

1 SB38  
2 171727-1  
3 By Senator Orr  
4 RFD: Finance and Taxation General Fund  
5 First Read: 10-SEP-15

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8 SYNOPSIS: This bill would prohibit public colleges and  
9 universities, local boards of education, and public  
10 schools from expending public funds, contributing  
11 public funds to entities, or using public property  
12 to advocate in favor of or against statewide and  
13 local ballot measures.

14 This bill would also prohibit a candidate  
15 who is a public official or public employee from  
16 using public funds for any advertisement or public  
17 service announcement in a newspaper, on radio, or  
18 on television that contains his or her picture or  
19 voice 90 days prior to an election in which he or  
20 she has an opponent, with certain exceptions.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to public funds; to prohibit public  
27 colleges and universities, local boards of education, and

1 public schools from expending public funds, contributing  
2 public funds to entities, or using public property to advocate  
3 in favor of or against statewide and local ballot measures; to  
4 add a new Section 36-25-5.3 to the Code of Alabama 1975, to  
5 provide that certain candidates for public office may not use  
6 or permit the use of state funds for any advertisement or  
7 public service announcement under certain conditions; and to  
8 provide exceptions.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Notwithstanding any other provision of  
11 law to the contrary, a public institution of higher education,  
12 a local board of education, or any school under the  
13 jurisdiction of a local board of education may not expend any  
14 public funds from any source, make any contributions from  
15 public funds to any entity, or use public property to advocate  
16 for electors to vote in favor of or against a statewide or  
17 local ballot measure, even if it has been determined that the  
18 expenditure serves a public purpose.

19 Section 2. Section 36-25-5.3 is added to the Code of  
20 Alabama 1975, to read as follows:

21 §36-25-5.3.

22 (a) Except as provided in subsection (b), a  
23 candidate who is a public official or public employee may not  
24 use or permit the use of public funds from any source for any  
25 advertisement or public service announcement in a newspaper,  
26 on radio, or on television that contains his or her picture or

1 voice 90 days prior to an election in which he or she has an  
2 opponent.

3 (b) Subsection (a) does not apply to a candidate in  
4 the event of a state or national emergency, provided that the  
5 advertisement or announcement is reasonably necessary to the  
6 official functions of the candidate.

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