

Bond Case Briefs

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ELECTIONS - ALABAMA

Ex parte Scrushy

Supreme Court of Alabama - March 9, 2018 - So.3d - 2018 WL 1224237

Electors moved to have the circuit court enforce its prior orders and declare invalid a special election for town council, which was held following a dispute about the results of the general election.

The Circuit Court declared the special election void. After a probate judge then entered an order purporting to void all the orders entered by the circuit court concerning the special election, the Circuit Court reaffirmed its previous order declaring the special election void. Town and apparently successful candidate in the special election sought a writ of mandamus.

The Supreme Court of Alabama held that the circuit court could void the special election for failure to be held in strict compliance with state's election laws, as required by one of the circuit court's previous orders.

Electors' motion for the circuit court to enforce its prior orders and declare invalid a special election for town council, which was held following a dispute about the results of the general election, was not an "election contest," and thus the circuit court could void the special election for failure to be held in strict compliance with state's election laws; electors did not challenge the special election's results, circuit court had expressly stated in two orders prior to the special election that it retained jurisdiction to enforce its orders concerning the disputed general election and the special election, and one of the circuit court orders at issue made clear that the town's governing body had a duty to conduct the special election in accordance with state's election laws.