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Bill Analysis
Legislative Service Commission

H.B. 319

126th General Assembly
(As Introduced)

Reps. Trakas, Carano, Seaver, Setzer

BILL SUMMARY

- Permits a person who has more than one place of habitation to which the person has the intention of returning and at which the person has resided at least 30 days within the prior year to select one of those places as the person's residence for the purpose of the Election Law.
- Repeals the requirement that the place where the family of a married man or woman resides be considered to be that man's or that woman's place of residence, unless the husband and wife are separated and live apart.

CONTENT AND OPERATION

Determination of a person's residence under the Election Law

Under the Election Law, the residence of a person is used for several purposes including voter registration, determining the person's precinct and polling place, eligibility for voting in certain elections, and the verification of petition signatures. Under existing law, the person's residence is the place in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning. (R.C. 3503.02(A).)

Selection of a residence for a person with multiple habitations

The bill does not change the general criteria for determining a person's residence under the Election Law. However, the bill establishes an alternate manner for a voter to specify the voter's residence, if the voter has more than one habitation. Under the bill, a person who has more than one place of habitation, to which, whenever the person is absent, the person has the intention of returning, and who has resided in each habitation for at least 30 days within the prior year, must select one of those places of habitation as the person's residence for the purpose of the Election Law. The residence that is selected must be considered

that person's residence by all registrars and judges of elections. (R.C. 3503.02(B).)

Residence of a married man or woman

Under existing law, the place where the family of a married man or woman resides generally must be considered to be that man's or that woman's place of residence. If the husband and wife have separated and live apart, then the person's residence must be the place where the person resides the length of time required to entitle a person to vote. The bill eliminates these provisions, so that the residence of a married man or woman must be determined under the standard residency criteria. Thus, under the bill, the place of residence for a married man or woman is the place in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning, regardless of where the married person's family may reside. (R.C. 3503.02(A) and (D).)

HISTORY

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