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3 SENATE FR&ED COMMITTEE SUBSTITUTE FOR SB313
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8 SYNOPSIS: This bill would prohibit a public official
9 or public employee from expending public funds to
10 advocate in favor of or against statewide and local
11 ballot measures.
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13 A BILL
14 TO BE ENTITLED
15 AN ACT
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17 Relating to public funds; to prohibit any public
18 official or public employee from expending public funds to
19 advocate in favor of or against statewide and local ballot
20 measures.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) For the purposes of this section, the
23 following terms have the following meanings:

24 (1) GOVERNMENTAL BODY. Any department, agency,
25 board, commission, or authority of the state or political
26 subdivision, or any public corporation, authority, agency,
27 board, commission, or other governmental body controlled by

1 the state or political subdivision, including a public
2 institution of higher education, local board of education, or
3 any school under the jurisdiction of a local board of
4 education.

5 (2) PUBLIC EMPLOYEE. The meaning ascribed in Section
6 36-25-1, Code of Alabama 1975.

7 (3) PUBLIC OFFICIAL. The meaning ascribed in Section
8 36-25-1, Code of Alabama 1975.

9 (b) (1) Any provision of law to the contrary
10 notwithstanding, a public official or public employee may not
11 expend any public funds from any source for activities to
12 advocate in favor of or against a statewide or local ballot
13 measure, even if the public official or public employee has
14 determined that the expenditure serves a public purpose.

15 (2) For the purposes of this subsection, the
16 activities prohibited are those enumerated in subdivision
17 (b) (1) of Section 17-17-5, Code of Alabama 1975, including the
18 presentation or distribution of any political literature or
19 the placement of any sign, banner, marker, or other political
20 poster on the property of a governmental body, if the purpose
21 is to advocate in favor of or against a statewide or local
22 ballot measure.

23 (c) Providing an objective analysis or factual
24 information on a ballot measure which does not advocate a
25 specific position is not a prohibited activity under
26 subsection (b).

1 (d) Any public official or public employee who votes
2 or takes other official action to expend public funds in
3 violation of subsection (b), as determined by the Department
4 of Examiners of Public Accounts, shall be subject to a demand
5 for repayment in accordance with Section 41-5A-20, Code of
6 Alabama 1975.

7 (e) Nothing in this section shall prevent a
8 contribution or dues payment to a trade association of which
9 the public employee is a member.

10 (f) Nothing in this section shall be interpreted as
11 prohibiting any student, faculty member, or other employee or
12 official of a school or institution of higher education from
13 discussing political topics, including referendums, while on
14 campus.

15 (g) Nothing in this section shall be interpreted as
16 prohibiting a public official or public employee from
17 promoting or opposing a referendum in his or her capacity as a
18 private citizen and while not engaged in official duties as
19 long as the activities of the public official or public
20 employee do not violate Section 36-25-5, Code of Alabama 1975.

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