

# HOUSE BILL No. 1519

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-5.

**Synopsis:** Candidate, office holder, and voter residence. Provides that an individual who registers to vote in a state other than Indiana loses residence in Indiana for purposes of election law. Provides that in a proceeding under Indiana election law, if the residency of an individual is in question, an assertion that an individual intends to reside at a particular location is not sufficient, by itself, to establish the individual's residence. Provides that both of the following apply to the question of determining an individual's residence under Indiana election law: (1) An assertion that an individual intended to reside at a new location must be supported by evidence of the conduct taken to implement the asserted intent to reside at the new location. (2) An assertion that an individual intended to abandon a previous residence must be supported by evidence of the conduct taken to implement the asserted intent to abandon the previous residence. Provides that in a proceeding under Indiana election law in which an individual's residence is in question, an assertion that an individual intended to reside at a particular location must be shown by a preponderance of the evidence. Provides that the following may be used as evidence of the current residence of an individual: (1) A current and valid photo identification. (2) A current utility bill. (3) A current bank statement. (4) A current government check. (5) A current paycheck. (6) A current government document. Provides that the document offered as evidence of the residence of an individual must show the individual's name and the address of the individual's asserted current residence. Revises statutes relating to residency for purposes of election law. Repeals superseded statutes.

**Effective:** July 1, 2023.

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## Borders

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January 19, 2023, read first time and referred to Committee on Elections and Apportionment.

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First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1519

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-5-5-3, AS AMENDED BY P.L.258-2013,  
2       SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2023]: Sec. 3. (a) ~~A person~~ **An individual** does not have  
4       residence in more than one (1) precinct within Indiana.

5       (b) For purposes of this chapter, ~~a person~~ **an individual** does not  
6       have residence both within Indiana and outside Indiana.

7       **(c) An individual who registers to vote in a state other than**  
8       **Indiana loses residence in Indiana for purposes of this title.**

9       SECTION 2. IC 3-5-5-6, AS AMENDED BY P.L.258-2013,  
10       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11       JULY 1, 2023]: Sec. 6. (a) Sections 7 through ~~17~~ **19** of this chapter  
12       establish presumptions regarding the residency of ~~a person~~ **an**  
13       **individual** in a precinct. ~~A person~~ **An individual** can rebut these  
14       presumptions by demonstrating **both of the following:**

15       **(1) The** intent to reside in another precinct. ~~and~~

16       **(2) The** conduct taken to implement that intent.

17       ~~(b) An individual who makes a statement regarding the residence of~~



the individual; under the penalties for perjury, is presumed to reside at the location specified by the individual; as of the date of making the statement.

(b) In a proceeding under this title in which an individual's residence is in question, an assertion that an individual intends to reside at a particular location is not sufficient, by itself, to establish the individual's residence. Both of the following apply to the question of determining an individual's residence under this title:

(1) An assertion that an individual intended to reside at a new location must be supported by evidence of the conduct taken to implement the asserted intent to reside at the new location.

(2) An assertion that an individual intended to abandon a previous residence must be supported by evidence of the conduct taken to implement the asserted intent to abandon the previous residence.

(c) In a proceeding under this title in which an individual's residence is in question, an assertion that an individual resides at a particular location must be shown by a preponderance of the evidence.

(d) Subject to subsection (c), the following documents may be used as evidence of the current residence of an individual:

(1) A current and valid photo identification.

(2) A current utility bill.

(3) A current bank statement.

(4) A current government check.

(5) A current paycheck.

(6) A current government document.

The document offered as evidence of the current residence of an individual must show the individual's name and the address of the individual's asserted current residence.

SECTION 3. IC 3-5-5-8 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 8: Subject to section 6 of this chapter, if a person is physically present within another state with the intention of making that state the person's residence, the person loses residency in Indiana.

SECTION 4. IC 3-5-5-9 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 9: Subject to section 6 of this chapter, if a person is physically present within another state with the intention of remaining in the other state for an indefinite time as a place of residence, the person loses residency in Indiana, even if the person intends to return at some time.

SECTION 5. IC 3-5-5-10 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 10: Subject to section 6 of this chapter, if a person is



1 physically present within another precinct in Indiana with the intention  
 2 of making that precinct the person's residence; the person loses  
 3 residency in the precinct that the person left.

