

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill Number:** SJR 11

**51st Legislature, 1st Session, 2013**

**Tracking Number:** .193103.1

**Short Title:** 2-Year Residency for Legislature, CA

**Sponsor(s):** Senator Phil A. Griego

**Analyst:** Kevin Force

**Date:** March 4, 2013

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**Bill Summary:**

SJR 11 proposes to amend Article IV of the Constitution of New Mexico by adding a new section that would create a two-year residency requirement, in the district that a candidate wishes to represent, for candidates to legislative office, both for nomination and election.

As with other joint resolutions proposing to amend the constitution, SJR 11 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:**

HJR 11 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:**

The Fiscal Impact Report (FIR) from the Legislative Finance Committee notes residency requirements for elections in several other jurisdictions:

- In Utah, Article VI 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 3 years; and
  - a resident of the district from which elected for 6 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 1 year.
  
- Members of the Senate must be:
  - at least 26 years of age;
  - registered voters for at least 5 years, and
  - residents of their district for at least 1 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.

The Attorney General's Office, in its analyses of SJR 12 and SB 584, both of which are proposals to amend residency requirements for legislative office, notes that 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 which one seeks to represent.

### **Technical Issues:**

The FIR notes that Article IV, Section 3 of the Constitution of New Mexico already provides for qualifications for legislators, and the residency requirements proposed by SJR 11 might be better placed in that section, rather than a new one.

### **Committee Referrals:**

SRC/SJC

### **Related Bills:**

\*SB 584 *Legislative Office Residency Requirement*  
SJR 12 *Candidate Residency Requirements, CA*