

1 SB11
2 137581-4
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 ENROLLED, An Act,

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 "§17-5-16.

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

21 "(b) It shall be unlawful for any automated or
22 pre-recorded communication initiated, conducted, or
23 transmitted through an automated telephone dialing service to
24 be conducted without providing clear notice at the ending of
25 the phone call that the communication was a paid political

1 advertisement and clearly identifying the person, nonprofit
2 corporation, entity, principal campaign committee, or
3 political action committee that paid for such communication.

4 "(c) It shall be unlawful for any person or entity
5 to knowingly misrepresent, in any automated or pre-recorded
6 communication that is a political advertisement and that is
7 initiated via an automated telephone dialing service, the
8 identification of the person, nonprofit corporation, entity,
9 principal campaign committee, or political action committee
10 that paid for such communication.

11 "(d) The Attorney General of the State of Alabama
12 shall have full power to investigate and enforce violations of
13 this section and any owner, employer, agent, or representative
14 of any automated dialing service found to be in violation of
15 this section shall be guilty upon conviction of a Class A
16 misdemeanor as provided in 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.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB11

Senate 16-FEB-12

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

Patrick Harris
Secretary

House of Representatives
Amended and passed 09-MAY-12

Senate concurred in House amendment 09-MAY-12

By: Senator Reed