

Effective 5/5/2021

20A-2-105 Determining residency.

- (1) As used in this section:
 - (a) "Principal place of residence" means the single location where a person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.
 - (b) "Resident" means a person whose principal place of residence is within a specific voting precinct in Utah.
- (2) Election officials and judges shall apply the standards and requirements of this section when determining whether a person is a resident for purposes of interpreting this title or the Utah Constitution.
- (3)
 - (a) A person resides in Utah if:
 - (i) the person's principal place of residence is within Utah; and
 - (ii) the person has a present intention to maintain the person's principal place of residence in Utah permanently or indefinitely.
 - (b) A person resides within a particular voting precinct if, as of the date of registering to vote, the person's principal place of residence is in that voting precinct.
 - (c) A person's principal place of residence does not change solely because the person is present in Utah, present in a voting precinct, absent from Utah, or absent from the person's voting precinct because the person is:
 - (i) employed in the service of the United States or of Utah;
 - (ii) a student at an institution of learning;
 - (iii) incarcerated in prison or jail; or
 - (iv) residing upon an Indian or military reservation.
 - (d)
 - (i) A member of the armed forces of the United States is not a resident of Utah merely because that member is stationed at a military facility within Utah.
 - (ii) In order to be a resident of Utah, a member of the armed forces described in this Subsection (3)(d) shall meet the other requirements of this section.
 - (e)
 - (i) Except as provided in Subsection (3)(e)(ii) or (iii), a person has not lost the person's principal place of residence in Utah or a precinct if that person moves to a foreign country, another state, or another voting precinct within Utah, for temporary purposes with the intention of returning.
 - (ii) If a person leaves the state or a voting precinct and votes in another state or voting precinct, the person is no longer a resident of the state or voting precinct that the person left.
 - (iii) A person loses the person's principal place of residence in Utah or in a precinct, if, after the person moves to another state or another precinct under Subsection (3)(e)(i), the person forms the intent of making the other state or precinct the person's principal place of residence.
 - (f) A person is not a resident of a county or voting precinct if that person comes for temporary purposes and does not intend to make that county or voting precinct the person's principal place of residence.
 - (g) A person loses the person's principal place of residence in Utah or in a precinct if the person moves to another state or precinct with the intention of making the other state or precinct the person's principal place of residence.
 - (h) If a person moves to another state or precinct with the intent of remaining there for an indefinite time as the person's principal place of residence, the person loses the person's

residence in Utah, or in the precinct, even though the person intends to return at some future time.

- (4) An election official or judge shall, in determining a person's principal place of residence, consider the following factors, to the extent that the election official or judge determines the factors to be relevant:
 - (a) where the person's family resides;
 - (b) whether the person is single, married, separated, or divorced;
 - (c) the age of the person;
 - (d) where the person usually sleeps;
 - (e) where the person's minor children attend school;
 - (f) the location of the person's employment, income sources, or business pursuits;
 - (g) the location of real property owned by the person;
 - (h) the person's residence for purposes of taxation or tax exemption; and
 - (i) other relevant factors.
- (5)
 - (a) A person has changed the person's principal place of residence if the person:
 - (i) acts affirmatively to move from the state or a precinct in the state; and
 - (ii) has the intent to remain in another state or precinct.
 - (b) A person may not have more than one principal place of residence.
 - (c) A person does not lose the person's principal place of residence until the person establishes another principal place of residence.
- (6) In computing the period that a person is a resident, a person shall:
 - (a) include the day on which the person establishes the person's principal place of residence; and
 - (b) exclude the day of the next election.
- (7)
 - (a) Except as provided in Subsection (10), there is a rebuttable presumption that a person's principal place of residence is in Utah and in the voting precinct claimed by the person if the person makes an oath or affirmation upon a registration application form or declaration of candidacy that the person's principal place of residence is in Utah and in the voting precinct claimed by the person.
 - (b) Except as provided in Subsection (10), the election officers and election officials shall allow a person described in Subsection (7)(a) to register and vote, or accept the person's declaration of candidacy, unless, upon a challenge by a registrar or some other person, it is shown by law or by clear and convincing evidence that:
 - (i) the person's principal place of residence is not in Utah; or
 - (ii) the person is incarcerated in prison or jail and did not, before the person was incarcerated in prison or jail, establish the person's principal place of residence in the voting precinct.
- (8)
 - (a) The criteria described in this section for establishing a person's principal place of residence for voting purposes do not apply in relation to the person's location while the person is incarcerated in prison or jail.
 - (b) For voting registration purposes, the principal place of residence of a person incarcerated in prison or jail is the state and voting precinct where the person's principal place of residence was located before incarceration.
- (9) If a person's principal place of residence is a residential parcel of one acre in size or smaller that is divided by the boundary line between two or more counties, that person shall be considered a resident of the county in which a majority of the residential parcel lies.
- (10)

- (a) If an individual seeking to become a candidate for a political office that includes a durational residency requirement has been absent from the state for a period of more than 180 consecutive days during the applicable residency period, the individual may, at the time that the candidate files a declaration of candidacy, submit evidence to the filing officer to show that the individual intended to return to the state during the time of the individual's absence from the state.
- (b) There is a rebuttable presumption that an individual described in Subsection (10)(a) intended to return to the state during the individual's absence if:
 - (i) the individual submits evidence of the individual's intent to the filing officer at the time that the individual files a declaration of candidacy; or
 - (ii) the individual was absent from the state because the individual was:
 - (A) employed in the service of the United States or of Utah;
 - (B) a student at an institution of learning; or
 - (C) engaged solely in religious, missionary, philanthropic, or humanitarian activities.
- (c) If a valid written objection to an individual's declaration of candidacy is filed, there is a rebuttable presumption that an individual described in Subsection (10)(a) did not intend to return to the state during the individual's absence if:
 - (i) the individual did not submit evidence of the individual's intent to the filing officer at the time that the individual filed a declaration of candidacy; and
 - (ii) the individual's absence from the state was not for one of the reasons described in Subsection (10)(b)(ii).
- (d) An individual must rebut the presumption described in this Subsection (10) by clear and convincing evidence.

Amended by Chapter 183, 2021 General Session