

## Ordinary residence

1. (1) For the purposes of this Act and the regulations, the ordinary residence of a person is determined by the provisions of this section.
- (2) A person is not ordinarily resident in a place unless that person
  - (a) lives and sleeps in that place, and
  - (b) intends to return to the place whenever absent from the place.
- (3) A person can be ordinarily resident in only one place at a time.
- (4) A person does not cease to be ordinarily resident in a place until the person is ordinarily resident in a different place.
- (5) A person does not cease to be ordinarily resident in a place by leaving the place for temporary purposes only.
- (6) Despite subsections (2) to (5) but subject to subsections (7) and (10), if, for the purposes of attending an educational institution, a person establishes a new place of residence away from the person's usual place of residence,
  - (a) the person may choose either their usual place or the new place as the place where the person is ordinarily resident, and
  - (b) a spouse, parent or dependant of the person who has moved from their usual place of residence and resides with the person in the new place may choose either their usual place or the new place as the place where they are ordinarily resident.
- (7) The Nisga'a Elections Officer may require a person claiming the right to choose a place of ordinary residence under subsection (6)(a), and a spouse, parent or dependant of such a person claiming the right to choose a place of ordinary residence under subsection (6)(b), to provide evidence satisfactory to the Nisga'a Elections Officer of that person's registration in a recognized educational program.
- (8) Despite subsections (2) to (5) but subject to subsections (9) and (10), a person who is imprisoned in a penal institution is not by that imprisonment ordinarily resident in the place where the penal institution is located, and may choose as the person's place of ordinary residence
  - (a) the place where the person was ordinarily resident before being imprisoned, or

- (b) a place where a spouse, parent or dependant of the person is ordinarily resident.
- (9) The Nisga'a Elections Officer may require a person claiming the right to choose a place of ordinary residence under subsection (8) to provide evidence satisfactory to the Nisga'a Elections Officer of
  - (a) their imprisonment in a penal institution, and
  - (b) their place of ordinary residence before their imprisonment or the place of ordinary residence of their spouse, parent or dependant, as the case may be.
- (10) A person's choosing of a place of ordinary residence under subsection (6) or (8)
  - (a) determines the person's ordinary residence for the purposes of voting under this Act and the regulations, but
  - (b) does not determine the person's ordinary residence for the purposes of nomination or candidacy for elected office, or for any other purpose, under the *Nisga'a Constitution*, this Act, the regulations or any other Nisga'a law.