

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1126
Committee Substitute Favorable 4/23/01

Short Title: Clarify Residency for Reg. or Voting.

(Public)

Sponsors:

Referred to:

April 12, 2001

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF RESIDENCY FOR PERSONS
ENGAGING IN THE SERVICE OF STATE GOVERNMENT, AND TO MAKE
OTHER TECHNICAL CHANGES.

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 election officials 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~~that person's habitation is fixed, and to which, whenever ~~he~~that person is absent, ~~he~~has the intention of returning.
- (2) A person shall not be considered to have lost ~~his~~that person's residence ~~who~~if that person leaves ~~his~~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~~that person comes for temporary purposes only, without the intention of making ~~such~~that county ~~his~~a permanent place of abode.
- (4) If a person removes to another state or county within this State, with the intention of making ~~such~~that state or county ~~his~~a permanent residence, ~~he~~that person shall be considered to have lost ~~his~~his residence in the state or county from which ~~he~~that person has removed.
- (5) If a person removes to another state or county within this State, with the intention of remaining there an indefinite time and making ~~such~~that state or county ~~his~~that person's place of residence, ~~he~~that person shall be considered to have lost ~~his~~that person's place of residence in this State or the county from which ~~he~~that person has removed,

1 notwithstanding ~~he~~that person may entertain an intention to return at
2 some future time.

3 (6) If a person goes into another state or county, or into the District of
4 Columbia, and while there exercises the right of a citizen by voting in
5 an election, ~~he~~that person shall be considered to have lost ~~his~~ residence
6 in this State or county.

7 (7) School teachers who remove to a county for the purpose of teaching in
8 the schools of that county temporarily and with the intention or
9 expectation of returning during vacation periods to live in the county
10 in which their parents or other relatives reside, and who do not have
11 the intention of becoming residents of the county to which they have
12 moved to teach, for purposes of registration and voting shall be
13 considered residents of the county in which their parents or other
14 relatives reside.

15 (8) If a person removes to the District of Columbia or other federal
16 territory to engage in the government service, ~~he~~that person shall not
17 be considered to have lost ~~his~~ residence in this State during the period
18 of such service unless ~~he~~that person votes ~~there,~~in the place to which
19 the person removed, and the place at which ~~he~~that person resided at
20 the time of ~~his~~that person's removal shall be considered and held to be
21 ~~his~~the place of residence.

22 (9) If a person removes to a county to engage in the service of the State
23 government, ~~he~~that person shall not be considered to have lost ~~his~~
24 residence in the county from which ~~he~~that person removed, unless ~~he~~
25 demonstrates a contrary intentionthat person votes in the place to
26 which the person removed, and the place at which that person resided
27 at the time of that person's removal shall be considered and held to be
28 the place of residence.

29 (9a) The establishment of a secondary residence by an elected official
30 outside the district of the elected official shall not constitute prima
31 facie evidence of a change of residence.

32 (10) For the purpose of voting a spouse shall be eligible to establish a
33 separate domicile.

34 (11) So long as a student intends to make ~~his~~the student's home in the
35 community where ~~he~~the student is physically present for the purpose
36 of attending school while ~~he~~the student is attending school and has no
37 intent to return to ~~his~~the student's former home after graduation, ~~he~~
38 the student may claim the college community as ~~his~~the student's
39 domicile. ~~He~~The student need not also intend to stay in the college
40 community beyond graduation in order to establish ~~his~~ domicile there.
41 This subdivision is intended to codify the case law."

42 **SECTION 2.** This act is effective when it becomes law.