

OFFICE OF THE
ATTORNEY GENERAL

DON SIEGELMAN
ATTORNEY GENERAL
MONTGOMERY, ALABAMA 36130
(205) 261-7400



STATE OF ALABAMA

AUG 26 1988

Honorable Taylor D. Wilkins, Jr.
Wilkins, Bankester & Biles, P.A.
Attorneys at Law
P. O. Box 400
Bay Minette, AL 36507

Boards of Registrars - Elections -
Compensation - Funds - Absentee
Voting

Baldwin County is to pay absentee
election manager for 21 days for
performance of duties between the
June 7, 1988, primary and June
28, 1988, run-off election.

Dear Mr. Wilkins:

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

QUESTION

Is Baldwin County required by Code of Ala-
bama 1975, Section 17-10-14, as amended, to
pay the absentee election manager for 45 days
service or for 21 days service for the per-
formance of her duties between the June 7,
1988, primary election and the June 28, 1988,
run-off election?

FACTS AND ANALYSIS

Code of Alabama 1975, Section 17-10-14, as amended by Act No.
88-88 of the 1988 Regular Legislative Session, provides for the
compensation of the absentee election manager:

"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 duties with respect to the absentee ballots during the 45 day period prior to and on the day of the election for which his services are required, but such compensation shall not be less than \$15.00 nor more than \$25.00 per day. Such an amount shall be the total compensation allowed the absentee election manager for duties relating to absentee ballots in 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. However, no municipal employee shall be compensated for his services in this regard."

The right to compensation grows out of the rendition of services. 63A, Am.Jur.2d, "Public Officers and Employees," § 432. If an absentee election manager performs services for 21 days between elections, he or she should be compensated only for the 21 days and not for the maximum 45 days allowed. Section 17-10-14 allows an absentee election manager to be compensated for up to 45 days prior to and on the day of an election. However, when there are not 45 days between the date of the first election and the run-off election, the absentee election manager can only be compensated for the number of days between these elections and for the day of the run-off election.

I call to your attention, for future reference, the opinion of the Attorney General dated March 29, 1988, in which it was determined that a member of the board of registrars cannot serve as an absentee election manager, as the absentee election manager in the present situation was a member of the board of registrars.

CONCLUSION

Baldwin County is to pay the absentee election manager for 21 days for the performance of duties between the June 7, 1988, primary and the June 28, 1988, run-off election.

Honorable Taylor D. Wilkins, Jr.
Page 3

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:

A handwritten signature in cursive script, reading "Lynda K. Oswald".

LYNDA K. OSWALD
Assistant Attorney General

DS/LKO/jho

01120