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STATE OF ALABAMA
FEB 10 1988

Honorable Joyce Martin
Register
25th Judicial Circuit
P. O. Box 231
Double Springs, AL 35553

**Elections - Election Officials -
Officers and Offices**

If circuit clerk is candidate
for office with opposition,
register is to appoint a
replacement to appointing board
for each board member who is a
candidate.

Dear Ms. Martin:

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

QUESTION

If the judge of probate and clerk of
circuit court are candidates for
election, am I correct that Section
17-6-4 provides that the register of
circuit court appoints a qualified
elector to take the place of each member
of the appointing board who is a
candidate for the election?

FACTS AND ANALYSIS

Code of Alabama 1975, Section 17-6-3 provides that when
the probate judge, sheriff or circuit clerk is a candidate for
election to any office in that election, he shall not serve on
the appointing board for election officials. The judge of
probate is to certify to the clerk or register of the circuit
court the fact of the candidacy of a member of the appointing
board.

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Section 17-6-4 provides in pertinent part concerning the replacement of an ineligible member of the appointing board:

"Upon receiving the certificate provided for in Section 17-6-3, the clerk or register of the circuit court shall forthwith and without delay appoint a qualified elector to take the place of each member of the appointing board who is a candidate for election, and shall cause the elector so appointed to be informed of his appointment; but no person shall be appointed who is a candidate for any office to be voted for in that election."

Concerning Section 17-6-4, the Attorney General concluded in an opinion found at Quarterly Reports of the Attorney General, Vol. 187, p. 16, that if a circuit clerk is a candidate for office with opposition, the register (if not also a candidate) may appoint replacements for disqualified members of the appointing board.

CONCLUSION

If a circuit clerk is a candidate for office with opposition, the register is to appoint a replacement to the appointing board for each member who is a candidate.

I hope that your question has been adequately answered. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:


LYNDA K. OSWALD
Assistant Attorney General

DS/LKO/jho