IN THE CIRCUIT COURT OF ELMORE COUNTY, ALABAMA

JOHN E ENSLEN IN HIS OFFICIAL)
CAPACITY AS PROBATE,)
Plaintiff,)
)
V.   ) Case No.:   CV-2015-000144.00
)
HARRISON ANDRE L,)
DENNIS RICHARD,)
WARD VICKI BONNER,)
Defendants.)

ORDER ON DECLARATORY jUDGMENT

This cause coming on before this Court upon the Petition for Emergency Declaratory Judgment as filed by the Elmore County Probate Judge, Hon. John E. Enslen, who appears Pro Se, on the issue of who should be listed as proper, qualified candidates for the ballot printing for the March 1, 2016 primary for the Elmore County Superintendent of Education office. Andre L. Harrison, the present Superintendent of Education and candidate for election appearing with his counsel, Hon. Al Agricola, Richard Dennis, a candidate for election with his counsel, Hon. Keith Howard and Vicki Bonner Ward, the Elmore County Republican Party Chairperson with he counsel, Hon. Kenny James. This cause being filed December 14, 2015 and the hearing being held this date, December 16, 2015, with very short notice and all parties and counsel appearing, this Court receiving the parties argument and collecting their filings, the Court finds as follows from the pleadings:

    1. That John E. Enslen is the Elmore County Judge of Probate and the county chief elections officer.
    2. That Vicki Bonner Ward is the Chairperson for the Elmore County Republican Party and as such, is duty bound to submit to the Probate Judge a list of the qualified candidates who qualified with the Republican Party for the March 1, 2016 primary. (See Exhibit "A")
    3. That Andre L. Harrison and Richard Dennis were the two names submitted to the Judge of Probate as Republican qualified candidates after the close of the qualifying period, for the position of Superintendent of Education for Elmore County.
    4. That after the qualifying period was closed and the list was submitted by the Chairperson for the Republican Party to the Judge of Probate of Elmore County, the Probate Judge received from The State of Alabama Department of Education a letter dated December 11, 2015 as the certificate that Andre Lunzania harrison holds a certificate in administration and supervision, a requirement under Alabama Code 16-9-4, Code of Alabama, 1975. (See Exhibit "B")
    5. That Section 16-9-4, Code of Alabama, 1975 provides that "before any

person shall qualify as a candidate for or for the nomination of a political party as a candidate for the office of county superintendent of education for a county in which such officer is elected by the qualified voters of the county, such person shall file with the probate judge a certificate signed by the State superintendent of Education that such person holds a certificate of administration and supervision as required by the law prescribing the qualifications of a county superintendent of education".

6. That Section 16-9-4 provides a condition precedent of having the certificate filed with the Judge of Probate before a candidate can qualify fof county superintendent.

7. That this very similar fact situation has been presented to the Attorney General of this state for opinion, cited, Opinion to Honorable Robert M. Martin, judge of probate, Chilton County, dated May 10, 2002, A.G. No. 2002-23.

8. That the incumbent, Andre L. Harrison, objects to this cause of action on jurisdictional grounds.

Wherefore, upon a plain reading of Section 16-9-4, Code of Alabama, 1975, and the facts presented in the pleadings, this Court finds and it is ORDERED as follows:

1. That the Chairperson for the Elmore County Republican Party shall amend the listing of "qualified Republican Candidates", to remove the name of Andre L. Harrison as his certificate of administration and supervision has been filed with the Elmore County Judge of Probate after the deadline for qualifying.

2. That the Elmore County Judge of Probate shall submit a list which does not include Andre L. Harrison as a qualified candidate for Elmore County Superintendent of Education.

DONE this 16th day of December, 2015.

/s/ SIBLEY G. REYNOLDS
CIRCUIT JUDGE