

A. Definition of residence

Minn. Stat. § 200.031; *Bell v. Gamaway*, 303 Minn. 346, 350, 227 N.W.2d 797, 801 (Minn. 1975).

Legal residence for voting largely depends on the voter's intent, but the determination in each instance will depend heavily on the particular facts. No general rules uniformly resolve residency questions even though the statutes provide guidance. Generally speaking, if someone challenges an individual's right to vote, and the individual's answers apparently entitle him or her to vote, that individual must be allowed to vote, subject to any voter-registration requirements.

Minn. Stat. § 200.031.

Fundamentally, residence is that place where an individual habitually resides, receives mail, and otherwise considers it an official residence and permanent home. State law provides that residence must be determined in accordance with the following principles, so far as they may apply to the facts of the situation:

- the residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return;
- an individual does not lose residence if the individual leaves home to live temporarily in another state or precinct;
- an individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home;
- if an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct;
- if an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time;
- except as otherwise provided by law, an individual's residence is located in the precinct where the individual's family lives, unless the individual's family is living in that precinct only temporarily;
- if an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family;
- the residence of a single individual is in the precinct where the individual lives and usually sleeps;
- the mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

- the residence of an individual who is working temporarily in any precinct of this state is in the precinct where the individual's permanent home is located;
- the residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located;
- if an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located;
- if an individual's home is destroyed or rendered uninhabitable by fire or natural disaster, the individual does not lose residence in the precinct where the home is located if the individual intends to return to the home when it is reconstructed or made habitable.

Cities often ask if the residence of college students is the home where they live when school is out of session or the place where they are attending college. Whether they should vote at home or in the city where the college is located depends on the intention of the voter. In circumstances where an individual may claim legal residence at either place, the place the individual regards as home will be his or her residence for the purpose of voting.

Minn. Stat. § 200.031(d);
Minn. Const. art. VII, § 2.).
A.G. Op. 639-E (Oct. 24, 1952).

Similar factors must be considered for people who live in another place for part of the year. The statutes specify that if an individual registers to vote in another state, he or she loses residency in Minnesota. Individuals working for the federal government, including those in military service, do not lose their eligibility to vote while residing elsewhere. Likewise, members of the armed forces do not obtain residence in Minnesota for voting purposes solely because they are stationed there.

Minn. Stat. § 201.016, subd. 1a.

A voter who votes in a precinct, other than a precinct in which he or she maintains residence, must provide proof of residence to the auditor or election judge before voting in the next election. A voter who continues to vote in a precinct other than the one in which he or she maintains residence is guilty of a petty misdemeanor. Subsequent violations are misdemeanors.

B. Permanent registration

Minn. Stat. ch. 201.

The Legislature has established statewide voter registration with county systems linked to a centralized state system. The county auditor is the chief custodian of the official registration records, while the secretary of State administers the centralized state system.

Minn. Stat. § 201.221, subd. 4.

Although the county auditor is chief registrar, the auditor may delegate some election duties to city officials. This delegation, however, requires the approval of the governing body as well as an agreement that includes a plan to allocate the cost of the duties being delegated. The auditor must prepare precinct lists and an annual report. City clerks who have election duties must report annually to the county auditor.