

HB227 ENGROSSED



1 HB227
2 USJ7XXD-2
3 By Representative Simpson
4 RFD: Ethics and Campaign Finance
5 First Read: 22-Feb-24



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A BILL
TO BE ENTITLED
AN ACT

Relating to government ethics; to amend Sections 13A-10-60 and 13A-10-61, Code of Alabama 1975, to provide further for the crime of bribery; to add Section 13A-10-61.1, Code of Alabama 1975, to establish the crime of using public office for pecuniary benefit; to repeal Sections 13A-10-62 and 13A-10-82, relating to crimes in public office; to repeal Chapter 25 and add a new Chapter 25B to Title 36, Code of Alabama 1975, to replace the public ethics code; to provide further for the appointment of members of the State Ethics Commission and the director of the commission; to revise the duties of the commission; to revise the scope of penalties for violations of the ethics code to include private censures and public reprimands and to exclude criminal violations; to provide for appeals of decisions of the commission; to provide further for formal and informal advisory opinions issued by the commission; to revise who must file and what must be disclosed in the Statement of Economic Interests; to provide definitions; to prohibit public servants from taking official



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29 action that would result in a conflict of interest; to
30 prohibit certain persons termed "prohibited sources" from
31 giving gifts to certain public servants and prohibit public
32 servants from receiving gifts from certain prohibited sources;
33 to revise the revolving door provisions; to add Section
34 36-15-1.2 to the Code of Alabama 1975, to further provide for
35 the duties of the Attorney General; to amend Section 11-3-5,
36 Code of Alabama 1975, to make conforming changes to provisions
37 governing certain public contracts entered into by counties;
38 to define terms; and in connection therewith would have as its
39 purpose or effect the requirement of a new or increased
40 expenditure of local funds within the meaning of Section
41 111.05 of the Constitution of Alabama of 2022.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

43 Section 1. Sections 13A-10-60 and 13A-10-61, Code of
44 Alabama 1975, are amended to read as follows:

45 "§13A-10-60

46 (a) The definitions contained in Section 13A-10-1 are
47 applicable in this article unless the context otherwise
48 requires.

49 (b) The following definitions also apply to this
50 article:

51 (1) BENEFIT. Any gain or advantage to the beneficiary,
52 including any gain or advantage to a third person pursuant to
53 the desire or consent of the beneficiary.

54 ~~(2)~~ (3) PECUNIARY BENEFIT. Benefit in the form of money,
55 property, commercial interests, or anything else the primary
56 significance of which is economic gain. Expenses associated



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57 with social occasions afforded public servants and party
58 officers shall not be deemed a pecuniary benefit within the
59 meaning of this article.

60 ~~(3)~~ (4) PUBLIC SERVANT. ~~As used in this article, such~~
61 ~~term includes persons~~ An individual who presently ~~occupy~~
62 occupies the position of a public servant, as defined in
63 Section 13A-10-1 ~~(7)~~, or ~~have~~ has been elected, appointed, or
64 designated to become a public servant although not yet
65 occupying that position.

66 ~~(4)~~ (2) PARTY OFFICER. ~~A person~~ An individual who holds
67 any position or office in a political party, whether by
68 election, appointment, or otherwise."

69 "§13A-10-61

70 (a) A person commits the crime of bribery if:

71 (1) He or she offers, confers, or agrees to confer ~~any~~
72 ~~thing of value~~ anything upon a public servant or any person
73 closely associated with the public servant with the intent
74 that the public servant's vote, opinion, judgment, exercise of
75 discretion, or other action in his or her official capacity
76 will thereby be corruptly influenced; or

77 (2) While a public servant, he or she solicits,
78 accepts, or agrees to accept ~~any pecuniary benefit~~ anything
79 for himself, herself, or any other person upon an agreement or
80 understanding that ~~his~~ the public servant's vote, opinion,
81 judgment, exercise of discretion, or other action as a public
82 servant will thereby be corruptly influenced.

83 (b) For purposes of this section, "person closely
84 associated with the public servant" means a spouse, dependent,



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85 or associated business as the term "associated business" is
86 defined in Section 36-25B-2, of the public servant.

87 ~~(b)~~ (c) It is not a defense to a prosecution under this
88 section that the person sought to be influenced was not
89 qualified to act in the desired way, whether because he or she
90 had not yet assumed office, lacked jurisdiction, or for any
91 other reason.

92 ~~(e)~~ (d) Bribery is a Class ~~C~~ B felony."

93 Section 2. Section 13A-10-61.1 is added to the Code of
94 Alabama 1975, to read as follows:

95 §13A-10-61.1

96 (a) A public servant commits the crime of using public
97 office for pecuniary benefit if:

98 (1) A public servant knowingly uses or causes to be
99 used his or her public office or position to obtain a
100 pecuniary benefit for the public servant or any other person.

101 (2) A public servant knowingly uses or causes to be
102 used equipment, facilities, time, materials, human labor, or
103 other public property under his or her discretion or control
104 for the pecuniary benefit of the public servant or any other
105 person, or for a principal campaign committee, as defined in
106 Section 17-5-2.

107 (3) A public servant or former public servant knowingly
108 uses, causes to be used, or discloses confidential information
109 gained in the course of or by reason of his or her position or
110 employment in any way that results in a pecuniary benefit for
111 himself or herself or for any other person.

112 (b) It is not a violation of this section in any of the



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113 following circumstances:

114 (1) The public servant is acting pursuant to another
115 law, a lawful employment agreement, or an agency policy.

116 (2) The use of public property under subdivision (a)(2)
117 is in the same or a similar manner as is available for use by
118 the general public and involves minimal to no additional cost
119 to the state or the applicable governmental body.

120 (3) The information under subdivision (a)(3), at the
121 time of use or disclosure, was a public record under state law
122 or was publicly known or readily available to the general
123 public through the public servant's governmental body or any
124 other public source.

125 (c)(1) If a public servant violates this section and
126 the pecuniary benefit to the public servant or other person
127 is less than one thousand five hundred dollars (\$1,500), the
128 Attorney General or applicable district attorney may refer the
129 matter to the State Ethics Commission for a determination by
130 the commission of whether the public servant violated Section
131 36-25B-40 or any other provision of the Alabama Ethics Act.

132 (2) A public servant who violates this section, upon
133 conviction, is guilty of a Class A misdemeanor when the
134 pecuniary benefit to the public servant or other person is
135 material but less than two thousand five hundred dollars
136 (\$2,500).

137 (3) A public servant who violates this section, upon
138 conviction, is guilty of a Class C felony when the pecuniary
139 benefit to the public servant or other person is equal to or
140 exceeds two thousand five hundred dollars (\$2,500), but less



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141 than ten thousand dollars (\$10,000).

142 (4) A public servant who violates this section, upon
143 conviction, is guilty of a Class B felony when the pecuniary
144 benefit to the public servant or other person is equal to or
145 exceeds ten thousand dollars (\$10,000).

146 Section 3. Section 13A-10-62, which specifies the crime
147 of failing to disclose a conflict of interest, and Section
148 13A-10-82, which specifies the crime of misuse of public
149 information, are repealed.

