

SB23 INTRODUCED



1 SB23
2 XDIPN7Z-1
3 By Senator Gudger
4 RFD: County and Municipal Government
5 First Read: 13-Jan-26
6 PFD: 04-Nov-25



4 SYNOPSIS:

5 Under existing law, primary elections for
6 offices other than municipal offices are set to occur
7 in May on the Tuesday preceding Memorial Day, except in
8 years when a presidential primary is occurring, in
9 which case the primary election is set for the first
10 Tuesday in March.

11 Also under existing law, a special primary
12 election can be called by the Governor or as provided
13 by law.

14 This bill would require a new special primary
15 election to be held if: (i) the boundaries of one or
16 more legislative or congressional districts to be used
17 in the next general election are changed or altered by
18 either an act of the Legislature or by final order,
19 judgment, or mandate from a state or federal court
20 which permits or requires the use of legislative or
21 congressional district boundaries, and (ii) the change
22 or alteration is made at a time too late to be
23 accommodated during the normal primary election
24 schedule.

25 This bill would specify that the special primary
26 election would only affect those districts impacted by
27 the redistricting.

28 This bill would provide further for the



SB23 INTRODUCED

qualification of candidates affected by the
redistricting.

A BILL
TO BE ENTITLED
AN ACT

Relating to primary elections; to add Section 17-13-3.1
to the Code of Alabama 1975; to authorize a new special
primary election for districts affected by the redistricting
of legislative or congressional districts under certain
circumstances; and to provide further for the qualification of
affected candidates.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-13-3.1 is added to the Code of
Alabama 1975, to read as follows:

§17-13-3.1

(a) In the event: (i) the boundaries of one or more
legislative or congressional districts to be used in the next
general election are changed or altered by either an act of
the Legislature or by order, judgment, or mandate from a state
or federal court which permits or requires the use of
legislative or congressional district boundaries, and (ii) the
change or alteration is made at a time too late to be
accommodated during the normal primary election schedule held
or to be held in accordance with this chapter, the state shall
hold a new special primary election for the affected districts



SB23 INTRODUCED

57 in accordance with this section, so long as the special
58 primary election can be completed by the last day of August. A
59 special primary election held pursuant to this section shall
60 be required for the affected districts regardless of whether a
61 regular primary election was held for all or part of the
62 affected districts under the previous boundary lines.

63 (b) No candidate shall be deemed the party nominee of a
64 political party for an affected office based solely on the
65 results of the regular primary election if a new special
66 primary election is required under subsection (a). Any
67 official certification of results of any regular primary
68 election for an affected office are void for purposes of
69 determining the party nominee once a new special primary
70 election is required under this section. However, a candidate
71 who was eligible and qualified for the regular primary
72 election for an affected legislative or congressional district
73 office shall remain eligible to appear on the ballot for the
74 new special primary election, subject to laws and party rules
75 not inconsistent with this chapter. The certification of a
76 nominee for an affected office shall be based solely on the
77 results of the new special primary election conducted under
78 this section and any runoff election.

79 (c) Within five calendar days of the occurrence of an
80 event described in subsection (a) which triggers a new special
81 primary election, the Governor shall issue a proclamation
82 calling for the new special primary election.

83 (d) To the extent Section 17-13-3(d) is consistent with
84 this section, the provisions of that subsection shall apply to



SB23 INTRODUCED

the new special primary election under this section.

(e)(1) Nothing in this section prohibits a party from choosing its candidates by any means allowed by law other than by primary election.

(2) Nothing in this section shall alter the timing of regular primary elections when no change in district boundaries has occurred as described in subsection (a).

(3) Nothing in this section shall be construed to alter the date scheduled for the general election.

Section 2. This act shall become effective immediately.