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OFFICE OF THE ATTORNEY GENERAL



80-00176

CHARLES A. GRADDICK  
ATTORNEY GENERAL  
STATE OF ALABAMA

JAN 30 1980

ADMINISTRATIVE BUILDING  
64 NORTH UNION STREET  
MONTGOMERY, ALABAMA 36130  
AREA (205), 834-5150

LEE L. HALE  
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.  
EXECUTIVE ASSISTANT

WALTER S. TURNER  
CHIEF ASSISTANT ATTORNEY GENERAL

JANIE NOBLES  
ADMINISTRATIVE ASSISTANT

Honorable Arthur C. Murray  
Judge of Probate  
Calhoun County Courthouse  
Anniston, Alabama 36201

Probate Judges-Judicial Officers-  
Compensation

Under Act No. 79-465 (Acts 1979)  
funds received by the Probate  
Judge for compilation of the  
voter list accrues to the  
Probate Judge rather than the  
County Treasury.

Dear Judge Murray:

This is in response to your request for an opinion  
from this office of November 2, 1979, which reads as follows:

"A question has arisen in my office  
concerning the meaning of Act No.  
79-465, and passed by the Alabama  
Legislature in its 1979 Regular  
Session.

"Act No. 79-465 (copy attached) amended  
Section 17-4-25 of the Code of Alabama  
1975. The only change in the Act was  
the adding of 'The Judge of Probate  
shall receive or' at the beginning of  
the second sentence of said Act.

"Under the provisions of this Act the  
Probate Judge is to receive remuneration

Honorable Arthur C. Murray  
Page Two

for his services in preparing the voter list. Out of this money the Probate Judge is to pay such clerical help as may be necessary to prepare said list.

"The question which has arisen is as follows:

"'Is the Probate Judge allowed to keep for himself as compensation any funds remaining after paying the clerical help and other expense necessary to prepare said list, or shall such money be paid into the county treasury?'

"The answer to this question will be very helpful to me in the operation of my office and your assistance is greatly appreciated."

In answer to your question, the only changes made by Act No. 79-465 (Acts 1979), are to add "The Judge of Probate shall receive or" at the beginning of the second sentence of the Act, and to substitute the phrase, "for the preparation of such lists" in place of "for such assistants and clerical help" near the end of the second sentence.

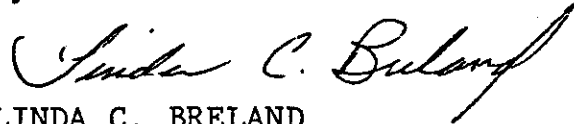
The only logical reason for making these changes would be to allow the Probate Judge to receive as payment for compiling the voter list an amount up to five cents per name for every name on the list, and to use this money to defray the cost of having the list compiled. Because the Act provides that the money is to be paid to the Judge of Probate, it is my opinion that the money accrues to the Probate Judge rather than to the County Treasury.

Honorable Arthur C. Murray  
Page Three

I trust that I have answered your question  
sufficiently.

Sincerely,

CHARLES A. GRADDICK  
Attorney General  
By-

A handwritten signature in cursive script, appearing to read "Linda C. Breland".

LINDA C. BRELAND  
Assistant Attorney General

LCB:bb