150 Section 4. Section 36-15-1.2 is added to the Code of
151 Alabama 1975, to read as follows:

152 §36-15-1.2

153 (a) Upon the request of any public servant, as that
154 term is defined in Section 13A-10-60, or upon his or her own
155 volition, the Attorney General shall give his or her opinion,
156 in writing, on any question of law under Section 13A-10-61.1
157 as it relates to any proposed conduct or activity as presented
158 in the request or opinion, whether based on real or
159 hypothetical circumstances.

160 (b) The Attorney General shall establish and publish on
161 its website guidelines on how to submit a request for an
162 opinion under this section.

163 (c) The provisions of Section 36-15-19 shall apply to
164 an opinion issued pursuant to this section.

165 Section 5. Chapter 25 of Title 36, Code of Alabama
166 1975, which sets forth the ethics laws for public officials
167 and public employees, is repealed.

168 Section 6. A violation or offense of Chapter 25 of



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169 Title 36, Code of Alabama 1975, committed prior to June 1,
170 2025, is not affected by the repeal of Chapter 25, and any
171 prosecution or proceeding before the State Ethics Commission
172 for any violation or offense in Chapter 25 pending on June 1,
173 2025, shall proceed as if the chapter was not repealed.

174 Section 7. Chapter 25B is added to Title 36, Code of
175 Alabama 1975, to read as follows:

176 Article 1. General Provisions

177 §36-25B-1 Short Title

178 This chapter shall be known and may be cited as the
179 Alabama Ethics Act.

180 §36-25B-2 Definitions

181 Whenever used in this chapter, the following terms have
182 the following meanings:

183 (1) AGENCY HEAD. The director or chief administrative
184 officer of a governmental body.

185 (2) ASSOCIATED BUSINESS. A business of which a public
186 servant or his or her family member is an officer, director,
187 manager of a limited liability company, employee, or an owner
188 or holder of more than five percent of the fair market value
189 of the business.

190 (3) BUSINESS. Any corporation, partnership,
191 proprietorship, firm, enterprise, franchise, self-employed
192 individual, or other business entity.

193 (4) CANDIDATE. The term as defined in Section 17-5-2.

194 (5) COMMISSION. The State Ethics Commission.

195 (6) CONFLICT OF INTEREST. A substantial financial
196 interest that materially and uniquely affects a public servant



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197 or a person closely associated with a public servant in a
198 manner different from the manner in which the financial
199 interest affects other members of the class to which that
200 public servant or person closely associated with a public
201 servant belongs.

202 (7) DAY. Calendar day.

203 (8) DEPENDENT. An individual claimed as a dependent for
204 income tax purposes.

205 (9) DIRECTOR. The Executive Director of the commission.

206 (10) ECONOMIC DEVELOPMENT PROFESSIONAL. a. An
207 individual seeking to advance specific, good faith economic
208 development or trade promotion projects or related objectives
209 for a business; a chamber of commerce or similar nonprofit
210 economic development organization in this state; a city, a
211 county, a political subdivision of the state; or a
212 governmental corporation or authority.

213 b. The term does not include elected officials,
214 legislators, or any former legislator within two years of the
215 end of the term for which he or she was elected.

216 (11) ENTITY. A business, union, association, committee,
217 club, organization, or other legal entity.

218 (12) FAMILY MEMBER. The spouse or a dependent.

219 (13) GIFT. Any single item or thing with a value
220 greater than one hundred dollars (\$100), or any number of
221 items or things with a cumulative or aggregate value exceeding
222 five hundred dollars (\$500) within a 12-month period, other
223 than any of the following:

224 a. A lawful campaign contribution or a contribution to



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225 an inaugural or transition committee that is established by or
226 on behalf of a public official elected or appointed to a
227 public office.

228 b. Any campaign advice or other support that is not
229 considered a contribution under the Fair Campaign Practices
230 Act, Chapter 5 of Title 17.

231 c. Any financial transaction entered into in the
232 ordinary course of business on terms generally available to
233 similarly situated members of the public.

234 d. Anything paid for by a governmental body or an
235 entity created by a governmental body to support the
236 governmental body or secured by a governmental body under
237 contract, except for tickets to a sporting event offered by an
238 educational institution to any person other than faculty,
239 staff, or administration of the institution.

240 e. Anything provided by an association or organization
241 to which the state or a local government pays dues.

242 f. Compensation or benefits earned or received from an
243 associated business, from a client or prospective employer, or
244 from a vendor of an associated business, unless the
245 circumstances make it clear that the purpose of the
246 compensation or benefit is to substantially influence the
247 public servant.

248 g. Flowers and items with little intrinsic value which
249 are intended solely for presentations, such as plaques,
250 certificates, and trophies, and promotional items commonly
251 distributed to the general public.

252 h. Anything provided through inheritance.



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253 (14) GOVERNMENTAL BODY. a. Any department, agency,
254 office, commission, board, or other political subdivision at
255 the state or local level in the executive, legislative, or
256 judicial branch. The term includes local boards of education,
257 public institutions of higher education, regulatory bodies,
258 the Legislature, local legislative bodies, and public or
259 private corporations or authorities established pursuant to
260 state law for the purpose of carrying out a specific
261 governmental function.

262 b. For purposes of lobbyist registrations, each
263 governmental body shall be considered a separate entity, as
264 described in Section 36-25B-60(b)6.a.

265 (15) LEGISLATIVE CAUCUS. A legislative caucus
266 registered pursuant to Section 17-5-5.1.

267 (16) LEGISLATURE. Includes both the Senate of Alabama
268 and the House of Representatives of Alabama, and unless
269 expressly specified otherwise, any committee or subcommittee
270 thereof.

271 (17) LOBBY or LOBBYING. a. Any act to influence or
272 attempt to influence:

273 1. Any legislative action, including executive
274 amendment, veto, or approval of legislation;

275 2. Any rulemaking action; or

276 3. The awarding of a grant or contract with any
277 governmental body.

278 b. The term does not include any of the following:

279 1. Providing public testimony before a governmental
280 body or as part of an administrative proceeding.



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281 2. Carrying out ongoing negotiations following the
282 award of a bid or contract.

283 3. Rendering legal services in a legal matter before a
284 governmental body.

285 4. Responding to a request from a public servant or
286 governmental body for information.

287 5. Providing professional services in drafting bills,
288 advising clients, and rendering opinions as to the
289 construction and effect of proposed or pending legislation,
290 executive action, or rules.

291 (18) LOBBYIST. a. An individual who is engaged in
292 lobbying and receives compensation or reimbursement for such
293 engagement. In the case of an individual who is an officer,
294 director, manager of a limited liability company, employee, or
295 an owner or holder of more than five percent of the fair
296 market value of a business, the term only applies to that
297 individual if he or she engages in lobbying for the entity as
298 a regular and usual part of the individual's activities on
299 behalf of the entity.

300 b. The term does not include any of the following:

301 1. A reporter or editor while pursuing normal
302 reportorial and editorial duties.

