



LEGAL BRIEF

CALLING NEVADA HOME

March 2026

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Welcome to Nevada!

If you decide that Nevada is the state you would like to call home, there are several steps you need to take for Nevada to be recognized as your legal domicile.

I. Resident vs Domicile: What's the Difference?

Concept	What It Means	Why It Matters
Resident	You are physically living and working in Nevada.	This is a legal status that can apply even if you don't intend to stay forever. It's often determined by your actions, like having a job here.
Domicile	This is your one, true, permanent home—the place you always intend to return to.	This is the most important factor for benefits like lower taxes, in-state tuition, and voting rights.

II. Resident

“Resident” includes, but is not limited to, a person:

- (a) Whose legal residence is in the State of Nevada
- (b) Who engages in intrastate business and operates in such a business any motor vehicle, trailer or semitrailer, or any person maintaining such vehicles in this State, as the home state of such vehicles.
- (c) Who physically resides in this State and engages in a trade, profession, occupation or accepts gainful employment in this State.
- (d) Who declares that he or she is a resident of this State to obtain privileges not ordinarily extended to nonresidents of this State.

The term does not include a person who is an actual tourist, an out-of-state student, a foreign exchange student, a border state employee or a seasonal resident.

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For purposes of taxation and other benefits, the law looks to your domicile. Your domicile is established by having a majority of the factors listed below in a particular state.

III. Domicile

To make Nevada your legal domicile, you need to demonstrate that this is your permanent home. No single action makes you a domiciled resident, but the state will weigh many factors. The more of these factors that point to Nevada, the stronger your case.

Domicile is determined by considering and weighing the facts of each individual case. Factors normally considered include:

- Expressed intent, oral or written
- Degree of physical presence, past and present (including duration, reasons for absences)
- Residence of immediate family
- *Payment of taxes (income and personal property)
- *Ownership of real property
- *Voter registration
- *Vehicle registration
- *Driver's License
- *Declarations of residence on legal documents such as wills, deeds, mortgages, leases, contracts, insurance policies, and hospital records
- *Declarations of domicile in affidavits or litigation
- Location of schools attended by children
- Payment of nonresident tuition to institutions of higher education
- Leasehold interests
- Location of personal property
- Location of bank and investment accounts
- Explanations for temporary changes in residence
- Submission of DD Form 2058 (State of Legal Residence Certificate)
- Home of record at the time of entering the military
- Place of marriage
- Place of birth
- Business interests
- Sources of income
- Outside employment
- Address provided on federal income tax return
- Membership in church, civil, professional, service or fraternal organizations

There are many factors that point to your domicile. The key is to make sure that the state you are declaring to be your domicile applies to more of the above factors than any other state.

IV. Making it Official: The Declaration of Domicile

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To provide clear evidence of your intent, you can file a "Declaration of Domicile" with the district court clerk in the county where you live. You have two options:

Option 1: You Want to Be Domiciled in Nevada

- Purpose: To formally declare that you intend for Nevada to be your permanent home.
- What it states: You must declare that you reside in the county, intend to maintain it as your permanent home, and list any other residences you may have.
- Relevant Law: NRS § 41.191

Option 2: You Live in Nevada but are Domiciled Elsewhere

- Purpose: To protect your residency status in another state while you are temporarily living or working in Nevada.
- What it states: You must declare that your permanent home (domicile) is in another state, name that state, and state your intention to keep it as your permanent home.
- Relevant Law: NRS § 41.193

V. How to File Your Declaration

Here are the steps:

1. Complete the Form: Fill out the correct Declaration of Domicile form.
2. Sign Under Oath: You must sign the document in the presence of a notary public or another official authorized to administer oaths.
3. File with the Court: Take the signed and notarized form to the Clerk of the District Court's office in your county.
4. Pay the Fee: The statutory fee is \$5.00.

For questions, you can contact the Clark County Clerk's Office at 702-455-4431 or the clerk's office in your specific county.

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