

1 SB45  
2 134139-3  
3 By Senator Whatley  
4 RFD: Judiciary  
5 First Read: 07-FEB-12  
6 PFD: 09/23/2011

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To authorize persons absent from the state on  
12 military duty, mission assignment, or other similar purposes  
13 to designate a place of residence in this state; and to  
14 specify that the designation would not be effective for the  
15 purpose of voter registration or qualification for elected  
16 office.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. For the purposes of this act, the  
19 following words shall have the following meanings:

20 (1) DECLARATION OF RESIDENCE. Any written document  
21 which conveys a person's intention to designate any place  
22 within this state as his or her place of residence.

23 (2) PERSON. Whether used in the singular or plural  
24 form, a natural person who is a citizen of the United States.  
25 When used in reference to the designation of a place of

1 residence, the word "person" shall include any dependent minor  
2 child of a person.

3 (3) PLACE or PLACE OF RESIDENCE. A physical location  
4 which is capable of habitation and may be described in any way  
5 reasonably calculated to locate the same.

6 (4) RESIDENT. A lawful citizen of this state for all  
7 legal purposes other than registration to vote or  
8 qualification for elected office.

9 Section 2. (a) Any person who is absent from this  
10 state on military duty, eleemosynary journey, mission  
11 assignment, or other similar venture may designate any place  
12 within the State of Alabama as his or her residence. Upon  
13 filing a notarized declaration of residence with the judge of  
14 probate of the county in which the designated place of  
15 residence is located, the person and his or her dependent  
16 children shall thereafter be considered residents of that  
17 designated place for all purposes under the law.

18 (b) The judge of probate of the county, upon receipt  
19 of a declaration of residency, shall file the same within the  
20 public record of his or her office.

21 (c) Notwithstanding the foregoing, a declaration of  
22 residence filed under this section shall not affect the  
23 person's eligibility to register to vote or qualify for an  
24 elected office if that person otherwise meets the requirements  
25 of law to register to vote or to qualify for elected office.

1 (d) Notwithstanding the foregoing, if a person is  
2 previously registered to vote in a district their voting  
3 rights shall continue in that district.

4 (e) In the event a person has filed a declaration of  
5 residence as provided in this section and otherwise meets all  
6 requirements of law to register to vote or to qualify for  
7 elected office, then that person may also register to vote or  
8 qualify for elected office at the place of residence  
9 designated pursuant to this section.

10 (f) Notwithstanding the foregoing, the filing of a  
11 declaration of residence under this section does not establish  
12 permanent residency for the person filing the declaration for  
13 the purposes of eligibility for the Alabama G.I. and  
14 Dependents' Educational Benefit Act, Sections 31-6-1 through  
15 31-6-17, inclusive, Code of Alabama 1975.

16 (g) Nothing in this act shall be used to change the  
17 venue of any pending civil action or for the purpose of forum  
18 shopping.

19 (h) Notwithstanding the foregoing, the filing of a  
20 declaration of residence under this section does not establish  
21 permanent residency for the person filing the declaration for  
22 the purposes of qualifying for in-state tuition rates at a  
23 state-supported institution of higher education, unless the  
24 person either filed a personal income tax return with the  
25 state of Alabama or would have been required to file a

1 personal income tax return if the person otherwise had a tax  
2 liability.

3 Section 3. All laws or parts of laws which conflict  
4 with this act are repealed.

5 Section 4. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Judiciary..... 07-FEB-12

Read for the second time and placed on the calen-  
dar 1 amendment..... 08-FEB-12

Read for the third time and passed as amended .... 16-FEB-12

Yeas 26  
Nays 1  
Abstaining 1

Patrick Harris  
Secretary