303 2. A public servant who lobbies as part of his or her
304 official duties.

305 3. An individual seeking a contract or grant at the
306 county or municipal level of government.

307 4. An individual acting as an economic development
308 professional who is not otherwise required to register as a



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309 lobbyist, unless and until he or she seeks incentives through
310 legislative action in the Legislature that are above and
311 beyond, or in addition to, the then current statutory or
312 constitutional authorization.

313 5. Any citizen not lobbying for compensation who is
314 merely exercising his or her constitutional right to
315 communicate with a governmental body.

316 6. An agency head or his or her designee who provides
317 or communicates information relating to policies or positions
318 affecting the governmental body that he or she represents.

319 (19) LOCAL LEGISLATIVE BODY. The term includes both of
320 the following:

321 a. A county commission and any committee or
322 subcommittee thereof.

323 b. A city council, city commission, town council, or
324 other municipal council or commission, and any committee or
325 subcommittee thereof.

326 (20) OFFENSE. A conclusive finding by the commission
327 that a violation has occurred arising out of a specific set of
328 circumstances. Second, third, and subsequent offenses are
329 separate offenses that arise out of distinct sets of
330 circumstances or events.

331 (21) PERSON. An individual or entity.

332 (22) PERSON CLOSELY ASSOCIATED. A family member or
333 associated business.

334 (23) PRINCIPAL. Includes both of the following:

335 a. The person or governmental body who employs, hires,
336 or otherwise retains a lobbyist.



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337 b. If the principal is an entity or governmental body,
338 the primary individual who directs the activities of the
339 lobbyist and is designated to sign the lobbyist registration
340 form under Section 36-25B-60(b)(4).

341 (24) PROHIBITED SOURCE. With respect to a public
342 servant, all of the following :

343 a. A lobbyist who engages in lobbying or seeks to
344 engage in lobbying the public servant's governmental body.

345 b. The principal of a lobbyist described in paragraph
346 a.

347 c. A person that is doing business or seeking to do
348 business with the public servant's governmental body.

349 d. A person that is conducting or seeking to conduct
350 activities, other than ordinary activities conducted by the
351 general population, that are regulated by the public servant's
352 governmental body.

353 e. A person that is seeking or intends to seek official
354 action or to influence official action by the public servant's
355 governmental body.

356 (25) PUBLIC EMPLOYEE. a. An individual employed by a
357 governmental body.

358 b. The term does not include any of the following:

359 1. An individual employed on a part-time basis whose
360 employment is limited to providing professional services other
361 than lobbying, the compensation for which constitutes less
362 than 50 percent of the part-time employee's annual income.

363 2. An employee of a hospital or other health care
364 corporation, including a contract employee of a hospital or



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365 health care corporation.

366 3. An employee who is not paid in whole or in part from
367 state, county, or municipal funds.

368 4. An individual employed or appointed to an insurance
369 underwriting association or a guaranty association organized
370 under Title 27 and subject to the immediate supervision of the
371 Commissioner of Insurance.

372 (26) PUBLIC OFFICIAL. a. An individual elected, whether
373 or not that individual has taken office, or appointed to a
374 public office in a governmental body.

375 b. The term does not include:

376 1. A judge or other individual wholly governed by the
377 Alabama Canons of Judicial Ethics; or

378 2. An individual subject to Rule 12(c)(1) of the
379 Alabama Rules of Disciplinary Procedure.

380 (27) PUBLIC SERVANT. A public employee or public
381 official.

382 (28) REGULATORY BODY. A state agency that adopts rules
383 or a state, county, or municipal department, agency, board, or
384 commission that controls, according to rule or regulation, the
385 activities, business licensure, or functions of any person.

386 (29) VALUE. The fair market price of a like item if
387 purchased by a private citizen. In the case of tickets to
388 social and sporting events and associated passes, the value is
389 the printed or published face value of the ticket or pass.

390 §36-25B-3 Construction of Chapter In Pari Materia

391 This chapter shall be construed in pari materia with
392 other laws dealing with the subject of ethics, including, but



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393 not limited to, Title 13A.

394 §36-25B-4 Applicability of Chapter to Other Laws

395 Nothing in this chapter shall affect any other law that
396 requires or exempts a person from complying with any provision
397 of Chapter 25 of this title or the ethics laws of the state.
398 Any reference to Chapter 25 of this title shall be considered
399 a reference to this chapter.

400 §36-25B-5 Conducting Political Activity Allowed

401 Nothing in this chapter shall be deemed to limit the
402 right of a public servant to publicly or privately express his
403 or her support for, or to encourage others to support and
404 contribute to, any principal campaign committee as defined in
405 Section 17-5-2, political action committee as defined in
406 Section 17-5-2, referendum, ballot question, issue, or
407 constitutional amendment.

408 §36-25B-6 College and University Technology Transfer

409 Nothing in the chapter shall be deemed to limit or
410 restrict the ability of public institutions of higher
411 education, along with the public servants within the
412 institutions, to accept and award grants, conduct research,
413 collaborate with persons both within and outside the
414 institution, enter into technology transfer agreements, and
415 otherwise commercialize, protect, and share intellectual
416 property by agreement in accordance with institution policy.

417 §36-25B-7 Additional Discipline

418 Nothing in this chapter limits:

419 (1) The power of the Legislature or a local legislative
420 body to discipline its own members or to impeach public



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421 officials; or

422 (2) The powers of a governmental body to discipline its
423 respective public officials or public employees.

424 §36-25B-8 Whistleblower Protections

425 (a) As used in this section, "report of a violation" or
426 "reports a violation" means a communication made in writing,
427 in good faith, by a public servant to his or her supervisor or
428 to the commission of a violation, or what the public servant
429 believes in good faith to be a violation, of this chapter. The
430 term includes, but is not limited to, filing a complaint,
431 initiating a complaint, or giving truthful statements or
432 truthful testimony concerning an alleged violation.

433 (b) (1) A supervisor shall not discharge, demote,
434 transfer, or otherwise take an adverse employment action
435 against a public servant in retaliation for reporting to a
436 governmental body, under oath or in the form of an affidavit,
437 a violation of this chapter.

438 (2) A supervisor who violates subdivision (1) shall be
439 subject to civil action in circuit court. A public servant may
440 bring a civil action in circuit court for an alleged violation
441 of this subsection within two years after the occurrence of
442 the adverse action taken against the public servant. The court
443 may order reinstatement of employment, payment of back wages,
444 or compensatory damages, or any combination of these remedies
445 in a civil action initiated under this subsection.

446 (c) Nothing in this chapter shall be construed in any
447 manner to prevent or prohibit or otherwise limit a supervisor
448 from disciplining, discharging, transferring, or otherwise



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449 affecting the terms and conditions of a public servant's
450 employment so long as the disciplinary action does not result
451 from, or is in no other manner connected with, the public
452 servant's good faith filing of a complaint with the
453 commission, giving truthful statements, or truthfully
454 testifying in an investigation conducted by the commission.

