

## Determination of Residency

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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**Reference Number:** MTAS-287

### ***Determination of Residence for Voter Registration Purposes***

Any United States citizen who is or will be 18 years old before the next election date and is a Tennessee resident may register to vote unless he or she has been legally disqualified. T.C.A. § 2-2-102, T.C.A. § 2-2-104, T.C.A. § 2-22-122. The registrar follows T.C.A. § 2-2-122 to determine if a person is a Tennessee resident.

### ***Residency Requirements Applicable to Persons Living in a Newly Annexed Area***

People living in newly annexed territory have the same rights as any other people living in the city, as if the annexed area "had always been part of the annexing municipality". T.C.A. § 6-51-108(a). Therefore, any residency period in the annexed area would apply toward residency requirements for voting and running for municipal office.

Municipalities should consider election deadline dates when they annex territory. Municipalities that annex territory must provide the appropriate county election commission with:

- Maps depicting the area;
- A copy of the annexation ordinance denoting wards or districts, if applicable; and
- A copy of the census taken for the annexation, if available. T.C.A. § 2-2-107 (c).

### ***Notice to County Election Commission of Certain Changes***

The legislative body of each municipality must provide the county election commission an updated list of any changes to house, road, or street names and numbers every six months. T.C.A. § 7-86-127.

### ***Non-resident Property Owners' Voting Rights***

Tennessee statutes recognize non-resident property owners' voting rights in municipal elections if such rights are provided by municipal charter or general law. Separate voter registration for non-resident property owners is required. Therefore, non-resident property owners who also are registered to vote anywhere in Tennessee must register as property rights voters before registration closes for an upcoming municipal election, just as other voters must register. T.C.A. § 2-2-107, T.C.A. § 6-53-102. A municipality where non-resident property owners have voting rights may, via ordinance, require non-resident voters to vote absentee ballot via certified mail. Such an ordinance must be passed and filed with the county election no less than 60 days prior to an election where utilized T.C.A. § 2-6-205.

Presumably, only those people whose names appear on deeds or tax rolls would be eligible to register as non-resident property owners. T.C.A. § 2-2-107(a)(3) provides that no more than two persons are entitled to vote based upon ownership of an individual tract regardless of the number of property owners. If a partnership owns property, only partners named on the deed have non-resident voting rights. Corporate owners have no vote because the Tennessee Constitution and election laws authorize voter registration of only natural people. Article IV, Section 1, and T.C.A. § 2-2-102.

The general law city manager-commission charter provides that a person eligible to vote in municipal elections solely because of non-resident ownership of real property is not eligible for election as a commissioner T.C.A. § 6-20-103.

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**Source URL (retrieved on 09/19/2019 - 3:08am):** <https://www.mtas.tennessee.edu/reference/determination-residency>

