


IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
ALBERT TURNER
PLAINTIFF
V.
CARLTON HOGUE
DEFENDANT.

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CV-2026-901556.00
FINAL ORDER

On Wednesday, August 26, 2026, at 4:37 p.m. the Plaintiff filed a complaint. On August 31, 2026, this matter was before the Court on the Plaintiff's Motion for Injunctive Relief. Counsel for the Plaintiff appeared at the hearing; however, neither the Defendant nor counsel for the Defendant appeared. Counsel for the Plaintiff represented that the Defendant had received notice of the hearing. The Court file, however, does not contain a completed return of service as to the Defendant. Because this matter was presented as a request for a temporary restraining order, the Defendant's presence was not essential at this initial hearing.

Based upon the allegations contained in the Complaint and the ore tenus testimony presented at the hearing, the Court finds that Plaintiff Albert Turner was a candidate on the May 19, 2026, Democratic primary ballot for the position of Perry County Commissioner, District 1 on the Democratic Ballot. Mr. Turner's opponent was Mr. Bennett, who was likewise a candidate for the Democratic nomination for that position.

The purpose of a primary election is to narrow the field of candidates seeking to become a political party's designee or nominee to a single candidate. The candidate determined to be the party's nominee is thereafter certified to appear on the general election ballot as the party's nominee and will compete against the nominee of any other opposing political party.

According to Dr. Joe L. Reed, the election for the Perry County Commissioner, District 1 seat was highly contested. Multiple recounts were conducted, and both Mr. Turner sought the assistance of the State Democratic Party in resolving the election disputes. Dr. Reed testified that the State Democratic Party ultimately determined that Plaintiff Turner was the proper nominee for the seat and certified him as the Democratic nominee to the Defendant.

Defendant Carlton Hogue serves as both the Probate Judge of Perry County and the Chairman of the Perry County Democratic Executive Committee. In his capacity as Probate Judge, Defendant Hogue is responsible for certifying the names of candidates who are to appear on the general election ballot.

Plaintiff Turner seeks to enjoin Defendant Hogue from certifying any person other than himself, the candidate determined by the State Democratic Party to be the Democratic nominee. In his Complaint¹, the Plaintiff alleges that the Defendant has refused to certify Plaintiff and has instead certified another individual as the nominee, allegedly in violation of the directives issued by the State Democratic Party.

At the hearing, the Court asked counsel for the Plaintiff to identify the individual whom Defendant had certified as the Democratic nominee for Perry County Commissioner, District 1. Counsel was unable to definitively state whether or who the Defendant had affirmatively certified any nominee for the position. Moreover, neither Plaintiff nor Dr. Reed could definitively establish that any name had been certified for placement on the November 3, 2026, general election ballot.

The Court recognizes that, assuming the State Democratic Executive Committee properly certified Plaintiff as the Democratic nominee, Defendant would be required to comply with that certification in carrying out his ministerial duties concerning the general election ballot. Nevertheless, there is no evidence before the Court establishing that Defendant has failed to comply with the State Executive Committee's determination. Indeed, the evidence presented does not establish which candidate the Defendant certified.

Accordingly, for the following reasons, the Plaintiff's Motion for Temporary Restraining Order is hereby **DENIED**, and this matter is **DISMISSED**:

1. Counsel for the Plaintiff acknowledged that he was unable to identify whom, if anyone, Defendant certified as the Democratic nominee for Perry County Commissioner, District 1. In the absence of evidence establishing that Defendant has taken, or is presently taking, an action contrary to the State Democratic Executive Committee's certification, the Court has no specific action to enjoin.

¹ The Court notes that although the filings purport to be that of a verified complaint, the Plaintiff never signed the document. Instead, both the complaint and the affidavit are signed by Counsel for the Plaintiff. Therefore, the information contained within the filing is not given the same deferential treatment information found in a verified complaint.

2. The names of party nominees must be certified no later than 69 days before the general election. The 2026 general election is scheduled for November 3, 2026. Sixty-nine days before the general election was August 26, 2026. Thus, the statutory deadline for certification has passed. This Court cannot enjoin the performance of an act after the statutory period for performing that act has expired.

DONE this 1st day of September, 2026.


Circuit Judge