

Clarification on Voter Residency Requirements

There is erroneous belief that persons who own property in a municipality or county or pay property tax to a municipality or county have the right to register and vote in that municipality or county, without establishing that location as their permanent residence.

The residency qualification to register to vote in a municipality or county is that the persons registering must have, by the time of the election, resided in that municipality or county for at least 30 days with the intent to make that county, municipality, precinct, ward, or other election district a permanent place of abode.

A key element in determining residency for voting is contained in NC General Statutes § 163-57(3). It states, “A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.”

Staff of the North Carolina State Board of Elections offers the following general opinion: “A person may have an actual abode (residence) in one place, and their permanent established home (domicile) in another. A domicile is the place to which the person intends to return. The law requires all persons to have only one domicile for voting purposes.”

According to North Carolina Court rulings, to establish a change in domicile, a person must show:

1. actual abandonment of the first domicile, coupled with no intention to return;
2. and the acquisition of a new domicile by actual residence;
3. with the intent of making the newer residence a permanent home.

A person desiring to register to vote or make changes to an existing voter registration record may do so by completing a North Carolina Voter Registration Application/Update Form. Upon completion of the form, the voter is required to sign and date an attestation, under penalty of perjury, which states in part; “I shall have been a resident of North Carolina, this county, and precinct for 30 days before the date of the election in which I intend to vote.” The application further states: “FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.”

A temporary change of voter registration in order to qualify to vote in a municipality or county where that voter has no intent to make his permanent home could create serious legal issues for the voter not only as to voting, but as to taxation and schooling for any of their minor children.

Citizens who need clarification of their residency, or who have questions or concerns about these and other election related issues should contact their County Board of Elections.