

LFC Requester:

Hilla, Emily

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Date Prepared: 3/6/2025

Bill Number: HB 540 Original Correction
Amendment Substitute

Sponsor: Linda Serrato
Janelle Anyanonu
Short Title: Michelle Paulene Abeyta
LEGISLATIVE VACANCIES
ELIGIBILITY & PROCESS

Agency Name and Code Secretary of State - 370
Number: _____
Person Writing Lindsey Bachman
Phone: 505-479-2626 **Email** lindsey.bachman@sos.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB 540 establishes eligibility requirements and procedures to fill vacancies in the office of representative and in the office of senator. It requires boards of county commissioners to establish and follow procedures to fill legislative vacancies.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

In order for individuals to be eligible for appointment, HB 540 requires that they live and be registered to vote in the district for which they are being appointed. They must have been registered to vote and have continuously resided in the district since the date of the secretary of state's proclamation for the most recent previous general election.

The date for the issuance of general election proclamations is addressed in 1-8-12 NMSA 1978 and is established as the last Monday in January of each even-numbered year.

Provisions for determining residency for candidates in New Mexico's elections are included in 1-1-7 NMSA 1978. "For the purpose of determining the residence of a person desiring to be a candidate for the nomination or election to an office under the provisions of the Election Code [Chapter 1 NMSA 1978] or for the purpose of determining the residence of any signer of a petition required by the Election Code, permanent residence shall be resolved in favor of that place shown on the person's certificate of registration as his permanent residence, provided the person resides on the premises."

Persons certified to be candidates in statewide elections in this state must be residents in the district of the office for which the person is seeking candidacy on the date of the secretary of state's proclamation for that election.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS