

HOUSE BILL NO. 413

INTRODUCED BY J. GILLETTE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS RELATED TO RESIDENCY FOR TEMPORARY RESIDENTS; AMENDING SECTION 13-1-112, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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, the residence of an individual must be determined by the following rules as far as they are applicable:

(1) 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.

(2) 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.

(3) (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.

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

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

(5) An individual may not gain a ~~residence~~ residency in a county or the state of Montana if the

1 individual comes in relocates for temporary purposes, such as temporary work, training, or an educational  
2 program lasting fewer than 14 days, without the intention of making that county or the state the individual's  
3 permanent home at the conclusion of the temporary work, training, or educational program.

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

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

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

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

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