

82-00551

OFFICE OF THE ATTORNEY GENERAL



CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

SEP 10 1982

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEXLER, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANNE NOBLE
ADMINISTRATIVE ASSISTANT

ADMINISTRATIVE BUILDING
66 NORTH UNION STREET
MONTGOMERY, ALABAMA
AREA (205) 624-6150

Honorable Don Siegelman
Secretary of State
State Capitol
Montgomery, Alabama 36130

Elections - Absentee Ballots

Absentee Election Manager may not accept multiple applications which are mailed in one envelope. Absentee Election Manager may accept applications which have mistakenly been mailed to the Board of Registrars.

Dear Mr. Siegelman:

This is in response to your request for an opinion regarding the receipt of absentee ballots by the Absentee Election Manager. You asked the following questions:

"The situation has arisen where an Absentee Election Manager has received several absentee ballot applications through the United States mail, however more than one application was mailed in the same envelope. The Absentee Election Manager has requested that we ask for your opinion as to whether she may accept these applications which arrived all in one envelope.

"The situation has also arisen with the same Absentee Election Manager where applications for absentee ballots have been mailed directly to the Board of Registrars rather than to the Absentee Election Manager. Is it proper for the Absentee Election Manager to accept these absentee ballots in light of the above mentioned portion of §17-10-4."

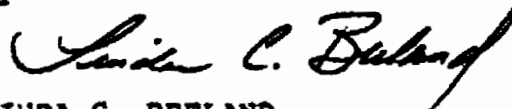
As you note in your request, §17-10-4, Code of Alabama 1975, provides with regard to absentee ballots that, "Such application may be handed by the applicant himself to the register or forwarded to him by United States mail."

Pursuant to this section, if an application is hand delivered it must be delivered separately by each individual applicant. Following the clear intent of this first provision, it is my opinion that the same standard apply to applications which are forwarded by mail; that is, they must be mailed separately by each individual applicant. I would add that this requirement is logical and necessary in preventing fraudulent applications for absentee ballots.

In response to your second question, the intent of the above provision is that the applications reach the Absentee Election Manager. If they are mistakenly mailed to the Board of Registrars, it is my opinion that they may be forwarded to the Absentee Election Manager by the Board of Registrars.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



LINDA C. BRELAND
Assistant Attorney General