

1 SB311
2 115665-2
3 By Senator Bedford
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 02-FEB-10

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8 SYNOPSIS: Under existing law, a person who has
9 accepted, solicited, or caused to be solicited
10 funds for use in a federal election may transfer or
11 cause the funds to be transferred to the campaign
12 of a candidate for a local or state office.

13 This bill would prohibit a person who has
14 accepted, solicited, or caused to be solicited
15 funds for use in a federal election from
16 transferring or causing the funds to be transferred
17 to the campaign of a candidate for a local or state
18 office.

19 This bill would provide criminal penalties.

20 Amendment 621 of the Constitution of Alabama
21 of 1901, now appearing as Section 111.05 of the
22 Official Recompilation of the Constitution of
23 Alabama of 1901, as amended, prohibits a general
24 law whose purpose or effect would be to require a
25 new or increased expenditure of local funds from
26 becoming effective with regard to a local
27 governmental entity without enactment by a 2/3 vote

1 unless: it comes within one of a number of
2 specified exceptions; it is approved by the
3 affected entity; or the Legislature appropriates
4 funds, or provides a local source of revenue, to
5 the entity for the purpose.

6 The purpose or effect of this bill would be
7 to require a new or increased expenditure of local
8 funds within the meaning of the amendment. However,
9 the bill does not require approval of a local
10 governmental entity or enactment by a 2/3 vote to
11 become effective because it comes within one of the
12 specified exceptions contained in the amendment.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 Relating to elections; to prohibit a person who has
19 accepted, solicited, or caused to be solicited funds for use
20 in a federal election from transferring or causing the funds
21 to be transferred to the campaign of a candidate for a local
22 or state office; to provide criminal penalties; and in
23 connection therewith would have as its purpose or effect the
24 requirement of a new or increased expenditure of local funds
25 within the meaning of Amendment 621 of the Constitution of
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) It shall be unlawful for a person who
5 has accepted, solicited, or caused to be solicited funds for
6 use in a federal election to transfer or cause the funds to be
7 transferred to the campaign of a candidate for a local or
8 state office or to a political party if the intended purpose
9 is to cause the funds to be transferred to the campaign of a
10 candidate for a local or state office.

11 (b) Any person who intentionally violates subsection
12 (a) shall be guilty, upon conviction, of a Class C felony.

13 Section 2. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 3. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.