



STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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May 11, 2004

The Honorable Beth Chapman
State Auditor
State Capitol, Room S-101
Montgomery, AL 36130-0200

Re: Registrar Issue

Dear Ms. Chapman:

In response to your office's request, I have reviewed the relevant law to determine who has the authority to remove a registrar from office. My research concludes that the Secretary of State is the only person with this authority.

The Code of Alabama was amended in 2003, and the relevant section states as follows:

The registrars appointed under this article may be removed for cause by the Secretary of State at any time before the end of their term of office, upon submitting written reasons therefor to the registrar removed and to the members of the appointing board. If not so removed, the registrar may hold office for four years from the date of appointment and until a successor is appointed.

§ 17-4-151, ALA. CODE (2003). As you know, before the 2003 amendment to this statute, it provided that a registrar could be removed at the will of the appointing board with or without cause. Now the authority has been expressly given to the Secretary of State, who may remove a registrar only for cause and who must provide the reasons in writing to the registrar removed.

As the legislature has expressly given the Secretary of State the authority to remove a registrar from office, I would suggest that you contact the Secretary of State's office regarding any concerns about the job performance of any registrar, and that you forward any concerns presented to you by others to the Secretary of State.

For your information, there is a pending request for an Attorney General's Opinion that should further enlighten us on this issue. I will provide it to you as soon as it is released.

Please let me know if you need additional information.

Sincerely,


Alyce S. Robertson
Assistant Attorney General