455 (d) A public servant may not file a complaint or
456 otherwise initiate action against another public servant,
457 including his or her supervisor, without a good faith basis
458 for believing the complaint to be true and accurate. A public
459 servant who files a complaint without a good faith belief in
460 the truthfulness and accuracy of the complaint shall be
461 subject to a civil action in the circuit courts in the State
462 of Alabama pursuant to the Alabama Rules of Civil Procedure
463 and additionally is subject to appropriate and applicable
464 personnel action.

465 Article 2. State Ethics Commission

466 §36-25B-20 Commission Established; Membership

467 (a) The State Ethics Commission is continued in
468 existence as an instrumentality of the state under the
469 direction and supervision of the commissioners.

470 (b) (1) Members of the commission shall be composed of
471 five individuals who shall be appointed on a rotating basis by
472 the following public officials in the following repeating
473 order: The Governor, the President of the Senate, the Speaker
474 of the House of Representatives, the Secretary of State, and,
475 on an alternating basis, either the House of Representatives
476 Minority Leader or the Senate Minority Leader.



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477 (2) The commission membership shall be inclusive so
478 that diversity of gender, race, and geographical areas is
479 reflective of the makeup of this state. Subject to subdivision
480 (c)(2), the appointing authorities shall coordinate their
481 appointments so that there is always at least: (i) one member
482 who has served as a prosecutor within a district attorney's
483 office for at least 10 years; (ii) one member who has served
484 as a judge for at least 10 years; and (iii) one member who has
485 worked as a criminal defense attorney with at least 10 years
486 of legal experience. All members of the commission must be a
487 resident of this state and of high moral character and
488 ability. The retirement or supernumerary status of a former
489 public official serving as a member shall not be suspended or
490 impacted while serving as a member. Nothing in this
491 subdivision shall be deemed to prevent a supernumerary
492 district attorney from serving as a member of the commission.

493 (3) Appointments shall be subject to Senate
494 confirmation.

495 (c)(1) Commissioners shall serve for a term of five
496 years with a term beginning on September 1 of the year
497 appointed and ending on August 31 of the fifth year of that
498 term. Appointed individuals shall assume their duties on
499 September 1 or immediately thereafter if appointed after the
500 start of the term, even if not yet confirmed by the Senate. If
501 a newly appointed commissioner is not confirmed during the
502 first regular session of the Legislature in which confirmation
503 may occur, the appropriate appointing authority shall appoint
504 another individual who shall immediately begin serving and be



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505 subject to Senate confirmation no later than the next regular
506 legislative session.

507 (2) Commissioners serving on June 1, 2025, shall
508 continue to serve until their respective term expires.

509 (3) The following individuals are not eligible to be
510 appointed or serve as commissioners:

511 a. A public servant other than a supernumerary district
512 attorney.

513 b. A candidate.

514 c. A lobbyist or a principal.

515 d. A former employee of the commission.

516 (d) A member shall serve at the pleasure of his or her
517 respective appointing authority, but may only be removed by
518 the respective appointing authority upon such proof as would
519 authorize the impeachment of a district attorney.

520 (e) If at any time there is a vacancy in the membership
521 of the commission, a successor commissioner shall be appointed
522 by the original appointing authority to serve for the
523 unexpired term and shall be subject to Senate confirmation as
524 further provided in this section. A commissioner may not be
525 reappointed to succeed himself or herself unless the prior
526 service was for less than a full term. A vacancy in the
527 membership of the commission does not impair the right of the
528 remaining commissioners to exercise all the powers of the
529 commissioners as a whole.

530 (f) Commissioners shall elect one member to serve as
531 chair of the commission and one member to serve as vice chair.
532 The vice chair shall act as chair in the absence or disability



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533 of the chair or in the event of a vacancy in that office.

534 (g) Three commissioners shall constitute a quorum. No
535 official action may be taken by the commissioners in the
536 absence of a quorum.

537 (h) The commissioners, while conducting official
538 business, shall be entitled to receive compensation at the
539 rate of two hundred fifty dollars (\$250) per day, and each
540 commissioner, when approved by the chair, shall be paid his or
541 her travel expenses incurred in the performance of his or her
542 duties as a commissioner as other state employees and
543 officials are paid. If for any reason a commissioner wishes
544 not to claim and accept the compensation or travel expenses,
545 the commissioner shall inform the director, in writing, of the
546 refusal. The commissioner, at any time during his or her term,
547 may begin accepting compensation or travel expenses; however,
548 the commissioner's refusal for any covered period shall act as
549 an irrevocable waiver for that period.

550 §36-25B-21 Director and Other Employees of Commission

551 (a) (1) The commissioners shall appoint a full-time
552 director who shall serve at the pleasure of the commissioners.
553 The director shall be an attorney licensed to practice law in
554 this state. The director shall be subject to confirmation by
555 the Senate during the first regular session of the Legislature
556 in which confirmation may occur, however this does not affect
557 the right or authority of the director to act pending
558 confirmation or rejection. If the director is not confirmed
559 during the applicable legislative session, his or her service
560 shall be terminated not more than 30 days after the applicable



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561 legislative session adjourns sine die and the commissioners
562 shall immediately appoint another individual who shall
563 immediately begin serving. The new director shall be subject
564 to Senate confirmation no later than the next regular
565 legislative session. No appointee whose confirmation is
566 rejected by the Senate may be reappointed.

567 (2) Beginning June 1, 2025, the director shall serve
568 for a term of five years and until a qualified successor is
569 appointed. The director may be appointed for more than one
570 term, provided he or she is reconfirmed by the Senate as
571 described in subdivision (1).

572 (3) If the Attorney General, after conducting an
573 investigation, recommends to the Legislative Council that the
574 director be removed for a cause described in Section 173 of
575 the Constitution of Alabama of 2022, the director shall be
576 removed if affirmed by a majority vote of the council members
577 from the Senate and a majority vote of the council members
578 from the House of Representatives.

579 (4) The compensation of the director shall be fixed by
580 the commissioners, payable as the salaries of other state
581 employees.

582 (5) Under the direction and supervision of the
583 commissioners, the director shall be responsible for the
584 administrative operations of the commission and shall
585 administer this chapter in accordance with this chapter and
586 rules and commission policies adopted thereunder.

587 (b) The director shall employ other employees of the
588 commission as needed, including investigators, as necessary to



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589 conduct investigations under this chapter. All employees of
590 the commission, except the director, shall be employed subject
591 to the state Merit System, and their compensation shall be
592 prescribed pursuant to that law. The employment of attorneys
593 shall be subject to subsection (e).

594 (c) The investigators shall be and are constituted law
595 enforcement officers of the State of Alabama with full and
596 unlimited police power and jurisdiction to enforce the laws of
597 this state pertaining to the operation and administration of
598 this chapter. Investigators shall be certified by the Alabama
599 Peace Officers' Standards and Training Commission.
600 Notwithstanding the foregoing, investigators shall only
601 exercise their power of arrest as granted under this chapter
602 pursuant to an order issued by a court of competent
603 jurisdiction.

