

1 SB2
2 125023-2
3 By Senators Marsh, Pittman, Beason, Allen, Holtzclaw,
4 Blackwell, Bussman, Dial, Williams, Taylor, Scofield, Brooks,
5 Sanford, Waggoner, Reed, Whatley, Ward, Orr, McGill, and
6 Glover
7 RFD: Constitution, Campaign Finance, Ethics, and Elections
8 First Read: 08-DEC-10

1 SB2

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4 ENROLLED, An Act,

5 To amend Section 17-17-5, Code of Alabama 1975,
6 relating to prohibited political activities by state, county,
7 and city employees; to further specifically prohibit employees
8 of the state, a county, a city, a local school board, or other
9 governmental agency from using any agency funds, property, or
10 time arranging for payments by salary deduction, or otherwise,
11 to a political action committee or dues for membership
12 organizations that use funds for political activities.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 17-17-5, Code of Alabama 1975, is
15 amended to read as follows:

16 "§17-17-5.

17 "(a) No person in the employment of the State of
18 Alabama, a county, a city, a local school board, or any other
19 governmental agency, whether classified or unclassified, shall
20 use any state, county, city, local school board, or other
21 governmental agency funds, property, or time, for any
22 political activities.

23 "(b) No person in the employment of the State of
24 Alabama, a county, a city, a local school board, or any other
25 governmental agency may arrange by salary deduction or

1 otherwise for any payments to a political action committee or
2 arrange by salary deduction or otherwise for any payments for
3 the dues of any person so employed to a membership
4 organization which uses any portion of the dues for political
5 activity. For purposes of this subsection (b) only, political
6 activity shall be limited to all of the following:

7 "(1) Making contributions to or contracting with any
8 entity which engages in any form of political communication,
9 including communications which mention the name of a political
10 candidate.

11 "(2) Engaging in or paying for public opinion
12 polling.

13 "(3) Engaging in or paying for any form of political
14 communication, including communications which mention the name
15 of a political candidate.

16 "(4) Engaging in or paying for any type of political
17 advertising in any medium.

18 "(5) Phone calling for any political purpose.

19 "(6) Distributing political literature of any type.

20 "(7) Providing any type of in-kind help or support
21 to or for a political candidate.

22 "Any organization that requests the State of
23 Alabama, a county, a city, a local school board, or any other
24 governmental agency to arrange by salary deduction or
25 otherwise for the collection of membership dues of persons

1 employed by the State of Alabama, a county, a city, a local
2 school board, or any other governmental agency shall certify
3 to the appropriate governmental entity that none of the
4 membership dues will be used for political activity.

5 Thereafter, at the conclusion of each calendar year, each
6 organization that has arranged for the collection of its
7 membership dues of persons employed by the State of Alabama, a
8 county, a city, a local school board, or any other
9 governmental agency shall provide the appropriate governmental
10 entity a detailed breakdown of the expenditure of the
11 membership dues of persons employed by the State of Alabama, a
12 county, a city, a local school board, or any other
13 governmental agency collected by the governmental entity. Any
14 organization that fails to provide the required
15 certifications, that reports any expenditures for political
16 activity or that files false information about political
17 activity in any of its reports shall be permanently barred
18 from arranging for the collection of its membership dues by
19 any governmental entity. The Examiners of Public Accounts
20 shall annually review a sample of at least ten percent of the
21 certifications filed with each governmental entity and report
22 its findings to the appropriate governmental entity.

23 "(c) Any person who is in the employment of the
24 State of Alabama, a county, a city, a local school board, the
25 State Board of Education or any other governmental agency,

1 shall be on approved leave to engage in political action or
2 the person shall be on personal time before or after work and
3 on holidays. It shall be unlawful for any officer or employee
4 to solicit any type of political campaign contributions from
5 other employees who work for the officer or employee in a
6 subordinate capacity. It shall also be unlawful for any
7 officer or employee to coerce or attempt to coerce any
8 subordinate employee to work in any capacity in any political
9 campaign or cause. Any person who violates this section shall
10 be guilty of the crime of trading in public office and upon
11 conviction thereof, shall be fined or sentenced, or both, as
12 provided by Section 13A-10-63."

13 Section 2. The provisions of this act are severable.
14 If any part of this act is declared invalid or
15 unconstitutional, that declaration shall not affect the part
16 which remains.

17 Section 3. All laws or parts of laws which conflict
18 with this act are repealed.

19 Section 4. This act shall become effective 90 days
20 following its passage and approval by the Governor or its
21 otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB2

Senate 10-DEC-10

I hereby certify that the within Act originated in and passed the Senate.

McDowell Lee
Secretary

House of Representatives
Amended and passed 15-DEC-10

Senate concurred in House amendment 15-DEC-10

By: Senator Marsh