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SENATE BILL 462

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Lidio G. Rainaldi

AN ACT

RELATING TO ELECTIONS; ESTABLISHING RULES FOR DETERMINING THE PLACE OF RESIDENCE OF CANDIDATES AND OFFICEHOLDERS.

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]~~ RESIDENCE OF CANDIDATES AND OFFICEHOLDERS--RULES FOR DETERMINING.--For the purpose of determining the place of residence of a candidate running for public office or of an officeholder, the place of residence is governed by the following rules set forth in order of priority:

A. the residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is temporarily absent, the person has the intention to return;

underscoring material = new
[bracketed material] = delete

underscored material = new
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1 B. the place where a person physically resides is
2 presumed to be the person's place of residence;

3 C. a person shall physically reside in a place of
4 residence for a minimum of one hundred eighty-three days in a
5 calendar year for that place to be considered as the person's
6 place of residence;

7 D. a parent's residence shall not be presumed to be
8 the residence of a child who has reached the age of majority
9 unless the parent's residence is the only place the child
10 physically resides;

11 E. there can be only one residence; and

12 F. a person does not gain or lose residence solely
13 by reason of the person's presence or absence while employed in
14 the service of the United States or of this state, or while the
15 person is a student at any school."

16 Section 2. Section 1-1-7.1 NMSA 1978 (being Laws 1979,
17 Chapter 378, Section 1, as amended by Laws 1993, Chapter 314,
18 Section 1 and also by Laws 1993, Chapter 316, Section 1) is
19 amended to read:

20 "1-1-7.1. RESIDENCE FOR PURPOSE OF [~~CANDIDACY AND~~]
21 SIGNING OF PETITIONS--RULE FOR DETERMINING.--For the purpose of
22 determining the residence of [~~a person desiring to be a~~
23 ~~candidate for the nomination or election to an office under the~~
24 ~~provisions of the Election Code or for the purpose of~~
25 ~~determining the residence of]~~ any signer of a petition required

.152942.1

underscored material = new
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1 by the Election Code, permanent residence shall be resolved in
2 favor of that place shown on the person's affidavit of
3 registration as [~~his~~] the person's permanent residence,
4 provided the person resides on the premises."

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