604 (d) The director may appoint certified court reporters
605 to take and transcribe the testimony in any hearing or
606 investigation before the commission or before any individual
607 authorized by the commission, or as required under Section
608 36-25B-85. The reporters are not full-time employees of the
609 commission, are not subject to the state Merit System, and may
610 not participate in the Employees' Retirement System of
611 Alabama.

612 (e) (1) The director may employ an attorney, upon
613 approval by the Attorney General, as general counsel who shall
614 be granted status as a deputy attorney general and shall not
615 be subject to the state Merit System. The general counsel
616 shall be subject Rule 3.8 of the Alabama Rules of Professional



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617 Conduct.

618 (2) The director may employ other competent attorneys
619 as legal counsel for the commission. Each attorney so
620 appointed shall be licensed to practice law in this state and
621 be a member in good standing of the Alabama State Bar
622 Association.

623 (f) The director, commissioners, and all employees of
624 the commission may not engage in partisan political activity,
625 including making any campaign contribution, at the state,
626 county, and local level, and may not make any public statement
627 for a period of 120 days before an election about a candidate,
628 regardless of whether or not a candidate has a matter pending
629 before the commission, other than a comment directly relating
630 to the final disposition of the matter. This subsection shall
631 in no way limit or restrict an individual's ability to vote in
632 any election.

633 §36-25B-22 General Duties of Commission

634 The commission shall do all of the following:

635 (1) Inform and train public servants, candidates, and
636 lobbyists of the ethics standards, reporting deadlines, and
637 other requirements set forth in this chapter through regularly
638 conducted and readily available educational programs and
639 assist them in understanding and complying with those
640 standards and requirements.

641 (2) Prescribe forms for reports and statements that are
642 required to be filed under this chapter, establish guidelines
643 and requirements for filing the reports and statements, and
644 make the forms, guidelines, and requirements available for



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645 public servants, lobbyists, principals, prohibited sources,
646 and any other person as needed or required.

647 (3) Upon written request, provide advice or opinions
648 concerning proposed future conduct or action as it relates to
649 this chapter in the form of either formal or informal
650 opinions, as further provided in Section 36-25B-27.

651 (4) Examine all reports and statements filed with the
652 commission and identify any discernible errors, omissions, or
653 other violations of the filing requirements established
654 pursuant to this chapter.

655 (5) Provide public access to copies of all reports and
656 statements filed with the commission pursuant to this chapter,
657 including publicly posting the reports and statements,
658 excluding information specifically required to be redacted
659 pursuant to this chapter.

660 (6) Maintain an official website that contains
661 information as required pursuant to this chapter and other
662 information as necessary to assist public servants, lobbyists,
663 principals, prohibited sources, and other entities to comply
664 with the requirements of this chapter while promoting
665 transparency and public trust. Information posted on the
666 commission's website shall be readily searchable and
667 accessible to the public.

668 (7) Accept and investigate written complaints made to
669 the commission alleging violations of this chapter, as further
670 provided in Section 36-25B-81.

671 (8) Conduct full investigations and, if applicable,
672 hold contested case hearings regarding potential violations of



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673 this chapter, as further provided in Article 5.

674 (9) Upon completion of an investigation and a hearing
675 by the commission, make determinations whether violations of
676 this chapter have occurred and impose civil penalties and
677 restitution, if appropriate, issue private warnings or public
678 reprimands, or enter into consent decrees, as further provided
679 in this chapter.

680 (10) Report suspected criminal violations to the
681 Attorney General or the appropriate district attorney, as
682 applicable, for further investigation and potential
683 prosecution.

684 (11) When in the commission's opinion a thorough audit
685 of a governmental body should be conducted in order to
686 determine whether this chapter has been violated, request the
687 Department of Examiners of Public Accounts to have an audit
688 made and a report filed with the commission. The Department of
689 Examiners of Public Accounts, upon receipt of the directive,
690 shall comply therewith.

691 (12) At the close of each fiscal year, or as soon
692 thereafter as practicable, report to the Legislature and the
693 Governor concerning all official actions the commission has
694 taken, the name, salary, and duties of the director, the names
695 and duties of all individuals in its employ, the money it has
696 disbursed, other relevant matters within its jurisdiction, and
697 such recommendations for legislation as the commission deems
698 appropriate. The commission shall post the report on the
699 commission's website.

700 (13) Adopt rules pursuant to the Alabama Administrative



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701 Procedures Act, as needed or required, to implement this
702 chapter.

703 §36-25B-23 Commission's Duties under the Fair Campaign
704 Practices Act

705 In addition to the duties set forth in Section
706 36-25B-22, the commission shall coordinate with the Secretary
707 of State to implement the reporting requirements of the
708 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,
709 and shall do all of the following:

710 (1) Review and approve all forms created by the
711 Secretary of State which are required by the Fair Campaign
712 Practices Act prior to use and publication by the Secretary of
713 State.

714 (2) Recommend accounting methods for candidates,
715 principal campaign committees, and political action committees
716 in connection with reports and filings required by the Fair
717 Campaign Practices Act.

718 (3) Review and approve a retention policy created by
719 the Secretary of State for all reports, filings, and
720 underlying documentation required by the Fair Campaign
721 Practices Act prior to use and publication by the Secretary of
722 State.

723 (4) Review and approve a manual created by the
724 Secretary of State for all candidates, principal campaign
725 committees, and political action committees describing the
726 requirements of the Fair Campaign Practices Act prior to use
727 and publication by the Secretary of State.

728 (5) Upon written request, provide advice or opinions



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729 concerning proposed future conduct or action as it relates to
730 the Fair Campaign Practices Act in the form of either formal
731 or informal opinions, as further provided in Section
732 38-25B-27.

733 (6) Conduct audits of any filings required under the
734 Fair Campaign Practices Act if evidence exists that an audit
735 is warranted because of the filing of a complaint pursuant to
736 Section 36-25B-81 or if there exists a material discrepancy,
737 error, omission, or conflict on the face of any filing
738 required by the Fair Campaign Practices Act.

739 (7) Accept and investigate written complaints made to
740 the commission alleging violations of the Fair Campaign
741 Practices Act, as further provided in Section 36-25B-81.

742 (8) Conduct investigations and hold hearings regarding
743 potential violations of the Fair Campaign Practices Act, as
744 further provided in Article 5.

745 (9) Upon completion of an investigation and hearing,
746 make determinations whether probable cause exists that a
747 criminal violation of the Fair Campaign Practices Act has
748 likely occurred and if appropriate, refer the determination
749 and all evidence and necessary information to the Attorney
750 General or appropriate district attorney for further
751 investigation and potential prosecution.

752 (10) Upon completion of an investigation and a hearing,
753 if applicable, in which the commission conducts an
754 administrative review of the assessment of civil penalties
755 under Section 17-5-19.2, affirm, set aside, or reduce civil
756 penalties as provided in Section 17-5-19.2.



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757 §36-25B-24 Commission Funding

758 (a) The Legislature shall appropriate to the commission
759 such sums as it deems necessary for the commission to carry
760 out the duties and functions required under this chapter.

