

# Residency

There was a time when residency was simple to determine. It meant where you lived. And, there were a number of ways to determine where one lived - where their residence was. Here is a lengthy and specific differentiation between domicile and residence --

*Although the domicile and residence of a person are usually in the same place, and the two terms are frequently used as if they have the same meaning, they are not synonymous. A person can have two places of residence, such as one in the city and one in the country, but only one domicile. Residence means living in a particular locality, but domicile means living in that locality with the intent to make it a fixed and permanent home. Residence merely requires bodily presence as an inhabitant in a given place, whereas domicile requires bodily presence in that place and also an intention to make it one's permanent home.*

*This distinction is relevant for members of the military, who may move frequently during the course of a typical career; college students, whose state of domicile may affect whether they are eligible for scholarships and grants from a state university; and retired individuals, whose domicile will determine where they pay taxes. Domicile determines where a person votes and where a person's driver's license is issued.*

It seems that a better word to determine whether someone is eligible to be a candidate for public office or vote in a particular locale should be "domicile" rather than residence.

There have been recent instances of a candidate (one already a winner) being challenged about being eligible to seek the office because he was not a "resident."

Here in Wyoming, one who did not live in the district long enough to be eligible to become a candidate under state law but "intended to" and could not because he was serving in the military overseas was granted a

seat in the Wyoming House of Representatives after he had won the contested election over a Democratic incumbent. He was a Republican and the decision to seat him was made by your Republican Legislature.

If intending to reside somewhere were adequate to be considered a resident, servicemen and women from around the nation would claim residency in state's without an income tax. Their home states do not allow that, though. Your residency is where you lived when you joined the military unless you changed that residency by such steps as registering a vehicle, changing your driver's license and/or voting in that state without an income tax.

Those who work temporarily in another state or matriculate to college in another state do not lose their residency in the departed state without taking specific actions to change their residency.

Rahm Emanuel returned to Chicago to claim what he considered his - being mayor of Chicago. He did not try that until after the lifetime incumbent, William Daley, announced he would not seek an eighty-sixth term. Rahm's candidacy was challenged and he was in, he was in, he was out, then he was finally in. Is it over? Probably. The U.S. Supreme Court will not hear such a case in time for the primary election.

As much as I detest the little worm, his working in Washington should not have changed his "domicile" or where he "resided." He is much like a college student or military member who leaves a permanent home for temporary residency elsewhere. Whether he would have returned or not had Daley run again is irrelevant. He *did* return after a two year absence. Dick Cheney was gone from Wyoming for a very long time but then claimed Wyoming residency for the purpose of being on the ticket with George W. Bush (candidates for president and vice president on the same ticket cannot be from the same state). What's fair for the goose ...

## Jessica Venable is now in Gillette

Jessica was transferred to the Volunteers of America facility in Gillette on December 7, 2010. She has found employment in Gillette and has made application for parole. Judge Peter Arnold had reduced her sentence by two years and that helped Jessica get moved to Gillette sooner than earlier expected. For the time that Jessica will spend in Gillette, she can still use financial help. So I encourage Cheyenne Herald readers to join my wife and myself in contributing financial help to this young woman who is still facing challenges on many fronts. Jessica has told me that letters, checks and money orders can be sent to her directly at the Gillette halfway house. Her address in Gillette is: Jessica Venable, VOA, P.O. Box 1346, Gillette WY 82716. If you prefer, you can send your donation for Jessica to me (please make your check payable to the Cheyenne Herald). I will buy a money order and forward all donated amounts to Jessica as I have for the past year. She is now just months from parole and eventual release from confinement. Donor support for her has meant a great deal to Jessica. She has been amazed that strangers care. Thanks for that.

**Jessica Venable, VOA, P.O. Box 1346, Gillette WY 82716**

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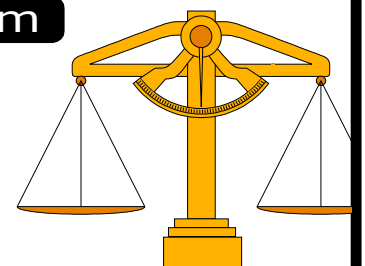
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