

No general election required for House District 31 race

Written by News Desk

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Probate Judge John Enslen has confirmed that the upcoming January 28, 2014, run-off election between Mike Holmes and Jimmy Collier will determine the final winner for the vacant house seat created by the resignation of Barry Mask last October. Enslen received word from the secretary of state late on December 5th that no one legally qualified as a third party candidate.

"This is good news for Elmore County residents living in House District 31 in at least one respect. The people will now have a representative seated in the legislature for a majority of the 2014 session that begins in January. Had a general election been required, it would not have taken place until March 25, 2014, too late for effective representation in the 2014 regular session."

A petition seeking to place a third party candidate on the March 25, 2014, ballot failed to comply with the requirements of the law. That determination was made by the secretary of state's office with respect to the petition of Jeshua Screws to represent the Constitutional Party. A number of the signatures on Screws' petition were deemed to be non-qualifying for one reason or another by the secretary of state. Consequently, there were insufficient signatures on the third-party petition.

Enslen explained the situation regarding any possible write-in candidates who were hoping to be a part of a special general election on March 25, 2014. "The lack of a third party candidate effectively kills the hopes of any write-in candidate because write-in candidates are allowed only in general elections and not in primary elections. Amendment 97 to the Alabama Constitution dispenses with the need for a special general election in our current circumstances.

Where the secretary of state determines that a legally qualified candidate is unopposed when the last date for filing certificates of nomination has passed, the general election shall not be held. On January 28, 2014, either Mike Holmes or Jimmy Collier will be unopposed because the date for filing a third-party certificate of nomination will have passed without a qualifying third-party."

Lamenting the low turnout on December 3rd, Enslen added: "Please go to the polls and vote on January 28th. Voting is a special privilege.

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When we conscientiously fulfill our obligations as concerned citizens, we honor those who have sacrificed so much for the special privileges we enjoy. The individual participation of each of us is vitally important if we are to maintain a government which is truly of the people, by the people, and for the people."

-Staff