

Anu Gary

From: Brewer, David <David.Brewer@sos.alabama.gov>
Sent: Friday, June 15, 2018 4:56 PM
To: tburton@baldwincountyal.gov
Cc: Anu Gary; Monica Taylor; Packard, Ed; Merrill, John; Judge Tim Russell
Subject: Absentee Election Manager
Attachments: AL AG Opinion #94-00216.pdf

Commissioner Burt:

Due to questions posed by Judge Russell and yourself, Secretary Merrill asked his staff to review the issue of the Baldwin County Circuit Clerk desiring to serve as Absentee Election Manager for the 2018 Runoff Election and 2018 General Election. The situation presented to us was the present Circuit Clerk defeated her opposition during the Primary Election and has no further opposition in the 2018 Runoff Election and 2018 General Election.

We have identified Alabama Attorney General Opinion Number 94-00216 which is aligned, in some manner, to the situation (see attached to this email). It appears from the Opinion that a Circuit Clerk may serve as the Absentee Election Manager if they have no opposition.

There appear to be actions taken by the Baldwin County Commission at its February 20, 2018 regular meeting related to the Absentee Election Manager and its assistant. Many of these actions will need modification if you change the person serving as the Absentee Election Manager. Due to this, I will copy Anu Gary and Monica Taylor to this email to alert them of what may need to be modified. Please refer to Agenda Item BA1 (Feb. 20, 2018 BCC Meeting). Specifically, Staff Recommendations 1 and 3 will need attention. On Staff Recommendation 1, the BCC will need to set the compensation of the Absentee Election Manager pursuant to Sec. 17-11-14 of the Ala. Code and name the person serving as the Absentee Election Manager; further, on Staff Recommendation 3, the BCC will, most likely, need to provide for the contract for the Assistant to be the person named by the new Absentee Election Manager (this may cause a need for the BCC to consider terminating the present agreement with the current Assistant).

If there are other agenda items or actions of the Commission beyond the one above identified, please review those also.

We have spent some time on this today to be as accurate as possible; however, we must request the Baldwin County Commission consult with its County Attorney to ensure we are all on the same page.

We are available to you if you have further questions.

Regards,

DAVID A. Z. BREWER
Chief of Staff
Office of the Honorable John H. Merrill
Secretary of State, State of Alabama
600 Dexter Avenue, Suite S-105
Montgomery, Alabama 36103
(334) 242-7207 Office
(334) 324-6195 Cell