



STATE OF ALABAMA ETHICS COMMISSION



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ADVISORY OPINION NO. 2024-01

Sheena Gamble
Director of Communications
Alabama Democratic Party

Post Office Box 950
Montgomery, Alabama 36101

Candidates / Statement of Economic Interest / Removal of Name from Ballot

The term "ballot" in Ala. Code § 36-25-15(c) applies to the ballot of both the primary and the general election.

Ala. Code § 36-25-15(c) prevents a party from re-nominating a candidate for any office who has been removed from the ballot for failing to file a statement of economic interests.

Dear Ms. Gamble:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of this Commission, and this opinion is issued pursuant to that request.

FACTS

Ala. Code § 36-25-15 states:

- (a) Candidates at every level of government shall file a completed statement of economic interests for the previous calendar year with the State Ethics Commission not more than five days after the candidate files his or her qualifying papers with the appropriate election official or in the case of an independent candidate, not more than five days after the date the person complies with the requirements of Section 17-9-3. Nothing in this section shall

be deemed to require a second filing of the person's statement of economic interests if a current statement of economic interests is on file with the commission.

- (b) Each election official who receives a declaration of candidacy or petition to appear on the ballot for election from a candidate, within five days of the receipt, shall notify the commission of the name of the candidate, as defined in this chapter, and the date on which the person became a candidate. The commission, within five business days of receipt of the notification, shall notify the election official whether the candidate has complied with this section.
- (c) Other provisions of the law notwithstanding, if a candidate does not submit a statement of economic interests or when applicable, an amended statement of economic interests in accordance with the requirements of this chapter, the name of the person shall not appear on the ballot and the candidate shall be deemed not qualified as a candidate in that election. Notwithstanding the foregoing, the commission, for good cause shown, may allow the candidate an additional five days to file the statement of economic interests. If a candidate is deemed not qualified, the appropriate election official shall remove the name of the candidate from the ballot.

QUESTIONS PRESENTED

1. When a candidate fails to file a statement of economic interests, does Ala. Code § 36-25-15(c) require the removal of the candidate's name from the ballot in both the primary and general election?
2. Does Ala. Code § 36-25-15(c) prevent a party from re-nominating a candidate who has been removed from the ballot for failing to file a statement of economic interests in the case where there is no other candidate running for the position?

ANALYSIS

This issue has been previously addressed by the Attorney General's Office.¹ That opinion stated:

If a candidate for nomination in a primary election fails to file a statement of economic interests, he is disqualified as a candidate, his name shall not appear on the ballot in that election, and a vacancy in nomination exists. If the political party were allowed to fill the vacancy in nomination with the same candidate who was

¹ Ala. Op. Atty. Gen. No. 2001-001 (Ala. A.G.), 2000 WL 33310756.

meaningless. The clearly expressed intent of the Legislature is that a candidate who has failed to file a statement of economic interests shall not be qualified to appear on the primary or general election ballot.²

Accordingly, the Commission finds that the term “ballot” in Ala. Code § 36-25-15(c) applies to the ballot of both the primary and the general election. Therefore, Ala. Code § 36-25-15(c) prevents a party from re-nominating a candidate who has been removed from the ballot for failing to file a statement of economic interests.


CONCLUSION

The term “ballot” in Ala. Code § 36-25-15(c) applies to the ballot of both the primary and the general election.

Ala. Code § 36-25-15(c) prevents a party from re-nominating a candidate for any office who has been removed from the ballot for failing to file a statement of economic interests.

AUTHORITY

By 4/0 vote of the Alabama Ethics Commission on February 7, 2024.



John Plunk
Chair
Alabama Ethics Commission

² *Id.*