



# ANALYSIS

**An Analysis of the  
Proposed Statewide  
Amendments for the  
2026 Primary Election**

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# Contents

Introduction..... 4  
Amendment One .....5  
Amendment Two..... 8

## Introduction

Beyond the Democratic and Republican primary elections scheduled for May 19, voters will decide the fate of two statewide amendments to the Alabama Constitution.

One would prevent local district attorneys' salaries from being reduced during an elected term of office. Another would give judges discretion to deny bail to people charged with certain crimes.

Those amendments will be listed on the ballot in both the Republican and Democratic primaries. Alabama is an open primary state, which means voters don't have to register with a party to participate in a primary. A voter simply requests the ballot of the primary they want to vote in.

If the voter doesn't wish to vote in either party's primary, he or she can request an amendment-only ballot.

## Amendment One

*“Proposing an amendment to Section 16 of the Constitution of Alabama of 2022, to provide for additional offenses that would allow a judge to deny bail under certain circumstances.”*

This proposed constitutional amendment ([Act 2025-227](#)) would expand the scope of Aniah’s Law, which Alabama voters approved in November 2022. The law was enacted following the 2019 death of Aniah Blanchard. The individual accused of her murder was reportedly out on bond for other violent charges at the time. Before Aniah’s Law, the state constitution stated that judges had the discretion to deny bail only when a person was charged with a capital crime, an intentional murder accompanied by specific aggravating factors. Conviction of a capital crime can result in the death penalty.

Under current law in Alabama, judges may deny bail to individuals charged with certain violent offenses, including murder, first-degree kidnapping, first-degree rape, first-degree sodomy, sexual torture, first-degree domestic violence, first-degree human trafficking, first-degree arson, first-degree robbery, terrorism, and aggravated child abuse. Individuals charged with capital murder—the most serious murder offense under Alabama law—may also be denied bail before trial. In addition, the law requires that defendants charged with any of these offenses be held without bail until a pretrial detention hearing is conducted.

### If the Amendment Is Approved

If approved, the amendment would expand the offenses for which a judge may deny bail. Specifically, it would include:

- Solicitation to commit murder
- Attempt to commit murder
- Conspiracy to commit murder

It would also allow judges to deny bail to individuals charged with shooting or discharging a firearm, explosive, or other weapon into an occupied:

- Dwelling or building
- Railroad locomotive or railcar
- Aircraft
- Automobile or truck
- Watercraft

### **If the Amendment Is Not Approved**

If the amendment is not approved, the current scope of Aniah's Law will remain unchanged. Judges would continue to have the authority to deny bail only for the offenses currently listed under the law.

### **Implementation and Legal Considerations**

Much of the application of Aniah's Law remains within the discretion of prosecutors and the courts. District attorneys may request an Aniah's Law hearing to determine whether a defendant charged with a qualifying violent offense should be held without bond.

During these hearings, prosecutors present evidence supporting detention, and defendants have the opportunity to present evidence or testimony in response. The presiding judge then determines whether bond should be granted or denied.

The mayors of Alabama's ten largest cities have publicly expressed support for this amendment and have encouraged voters to vote in favor of its passage.

Questions remain regarding the broader impact of Aniah's Law hearings on court efficiency and case processing. Individuals denied bond may remain incarcerated until their case is resolved through trial, plea agreement, or other disposition. As with other pretrial detention policies, the amendment may raise ongoing legal and policy discussions.

Voters may consider several factors when evaluating this amendment, including:

- Public safety and community protection
- Judicial discretion in pretrial release decisions
- Jail population and pretrial detention impacts
- Constitutional considerations, including due process, reasonable bail, and the presumption of innocence

At this time, publicly available information on the long-term operational impacts of Aniah's Law—including effects on court scheduling, case processing times, or jail capacity—remains limited.

## Amendment Two

*“Proposing an amendment to the Constitution of Alabama of 2022, to provide that the compensation of a district attorney may not be diminished during his or her term of office. [Proposed by Act 2025-291.](#)”*

This proposal seeks to amend the *Constitution of Alabama of 2022* to prohibit elected district attorneys’ salaries from being reduced while they are in office. It would bring regulations associated with elected district attorneys’ salaries more in line with those regulating elected judges’ salaries.

