

OFFICE OF THE ATTORNEY GENERAL



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JIMMY EVANS
ATTORNEY GENERAL
STATE OF ALABAMA

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ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (205) 242-7300

Honorable Robert Crowder
Chairman
Houston County Commission
P.O. Drawer 6406
Dothan, AL 36302

Counties - Elections -
Offices and Officers -
Political Parties

Alabama law does not provide for nonpartisan elections for county, circuit and district offices. The general state law must be amended by the legislature in order to provide for nonpartisan elections for these offices.

Dear Mr. Crowder:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Can a person seeking election to an office in Houston County government for county commission, county commission chairman, probate judge, revenue commissioner, sheriff, coroner, circuit clerk, district attorney, circuit judge, and district

judge run on a nonpartisan ticket? If the answer is no, what are the procedures to have nonpartisan voting for the above offices?

FACTS AND ANALYSIS

The Code of Alabama does not provide for nonpartisan elections for county offices or for circuit or district offices. Pursuant to Code of Alabama 1975, § 17-7-1, the general law sets forth the persons who are entitled to have their names printed on the general election ballots. This section states:

"(a) The following persons shall be entitled to have their names printed on the appropriate ballot for the general election, provided they are otherwise qualified for the office they seek:

"(1) All candidates who have been put in nomination by primary election . . .

"(2) All candidates who have been put in nomination by any caucus, convention, mass meeting, or other assembly of any political party . . .

"(3) Each candidate who has been requested to be an independent candidate for a specified office . . ."

Since general state law provides the method in which elections are to held for county, circuit and district offices, the general law must be amended by the legislature to allow for nonpartisan elections for these offices.

CONCLUSION

Alabama law does not provide for nonpartisan elections for county, circuit and district offices. The general state

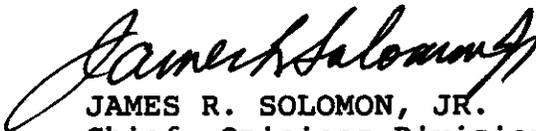
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law must be amended by the legislature in order to provide for nonpartisan elections for these offices.

I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:



JAMES R. SOLOMON, JR.
Chief, Opinions Division

JE/BFS

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