

HOUSE BILL NO. 613

INTRODUCED BY S. SALES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING RULES FOR DETERMINING RESIDENCE UNDER THE ELECTION LAWS; AND AMENDING SECTION 13-1-112, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-112, MCA, is amended to read:

"13-1-112. Rules for determining residence. For registration, voting, or seeking election to the legislature public office, the residence of an individual must be determined by the following rules as far as they are applicable:

(1) An individual may have only one residence.

(2) The residence of an individual is where the individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning.

(3) The residence of an individual's parents may not be presumed to be the residence of an individual who has reached the age of majority unless:

(a) the parents' residence is the only place the individual physically resides; or

(b) the individual is a student at an educational institution and has not established residency elsewhere.

(4) (a) If an individual is married, the place where the individual's spouse and minor children, if any, reside is presumed to be the individual's place of residence.

(b) If an individual is not married, the place where the individual resides is presumed to be the individual's place of residence.

(5) An individual may not gain or lose a residence while kept involuntarily at any public institution, not necessarily at public expense, as a result of being confined in any prison, or solely as a result of residing on a military reservation.

(6) (a) An individual in the armed forces of the United States may not become a resident solely as a result of being stationed at a military facility in the state.

(b) An individual may not acquire a residence solely as a result of being employed or stationed at a training or other transient camp maintained by the United States within the state.



1 (c) A member of a reserve component of the United States armed forces who is stationed outside of the
2 state but who has no intent of changing residency retains resident status.

3 ~~(4)(7)~~ An individual does not lose residence if the individual goes into another state or other district of
4 this state for temporary purposes with the intention of returning, unless the individual exercises the election
5 franchise in the other state or district.

6 ~~(5)(8)~~ An individual may not gain a residence in a county if the individual comes in for temporary
7 purposes without the intention of making that county the individual's home.

8 ~~(6)(9)~~ If an individual moves to another state with the intention of making it the individual's residence,
9 the individual loses residence in this state.

10 ~~(7) The place where an individual's family resides is presumed to be that individual's place of residence.
11 However, an individual who takes up or continues a residence at a place other than where the individual's family
12 resides with the intention of remaining is a resident of the place where the individual resides.~~

13 ~~(8)(10)~~ A change of residence may be made only by the act of removal joined with intent to remain in
14 another place."

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