction of a federal
8 corrections agency, or is conditionally discharged from a
9 correctional facility under the jurisdiction of a federal
10 corrections agency, and has satisfactorily completed all
11 conditions of probation or parole, the federal agency having
12 jurisdiction of that person shall notify the secretary of state
13 that the person is eligible for registration. "

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

16 "31-13-1. [~~EFFECT OF CRIMINAL CONVICTION UPON CIVIL~~
17 ~~RIGHTS GOVERNOR MAY PARDON OR GRANT~~] FELONY CONVICTION-- PARDON
18 OR RESTORATION OF CITIZENSHIP. --

19 A. [~~Any~~] A person who has been convicted of a felony
20 shall not be permitted to vote in any statewide, county,
21 municipal or district election held pursuant to the [~~laws of the~~
22 ~~state or any subdivision thereof, nor shall such person be~~
23 ~~permitted to hold any office of public trust for the state or~~
24 ~~any subdivision thereof.~~

25 B. ~~When any convict shall pass the entire period of~~

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[bracketed material] = delete

1 ~~his sentence within the penitentiary, he shall be entitled to a~~
2 ~~certificate thereof by the superintendent of the penitentiary;~~
3 ~~or if such person shall complete the period of his sentence~~
4 ~~while on parole, he shall be entitled to a certificate thereof~~
5 ~~by the director of parole.~~

6 C. ~~The disability imposed by this section may only~~
7 ~~be removed by the governor. Upon presentation to the governor~~
8 ~~of a certificate evidencing the completion of an individual's~~
9 ~~sentence, the governor may, in his discretion, grant to such~~
10 ~~individual a pardon or a certificate restoring such person to~~
11 ~~full rights of citizenship] provisions of the Election Code,~~
12 unless the person:

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

15 (2) was unconditionally discharged from a
16 correctional facility under the jurisdiction of the corrections
17 department or was conditionally discharged from a correctional
18 facility under the jurisdiction of the corrections department
19 and has satisfactorily completed all conditions of probation or
20 parole;

21 (3) was unconditionally discharged from a
22 correctional facility under the jurisdiction of a federal
23 corrections agency or was conditionally discharged from a
24 correctional facility under the jurisdiction of a federal
25 corrections agency and has satisfactorily completed all

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1 conditions of probation or parole; or

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

6 B. A person who has been convicted of a felony shall
7 not be permitted to hold an office of public trust for the
8 state, a county, a municipality or a district, unless the person
9 has presented the governor with a certificate verifying the
10 completion of his sentence and was granted a pardon or a
11 certificate by the governor restoring his full rights of
12 citizenship. "

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

15 "1-20-18. PERMITTING ~~[PRISONERS]~~ A PRISONER TO VOTE. --

16 A. Permitting ~~[prisoners]~~ a prisoner to vote
17 consists of any warden of a penitentiary, sheriff or jailer, or
18 other person having custody of ~~[convicts or prisoners]~~ a convict
19 or prisoner, taking or permitting to be taken ~~[such convicts or~~
20 ~~prisoners]~~ the convict or prisoner to any polling place for the
21 ~~[purposes]~~ purpose of voting in any election.

22 Whoever permits ~~[prisoners]~~ a prisoner to vote is guilty of
23 a misdemeanor and shall be ~~[punished by a fine of not less than~~
24 ~~one hundred dollars (\$100) nor more than one thousand dollars~~
25 ~~(\$1,000), or by imprisonment for not less than thirty days nor~~

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1 ~~more than ninety days, or both]~~ sentenced as provided in Section
2 31-19-1 NMSA 1978.

3 B. This section does not prohibit permitting
4 [~~prisoners to vote]~~ a prisoner convicted of a misdemeanor from
5 voting by absentee ballot pursuant to the provisions of the
6 Absent Voter Act. "

7 Section 4. REPEAL. -- Section 1-4-27 NMSA 1978 (being Laws
8 1969, Chapter 240, Section 83, as amended) is repealed.

9 Section 5. EFFECTIVE DATE. -- The effective date of the
10 provisions of this act is July 1, 1997.

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

February 25, 1997

Mr. Speaker:

Your VOTERS AND ELECTIONS COMMITTEE, to whom has
been referred

HOUSE BILL 866

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

Respectfully submitted,

Edward C. Sandoval, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HVEC/HB 866

Page 8

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 4 For 3 Against

Yes: 4

No: Bird, Lutz, Weeks

Excused: Buffett, Coll, Lujan, Nicely, Sanchez

Absent: None

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