

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

SESSION LAW 2001-316
HOUSE BILL 1126

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~~ 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~~ 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, notwithstanding ~~he~~that person may entertain an intention to return at some future time.
- (6) If a person goes into another state or county, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, ~~he~~that person shall be considered to have lost ~~his~~ residence in this State or county.
- (7) School teachers who remove to a county for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live in the county in which their parents or other relatives reside, and who do not have the intention of becoming residents of the county to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county in which their parents or other relatives reside.
- (8) If a person removes to the District of Columbia or other federal territory to engage in the government service, ~~he~~that person shall not

be considered to have lost ~~his~~ residence in this State during the period of such service unless ~~he~~that person votes ~~there~~, in the place to which the person removed, and the place at which ~~he~~that person resided at the time of ~~his~~that person's removal shall be considered and held to be ~~his~~the place of residence.

- (9) If a person removes to a county to engage in the service of the State government, ~~he~~that person shall not be considered to have lost ~~his~~ residence in the county from which ~~he~~that person removed, unless ~~he demonstrates a contrary intention~~that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.
- (9a) The establishment of a secondary residence by an elected official outside the district of the elected official shall not constitute prima facie evidence of a change of residence.
- (10) For the purpose of voting a spouse shall be eligible to establish a separate domicile.
- (11) So long as a student intends to make ~~his~~the student's home in the community where ~~he~~the student is physically present for the purpose of attending school while ~~he~~the student is attending school and has no intent to return to ~~his~~the student's former home after graduation, ~~he~~the student may claim the college community as ~~his~~the student's domicile. ~~He~~The student need not also intend to stay in the college community beyond graduation in order to establish ~~his~~ domicile there. This subdivision is intended to codify the case law."

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

In the General Assembly read three times and ratified this the 19th day of July, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 12:25 p.m. this 28th day of July, 2001