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STATE OF ALABAMA

MAR - 8 1990

90-00172

Honorable Annette Bozeman
Judge of Probate
Marion County
P.O. Drawer 1687
Hamilton, Alabama 35570

Boards of Registrars - Voter
Registration - Officers and
Offices

Pursuant to Code of Alabama 1975,
§ 17-4-120, the office of the
Marion County Board of Registrars
should be open during the ten
business days before an
election. The Board is not
required to use session days to
maintain open offices but may
allow individual board members to
maintain open offices during this
ten-day period.

Dear Judge Bozeman:

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

QUESTION

Should the Marion County Board of
Registrars' Office, which has never been
open the ten days before an election because
of not being able to take applications
during that time, remain open although this
is not the regular meeting time for the
Board?

FACTS AND ANALYSIS

Code of Alabama 1975, § 17-4-120, provides:

"(a) The boards of registrars in the several counties of the state or their deputies shall not register any person as a qualified elector within 10 days prior to any election: provided, that the boards shall maintain open offices during business days in such 10-day period and on election day during the hours of voting."

Your request states:

Our Board works regular session days starting the first Monday of each month and continues for 14 working days each month. It seems unfair to the general public to be open so many days when we can't register anyone and have to close when they could be registering if these days are counted on the number of session days allowed.

Based upon the specific language of § 17-4-120 the board office must be open on the business days that fall within the ten-day period before an election day. Opinion to Honorable Don Siegelman, Secretary of State, under date of January 19, 1982.

We note that Code of Alabama 1975, § 17-4-156, was amended by Act No. 88-985 in order to allow board members to split their allotted working time between session days and individual working days so that one member alone may be available in the board office to conduct business for the board that does not require a quorum of the board. Section 17-4-156(a) provides that "each member of the board of registrars in the counties of . . . Marion . . . may meet a maximum of 168 working days each fiscal year. . . ." Subsection (e) of § 17-4-156 provides that "the actual number of working days to be used as session days shall be determined by a quorum of the board according to the needs of the county."

Since the board is not required to use all 168 working days as session days but is required to open the board office on the business days that occur during the ten-day period before an election, the board could divide its working days in a manner that will allow individual members to be present at the board

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office on the business days in the ten-day period before an election and use the remaining days for session days throughout the year.

The purpose for opening the board office during the ten days before an election is to allow voters to have any questions or problems concerning the upcoming election addressed. We also note that applications for registration may be taken during this ten-day period but persons may not be registered to vote during this period.

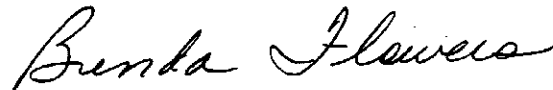
CONCLUSION

Pursuant to Code of Alabama 1975, § 17-4-120, the office of the Marion County Board of Registrars should be open during the ten business days before an election. The board is not required to use session days to maintain open offices but may allow individual board members to maintain open offices during this ten-day period.

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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