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FISCAL IMPACT REPORT

ORIGINAL DATE 03/05/13

SPONSOR Ingle LAST UPDATED _____ HB _____

SHORT TITLE Candidate Residency Requirements, CA SJR 12

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$46.0			Nonrecurring	Election Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SJR 11 and SB 584

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Secretary of State (SOS)

Taxation & Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 12 (SJR 12) proposes a constitutional amendment to Article 7 of the State Constitution to provide that any candidate for a public office in the state will prove residency in the district for which election is sought by being registered to vote in the district and by having the person's motor vehicle, if any, registered in the district.

FISCAL IMPLICATIONS

The SOS analysis states that in the 2012 general election, the SOS expended approximately \$46,000 for publication, voter guides and Native American translations and broadcast, for each constitutional amendment appearing on the ballot.

SIGNIFICANT ISSUES

To successfully amend the constitution, a majority of legislators in both the House and the Senate must vote in favor of the amendment. The SOS must publish the amendment in ways

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specified by Article 19, Section 1, and then a majority of voters must vote in favor of the amendment in the next general election.

The SOS analysis states that the SOS and county clerks would need a means to verify motor vehicle registration. The TRD analysis states minimal impact on the Motor Vehicle Division since in all likelihood the candidate would simply be required to present a copy of his or her vehicle registration, along with a copy of his or her voter registration card, at the time of filing candidacy papers.

The AGO analysis states 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. Further the AGO analysis states, “There is no additional requirement to reside in the district within which you are a candidate.”

Therefore, SJR 12 appears not to narrow the qualifications for federal nominees. It is unclear what the intent of the language in this bill was meant to cover federal nominees.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 584 would amend statute such that a candidate for legislative office in the state would be required to have been a registered as a voter for 2 years in the district they wish to serve; SJR 11 would require a constitutional amendment but require the same residency requirement as SB 584. SJR 12 also requires a constitutional amendment however its residency requirements do not stipulate a time frame, but would require voter registration and vehicle registration in the district.

AMENDMENTS

Since Article 4 section 3 of New Mexico’s state constitution already provides for qualifications for legislators, perhaps the residency requirement anticipated by this constitutional amendment would be better placed in this section, rather than by amending Article 7.

SJR 12 as written does not appear to narrow the qualifications for federal nominees owing to federal law. For clarity’s sake, perhaps the resolution should be amended to specify that imposition of the requirements anticipated apply only to any “candidate seeking public office in the state, excluding candidates for federal offices in the Senate and House of Representatives.”

CAC/svb