

---

# A BILL FOR AN ACT

RELATING TO ELECTIONS.

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

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

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

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

(2) A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct[+]. Accordingly, "residence" has the same meaning as "domicile", which denotes a permanent, as distinguished from a temporary, dwelling 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. A momentary, occasional,  
4 or sporadic physical presence shall not be sufficient  
5 to establish residency. A significant physical  
6 presence, however, consistent with the ordinary  
7 conception of living, abiding, residing, dwelling, or  
8 maintaining a habitation in a fixed place, shall  
9 establish residency;

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

18 (4) The mere intention to acquire a new residence without  
19 physical presence at such place, does not establish  
20 residency, neither does mere physical presence without  
21 the concurrent present intention to establish such  
22 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[-]; and

14 (8) A person shall not be considered a resident of this  
15 State if the person declares residency in another  
16 state.

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



- 1        SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.
- 3        SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Elections; Residency

**Description:**

Adds a definition of "residency" to rules for determining residency. Specifies that a person is not a resident of the state if the person declares residency in other states. (SB225 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

