

HB541 INTRODUCED



1 HB541
2 TBYPQ99-1
3 By Representatives Yarbrough, Stadthagen, Butler, Myrex,
4 Harrison, Kiel, Underwood, Hammett, Whorton, Treadaway,
5 Pettus, Rehm, Paschal, Mooney, Ledbetter
6 RFD: Ethics and Campaign Finance
7 First Read: 03-Mar-26



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SYNOPSIS:

Under existing law, Alabama is an open primary state. There is no requirement in state law that an elector must register his or her party affiliation when registering to vote.

This bill would allow an elector to register a political party affiliation.

This bill would require an elector to be registered with a political party in order to vote that party's ballot in a primary election or primary runoff election.

This bill would prohibit an elector from switching his or her political party affiliation to another political party during a blackout period starting 60 days before a primary election.

This bill would require the Secretary of State to update the voter registration form, retain certain voter history, and adopt rules.

This bill would also require each political party to publish qualifications for candidates on its official website.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.



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A BILL

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TO BE ENTITLED

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AN ACT

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Relating to primary elections; to establish the

35 Safeguard Alabama Voter Engagement (SAVE) Act; to require

36 electors to register their party affiliation in order to vote

37 in primary elections and to provide for deadlines to register

38 party affiliation; to amend Sections 17-13-1 and 17-13-7,

39 Code of Alabama 1975, to prohibit electors registered with a

40 political party from voting a different political party ballot

41 at a primary election or primary runoff election; to require

42 the Secretary of State to retain certain voter history

43 information as a public record; to amend Section 17-3-52, Code

44 of Alabama 1975, to require the Secretary of State to revise

45 the voter application form to allow for party registration; to

46 repeal Section 17-13-7.1, Code of Alabama 1975, which

47 prohibits crossover voting between a primary election and

48 subsequent primary runoff election; to amend Section 17-13-47,

49 Code of Alabama 1975, to require political parties to publish

50 qualifications for candidates on the websites of the political

51 parties; and to make nonsubstantive, technical revisions to

52 update the existing code language to current

53 style.

54 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

55 Section 1. (a) This section shall be known and may be

56 cited as the Safeguard Alabama Voter Engagement (SAVE) Act.



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57 (b) (1) On and after January 1, 2027, a qualified
58 elector shall register his or her political party affiliation
59 before the elector may vote in any countywide or statewide
60 primary or primary runoff election. A qualified elector may
61 register his or her party affiliation through the Secretary of
62 State's website or with the board of registrars, or at the
63 voting precinct of the elector on the day of any countywide or
64 statewide primary or primary runoff election. An elector who
65 has not registered a political party affiliation shall be
66 considered unaffiliated for purposes of Title 17, Code of
67 Alabama 1975. Notwithstanding Section 17-3-50, Code of Alabama
68 1975, an unaffiliated elector may register a political party
69 affiliation at any time, including during the 14-day period
70 before an election.

71 (2) If an elector chooses to register party affiliation
72 at a voting precinct on primary election day or primary runoff
73 election day, the act of requesting the ballot of a specific
74 political party shall constitute party registration, and no
75 additional action shall be required of the elector.

76 (3) A qualified elector who has already registered his
77 or her political party affiliation may not change his or her
78 political party affiliation to a different political party
79 during the period beginning 60 days prior to a primary
80 election through the day of the corresponding general
81 election.

82 (c) An elector who has registered a political party
83 affiliation may change his or her status to unaffiliated at
84 any time, provided the elector may not subsequently register



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85 with a different political party during the blackout period
86 described in subdivision (b) (3).

87 (d) Nothing in this section shall be construed to
88 prohibit any state executive committee of a political party
89 from establishing the qualifications of individuals desiring
90 to become candidates for nomination to offices at a primary
91 election.

92 (e) (1) Beginning on and after July 1, 2027, signs shall
93 be posted at each polling place at a primary election and
94 primary runoff election that contains the following notice:

95 "By voting in this primary election, you have
96 registered your affiliation with a particular political party.
97 State law prohibits you from changing your political party
98 affiliation to a different political party until after the
99 general election. In the future, you may not change your party
100 affiliation within the 60-day period before any primary
101 election."

102 (2) A sign shall be posted in a clearly visible
103 location near the entrance of the polling place, and may be
104 posted in other conspicuous locations within a polling place,
105 as determined by the Secretary of State, by rule.

106 (f) The Secretary of State shall retain the following
107 voter history information for purposes of Section 17-4-38,
108 Code of Alabama 1975 for each voter:

109 (1) The party ballot requested in each primary and
110 primary runoff election held between January 1, 2017 and
111 January 1, 2027; and

112 (2) The party affiliation registered pursuant to this



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113 section for the entire period of time the voter remains on the
114 voter registration list.

115 (g) The Secretary of State shall adopt rules to
116 implement this section.

117 Section 2. Sections 17-3-52, 17-13-1, 17-13-7, and
118 17-13-47, Code of Alabama 1975, are amended to read as
119 follows:

120 "§17-3-52

121 (a) The board of registrars shall ~~have power to~~
122 examine, under oath or affirmation, all applicants for
123 registration, and ~~to~~ may take testimony touching the
124 qualifications of such applicants, but no applicant shall be
125 required to answer any question, written or oral, not related
126 to his or her qualifications to register.