4 SECTION 6. IC 3-5-5-11 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2023]: Sec. 11. **(a) This section is subject to**  
 6 **section 6 of this chapter.**

7 **(b) Except as otherwise provided in subsections (c) through (e),**  
 8 the place where a person's **an individual's** immediate family resides is  
 9 the person's **individual's** residence, unless the family's residence is

10 ~~(1) a temporary location for the person's individual's immediate~~  
 11 ~~family. or~~

12 ~~(2) for transient purposes.~~

13 **(c) If an individual:**

14 **(1) is living at a place other than the residence of the**  
 15 **individual's immediate family; and**

16 **(2) has the intention of remaining at that place and engages in**  
 17 **conduct to carry out that intent;**

18 the place where the individual lives is the individual's residence.

19 **(d) A married individual who does not live in a household with**  
 20 **the individual's spouse may establish a separate residence from the**  
 21 **residence of the individual's spouse by intending to do so and**  
 22 **engaging in conduct to carry out that intent.**

23 **(e) The residence of an individual who:**

24 **(1) is unmarried; and**

25 **(2) does not have an immediate family;**

26 is where the individual usually sleeps if that is the individual's  
 27 intent and the individual engages in conduct to carry out that  
 28 intent.

29 SECTION 7. IC 3-5-5-12 IS REPEALED [EFFECTIVE JULY 1,  
 30 2023]. Sec. 12: Except as provided in section 13 of this chapter, if:

31 ~~(1) a person's immediate family resides in one (1) place; and~~

32 ~~(2) the person does business in another place;~~

33 the residence of the immediate family is the person's residence.

34 SECTION 8. IC 3-5-5-13 IS REPEALED [EFFECTIVE JULY 1,  
 35 2023]. Sec. 13: Subject to section 6 of this chapter, if a person:

36 ~~(1) is living at a place other than the residence of the person's~~  
 37 ~~immediate family; and~~

38 ~~(2) has the intention of remaining at that place and engages in~~  
 39 ~~conduct to carry out that intent;~~

40 the place where the person lives is the person's residence.

41 SECTION 9. IC 3-5-5-14 IS REPEALED [EFFECTIVE JULY 1,  
 42 2023]. Sec. 14: Subject to section 6 of this chapter, a married person



who does not live in a household with the person's spouse may establish a separate residence from the residence of the person's spouse by intending to do so and engaging in conduct to carry out that intent.

SECTION 10. IC 3-5-5-15 IS REPEALED [EFFECTIVE JULY 1, 2023]. Sec. 15. Subject to section 6 of this chapter, the residence of a person who:

(1) is unmarried; and

(2) does not have an immediate family;

is where the person usually sleeps if that is the intent of the person, and the person engages in conduct to carry out that intent.

SECTION 11. IC 3-5-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 16. **(a) A person This section is subject to section 6 of this chapter.**

**(b) An individual** who resides in a ~~veterans~~ **veterans'** home is a resident of the precinct in which the home is located.

SECTION 12. IC 3-5-5-17, AS AMENDED BY P.L.3-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 17. **(a) This section is subject to section 6 of this chapter.**

~~(a)~~ **(b)** This section applies to an individual who is:

(1) adjudged mentally ill; and

(2) committed to an institution for individuals with a mental illness.

~~(b)~~ **(c)** An individual described in subsection ~~(a)~~ **(b)** has only one (1) residence for purposes of this title.

~~(c)~~ **(d)** An individual described in subsection ~~(a)~~ **(b)** may state the individual's residence as either of the following, but not both:

(1) The address of the institution where the individual has been committed.

(2) The address where the individual lives when the individual is not committed to an institution.

SECTION 13. IC 3-5-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 18. **(a) This section is subject to section 6 of this chapter.**

**(b)** Notwithstanding IC 3-5-2-42.5, an individual with a nontraditional residence whose residence is within a precinct, but is not fixed or permanent, resides in that precinct.

SECTION 14. IC 3-5-5-19 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 19. **(a) This section is subject to section 6 of this chapter.**

**(b) An individual who makes a statement regarding the**



1        **residence of the individual, under the penalties for perjury, resides**  
2        **at the location specified by the individual, as of the date of making**  
3        **the statement.**

