

1 SB96
2 126287-2
3 By Senators Reed, Bedford, Brewbaker, Orr, Bussman, Williams,
4 Allen, Dial, Ward, Keahey, Holley, Taylor, Waggoner, McGill,
5 Glover, Pittman, Scofield, Marsh, Sanford, Smith, Figures,
6 Brooks, Singleton, Ross, Fielding, Coleman, Holtzclaw,
7 Beasley, Irons, Smitherman, Sanders, Dunn, Whatley and Beason
8 RFD: Constitution, Campaign Finance, Ethics, and Elections
9 First Read: 01-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 17-5-16 of the Code of Alabama
12 1975, relating to fraudulent misrepresentation of political
13 candidates by use of phone banks or automated dialing
14 services.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Section 17-5-16 Code of Alabama 1975 is
17 amended to read as follows:

18 "§17-5-16.

19 (a) It shall be unlawful for any person fraudulently
20 to misrepresent himself or herself, or any other person or
21 organization with which he or she is affiliated, as speaking
22 or writing or otherwise acting for or on behalf of any
23 candidate, principal campaign committee, political action
24 committee, or political party, or agent or employee thereof,
25 in a manner which is damaging or is intended to be damaging to
26 such other candidate, principal campaign committee, political
27 action committee, or political party.

1 (b) It shall be unlawful for any owner, employee,
2 agent, or other representative of any phone bank or other
3 automated telephone dialing service to fraudulently
4 misrepresent himself or herself or any other person or
5 organization with which he or she is affiliated as speaking
6 for or on behalf of any candidate, principal campaign
7 committee, political action committee, or political party or
8 agent or employee in a manner which is damaging or is intended
9 to be damaging to such other candidate, principal campaign
10 committee, political action committee, or political party.

11 (c) It shall be unlawful for any communication via
12 phone bank or other automated telephone dialing service to be
13 conducted without notice at the beginning and ending of the
14 phone call that the communication was a paid political
15 advertisement, clearly identifying the identification of the
16 person, nonprofit corporation, entity, principal campaign
17 committee, or political action committee that paid for such
18 communication. The Attorney General of the State of Alabama
19 shall have full power to investigate and enforce violations of
20 this section and any owner, employer, agent or representative
21 of any phone bank and/or automated dialing service found to be
22 in violation of this section shall be guilty upon conviction
23 of a Class A misdemeanor as provided in Code of Alabama 1975,
24 Section 17-17-35(a).

25 (d) Any live or recorded telephone call shall
26 identify the name of the person calling and the candidate or
27 campaign he or she is calling on behalf of.

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Campaign Finance, Eth-
ics, and Elections..... 01-MAR-11

Read for the second time and placed on the calen-
dar..... 08-MAR-11

Read for the third time and passed as amended 24-MAR-11

Yeas 34
Nays 0

Patrick Harris
Secretary