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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Charles Page Jr., Clerk
Circuit Court of Limestone County
200 Washington Street West
Athens, Alabama 35611

Circuit Clerks - Absentee Election
Manager - Compensation - Absentee
Voting - Elections

The absentee election manager of
Limestone County is to be paid for the
45-day period before an election and for
the day of the election, making a total of
46 days.

Dear Mr. Page:

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

QUESTION

What is the number of days that the absentee
election manager of Limestone County may be com-
pensated pursuant to section 17-10-14 of the Code of
Alabama?

FACTS AND ANALYSIS

You stated in your request:

The Code of Alabama clearly states that the
Absentee Election Manager (A.E.M.) may charge in the
primary and general election a total of 45 days, plus the
day of election. The runoff election would begin the
day following the primary election day and the day of

the runoff election. The A.E.M. is required to accept business and medical emergency absentee ballots up to close of business the day before election day and then deliver a list of these emergency voters to each polling location, which would be delivered on election day. The A.E.M. must also be available to accept hand delivered and received ballots via U.S. Postal Service. These requirements make it obvious that Election Day would be compensated in the same manner.

Section 17-10-14 of the Code of Alabama provides as follows:

The county commission shall determine the amount of compensation to be paid to the absentee election manager or other absentee election manager for the performance of his or her duties with respect to the absentee ballots *during the 45 day period prior to and on the day of the election for which his or her services are required*, but such compensation shall be at least fifty dollars (\$50) per day or the same pay as election day officials as referenced in Section 17-6-13. In all counties in which the compensation of absentee election managers is prescribed by local law or general law of local application at an amount in excess of the amount prescribed, the compensation of the absentee election manager shall not be increased or decreased. . . . The amount shall be the total compensation allowed the absentee election manager for duties relating to absentee ballots in all elections held on the same day and shall be paid from the county treasury, except in case of a municipal election held at a time different from a primary or general election, in which event payment shall be made from the city or town treasury. . . .

ALA. CODE § 17-10-14 (Supp 2004) (emphasis added).

Act 92-238 is a local act concerning the amount of compensation to be paid to election officers in Limestone County. 1992 Ala. Acts No. 92-238, 587. This act, however, does not speak to the number of days for which the absentee election manager is to be paid.

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Section 17-10-14 specifically states that absentee election managers in this state are to be compensated by the county commission for the performance of his or her duties during the 45-day period before and on the day of the election for which his or her services are required. The absentee election manager, therefore, is to be compensated for a total of 46 days.

This Office mentioned absentee election managers being paid for 45 days in an opinion of the Attorney General to Honorable Taylor D. Wilkins, Jr., Attorney at Law, Bay Minette, dated August 26, 1988, A.G. No. 88-00434. This opinion, however, concerned the payment of absentee election managers for services performed in a 21-day period between the primary election and the run-off election and referred to payment of absentee election managers for the 45-day period before an election. The *Wilkins* opinion did not address the question asked in this opinion.

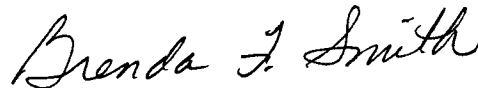
CONCLUSION

The absentee election manager of Limestone County is to be paid for the 45-day period before an election and for the day of the election, making a total of 46 days.

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/LKW/jho

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