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FISCAL IMPACT REPORT

SPONSOR Griego ORIGINAL DATE 02/24/13 HB _____
LAST UPDATED _____

SHORT TITLE 2-Year Residency for Legislature, CA SJR 11

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	NFI			

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 584

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 11 proposes a constitutional amendment to Article 4 of the State Constitution Code to provide that a state legislative candidate shall have resided in the district they wish to represent for two years prior to the election for the office sought.

If enacted, article 4 of the State Constitution would read: "A person desiring to be a candidate for the nomination or election to a legislative office in the state shall be a resident in the district that the person wishes to represent for two years prior to the election for the office."

FISCAL IMPLICATIONS

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

OTHER SUBSTANTIVE ISSUES

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, be at least 25 years of age, be a qualified voter in the district from which elected, and must be 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 e 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 (otherwise they would be disqualified for moving out of the district).

AMENDMENTS

Since Article IV 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 adding a new section.

CAC/blm