

48A.5A Determination of residence.

Residence shall be determined in accordance with the following principles:

1. The residence of a person is in the precinct where the person's home or dwelling is located.
2. A residence for purposes of [this chapter](#) cannot be established in a commercial or industrial building that is not normally used for residential purposes unless the building is used as a primary nighttime residence.
3. A person does not lose residence if the person leaves the person's home to reside temporarily in another state or precinct.
4. If a person goes to another state or precinct and files an affidavit of residence in that state or precinct for election purposes, the person loses residence in the former state or precinct, unless the person moved to the other state after that state's deadline for registering to vote in a particular election.
5. A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of [this section](#), may choose either location as the student's residence for voter registration and voting purposes.
6. If an active member of the United States armed forces, as defined by [section 53.37](#), has previously resided at a location that meets the requirements of [this section](#), that person may claim either that previous residence or the person's current residence as the person's residence for voter registration and voting purposes.
7. Notwithstanding [subsections 1 through 6](#), the residence of a homeless person is in the precinct where the homeless person usually sleeps. Residence requirements shall be construed liberally to provide homeless persons with the opportunity to register to vote and to vote.
8. A person's declaration of residency for voter registration and voting purposes is presumed to be valid unless a preponderance of evidence indicates that another location should be considered the person's voting residence under the provisions of [this chapter](#).
[94 Acts, ch 1169, §6](#)