

TITLE 1: GOVERNMENT
DIVISION 6: ELECTIONS

§ 6204. Residency: Determination.

For the purposes of this part, there can be only one residence for an individual, but in determining residency, a person may treat oneself separate from the person's spouse. The following rules shall determine residency for purposes of this part:

(a) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return.

(b) A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct.

(c) 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 established the person's dwelling place other than with the person's family, with the intention of remaining there, shall be considered a resident where the person has established such dwelling place.

(d) The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's residence.

(e) A person does not gain or lose a residence solely by reason of the person's presence or absence while employed in the service of the United States or this Commonwealth, or while a student of an institution of learning.

(f) No member of the armed forces of the United States, the member's spouse or the member's dependent is a resident of this Commonwealth solely by reason of being stationed in the Commonwealth.

(g) A person loses his residence in this Commonwealth if the person registers to vote in another state or area under the United States or other jurisdiction.

Source: PL 12-18, § 2 (6204).

Commission Comment: See N.M.I. Const. art. VII, § 3.