

# SB1 INTRODUCED



1 SB1

2 CX8G5JQ-1

3 By Senator Elliott

4 RFD: Fiscal Responsibility and Economic Development

5 First Read: 04-May-26



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SYNOPSIS:

Under existing law, the 2026 primary election for offices other than municipal offices is set to occur in May on the Tuesday preceding Memorial Day.

Also under existing law, a special primary election may be called by the Governor or as provided by law.

This bill would authorize a new special primary election to be held if: (i) a federal court issues an order or vacates an injunction thereby allowing the Legislature to use a previously enacted legislative State Senate redistricting plan in the 2026 General Election, and (ii) the court ruling is made at a time that is too late to be accommodated during the normal primary election schedule but would allow a new special primary election to be held in a manner that does not affect the 2026 General Election date set in November of 2026.

This bill would require the Governor to call a special primary election for the affected State Senate districts if the special primary election may be in a specified time frame without violating certain laws and would authorize the Governor to modify certain deadlines specified in state law with regard to elections.



## SB1 INTRODUCED

29                   This bill would provide that the candidate who  
30 receives the highest vote count in the special primary  
31 election is considered the party nominee for purposes  
32 of the general election and would eliminate the need  
33 for a primary runoff election.

34                   This bill would specify that the special primary  
35 election would only affect those State Senate districts  
36 impacted.

37                   This bill would provide further for the  
38 qualification of affected candidates.

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A BILL

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TO BE ENTITLED

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AN ACT

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45                   Relating to primary elections; to authorize a new  
46 special primary election for State Senate districts affected  
47 by a federal court ruling under certain circumstances; to  
48 require the Governor to call a special primary election for  
49 affected State Senate districts under certain conditions and  
50 to set an election calendar; and to provide further for the  
51 qualification of affected candidates.

52 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

53                   Section 1. (a) It is the intent of the Legislature that  
54 a special primary election, as contemplated in this section,  
55 be held only in the event a federal court issues or vacates an  
56 order affecting the boundaries of State Senate districts in a



## SB1 INTRODUCED

57 time frame that allows for a supplemental special primary  
58 election during the 2026 General Election cycle.

59 (b) In the event: (i) a federal court, by issuing a  
60 judgment or by vacating an injunction, permits the  
61 reinstatement of the last legislatively enacted State Senate  
62 districts, as enacted by Act 2021-558 of the 2021 Second  
63 Special Session, to be used in the 2026 General Election, and  
64 (ii) the court ruling is made at a time too late to be  
65 accommodated during the normal 2026 primary election schedule  
66 held or to be held in accordance with Chapter 13 of Title 17,  
67 Code of Alabama 1975, the state shall hold a new special  
68 primary election for the affected State Senate Districts in  
69 accordance with this section, so long as certification of the  
70 special primary election can be completed by August 26, 2026.

71 (c) (1) Upon a federal court making a ruling described  
72 in subsection (b), the Governor shall issue a proclamation  
73 calling for a special primary election to be held as soon as  
74 possible for the affected State Senate districts, consistent  
75 with subsection (b). Notwithstanding any state law to the  
76 contrary, the Governor shall set a calendar for the election  
77 as required to effectuate the purposes of this section,  
78 provided the dates specified in the election calendar do not  
79 violate federal law. A special primary election held pursuant  
80 to this section shall be required for the affected State  
81 Senate districts regardless of whether a regular primary  
82 election was held for the affected State Senate districts  
83 using the previous boundary lines.

84 (2) Notwithstanding any state law to the contrary, the



## SB1 INTRODUCED

85 candidate who receives the greatest number of votes at the  
86 special primary election shall be deemed the winner and party  
87 nominee of that primary election, and no primary runoff  
88 election shall be held.

89 (d) No candidate shall be deemed the party nominee of a  
90 political party for an affected State Senate office based  
91 solely on the results of the regular primary election if a new  
92 special primary election is held pursuant to this section. Any  
93 official certification of results of the regular primary  
94 election for an affected State Senate office is void for  
95 purposes of determining the party nominee once a new special  
96 primary election is required under this section. However, a  
97 candidate who was eligible and qualified for the regular  
98 primary election for an affected State Senate district office  
99 shall remain eligible to appear on the ballot for the new  
100 special primary election, subject to laws and party rules not  
101 inconsistent with Chapter 13 of Title 17, Code of Alabama  
102 1975. The certification of a nominee for an affected office  
103 shall be based solely on the results of the new special  
104 primary election conducted under this section.

105 (e) (1) Notwithstanding any law to the contrary, a  
106 political party may choose its candidates by any means allowed  
107 by law other than by primary election so long as the party  
108 certifies its nominees to the Secretary of State no later than  
109 August 26, 2026.

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



## SB1 INTRODUCED

113           (3) Nothing in this section shall be construed to alter  
114 the date scheduled for the 2026 General Election.

115           Section 2. This act shall become effective immediately.