



STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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February 23, 2017

Honorable Jim Zeigler  
State Auditor of Alabama  
600 Dexter Avenue  
Room S-101  
Montgomery, Alabama 36830

Dear Mr. Zeigler:

This Office received your letter in which you requested an opinion on whether a special election scheduled to fill a vacancy in the United States Senate is legal under section 36-9-8 of the Code of Alabama. ALA. CODE § 36-9-8 (2013).

The Attorney General is authorized to issue opinions to public officials and public bodies that relate to the present performance of a duty to be performed by that official or public body and may not issue opinions on moot or private questions. ALA. CODE § 36-15-1 (2013). Because section 36-9-8 provides for the calling of the election by the Governor, the advice sought is not necessary to the present performance of some official act by the State Auditor.

In addition, we understand that the Governor has already called the special election for this Senate seat; thus, your question is moot.

I regret that we are unable to be of assistance at this time. If, however, I can be of assistance with another matter, please do not hesitate to let me know.

Sincerely,

STEVEN T. MARSHALL  
Attorney General  
By:

A handwritten signature in dark ink, appearing to read "G. Ward Beeson, III".

G. WARD BEESON, III  
Chief, Opinions Section

STM/GWB/as  
2297630/196834

RECEIVED

FEB 27 2017

State Auditor's Office