

1 HB374  
2 217451-1  
3 By Representative Brown (C)  
4 RFD: State Government  
5 First Read: 16-FEB-22

SYNOPSIS: Under existing law, an elector must vote in the county and voting place of his or her domicile.

This bill would provide procedures for an elector to vote when the elector has changed his or her domicile and not updated his or her voter registration record prior to an election.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to voting; to amend Section 17-9-10, Code of Alabama 1975, to provide procedures for an elector to vote when the elector has changed his or her domicile and not updated his or her voter registration record prior to an election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-9-10, Code of Alabama 1975, is amended to read as follows:

"§17-9-10.

1           "(a) At all elections held within this state, the  
2           elector shall vote in the county and voting place of the  
3           precinct of his or her domicile and nowhere else and shall  
4           have registered as provided in this title. If any elector  
5           attempts to vote in any voting place other than that of his or  
6           her domicile, his or her vote shall be rejected, except when  
7           casting a provisional ballot, as provided by law.

8           "(b) If any elector who has a current domicile that  
9           differs from the domicile listed on the elector's voter  
10          registration record but whose current domicile is within the  
11          same voting place of the precinct of the elector's voter  
12          registration record, and the elector attempts to vote, an  
13          election official shall provide the elector a form to update  
14          his or her voter registration record and allow the elector to  
15          cast a regular ballot.

16          "(c) (1) If any elector who has a current domicile  
17          that differs from the domicile listed on the elector's voter  
18          registration record and whose current domicile is not within  
19          the same voting place of the precinct of the elector's voter  
20          registration record, and the elector attempts to vote, an  
21          election official shall inform the elector of his or her  
22          correct voting place and instruct the elector to go to the  
23          correct voting place of the precinct of his or her current  
24          domicile, so long as the current domicile is within the same  
25          county where the elector is registered to vote.

26          "(2) An election official shall inquire as to  
27          whether an elector's current domicile differs from the

1 domicile listed on the elector's voter registration record if  
2 any of the following occur:

3 "a. The elector informs an election official that  
4 his or her current domicile differs from the domicile listed  
5 on the elector's voter registration record.

6 "b. The identification presented by the elector  
7 bears an address that differs from the domicile on his or her  
8 voter registration record and, after reasonable inquiry, the  
9 election official has a reasonable and good faith belief that  
10 the domicile of the elector is no longer within the voting  
11 place where the elector is attempting to vote.

12 "c. The election official has a reasonable and good  
13 faith belief from independent and reliable sources that the  
14 elector's domicile is no longer within that voting place.

15 "(3) An election official shall provide a pass or  
16 other form to an elector whose current domicile is not within  
17 the voting place where he or she is attempting to vote to  
18 facilitate and minimize the elector's wait time to vote at the  
19 correct voting place.

20 "(4) An elector shall be entitled to cast a  
21 provisional ballot at the correct voting place, which  
22 provisional ballot shall permit the elector to update his or  
23 her voter registration, effective immediately. The Board of  
24 Registrars shall take the necessary measures to ensure that  
25 any provisional ballot cast pursuant to this subdivision is  
26 provided to the canvassing board and such votes are tabulated  
27 and included in the final certified election returns.

1           "(d) If an elector who has been directed to proceed  
2 to another voting place pursuant to subsection (c) and the  
3 elector asserts that he or she is eligible to vote at the  
4 voting place where he or she is attempting to vote, the  
5 election official shall allow the elector to cast a  
6 provisional ballot at the voting place identified on the  
7 elector's voter registration record. An inspector within the  
8 voting place where the elector is attempting to vote may file  
9 a challenge statement under penalty of perjury setting forth  
10 the facts demonstrating the inspector's reasonable good faith  
11 belief as to why the elector is not qualified to vote in the  
12 voting place in accordance with Section 17-10-2(a)(2)."

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