

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 771

Short Title: Voting Domicile/Office.

(Public)

Sponsors: Representatives Brawley; and Edwards.

Referred to: Judiciary I.

April 6, 1993

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT A PERSON FROM CLAIMING A BUILDING AS A
DOMICILE FOR VOTER REGISTRATION IF THE INDIVIDUAL TAKES ONE
HUNDRED PERCENT OF COSTS ASSOCIATED WITH THAT BUILDING AS
A BUSINESS DEDUCTION ON FEDERAL INCOME TAX.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-57 reads as rewritten:

"§ 163-57. Residence defined for registration and voting.

All registrars and judges, in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

- (1) That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.
- (2) A person shall not be considered to have lost his residence who leaves his home and goes into another state or county of this State, for temporary purposes only, with the intention of returning.
- (3) A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.
- (4) If a person removes to another state or county within this State, with the intention of making such state or county his permanent residence, he shall be considered to have lost his residence in the state or county from which he has removed.

- 1 (5) If a person removes to another state or county within this State, with
2 the intention of remaining there an indefinite time and making such
3 state or county his place of residence, he shall be considered to have
4 lost his place of residence in this State or the county from which he has
5 removed, notwithstanding he may entertain an intention to return at
6 some future time.
- 7 (6) If a person goes into another state or county, or into the District of
8 Columbia, and while there exercises the right of a citizen by voting in
9 an election, he shall be considered to have lost his residence in this
10 State or county.
- 11 (7) School teachers who remove to a county for the purpose of teaching in
12 the schools of that county temporarily and with the intention or
13 expectation of returning during vacation periods to live in the county
14 in which their parents or other relatives reside, and who do not have
15 the intention of becoming residents of the county to which they have
16 moved to teach, for purposes of registration and voting shall be
17 considered residents of the county in which their parents or other
18 relatives reside.
- 19 (8) If a person removes to the District of Columbia or other federal
20 territory to engage in the government service, he shall not be
21 considered to have lost his residence in this State during the period of
22 such service unless he votes there, and the place at which he resided at
23 the time of his removal shall be considered and held to be his place of
24 residence.
- 25 (9) If a person removes to a county to engage in the service of the State
26 government, he shall not be considered to have lost his residence in the
27 county from which he removed, unless he demonstrates a contrary
28 intention.
- 29 (10) For the purpose of voting a spouse shall be eligible to establish a
30 separate domicile.
- 31 (11) So long as a student intends to make his home in the community where
32 he is physically present for the purpose of attending school while he is
33 attending school and has no intent to return to his former home after
34 graduation, he may claim the college community as his domicile. He
35 need not also intend to stay in the college community beyond
36 graduation in order to establish his domicile there. This subdivision is
37 intended to codify the case law.
- 38 (12) If a person deducts as a business expense for federal income tax
39 purposes one hundred percent (100%) of the costs associated with a
40 dwelling unit or office used in connection with the person's trade or
41 business, that dwelling unit or office is not considered the person's
42 residence."

43 Sec. 2. This act is effective upon ratification.