

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

1 SB45

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4 ENROLLED, An Act,

5 To authorize persons absent from the state on
6 military duty, mission assignment, or other similar purposes
7 to designate a place of residence in this state; and to
8 specify that the designation would not be effective for the
9 purpose of voter registration or qualification for elected
10 office.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

17 (2) PERSON. Whether used in the singular or plural
18 form, a natural person who is a citizen of the United States.
19 When used in reference to the designation of a place of
20 residence, the word "person" shall include any dependent minor
21 child of a person.

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

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

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

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

16 (c) Notwithstanding the foregoing, a declaration of
17 residence filed under this section shall not affect the
18 person's eligibility to register to vote or qualify for an
19 elected office if that person otherwise meets the requirements
20 of law to register to vote or to qualify for elected office.

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

24 (e) In the event a person has filed a declaration of
25 residence as provided in this section and otherwise meets all

1 requirements of law to register to vote or to qualify for
2 elected office, then that person may also register to vote or
3 qualify for elected office at the place of residence
4 designated pursuant to this section.

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

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

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

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

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

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB45

Senate 16-FEB-12

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives

Passed: 08-MAY-12

By: Senator Whatley