761 (b) Notwithstanding any other provision of law to the
762 contrary, the annual appropriation to the commission in the
763 State General Fund Appropriations Act shall not be less than
764 one-tenth of one percent of the total State General Fund
765 amount appropriated in the State General Fund Appropriations
766 Act unless a lower appropriation amount is expressly approved
767 by two-thirds of the membership of the House of
768 Representatives and two-thirds of the membership of the
769 Senate.

770 (c) All fees, penalties, and fines collected by the
771 commission pursuant to this chapter shall be deposited into
772 the State General Fund.

773 (d) All monies collected as reasonable payment of costs
774 for copying, reproductions, publications, and lists shall be
775 deemed a refund against disbursement and shall be deposited
776 into the appropriate fund account for the use of the
777 commission.

778 §36-25B-25 Training

779 (a) The commission shall conduct regularly scheduled
780 training programs on the requirements and restrictions of this
781 chapter as they specifically apply to public servants,
782 lobbyists, prohibited sources, and other individuals and
783 entities subject to this chapter. The commission shall
784 establish a schedule for training programs that provides:



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785 (1) For members of the Legislature, in-person training
786 not more than 65 days after the start of each quadrennium at a
787 time agreeable to the director and the Legislative Council,
788 and for any member whose service begins at a different time,
789 in-person or online training not more than 60 days after being
790 sworn into office.

791 (2) For statewide constitutional officers, cabinet
792 members, and executive staff, as determined by the Governor,
793 in-person training not more than 30 days after the Governor
794 has been sworn into office at a time determined by the
795 Governor, and for any individual whose service begins at a
796 different time, in-person or online training not more than 60
797 days after beginning service.

798 (3) For municipal mayors, council members and
799 commissioners, county commissioners, and members of any local
800 board of education, in-person or online training not more than
801 60 days after the beginning of the term of office at times
802 agreeable to the director and the Alabama League of
803 Municipalities, the Association of County Commissions of
804 Alabama, and the Alabama Association of School Boards, and for
805 any such official whose service begins at a different time,
806 in-person or online training not more than 60 days after being
807 sworn into office.

808 (4) For other public servants who are required to
809 complete a statement of economic interests under Section
810 36-25B-62, in-person or online training not more than 90 days
811 after commencing public service.

812 (5) For lobbyists, in-person or online training not



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813 more than 30 days after submitting a lobbyists registration
814 form under Section 36-25B-60.

815 (b) (1) The director, in consultation with the legal
816 counsel or agency head of the applicable governmental body,
817 shall determine the subject matter to be covered in the
818 training programs which shall be customized to address the
819 relevant requirements, prohibitions, and restrictions as they
820 apply to the various individuals listed in subsection (a). At
821 a minimum, training shall include a review of the current law
822 and formal advisory opinions and a discussion of relevant
823 cases or scenarios.

824 (2) Faculty for the training programs may include the
825 staff of the commission, members of the faculties of the
826 various law schools in the state, members of the press and
827 media, and other individuals deemed appropriate by the
828 director.

829 (c) The director, by rule, shall determine the digital
830 format of online training programs and for live, online
831 training, the scheduled dates of the actual training. Evidence
832 of completion of online training may be provided to the
833 commission via an electronic reporting system provided on the
834 commission's website.

835 (d) The director may require additional training due to
836 material changes in the requirements of this chapter.

837 (e) The training for county commissioners required by
838 subdivision (a) (3) may be satisfied by the successful
839 completion of the 10-hour course on ethical requirements of
840 public officials provided by the Alabama Local Government



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841 Training Institute established pursuant to Article 2 of
842 Chapter 3 of Title 11. The Alabama Local Government Training
843 Institute shall provide in writing to the commission quarterly
844 the names of those county commissioners completing the
845 institute's program.

846 (f) Attendance at any session of the training program
847 shall be mandatory, except in the event the individual
848 verifies he or she, in good faith, cannot or could not attend
849 the training program. Any individual who fails to attend
850 mandatory training or attend a mandatory makeup training
851 session may be subject to a penalty.

852 (g) This section shall not preclude the commission from
853 enforcing this chapter, including imposing penalties, against
854 any individual subject to this chapter prior to the individual
855 attending a mandatory training program.

856 §36-25B-26 Commission Website

857 The commission shall provide on its official website
858 all of the following:

859 (1) A system for electronic filing of all statements,
860 reports, registrations, and notices required by this chapter.
861 The website shall include guidance on filing statements,
862 reports, registrations, and notices, including reporting
863 schedules.

864 (2) A readily searchable electronic database accessible
865 to the public which provides for search and retrieval of:

866 a. All statements, registrations, reports, and other
867 filings required by this chapter excluding information
868 required to be redacted, searchable by the name of the filing



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869 party to which the filings pertain;

870 b. In addition to paragraph a., lobbyist registrations
871 must be searchable by the governmental body listed on the
872 lobbyist registration pursuant to Section 36-25B-60(b)6.a.;

873 c. In addition to paragraph a., prohibited source
874 reports must be searchable by the recipient public servant
875 listed on reports filed pursuant to Section 36-25B-61(b); and

876 d. Formal advisory opinions and the core principles of
877 informal advisory opinions, as further provided in Section
878 36-25B-27.

879 §36-25B-27 Advisory Opinions

880 (a) (1) The commission shall issue formal advisory
881 opinions, when requested, on the requirements of this chapter
882 or the Fair Campaign Practices Act based on real or
883 hypothetical sets of circumstances. Any person may submit a
884 written request to the commission for a formal advisory
885 opinion in a form prescribed by the commission. The director
886 shall complete and publish a draft formal advisory opinion,
887 and the draft must be published on the commission's website
888 not less than seven days before the commissioners meet to take
889 official action on the draft formal opinion. Any person may
890 submit comments to the commission on the draft. All comments
891 received more than 24 hours in advance of the meeting of the
892 commissioners shall be distributed to the commissioners before
893 the meeting.

894 (2) Before taking effect, a formal advisory opinion
895 must be adopted by a majority vote of the commissioners
896 present at the official meeting of the commissioners. Once



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897 adopted, the formal advisory opinion shall be promptly
898 published on the commission's website.

899 (3) The person at whose request the opinion was issued
900 or any person in similar circumstances who may be affected by
901 the formal advisory opinion may petition for reconsideration
902 of a formal advisory opinion by submitting a written request
903 in a form prescribed by the commission received no more than
904 30 days after the date the commissioners voted to approve the
905 formal advisory opinion.

906 (4) A formal advisory opinion shall protect the person
907 at whose request the opinion was issued and any other person
908 reasonably relying in good faith on the advisory opinion in a
909 materially like circumstance from liability to the state, a
910 county, or a municipal subdivision of the state because of any
911 action performed or action refrained from in reliance on the
912 advisory opinion.

913 (5) Except as provided in subdivision (6), formal
914 advisory opinions shall be deemed valid until expressly
915 overruled or altered by the commission or a court of competent
916 jurisdiction.

