

## Residency – How do residency requirements across states? (information prepared for South Dakota, January 2023)

NCSL's May 2016 edition of The Canvass (attached separately to the email) addresses common questions about voters and residency. The newsletter defines the difference between residency and domicile and addresses residence in extenuating circumstances (RV parks, college students, people who are homeless, etc.). The newsletter provides answers to these questions:

- What does it mean to be a resident of a state?
- How is domicile different from residency?
- How long must voters live in a state to qualify as residents?
- What do residency laws mean for college students, retirees traveling the country in RVs, or homeless people?

Please note this is an area of election law that tends to be determined as much by court interpretations as by statutes.

Below please find two tables, the first on durational registration and the second with states that are similar to South Dakota.

Table 1: Some states require “durational residency” for registering to vote—the citizen must be a resident of the state for a particular number of days to register. Below are five states that provide detailed information on durational residency as a qualification for voter registration.

State	Statute	Text
Alaska	AK ST § 15.05.010	A person may vote at any election who (1) is a citizen of the United States; (2) is 18 years of age or older; (3) <b>has been a resident of the state and of the house district in which the person seeks to vote for at least 30 days just before the election;</b> and (4) has registered before the election as required under AS 15.07 and is not registered to vote in another jurisdiction.
Illinois	IL-LP ELECTIONS § 30	Under the Illinois Constitution, every United States citizen who has attained the age of 18 or any other voting age required by the United States for voting in state elections and who has been a <b>permanent resident of this state for at least 30 days next preceding any election</b> will have the right to vote at such election. <sup>3</sup> The General Assembly by law may require permanent residence in an election district not to exceed 30 days prior to an election, and the General Assembly by law may establish shorter residence requirements for voting for president and vice-president of the United States.
Nevada	NV ST 293.485	1. Every citizen of the United States, 18 years of age or over, <b>who has continuously resided in this State and in the county 30 days and in the precinct 10 days next preceding the day</b> of the next succeeding: (a) Primary election;

		<p>(b) Primary city election;</p> <p>(c) Presidential preference primary election;</p> <p>(d) General election; or</p> <p>(e) General city election, and who has registered in the manner provided in this chapter, is entitled to vote at that election.</p> <p>2. This section does not exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding:</p> <p>(a) Primary election;</p> <p>(b) Primary city election;</p> <p>(c) Presidential preference primary election;</p> <p>(d) General election;</p> <p>(e) General city election; or</p> <p>(f) Any other election.</p>
North Carolina	NC ST § 163-57	<p>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:</p> <p>(1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning [subject to the following:].</p> <p>a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.</p> <p>b. If the person disputes the determination of residency, the person may request a hearing before the county board of elections making the determination of residency. The procedures for notice of hearing and the conduct of the hearing shall be as provided in G.S. 163-86. The presentation of an accurate and current determination of a person's residence and the boundary line at issue by map or other means available shall constitute prima facie evidence of the geographic location of the residence of that person.</p> <p>c. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person. Residence shall be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address.</p> <p>(2) A person shall not be considered to have lost that person's residence if that person leaves home and goes into another state, county, municipality, precinct, ward, or other election district of this State, for temporary purposes only, with the intention of returning.</p>

		<p>(3) A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.</p> <p>(4) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of making that state, county, municipality, precinct, ward, or other election district a permanent residence, that person shall be considered to have lost residence in the state, county, municipality, precinct, ward, or other election district from which that person has removed.</p> <p>(5) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of remaining there an indefinite time and making that state, county, municipality, precinct, ward, or other election district that person's place of residence, that person shall be considered to have lost that person's place of residence in this State, county, municipality, precinct, ward, or other election district from which that person has removed, notwithstanding that person may entertain an intention to return at some future time.</p> <p>(6) If a person goes into another state, county, municipality, precinct, ward, or other election district, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, that person shall be considered to have lost residence in that State, county, municipality, precinct, ward, or other election district from which that person removed.</p> <p>(7) School teachers who remove to a county, municipality, precinct, ward, or other election district in this State 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 where their parents or other relatives reside in this State and who do not have the intention of becoming residents of the county, municipality, precinct, ward, or other election district to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county, municipality, precinct, ward, or other election district in which their parents or other relatives reside.</p> <p>(8) If a person removes to the District of Columbia or other federal territory to engage in the government service, that person shall not be considered to have lost residence in this State during the period of such service unless 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.</p> <p>(9) If a person removes to a county, municipality, precinct, ward, or other election district to engage in the service of the State government, that</p>
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Rhode Island	RI ST § 17-1-3.1	<p>(a) A person's residence for voting purposes is his or her fixed and established domicile. The determinant of one's domicile is that person's factual physical presence in the voting district on a regular basis incorporating an intention to reside for an indefinite period. This domicile is the place to which, upon temporary absence, he or she has the intention of returning. Once acquired, this domicile continues until another domicile is established. A person can have only one domicile, and the domicile shall not be considered lost solely by reason of absence for any of the following reasons:</p> <p>(1) Employment or service outside of the state intimately connected with military operations or with the federal government, including the spouse and dependents of an elector so employed;</p> <p>(2) Confinement in a correctional facility;</p> <p>(3) Being a patient in a hospital, convalescent home, nursing home or rest home, or like facility; or</p> <p>(4) Attendance as a student at an academic institution, including the spouse and dependents of an elector who is a student.</p> <p>(b) The following shall be considered prima facie evidence of a person's residence for voting purposes:</p> <p>(1) The address furnished to the division of motor vehicles for the voter's operator's license;</p> <p>(2) The address from which the voter's motor vehicle is registered;</p> <p>(3) The address from which the voter filed his last federal income tax return;</p> <p>(4) The address from which the voter filed his last state income tax return;</p>

