Mr. Robert K. Konkle
Superintendent
Indiana State Police Department
State Office Building
Indianapolis, Indiana 46204

Dear Superintendent Konkle:

This is in response to your request for my Official Opinion on the following question:

"If a person, not previously a resident of the State of Indiana, establishes a residence within the State of Indiana for the purpose of registering to vote, and in fact does so register, is such person required by Indiana law to:

1. Obtain an Indiana driver’s license to operate a motor vehicle in Indiana; and

2. Purchase Indiana vehicle registration plates for vehicles owned by him and operated within the State of Indiana?"

ANALYSIS

The answer to your hypothetical question is “yes” in both cases. The concept of residency cannot be split into two parts, so that a person could be a resident of this state for one purpose (voting), but not for another (operation of automobiles), as the Indiana Supreme Court has held:

“A man can have but one place of residence; and to lose his residence in one place, he must acquire it in a second place.” Green v. Simon, et al. (1897), 17 Ind. App. 360, at page 367. (My emphasis)

Furthermore, our Indiana Supreme Court has stated, in regard to determining legal residency, “residence in a place is largely a matter of intention.” State v. Scott (1908), 86 N. E. 409, 171 Ind. 349.
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Every person who registers to vote in Indiana must state, by affidavit, that he is a resident of this state, as provided for in Burns' 29-3408. By so registering and signing the affidavit, such person is presenting *prima facie* evidence that he or she is indeed a resident of this state, and this is an outward expression of this person's intention to call the State of Indiana his or her residence.

Courts have used this analysis many times, for example, in McHaney v. Cunningham (1925, D. C.), 4 F. (2d) 725, a federal court ruled that where a teacher had voted in the parish where he taught, this was ample evidence of his intention to call that state his residence, and he could not at the same time claim to be a resident of another state for a non-voting purpose (diversity jurisdiction in federal court).

Therefore, a person who establishes his residence in Indiana for voting purposes, must also be considered a resident of Indiana for all other purposes, and must acquire an Indiana driver's license, where required for residents under Burns' 47-2701. Such person must also register his automobile and obtain Indiana license plates, as all Indiana residents must do, in accordance with Burns' 47-2602.

CONCLUSION

No one may split the concept of residency to qualify for the privileges that go to Indiana residents (such as voting) without also accepting the responsibilities which all residents of this state must bear. A person who qualifies as a resident of Indiana for voting purposes, and does so register, shall be treated as an Indiana resident under the Motor Vehicle Code. Such person must obtain a current Indiana driver's license if he or she operates a motor vehicle, and must also obtain a current Indiana registration plate for any motor vehicle which he or she owns and operates within the State of Indiana.