

OFFICE OF THE
ATTORNEY GENERAL

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STATE OF ALABAMA

DEC 9 1987

88-00073

Honorable Mo Brooks, Jr.
Member, House of Representatives
District No. 10, Madison County
9009 Randall Road
Huntsville, AL 35802

Board of Registrars - Elections -
Officers and Offices - Candidates -
Political Parties

Chairman or other member of a
Board of Registrars may be a
candidate for and serve on a County
Political Party Executive Committee.

Dear Mr. Brooks:

We are in receipt of an Attorney General's opinion
request from you concerning the following:

Does Section 17-4-150 prohibit a member of
the Board of Registrars from being on a
political party's executive committee when
the executive committee's positions are
filled pursuant to an election by the
public?

Code of Alabama 1975, Section 17-4-150 sets out the
qualifications for members of a Board of Registrars and provides
that no member shall hold an elective office during his or her
term on the Board of Registrars. However, your question has been

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previously addressed in an opinion issued to Mr. Henry Chaney, Chairman of the Colbert County Board of Registrars, dated July 17, 1978. That opinion stated, in pertinent part, that:

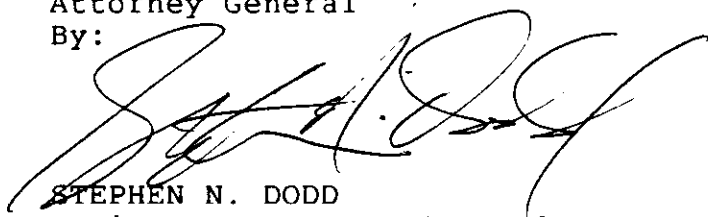
Registrars may also serve as a member of the County Democratic Executive Committee ... (since) members of the Democratic Executive Committee hold a "party office" and not a public (or elective) office.

The same result would apply here. Even though a political party executive committee position may be filled pursuant to an election by the public, it is the opinion of this Office that such a position is not an "office of profit" as contemplated by the Constitution of 1901, Section 280, or Code of Alabama 1975, Section 36-2-1(b). See Alexander v. State ex rel. Carver, 274 Ala. 441, 150 So. 2d 204 (1963). Accordingly, the answer to your question is in the negative.

If this office may be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:



STEPHEN N. DODD
Assistant Attorney General

SND/ssm