

1 HOUSE BILL NO. 489

2 INTRODUCED BY J. O'NEIL

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING STATUTORY RULES FOR DETERMINING RESIDENCE
5 FOR THE PURPOSES OF VOTING OR SEEKING ELECTION TO THE LEGISLATURE; AMENDING SECTION
6 13-1-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 13-1-112, MCA, is amended to read:
11 **"13-1-112. Rules for determining residence.** For registration, voting, or seeking election to the
12 legislature, the residence of an individual must be determined pursuant to the provisions of 1-1-215 and by the
13 following rules as far as they are applicable:

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

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

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

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

23 (c) A member of a reserve component of the United States armed forces who is stationed outside of the
24 state but who ~~has no intent of changing~~ does not change residency retains resident status unless the individual
25 exercises the election franchise in the other state or district.

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

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

1 (6) If an individual moves to another state ~~with the intention of making it the individual's~~ and does not
2 maintain a primary residence in Montana, the individual loses residence in this state.

3 (7) The place where an individual's family resides is presumed to be that individual's place of residence.
4 However, an individual who takes up or continues a residence at a place other than where the individual's family
5 resides ~~with the intention of remaining~~ and maintains that residence as a primary residence is a resident of the
6 place where the individual resides.

7 (8) A change of residence may be made only by the act of removal ~~joined with intent to remain in another~~
8 place to a new primary residence."

9

10 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

11

- END -