

CHAPTER 13

CIRCUIT CLERK

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13.1 Office of the Circuit Clerk

The circuit clerk is elected by a popular vote and is primarily an administrative officer of the circuit court. Ala. Const. § 160(b). The circuit clerk is paid by the state under the Unified Judicial System. § 12-17-80.

Despite being primarily a court officer, the circuit clerk has some election duties, including voter registration, absentee election administration, being a member of the appointing board and being a member of the canvassing board for election results.

13.2 Precinct Election Officials (Poll Workers)

The circuit clerk serves with the judge of probate and the sheriff on the appointing board for the county. The appointing board appoints precinct election officials (poll workers) for each election in the county. § 17-8-1. See Chapter 5 for more information on the duties and operations of the appointing board.

The circuit clerk cannot serve on the appointing board if they are a candidate for office with opposition in that election or is otherwise disqualified from serving on the appointing board. § 17-8-3.

If the circuit clerk, judge of probate or, sheriff is ineligible to serve on the appointing board because they are candidates with opposition, the remaining members of the board will make the appointment and, in the case they cannot agree, or none can serve, the presiding circuit court judge shall make the appointment. § 17-8-4.

13.3 Voter Registration

The circuit clerk helps in the voter registration process by notifying the board of registrars of people convicted of felonies which are disqualifying offenses. The circuit clerk also receives appeals of refusal of registration decisions made by the probate courts. §§ 17-4-4 and 17-3-55.

13.3.1 Notification of Disqualifying Offenses

The circuit clerk provides a monthly list to the board of registrars of all county residents convicted of felonies which disqualify them from being a registered voter. § 17-4-4.

The standard for a disqualifying offense has been modified by the courts over the years. The “Felony Voter Disqualification Act” established a comprehensive list of felonies that involve moral turpitude which disqualify a person from exercising his or her right to vote. § 17-3-30.1. See “List of Disqualifying Felony Convictions” in Chapter 6 for more information.

13.3.2 Receiving Appeals

Any person denied registration by the board of registrars may appeal within 30 days to the probate court and from there an appeal to the circuit court within 30 days of the judge of probate’s decision. An appeal lies from the circuit court to the Alabama Supreme Court. § 17-3-55.

13.4 Absentee Election Manager

State law gives the circuit clerk the first option to serve as absentee election manager. § 17-11-2. See Chapter 17 for more information on the duties of the absentee election manager.

If the circuit clerk declines to serve as absentee election manager, or is a

candidate with opposition in the election, the appointing board appoints a successor. §§ 17-11-13 and 17-11-2.

13.5 Canvassing

The circuit clerk serves as a member of the canvassing board, unless the circuit clerk is a candidate with opposition in the election. § 17-12-15. In the event the clerk is a candidate or fails to attend the canvassing on the second Friday following the election, the appointing board may name a replacement. In the event the appointing board does not name a replacement, the sheriff will fill the vacancy by naming a qualified voter. § 17-12-15. See Chapter 9 for more information on the canvassing board.

13.6 Election Contests

The circuit clerk has a number of responsibilities in election contests. See Chapter 9 for more information on those duties.

