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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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ATTORNEY GENERAL

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Honorable Joe Faust
Member, House of Representatives
20531 Bishop Road
Fairhope, Alabama 36532

Polling Places – County Commissions –
Volunteer Fire Departments – Baldwin
County

The Barnwell Community Volunteer Fire
Department may be used as a polling place
if the members of the board of directors of
the fire department choose to allow the
county commission to use the station as a
polling place.

Dear Representative Faust:

This opinion of the Attorney General is issued in response to your
request.

QUESTION

May the Baldwin County Commission use the
Barnwell Community Volunteer Fire Department's
facility as a polling place for the state and county
elections?

FACTS AND ANALYSIS

The county governing bodies are authorized to designate the polling
places for holding elections in the precincts within the county. ALA. CODE § 17-
6-4 (2006). Nothing in this section specifies the particular places to be used as
polling places. Generally, the county courthouse and other public buildings are
used as polling places. In many instances, local communities allow the county
to use a community center, a volunteer fire station, a church, or some other
similar facility that will accommodate the voters in that precinct.

This Office has been informed that the Barnwell Community Volunteer
Fire Department is organized and incorporated as a nonprofit organization,

Honorable Joe Faust
Page 2

governed by board members as set forth in the organization's bylaws, and is certified as a "volunteer fire department" by the Alabama Forestry Commission under the provisions of section 9-3-17 of the Code of Alabama. ALA. CODE § 9-3-17 (2001).

This fire department also receives a share of a countywide ad valorem tax that is levied and collected in Baldwin County and distributed to the qualified fire departments within the county. 1990 Ala. Acts No. 90-449, 634. The tax proceeds are required to be expended for the "acquisition of fire trucks, fire stations, fire equipment, communications, fire training, fire vehicle and station insurance, oil, gas, hydrants, utilities, and vehicle or station repair" and may not be used "to pay salaries, purchase food and drink, or to hold fund raising projects." *Id.* at 635.

Nothing in this act requires the fire station to be used as a polling place; however, nothing in the act prohibits the fire station from being used as a county polling place as long as no tax proceeds of the fire department are expended in using the station as a polling place. The fact that the fire department receives tax proceeds does not require the fire department to allow the station to be used as a polling place. Thus, the Barnwell Community Volunteer Fire Department may be used as a polling place if the members of the board of directors of the fire department choose to allow the county commission to use the station as a polling place.

CONCLUSION

The Barnwell Community Volunteer Fire Department may be used as a polling place if the members of the board of directors of the fire department choose to allow the county commission to use the station as a polling place.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Brenda F. Smith of my staff.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

TK/BFS
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