

JAN 21 2011

S.B. NO. 72

A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

1 SECTION 1. Section 11-13, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§11-13 Rules for determining residency.** (a) For the
4 purpose of this title, there can be only one residence for an
5 individual, but in determining residency, a person may treat
6 oneself separate from the person's spouse. The following rules
7 shall determine residency for election purposes only:

8 (1) The residence of a person is that place in which the
9 person's habitation is fixed, and to which, whenever
10 the person is absent, the person has the intention to
11 return;

12 (2) A person does not gain residence in any precinct into
13 which the person comes without the present intention
14 of establishing the person's permanent dwelling place
15 within such precinct[+]. Accordingly, "residence" has
16 the same meaning as "domicile", which denotes a
17 permanent, as distinguished from a temporary, dwelling
18 place. For purposes of this paragraph, "temporary"



1 means that which is to last for a limited time only,
2 as distinguished from that which is perpetual, or
3 indefinite, in its duration. What is required is not
4 momentary, or occasional or sporadic physical
5 presence; it is significant physical presence
6 consistent with the ordinary conception of living, or
7 abiding, or residing, or dwelling, or maintaining a
8 habitation in a place;

9 (3) If a person resides with the person's family in one
10 place, and does business in another, the former is the
11 person's place of residence; but any person having a
12 family, who establishes the person's dwelling place
13 other than with the person's family, with the
14 intention of remaining there shall be considered a
15 resident where the person has established such
16 dwelling place;

17 (4) The mere intention to acquire a new residence without
18 physical presence at such place, does not establish
19 residency, neither does mere physical presence without
20 the concurrent present intention to establish such
21 place as the person's residence;



1 (5) A person does not gain or lose a residence solely by
2 reason of the person's presence or absence while
3 employed in the service of the United States or of
4 this State, or while a student of an institution of
5 learning, or while kept in an institution or asylum,
6 or while confined in a prison;

7 (6) No member of the armed forces of the United States,
8 the member's spouse or the member's dependent is a
9 resident of this State solely by reason of being
10 stationed in the State;

11 (7) A person loses the person's residence in this State if
12 the person votes in an election held in another state
13 by absentee ballot or in person.

14 In case of question, final determination of residence shall be
15 made by the clerk, subject to appeal to the board of
16 registration under part III of this chapter."

17 SECTION 2. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

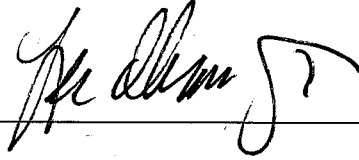
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1 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Mr. [unclear] Jr.", written over a horizontal line.



Report Title:

Elections; Residency

Description:

Adds a definition of "residency" to rules for determining residency.

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