917 (6)a. On and after December 1, 2025, any formal
918 advisory opinion issued before June 1, 2025, is void unless an
919 individual has requested the continuance of an advisory
920 opinion and the commission has affirmatively decided to uphold
921 that opinion. Any action or course of action taken prior to
922 December 1, 2025 that is in reliance on an advisory opinion
923 issued by the commission prior to June 1, 2025, shall protect
924 the person relying on the advisory opinion in accordance with



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925 this section.

926 b. Paragraph a. does not apply to or have any impact on
927 advisory opinions or portions of advisory opinions pertaining
928 to the laws and requirements of the Fair Campaign Practices
929 Act.

930 (b) (1) Upon receiving a written request, the director
931 or general counsel of the commission may issue an informal
932 advisory opinion on the requirements of this chapter or the
933 Fair Campaign Practices Act based on a real or hypothetical
934 set of circumstances.

935 (2) An informal advisory opinion is prospective and
936 shall be based on the facts presented, but does not have the
937 force and effect of a formal advisory opinion, nor does an
938 informal advisory opinion provide legal immunity to the
939 requesting person. However, there shall be a rebuttable
940 presumption that a requesting person who acts in conformance
941 with an informal advisory opinion intended to comply with this
942 chapter or the Fair Campaign Practices Act and at a minimum,
943 shall be a mitigating factor.

944 (3) Except as provided in subdivision (4), the
945 commissioners, director, and employees of the commission shall
946 keep confidential the existence of an informal advisory
947 opinion and the opinion itself along with the underlying
948 request, unless expressly waived by the person requesting the
949 opinion.

950 (4) Not later than 30 days after each calendar quarter,
951 the commission shall summarize and publish on its website in a
952 readily searchable manner the core principles articulated by



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953 the commission in the informal advisory opinions issued during
954 the previous calendar year. These principles shall be written
955 in a manner that does not reveal the identity of the requester
956 and any other person mentioned in the informal advisory
957 opinion and that does not allow members of the public to
958 otherwise ascertain the identities of these persons.

959 (c) The commission's decision not to issue a formal or
960 informal advisory opinion does not create any presumption as
961 to whether the action upon which the request for an advisory
962 opinion was based does or does not violate this chapter or the
963 Fair Campaign Practices Act.

964 (d) The commission may issue formal and informal
965 advisory opinions only if requested to do so in writing by a
966 person who is not a commissioner or employee of the
967 commission.

968 Article 3. Restricted and Prohibited Acts

969 §36-25B-40 Conflict of Interest

970 (a) Consistent with the Constitution of Alabama of
971 2022, a member of the Legislature may not sponsor or vote on
972 any legislation when the member knows or reasonably should
973 know that:

974 (1) He or she has a conflict of interest; or

975 (2) By sponsoring or voting on the legislation, he or
976 she would materially and uniquely benefit a business client
977 and increase his or her economic value to the client.

978 (b) Except as otherwise provided by law, a public
979 servant may not take official action on a particular matter
980 when the public servant knows or reasonably should know he or



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981 she has a conflict of interest.

982 (c) (1) In addition to any other penalty provided for in
983 Section 36-25B-88, a public servant who violates this section
984 shall be subject to a civil penalty up to three times the
985 economic gain to the public servant.

986 (2) For a second or subsequent offense, in addition to
987 the penalty in subdivision (1), the commission shall promptly
988 notify the Attorney General or the appropriate district
989 attorney and provide all evidence obtained by, or in the
990 possession of, the commission. In addition, the commission may
991 notify the appropriate public servant or governmental body who
992 has authority to discipline or remove the public servant from
993 office or employment.

994 §36-25B-41 Steering Contracts or Business Prohibited

995 (a) A public servant may not approve, direct, vote for,
996 or otherwise influence or attempt to influence any official
997 action of the public servant's governmental body to direct or
998 steer contracts, grants, awards, or financial business from
999 the public servant's governmental body to any person if the
1000 public servant knows or should know that the contract, grant,
1001 award, or financial business would directly benefit the public
1002 servant, an associated business of the public servant, or any
1003 family member of the public servant. For purposes of this
1004 section only, "family member" means a child, parent, sibling,
1005 grandchild, grandparent, aunt, uncle, niece, nephew, cousin,
1006 or spouse, or the child, parent, or sibling of the spouse.

1007 (b) (1) In addition to any other penalty provided for in
1008 Section 36-25B-88, a public servant who violates this section



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1009 shall be subject to a civil penalty up to three times the
1010 economic gain to the public servant, associated business, or
1011 family member.

1012 (2) For a second or subsequent offense, in addition to
1013 the penalty in subdivision (1), the commission shall promptly
1014 notify the Attorney General or the appropriate district
1015 attorney and provide all evidence obtained by, or in the
1016 possession of, the commission. In addition, the commission may
1017 notify the appropriate public servant or governmental body who
1018 has authority to discipline or remove the public servant from
1019 office or employment.

1020 §36-25B-42 Gift Ban

1021 (a) (1) A public servant may not solicit or accept a
1022 gift from any person the public servant knows or should know
1023 is a prohibited source.

1024 (2) Any person who knows or should know that he or she
1025 is a prohibited source may not offer or provide a gift to a
1026 public servant or any person closely associated with a public
1027 servant.

1028 (b) Notwithstanding subsection (a), a prohibited source
1029 may make payment of or reimbursement for actual and necessary
1030 registration and travel expenses, including reasonable food,
1031 beverages, hospitality, and lodging expenses incurred by
1032 attendance by a public servant and his or her family members
1033 at:

1034 (1) An educational function of which the prohibited
1035 source is a sponsor, provided the expenses are reported to the
1036 commission in accordance with Section 36-25B-61. For purposes



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1037 of this subdivision, "educational function" means a meeting,
1038 event, or activity that is organized around a formal program
1039 or agenda of educational or informational speeches, debates,
1040 panel discussions, or other presentations concerning matters
1041 within the scope of the participant's official duties or other
1042 matters of public policy.

1043 (2) An economic development function of which the
1044 prohibited source is a sponsor. For purposes of this
1045 subdivision, "economic development function" means any
1046 function reasonably and directly related to the advancement of
1047 a specific, good-faith economic development or trade promotion
1048 project or objective.

1049 (3) Any event of which a prohibited source is a sponsor
1050 where the public servant's attendance at the event is
1051 appropriate to the performance of his or her official duties
1052 or representative function, provided the expenses are reported
1053 to the commission in accordance with Section 36-25B-61.

1054 (c) Notwithstanding subsection (a), food, beverages,
1055 and hospitality may be provided by a prohibited source and
1056 accepted by a public servant and his or her family members in
1057 the following conditions, provided the event details are
1058 reported to the commission in accordance with Section
1059 36-25B-61:

1060 (1) At a reception or similar event other than in the
1061 form of a seated meal, at which it is reasonably expected that
1062 more than 25 individuals will attend.

1063 (2) At a seated meal of mutual interest to a number of
1064 parties at which it is reasonably expected that more than 12



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1065 individuals will attend and that individuals with a diversity
1066 of views or interests will be present.

