

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

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8 SYNOPSIS: This bill would authorize a person who is
9 absent from the state on military duty, mission
10 assignment, or other similar purposes to designate
11 a place of residence in this state.

12 This bill would specify that the designation
13 would not be effective for purposes of voter
14 registration or qualification for elected office.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

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20 To authorize persons absent from the state on
21 military duty, mission assignment, or other similar purposes
22 to designate a place of residence in this state; and to
23 specify that the designation would not be effective for the
24 purpose of voter registration or qualification for elected
25 office.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

6 (2) PERSON. Whether used in the singular or plural
7 form, a natural person who is a citizen of the United States.
8 When used in reference to the designation of a place of
9 residence, the word "person" shall include any dependent minor
10 child of a person.

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

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

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

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

4 (c) Notwithstanding the foregoing, a person filing a
5 declaration of residence under this section shall not be
6 eligible to register to vote or qualify for an elected office
7 unless that person otherwise meets the requirements of law to
8 register to vote or to qualify for elected office.

9 (d) In the event a person has filed a declaration of
10 residence as provided in this section and otherwise meets all
11 requirements of law to register to vote or to qualify for
12 elected office, then that person may also register to vote or
13 qualify for elected office at the place of residence
14 designated pursuant to this section.

15 (e) Notwithstanding the foregoing, the filing of a
16 declaration of residence under this section does not establish
17 permanent residency for the person filing the declaration for
18 the purposes of eligibility for the Alabama G.I. and
19 Dependents' Educational Benefit Act, Sections 31-6-1 through
20 31-6-17, inclusive, Code of Alabama 1975.

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

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