

OFFICE OF THE ATTORNEY GENERAL



84-00359

CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

JUL 18 1984

ADMINISTRATIVE BUILDING
64 NORTH UNION STREET
MONTGOMERY, ALABAMA 361
AREA (205) 534-5150

JAMES R. SOLOMON, JR.
DEPUTY ATTORNEY GENERAL

WILLIAM M. BEKURS, JR.
EXECUTIVE ASSISTANT

WALTER S. TURNER
CHIEF ASSISTANT ATTORNEY GENERAL

JANE NOBLE
ADMINISTRATIVE ASSISTANT

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

Elections - Voting -
Voting Assistance

A voter may not give power of attorney to another, by telephone in the presence of a Notary Public or two witnesses 18 years of age or older, for said voter's signature to be affixed to the affidavit defined in Section 17-10-7 of the Code of Alabama 1975 as amended and for said voter to authorize his or her agent, then having power of attorney, to mark the voter's ballot.

Dear Mr. Siegelman:

The Attorney General received your request from your office as to the following matter:

"Specifically with regard to the provisions of Section 17-10-7 of the Code of Alabama 1975: May a voter give power of attorney to another, by telephone in the presence of a Notary Public or two witnesses 18 years of age or older, for

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said voter's signature to be affixed to the affidavit defined in Section 17-10-7 of the Code of Alabama 1975 as amended and for said voter to authorize his or her agent, then having power of attorney, to mark the voter's ballot?"

In answer to your inquiry the affidavit specified in Code of Alabama 1975, §17-10-7 requires that the affiant be the actual elector. In view of this specification and in view of the very nature of an affidavit, the Attorney General is of the opinion that the affidavit may not be executed by a third party representing the elector.

I do hope this response sufficiently answers your inquiry. If, however, we may be of further assistance, please do not hesitate to contact us.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



SUSAN MCKINNEY
Assistant Attorney General

CAG/SMcK/cg