

# Determining Residency

In order to register to vote, a person needs to be resident of the State, and affirmatively state so, in their voter registration application, in addition to other requirements.

The residence stated in your application cannot simply be because of your presence in the State but instead it must be that the residence was acquired with the intent to make Hawaii your legal residence with all the accompanying obligations therein.

In determining whether you can make this representation, you should consider the following:

1. The legal residence of a person is that place in which that person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return
2. A person may only have one legal residence
3. For purposes of determining legal residency, a person may treat oneself separate from the person's spouse
4. A person does not gain legal residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct
5. If a person resides with the person's family in one place, and does business in another, the former is the person's place of residence; but any person having a family, who establishes the person's dwelling place other than with the person's family, with the intention of remaining there shall be considered a legal resident where the person has established such dwelling place
6. The mere intention to acquire a new residence without physical presence at such place, does not establish legal residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's legal residence
7. A person does not gain or lose a legal residence solely by reason of the person's presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison
8. No member of the armed forces of the United States, the member's spouse or the member's dependent is a legal resident of this State solely by reason of being stationed in the State, as mere presence alone in the State is not sufficient to establish legal residence. However, nothing prevents active duty military and their dependents, as with all citizens, from claiming legal residence in this State, if they meet the requirements associated with legal residence
9. A person loses the person's legal residence in this State if the person votes in an election held in another state by absentee ballot or in person.

If there is a dispute over whether the legal residence stated in your application is your actual legal residence, a final determination shall be made by the county clerk, subject to an appeal to the Board of Registration.

Refer to HRS §11-13.

**This FACTSHEET is intended for informational purposes only and should not be used as an authority on Hawaii election law. Requirements and/or deadlines may change. Consults the Hawaii Revised Statutes and other sources for more detailed information.**

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