

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SJR 12

51st Legislature, 1st Session, 2013

Tracking Number: .193104.2

Short Title: Candidate Residency Requirements, CA

Sponsor(s): Senator Stuart Ingle

Analyst: Kevin Force

Date: March 4, 2013

Bill Summary:

SJR 12 proposes to amend Article 7 of the Constitution of New Mexico to require persons desiring to become a candidate for public office in the state of New Mexico to prove their residency in the district that the person wishes to represent by:

- being registered to vote in that district; and
- having the person's motor vehicle, if he or she owns one, registered in the district.

As with other joint resolutions proposing to amend the constitution, SJR 12 provides that the amendment be submitted to the people of New Mexico for their approval or rejection either at the next general election or at any special election that may be called for that purpose prior to the general election.

Fiscal Impact:

SJR 12 does not contain an appropriation.

The Secretary of State, in other recent analyses, has indicated that the cost of placing a constitutional amendment on the ballot, with voter guides, translations, and broadcast, totals approximately \$46,000.

Substantive Issues:

As noted in the analysis from the Attorney General's Office, the United States Constitution, Article 1, sections 2 and 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.

Legislative Finance Committee staff offer the following examples of candidate residency requirements in other states:

- In Utah, Article 6, Section 5 of the constitution states that to be eligible for the office of a state senator or representative, a person must be:
 - a citizen of the United States;
 - at least 25 years of age;

- a qualified voter in the district from which elected;
 - a resident of the State of Utah for three years; and
 - a resident of the district from which elected for six months.
- In Texas, residency requirements for legislators differ depending upon the office sought:
 - Members of the House of Representatives must be:
 - at least 21 years of age;
 - registered voters;
 - legal residents of the state for at least two years; and
 - residents of the districts from which they are elected for at least one year.
 - Members of the Senate must be:
 - at least 26 years of age;
 - registered voters for at least five years, and
 - residents of their district for at least one year.
- In Hawaii, because district boundaries often change after reapportionment, the constitution enables incumbent legislators to move to a new district before the first primary election after reapportionment, and still be able to keep their current seats and serve out their term rather than being disqualified for moving out of the district.

Committee Referrals:

SRC/SJC

Related Bills:

*SB 584 *Legislative Office Residency Requirement*
SJR 11 *2-Year Residency for Legislature, CA*