

OFFICE OF THE ATTORNEY GENERAL



92-00122

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Honorable LaVerne M. Owens
Chairman, Autauga County
Board of Registrars
Post Office Box 9036
Prattville, Alabama 36067

Boards of Registrars - Voter Registration - List of Voters - Residence Requirements

The Autauga County Board of Registrars may retain members of a family on its voter list if the Board determines to its satisfaction that the family has the intention of residing in Autauga County even though the family has a home in another county.

Dear Ms. Owens:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

May the Autauga County Board of Registrars retain several members of a family on its voter list if the family owns a home in Montgomery County but has a business with living accommodations in Prattville?

FACTS AND ANALYSIS

According to the information presented with your request, a family was removed from the Autauga County voter list when they sold their home in Prattville. Apparently, the family has a home in Montgomery County, as well as property in two other states where they spend time during each year. The family also owns a

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business in Prattville which they say has eating and sleeping accommodations. They also say that they spend the majority of their time at this business, they pay taxes in Prattville, their children attend school in Autauga County, they shop in Prattville, they attend church in Prattville, and they call Prattville home.

As stated in previous opinions, residency for purposes of voting is a question of fact to be determined by the board of registrars based upon all the surrounding circumstances of each individual case. Opinion to Honorable James H. Kyzar, Jr., dated July 14, 1988, Opinion No. 88-00364; opinion to Honorable Ethel Knapp, Elmore County Board of Registrars, dated July 1, 1985, Opinion No. 85-00414. The determination of residency is based on many factors and is within the discretion of the board of registrars. Factors which may be used in making the determination include where a person pays taxes, where he owns a home, where he is employed, and where he has a driver license. However, the primary question in determining residency is where the voter evidences the intention of residing. See opinions cited above. Generally, one factor alone is not determinative of the issue.

Although this office cannot make the determination for the Board, it appears from the facts presented that the family intends to reside in Prattville.

CONCLUSION

The Autauga County Board of Registrars may retain members of a family on its voter list if the Board determines to its satisfaction that the family has the intention of residing in Autauga County, even though the family has a home in another county.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:

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