

1 SB96
2 126287-1
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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8 SYNOPSIS: Under the current law it is unlawful for a
9 person to fraudulently misrepresent himself or
10 herself on behalf of a political candidate,
11 principal campaign committee, political action
12 committee, or political party.

13 This bill would make it unlawful for a
14 representative of a phone bank or other automated
15 dialing service to fraudulently misrepresent
16 himself or herself on behalf of a political
17 candidate, principal campaign committee, political
18 action committee, or political party; require that
19 communication initiated by phone bank or other
20 automated dialing service be preceded and followed
21 by notice that the communication is a paid
22 political advertisement and identification of the
23 person or group paying for the communication; and
24 provide penalties for violations.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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3 To amend Section 17-5-16 of the Code of Alabama
4 1975, relating to fraudulent misrepresentation of political
5 candidates by use of phone banks or automated dialing
6 services.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

10 "§17-5-16.

11 (a) It shall be unlawful for any person fraudulently
12 to misrepresent himself or herself, or any other person or
13 organization with which he or she is affiliated, as speaking
14 or writing or otherwise acting for or on behalf of any
15 candidate, principal campaign committee, political action
16 committee, or political party, or agent or employee thereof,
17 in a manner which is damaging or is intended to be damaging to
18 such other candidate, principal campaign committee, political
19 action committee, or political party.

20 (b) It shall be unlawful for any owner, employee,
21 agent, or other representative of any phone bank or other
22 automated telephone dialing service to fraudulently
23 misrepresent himself or herself or any other person or
24 organization with which he or she is affiliated as speaking
25 for or on behalf of any candidate, principal campaign
26 committee, political action committee, or political party or
27 agent or employee in a manner which is damaging or is intended

1 to be damaging to such other candidate, principal campaign
2 committee, political action committee, or political party.

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

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