

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

OCT 24 1983

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Honorable L. W. Noonan
Judge of Probate
Probate Court of Mobile County
P. O. Box 7
Mobile, Alabama 36601

Elections - Corrupt Practices Act -
Campaign Material

Poll watcher may not, while inside
the polling place, wear a button,
badge or ribbon which has a
candidate's name printed thereon.

Dear Mr. Noonan:

I am responding to your request for an opinion of September 30, 1983, in which you ask whether it is legal for a poll watcher to wear a button, badge or ribbon inside the polling place on election day, which has printed thereon the name of a candidate. You ask whether such a practice is a form of campaigning or electioneering under Alabama law.

In response to your question, it is my opinion that the wearing of a button, badge or ribbon by a poll watcher does constitute campaigning or electioneering under Alabama law, and should therefore be prohibited pursuant to Section 17-16-26, Code of Alabama 1975. That section specifically states that it is illegal for any poll watcher to campaign on election day, either directly or indirectly, or to suggest how anyone shall vote. Wearing a badge or ribbon with a candidate's name on it is either a direct or an indirect suggestion to the voter of how the poll watcher would like for that person to vote, and is therefore a violation of §17-16-26.

Hon. L. W. Noonan
Page 2

I hope I have answered your questions sufficiently. If
this Office can be of further help, please let me know.

Sincerely,

CHARLES A. GRADDICK
Attorney General

By-



LINDA C. BRELAND
Assistant Attorney General

LCB/mi