

OFFICE OF THE  
ATTORNEY GENERAL

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STATE OF ALABAMA

SEP 22 1988

Honorable Wanda Parker  
Chairman  
Mobile County Board of Registrars  
Room 116, County Courthouse  
Mobile, Alabama 36602

Boards of Registrars -  
Political Activities -  
Candidates - Deputy Registrars

A deputy registrar may campaign for elective office while serving as a deputy registrar, but if elected, the deputy registrar may not hold both offices.

Dear Ms. Parker:

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

QUESTION

Can an active candidate for public office with opposition in the upcoming general election continue to serve as a deputy registrar prior to that election; and if elected to public office, can that individual continue to serve as a deputy registrar?

FACTS AND ANALYSIS

Your request states that pursuant to Code of Alabama 1975, § 17-4-158, the Mobile County Board of Registrars has appointed

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deputy registrars to aid in the performance of its duties. It has come to your attention that one of the deputy registrars is a candidate for the office of constable and faces opposition in the November general election.

Code of Alabama 1975, § 17-4-158, provides:

"Each board may appoint deputy registrars to aid it in its performance of its lawful duties. Any person serving as a deputy registrar shall be trained by the board of registrars and shall serve without compensation. The board shall provide deputy registrars with all necessary registration forms, and when such forms are completed, the deputy registrar shall return them to the office of the board of registrars before the close of business on the next business day."

In an opinion to Honorable Hank Sanders, State Senator, Dallas County, under date of June 18, 1984, this office held that although there are no statutory qualifications within § 17-4-158, deputy registrars should possess the same qualifications as registrars possess. These qualifications are set forth in Code of Alabama 1975, § 17-4-150, which provides, in pertinent part, as follows:

"Registration shall be conducted in each county by a board of three reputable and suitable persons ... who must be also qualified electors and residents of the county and who shall not hold an elective office during their term." (emphasis added.)

In an opinion to Honorable William Harper, Jr., Lee County Board of Registrars, under date of April 16, 1986, this office held that nothing in the Code of Alabama prohibits a registrar from campaigning for an elective office while serving as a registrar, but if elected, the registrar may not hold both offices as this is prohibited by § 17-4-150. It was also noted that Code of Alabama 1975, § 17-1-7(c) should be complied with. This section provides:

"(c) No person in the employment of the state of Alabama, whether classified or

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unclassified, shall use any state funds, property or time, for any political activities. Any person who is in the employment of the state of Alabama must be on approved leave to engage in such political action or such person must be on personal time before or after work and on holidays. It shall be unlawful for any officer or employee to solicit any type of political campaign contributions from other employees who work for said officer or employee in a subordinate capacity. It shall also be unlawful for any officer or employee to coerce or attempt to coerce any subordinate employee to work in any capacity in any political campaign or cause. Any person who violates the provisions of this section shall be guilty of the crime of trading in public office and upon conviction thereof, shall be fined or sentenced or both, as provided by section 13A-10-63."

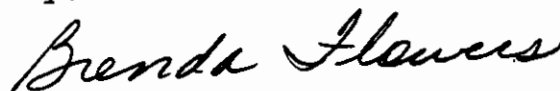
CONCLUSION

Since the Attorney General has previously held that deputy registrars must possess the same qualifications as registrars, a deputy registrar may campaign for an elective office while serving as a deputy registrar; but if elected, the deputy registrar may not hold both offices.

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

Sincerely,

DON SIEGELMAN  
Attorney General  
By:



BRENDA FLOWERS  
Assistant Attorney General

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