

(b) Spouses

For the purposes of voting for any Federal office (as defined in section 30101 of title 52) or a State or local office—

(1) a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—

(A) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

(B) be deemed to have acquired a residence or domicile in any other State; or

(C) be deemed to have become a resident in or a resident of any other State; and

(2) the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.

(Oct. 17, 1940, ch. 888, title VII, §705, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865; amended Pub. L. 111-97, §2(a), Nov. 11, 2009, 123 Stat. 3007; Pub. L. 115-407, title III, §303(a), Dec. 31, 2018, 132 Stat. 5373.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 595 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-407 substituted “State or local office—” for “State or local office, a person who is absent from a State because the person is accompanying the person's spouse who is absent from that same State in compliance with military or naval orders shall not, solely by reason of that absence—” in introductory provisions, added pars. (1) and (2), and struck out former pars. (1) to (3) which read as follows:

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”

2009—Pub. L. 111-97 inserted “and spouses of military personnel” after “military personnel” in section catchline, designated existing provisions as subsec.(a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115-407, title III, §303(b), Dec. 31, 2018, 132 Stat. 5374, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date that is 90 days after the date of the enactment of this Act [Dec. 31, 2018].”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2009 AMENDMENT

Pub. L. 111-97, §2(c), Nov. 11, 2009, 123 Stat. 3007, provided that: “Subsection (b) of section 705 of such Act [Servicemembers Civil Relief Act] (50 U.S.C. App. 595) [now 50 U.S.C. 4025], as added by subsection (a) of this section, shall apply with respect to absences from States described in such subsection (b) on or after the date of the enactment of this Act [Nov. 11, 2009], regardless of the date of the military or naval order concerned.”

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 4026. Business or trade obligations**(a) Availability of non-business assets to satisfy obligations**

If the trade or business (without regard to the form in which such trade or business is carried out) of a servicemember has an obligation or liability for which the servicemember is personally liable, the assets of the servicemember not held in connection with the trade or business may not be available for satisfaction of the obligation or liability during the servicemember's military service.

(b) Relief to obligors

Upon application to a court by the holder of an obligation or liability covered by this section, relief granted by this section to a servicemember may be modified as justice and equity require.

(Oct. 17, 1940, ch. 888, title VII, §706, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2865.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 596 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 4027. Guarantee of residency for spouses of servicemembers

For the purposes of establishing the residency of a spouse of a servicemember for any purpose (including the registration of a business), the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.

(Oct. 17, 1940, ch. 888, title VII, §707, as added Pub. L. 116-92, div. A, title XVII, §1739(a), Dec. 20, 2019, 133 Stat. 1820; amended Pub. L. 117-81, div. A, title X, §1081(c), Dec. 27, 2021, 135 Stat. 1922.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-81 made technical amendment to directory language of Pub. L. 116-92, §1739(a).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF OF 2021 AMENDMENT

Pub. L. 117-81, div. A, title X, §1081(c), Dec. 27, 2021, 135 Stat. 1922, provided that the amendment made by section 1081(c) is effective Dec. 20, 2019.