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FISCAL IMPACT REPORT

SPONSOR Griego ORIGINAL DATE 02/19/13
LAST UPDATED _____ HB _____
SHORT TITLE Legislative Office Residency Requirement SB 584
ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Bill 584 (SB 584) amends NMSA 1978, section 1-1-7.1 of the Election Code to provide that a legislative candidate shall have been registered to vote in their district for two years prior to the election for the office sought. SB 584 carries an emergency clause.

FISCAL IMPLICATIONS

SB 584 will have no fiscal impact for the SOS.

SIGNIFICANT ISSUES

SB 584 proposes an emergency enactment provision on page 2, lines 13-14. The AGO analysis notes that immediate implementation may mean that there are current legislators who may not meet the two-year residency requirement in time for the 2014 primary elections.

PERFORMANCE IMPLICATIONS

If SB 584 is enacted, the SOS and county clerks will need to verify two years of voter registration in the district prior to certifying a candidate for inclusion on the primary election

ballot. Currently, the SOS and county clerks are required to refer to a candidate's voter registration to verify only that the voter is registered with the appropriate party and in the district on the date of the Governor's proclamation.

AMENDMENTS

The AGO analysis notes that the United States Constitution, Article 1, Sections 2 &3 state that a congressional candidate for both the Senate and the House of Representatives must be “an inhabitant of the state” from which elected. There is no additional requirement to reside in the district within which you are a candidate. As such, SB 584 may be amended to specify imposition of the additional two-year requirement upon *only* state legislative candidates.

CAC/svb