

1 SB11  
2 126287-3  
3 By Senator Reed  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 07-FEB-12  
6 PFD: 06/15/2011

1 SB11

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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

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

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

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

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..... 07-FEB-12

Read for the second time and placed on the calen-  
dar 2 amendments..... 14-FEB-12

Read for the third time and passed as amended .... 16-FEB-12

Yeas 23  
Nays 1

Patrick Harris  
Secretary