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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Billy Yates
Etowah County Circuit Clerk
801 Forest Avenue
Gadsden, Alabama 35901

Absentee Election Manager -
Compensation - Election Officials -
Elections

An absentee election manager is entitled to receive additional compensation from the state for the performance of his or her duties during the 2006 primary and runoff statewide election. Based on sections 17-6-13 and 17-10-14 of the Code of Alabama, an absentee election manager is entitled to receive an additional \$25 per day for the 45-day period prior to and on the day of the election. An absentee election manager is entitled to receive compensation for the days between the primary and runoff election, including the day of the runoff election, in the same amount.

Dear Mr. Yates:

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

QUESTIONS

As absentee election manager, am I entitled to be compensated at the rate of \$25 per day for 88 days as additional compensation for the primary election and primary runoff election in 2006?

Is the state or the county responsible for providing the absentee election manager with this compensation?

FACTS AND ANALYSIS

In your letter of request, you informed this Office that, during the 2006 primary and primary runoff elections, you were the absentee election manager for Etowah County. As part of your duties, you attended and gave instruction to election officials at the election training schools offered for the primary and primary runoff elections. Based on this work, under Act 2006-327, and the opinion to the Honorable Charles Page, Jr., Limestone County Circuit Court Clerk, dated August 10, 2006, A.G. No. 2006-126, you sought compensation from the Etowah County Commission.

In response to your request for compensation, the Etowah County Commission stated the following, in pertinent part:

Per conversation with the State Comptroller's office, they advise us that the State was not going to reimburse the county but half of the addition \$25/day allocation for election school activities for the Absentee Election Manager. This policy would require that the county pay half of the \$2,200.00 you are requesting (\$1,000). However, under Amendment 474 to Alabama's Constitution, no law providing for a new or increased county expenditure shall become effective in any county until the first day of the next fiscal year following the passage of the law, unless the county commission adopts a resolution approving the increased expenditure or the law provides funding. There is no funding in the new law for these increased county expenditures in the past fiscal year and the County Commission has not passed a resolution authorizing such.

Letter from Patrick Simms, CEO, Etowah County Comm'n to Billy Yates, Circuit Clerk – Etowah County (Nov. 6, 2006).

In your request, you reference both Act 2006-327 and the *Page* opinion. Act 2006-327 amended section 17-6-13 of the Code of Alabama. The implicated revisions to this section state, in pertinent part, that,

“[u]pon completion of a local election school or being certified as a qualified poll worker by the probate judge, or both, each clerk and inspector shall be entitled to receive an additional twenty-five dollars (\$25) per day in compensation from the state.” ALA. CODE § 17-6-13 (Supp. 2006). The *Page* opinion discussed the impact of the above-quoted section. In that opinion, this Office determined that an absentee election manager is entitled to the additional compensation provided by section 17-6-13 of the Code for providing or completing instruction in the election training school.

Typically, the expenses for elections are split between the county and the state with the state reimbursing the county for “one half of all sums expended by the county in payment of expenses incurred in holding and conducting an election in which candidates for both federal or state and county offices are nominated or both federal or state and county officials are elected.” ALA. CODE § 17-21-2 (Supp. 2006). The additional compensation of election officials for completion of the election school, however, is to be paid entirely by the state. *Id.*; opinion to Honorable George M. Ingram, Clay County Judge of Probate, dated August 16, 2006, A.G. No. 2006-133.

After a complete review of the *Page* opinion, this Office reaffirms the conclusions reached in that opinion. Accordingly, an absentee election manager is entitled to be compensated at a rate of \$25 per day for the performance of duties for the 45-day period prior to and the day of the election. *Page* at 2. Further, with regard to a runoff election, an absentee election manager is to be paid for the number of days between the primary election and the runoff election, including the day of the runoff election. *Id.*

As noted in the *Page* opinion, compensation for absentee election managers is tied to section 17-6-13. As such, the opinion stated that “[w]here more than one Code section is involved, each should be construed in harmony with the other Code sections.” *Page* at 2. Section 17-6-13 states that “[u]pon completion of a local election school or being certified as a qualified poll worker by the probate judge, or both, each clerk, returning officer, and inspector shall be entitled to receive an additional twenty-five dollars (\$25) per day *in compensation from the state.*” ALA. CODE § 17-6-13 (Supp. 2006). Based on the plain language of this statute, the state is responsible for providing funds for this additional compensation.

CONCLUSION

An absentee election manager is entitled to receive additional compensation from the state for the performance of his or her duties during the 2006 primary and runoff statewide election. Based on sections 17-6-13 and 17-10-14 of the Code of Alabama, an absentee election manager is entitled to receive an additional \$25 per day for the 45-day period prior to and on the day of the election. An absentee election manager is entitled to receive compensation for the days between the primary and runoff election, including the day of the runoff election, in the same amount.

I hope this opinion answers your questions. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:



BRENDA F. SMITH
Chief, Opinions Division

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