Section 281 of Alabama’s constitution bars most elected officials from receiving salary increases, and from having their salaries reduced during their terms of office.<sup>1</sup> In 2021, lawmakers approved an Act extending this regulation to judicial salaries. The same Act (2021-441) set initial salaries for members of the elected judiciary at all levels, authorized periodic salary increases for judges who remain in office for multiple terms, and authorized judges to receive cost-of-living adjustments in the same way as other state personnel. Some judges received significant salary increases as a result. At the time, the Act’s sponsors described it as a way to incentivize bright, talented attorneys who can command much higher salaries in private practice to consider running for public office.<sup>2</sup>

District Attorney salaries are not perfectly uniform across the state, though a change that went into effect in Oct. 2021 aims to correct that. Under Code of Alabama 12-17-182, District Attorneys serving as of Oct. 1, 2021, are entitled to earn \$1,000 less than the highest-paid circuit judge in the state. District attorneys appointed or elected after that date are entitled to initial salaries of \$140,000 (plus any cost-of-living adjustments enacted statewide after that date), with 7.5% increases after their first, second, and third terms in office plus cost-of-living adjustments. This is similar to the compensation package and incentives available to elected judges.

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<sup>1</sup> <https://law.justia.com/constitution/alabama/CA-245834.html>

<sup>2</sup> <https://www.alreporter.com/2021/05/03/house-approves-5-3-million-in-raises-for-alabama-judges-and-district-attorneys/>

Rep. Jim Hill (R-Springville), who sponsored the legislative act that created Amendment 2, told PARCA the amendment is intended to offer district attorneys the same protection and guarantees that members of the judiciary have. He offered much the same rationale as proponents of the 2021 judicial salary legislation did. "I'm not looking for the lowest bidder. I'm looking for somebody with integrity, with knowledge, with experience, with the ability to make a lot more money in the private sector than in the public," Hill said.

Elected district attorney salaries are paid out of General Fund allocations. However, other employees of district attorneys' offices such as assistant district attorneys, support staff, operating expenses, and overhead are covered by a combination of funding stream which includes the general fund, state and federal grants, local funds, and revenue from court costs, fines, and fees. If passed, Amendment 2 would only affect the compensation available to elected district attorneys, not assistants or other staff. It would also not affect the compensation of public defenders or contract or appointed defense counsel, as none of those individuals are elected officials even in counties where public defender offices exist.

#### **If the Amendment is Approved**

District Attorneys will be protected from salary reductions during their terms in office, a protection available to other Alabama elected officials, including judges.

#### **If the Amendment is Not Approved**

District Attorneys will remain unique among Alabama elected officials in lacking protection against salary reductions during their terms in office.



# Public Affairs Research Council of Alabama

## WHO WE ARE

The Public Affairs Research Council of Alabama, PARCA, is Alabama's trusted source for non-partisan, non-ideological research, founded in 1988 by former Governor Albert Brewer.

## WHAT WE BELIEVE

State and community leaders make better-informed decisions when provided with unbiased, non-partisan data and resources about the topics they care about the most.

## HOW WE WORK

We conduct *non-ideological research* on issues affecting the people of Alabama so state and community leaders, and others, can make better-informed decisions based on facts, not rhetoric.

We *independently evaluate* the efficacy of public programs and nonprofit services.

We offer technical and research assistance for public and nonprofit partners to help them integrate the use of *accurate data* into their work.

We engage in *meaningful dialogue* with state and community leaders and others on the topics Alabamians care about the most.

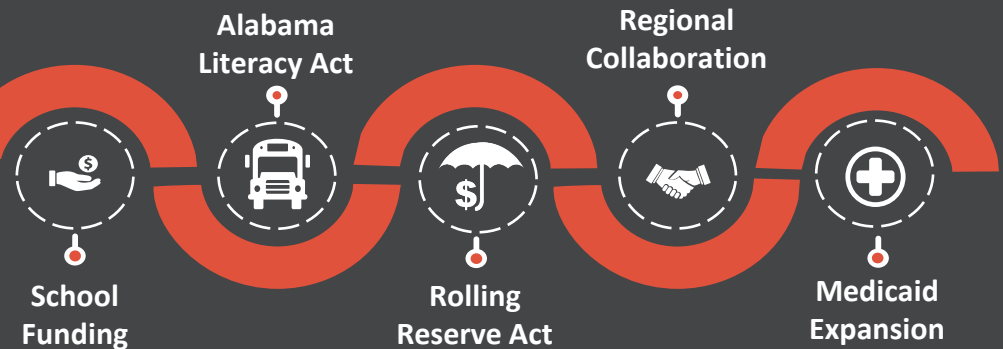


## WHY WE MATTER

Good leaders use good information to make sound policies. This is what PARCA provides: trustworthy, non-ideological data, policy research, and evaluation so that public decisions might be made, and public money, both tax dollars and charitable donations, might be spent, informed by fact, not rhetoric.

### Major Projects

PARCA's research informs major policy debates of the day and is relied upon policymakers and policy organizations across the political spectrum.



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