127 (b) (1) In order to aid the registrars to judicially
128 determine if applicants to register have the qualifications to
129 register to vote, each applicant shall be furnished by the
130 board a written application, which shall be uniform in all
131 cases with no discrimination as between applicants, ~~the~~ The
132 form and contents of ~~which the~~ application shall be
133 ~~promulgated adopted,~~ promulgated adopted, by rule, ~~by the Secretary of State of the~~
134 ~~State of Alabama.~~ The application shall be so worded that
135 there will be placed before the registrars information
136 necessary or proper to aid ~~them~~ the registrars to pass upon
137 the qualifications of each applicant. The application shall be
138 completed in writing. There shall be incorporated in such
139 application an oath to support and defend the Constitution of
140 the United States and the Constitution of the State of Alabama



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141 of ~~1901-2022~~ and a statement in such oath by the applicant
142 disavowing belief in or affiliation with any group or party
143 which advocates the overthrow of the government of the United
144 States or the State of Alabama by unlawful means. The
145 application and oath shall be duly signed by the applicant.

146 (2)a. On and after July 1, 2027, the application shall
147 include a provision that requires the applicant to choose his
148 or her political party affiliation as a Democrat or Republican
149 or as a member of any other political party authorized to hold
150 primary elections, or to remain unaffiliated. If an applicant
151 fails to choose one of these options, the applicant shall be
152 considered unaffiliated for purposes of this title.

153 b. The application shall also include a notice
154 generally stating that once registered, a voter may not change
155 his or her political party affiliation to another political
156 party during the period 60 days preceding a primary election
157 through the corresponding general election day, but that a
158 voter may become unaffiliated from any political party at any
159 time. Moreover, a voter who remains unaffiliated, may later
160 register a political party affiliation.

161 (c) If the applicant is unable to read or write, ~~then~~
162 the applicant shall be exempt from the ~~above stated~~
163 requirements in subsection (b) which the applicant is unable
164 to meet and in such cases, a witness shall read to the
165 applicant the application and oath, ~~herein provided for~~ and
166 the applicant's answers ~~thereto~~ shall be written down by the
167 witness, and the applicant shall be registered as a voter if
168 he or she meets all other requirements ~~herein set out~~ in this



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169 section.

170 (d) Each member of the board is authorized to
171 administer the oaths to be taken by applicants and witnesses.

172 (e) Except as provided in Section 17-3-53, the
173 applications of ~~persons~~ individuals applying for registration
174 shall not become public records ~~as public records are defined~~
175 ~~under the laws of the State of Alabama~~, nor shall the board
176 disclose the information contained in ~~such~~ applications and
177 written answers, except with the written consent of the ~~person~~
178 individual who filed the answer or pursuant to the order of a
179 court of competent jurisdiction in a proper proceeding."

180 "§17-13-1

181 A primary election, including a separate and special
182 presidential preference primary election, within the meaning
183 of this chapter, is an election held by the qualified voters
184 who are registered members of any political party, for the
185 purpose of nominating a candidate or candidates for public or
186 party office."

187 "§17-13-7

188 (a) All ~~persons~~ individuals who are qualified electors
189 under the general laws of the State of Alabama and who are
190 also registered members of a political party ~~and entitled to~~
191 ~~participate in such primary election under the rules of the~~
192 ~~party~~ shall be entitled to vote ~~therein~~ in a primary election
193 or primary runoff election and shall receive the official
194 primary ballot of that political party for which he or she is
195 registered pursuant to Section 1. ~~and no other; but every~~
196 ~~governing body of a party shall have the right, power, and~~



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197 ~~authority to fix and prescribe the political or other~~
198 ~~qualifications of its own members and shall, in its own way,~~
199 ~~declare and determine who shall be entitled and qualified to~~
200 ~~vote in such primary election or to be candidates therein or~~
201 ~~to otherwise participate in such political parties and~~
202 ~~primaries. The qualifications of electors entitled to vote in~~
203 ~~such primary election shall not necessarily be the same as the~~
204 ~~qualifications for electors entitled to become candidates~~
205 ~~therein. Nothing herein contained shall be so construed as to~~
206 ~~prohibit any state executive committee of a party from fixing~~
207 ~~such qualifications as it may deem necessary for persons~~
208 ~~desiring to become candidates for nomination to offices at a~~
209 ~~primary election.~~

210 ~~(b) A political party may require all poll lists for~~
211 ~~primary elections to state at the top thereof that by~~
212 ~~participating in the primary election a voter shall indicate a~~
213 ~~preference for the party holding the primary, and will support~~
214 ~~the nominees of that party in the general election, and that~~
215 ~~he or she is qualified under the rules of such party to vote~~
216 ~~in its primary election.~~

217 (b) No person individual shall be eligible to
218 participate in the primary election or primary runoff election
219 unless he or she signs the poll list and thereby certifies to
220 the truth of the statement has registered his or her
221 affiliation pursuant to Section 1 with a political party
222 participating in that primary election or primary runoff
223 election."

224 "§17-13-47



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225 (a) The governing body of a political party may fix
226 assessments upon those able to pay, or other qualifications as
227 it may deem necessary, for ~~persons~~individuals desiring to
228 become candidates for nomination to offices at a primary
229 election, but such assessments shall not exceed two percent of
230 one year's salary of the office sought and, for an
231 unremunerative or party county office or an unremunerative or
232 party office to be filled by a vote of a subdivision greater
233 than one county, it shall not exceed fifty dollars (\$50) or
234 one hundred fifty dollars (\$150) for an unremunerative or
235 party office to be filled by a vote of the entire state.

236 (b) The governing body of each political party shall
237 publish on its official website the qualifications set by the
238 governing body for candidates seeking nomination to offices of
239 that political party."

240 Section 3. Section 17-13-7.1, Code of Alabama 1975,
241 prohibiting crossover voting between a primary election and
242 subsequent primary runoff election, is repealed.

243 Section 4. This act shall become effective on January
244 1, 2027.