		<p>(5) The address furnished to the companies from which the voter has obtained retail credit cards;</p> <p>(6) The address furnished to the financial institutions where the voter maintains accounts;</p> <p>(7) The address furnished to the tax collector and/or assessor in those communities where the voter owns taxable real or personal property for the purpose of notification to him or her;</p> <p>(8) The address furnished to the insurance companies with which the voter maintains policies;</p> <p>(9) The address furnished to the voter's employer;</p> <p>(10) The address furnished by the voter to any business, professional, union, or fraternal organizations of which he or she is a member;</p> <p>(11) The address furnished to governmental agencies with which the voter has contact;</p> <p>(12) The address of a hospital, convalescent home, nursing home or rest home, or like facility at which the voter has been a patient or resident for the preceding thirty (30) days or longer;</p> <p>(13) The address furnished to the United States postal service on a change of address form as verified by the United States postal service.</p>
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Table 2: Below are some states with residency requirements for voting that are similar to South Dakota's requirements.

State	Statute	Text
Arkansas	AR ST § 7-5-201	<p>(b) "Voting residence" shall be a voter's domicile and shall be governed by the following provisions:</p> <p>(1) The domicile of a person is that place in which his or her habitation is fixed and to which he or she has the intention to return whenever he or she is absent;</p> <p>(2) A change of domicile is made only by the act of abandonment, joined with the intent to remain in another place. A person can have only one (1) domicile at any given time;</p> <p>(3) A person does not lose his or her domicile if he or she temporarily leaves his or her home and goes to another country, state, or place in this state with the intent of returning;</p> <p>(4) The place where a person's family resides is presumed to be his or her place of domicile, but a person may acquire a separate residence if he or she takes another abode with the intention of remaining there;</p> <p>(5) A married person may be considered to have a domicile separate from that of his or her spouse for the purposes of voting or holding office. For those purposes, domicile is determined as if the person were single; and</p> <p>(6) Persons who are temporarily living in a particular place because of a temporary work-related assignment or duty post or as a result of their performing duties in connection with their status as military personnel,</p>

		students, or office holders shall be deemed residents of that place where they established their home prior to beginning such assignments or duties.
Idaho	ID ST § 34-107	<p>(1) "Residence," for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of absence.</p> <p>(2) If a person claims an exemption under section 63-602G, Idaho Code, then the homestead for which the exemption is claimed shall be the person's residence for voting purposes. If no such exemption is claimed, then in determining the principal or primary place of abode of a person, the following circumstances relating to such person may be taken into account: business pursuits, employment, income sources, residence for income or other tax pursuits, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, and motor vehicle registration.</p> <p>(3) A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence.</p> <p>(4) A qualified elector shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there.</p> <p>(5) If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.</p>
Kansas	KS ST 25-407	The judges of election, in determining the residence of a person offering to vote, shall be governed by this section. "Residence" means the place adopted by a person as such person's place of habitation, and to which, whenever such person is absent, such person has the intention of returning.
Nebraska	NE ST § 32-116	Residence shall mean (1) that place in Nebraska in which a person is actually domiciled, which is the residence of an individual or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning, (2) the place in Nebraska where a person has his or her family domiciled even if he or she does business in another place, and (3) if a person is homeless, the county in Nebraska in which the person is living. No person serving in the armed forces of the United States shall be deemed to have a residence in Nebraska because of being stationed in Nebraska.

For more information, please reach out and [NCSL](#) can connect you with experts in this area.