1067 (3) At an event where all members of the Legislature, a
1068 local legislative body, a legislative caucus registered under
1069 Chapter 5 of Title 17, or a legislative committee are invited
1070 or are eligible to register for the event.

1071 (d) It is not a violation of this section in either of
1072 the following circumstances:

1073 (1) The gift is offered or provided as the result of a
1074 familial relationship, unless the circumstances make it clear
1075 that the gift is not motivated by the familial relationship
1076 and that the gift is intended to substantially influence the
1077 recipient's official activities.

1078 (2) The gift is offered or provided as the result of a
1079 friendship, unless the circumstances make it clear that the
1080 gift is not motivated by the friendship and that the gift is
1081 intended to substantially influence the recipient's official
1082 activities.

1083 (e) A person who violates this section shall be subject
1084 to the following penalties:

1085 (1) For a first offense, a civil penalty of no more
1086 than two times the value of the gift. In lieu of a civil
1087 penalty, the commission may issue a public reprimand for a
1088 first time violation if the commission determines the person
1089 did not know the value of the gift was more than one hundred
1090 dollars (\$100).

1091 (2) For a second offense, a civil penalty of three
1092 times the value of the gift.



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1093 (3) For a third or subsequent offense, a civil penalty
1094 of five times the value of the gift and the commission shall
1095 promptly notify the Attorney General or the appropriate
1096 district attorney and provide all evidence obtained by, or in
1097 the possession of, the commission. In addition, the commission
1098 may notify the appropriate public servant or governmental body
1099 that has authority to discipline or remove the public servant
1100 from office or employment.

1101 (f) The commission shall adopt rules to do both of the
1102 following:

1103 (1) Provide guidance on what constitutes hospitality
1104 for purposes of this section.

1105 (2) Allow for, but not require, pre-certification of
1106 events and activities described in subsections (b) and (c).

1107 §36-25B-43 Solicitation of Subordinates Prohibited

1108 Other than in the ordinary course of business, a
1109 supervisor of any governmental body may not solicit a gift
1110 from a subordinate.

1111 §36-25B-44 Charitable Fundraising

1112 Nothing in this article prohibits a public servant or
1113 his or her family member, regardless of whether he or she
1114 serves on the board of directors of the nonprofit entity, from
1115 conducting fundraising activities for a nonprofit entity,
1116 which may include soliciting monetary donations or other items
1117 from prohibited sources, provided, (i) the public servant is
1118 not acting in his or her official capacity, (ii) the public
1119 servant or a person closely associated with the public servant
1120 will not receive any personal financial benefit from the



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1121 fundraising activities, and (iii) no public resources are used
1122 to conduct the fundraising activities, except as authorized by
1123 law or agency policy.

1124 §36-25B-45 Outside Employment

1125 Nothing in this article prohibits or restricts an
1126 individual appointed or elected to public office, once taking
1127 office, from continuing to engage in outside employment in his
1128 or her profession or skill. The mere fact that a public
1129 official's compensation in his or her outside employment
1130 increases while the public official is in office does not
1131 create a presumption that the increase is related to or on
1132 account of his or her official office or position.

1133 §36-25B-46 Elected Officials Prohibited from Lobbying

1134 (a) (1) A public official elected or appointed to a
1135 state office or a member of the Legislature, while holding
1136 office, may not serve as a lobbyist before any governmental
1137 body.

1138 (2) Nothing in this subsection shall be construed to
1139 prohibit a public official from engaging, while in office, in
1140 outside employment in his or her profession or field of
1141 expertise, including representing a client before a
1142 governmental body of which the public official is not a
1143 member, provided such engagement is not related to his or her
1144 official duties.

1145 (3) This subsection shall not be construed to prohibit
1146 a public official elected or appointed to a state office or a
1147 member of the Legislature from performing his or her official
1148 duties or responsibilities.



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1149 (b) (1) A public official elected or appointed to a
1150 county or municipal office, while holding office, may not
1151 serve as a lobbyist before any governmental body within the
1152 geographical jurisdiction of the county or municipal office
1153 for which the public official is serving.

1154 (2) Nothing in this subsection shall be construed to
1155 prohibit a public official from engaging, while in office, in
1156 outside employment in his or her profession or field of
1157 expertise, including representing a client before a
1158 governmental body of which the public official is not a
1159 member, provided such engagement is not related to his or her
1160 official duties.

1161 (3) This subsection shall not be construed to prohibit
1162 a public official elected or appointed to a county or
1163 municipal office from performing his or her official duties or
1164 responsibilities.

1165 (c) (1) A public official who violates this section
1166 shall be subject to a civil penalty up to or commensurate with
1167 the economic gain to the public official.

1168 (2) For a second or subsequent offense, in addition to
1169 the penalty in subdivision (1), the commission shall promptly
1170 notify the Attorney General or the appropriate district
1171 attorney and provide all evidence obtained by, or in the
1172 possession of, the commission. In addition, the commission may
1173 notify the appropriate public servant or governmental body who
1174 has authority to discipline or remove the public servant from
1175 office or employment.

1176 §36-25B-47 Revolving Door Prohibitions



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1177 (a) An appointed public official, for a period of two
1178 years after leaving service, may not serve as a lobbyist
1179 before the governmental body for which he or she had served.

1180 (b) An elected public official, for a period of two
1181 years after leaving service or the expiration of the term to
1182 which he or she was elected, whichever is longer, may not
1183 serve as a lobbyist before the governmental body for which he
1184 or she had served.

1185 (c) A public employee or an individual who works for a
1186 governmental body pursuant to a consulting agreement, agency
1187 transfer, loan, or similar arrangement, for a period of two
1188 years after leaving the employment or other arrangement, may
1189 not serve as a lobbyist before the governmental body for which
1190 he or she had worked.

1191 (d) A public servant who has authority over
1192 procurements or who recommends or materially influences the
1193 approval of grants, awards, or contracts for goods or
1194 services, for a period of two years after leaving service or
1195 employment, may not:

1196 (1) Enter into, solicit, or negotiate a grant, award,
1197 or contract for goods or services with the governmental body
1198 for which he or she had served or worked; and

1199 (2) Accept employment or enter into a consulting
1200 agreement with a business that received a grant, award, or
1201 contract for goods or services with the governmental body for
1202 which he or she had served or worked within the preceding two
1203 years, if the public servant actually recommended or
1204 materially influenced the approval of the grant, award, or



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1205 contract.

1206 (e) A public servant who personally participates in the
1207 direct regulation, audit, or investigation of a business, for
1208 a period of two years after leaving service or employment, may
1209 not solicit or accept employment or enter into a consulting
1210 agreement with that business.

1211 (f) Nothing in this section shall limit or prohibit any
1212 of the following:

1213 (1) A former public employee from resuming employment
1214 with his or her former employer, unless otherwise restricted
1215 or prohibited by law.

1216 (2) A former public employee from entering into a
1217 consulting agreement with his or her former employer to
1218 personally provide consulting services, unless otherwise
1219 restricted or prohibited by law.

1220 (3) A public official or public employee from accepting
1221 employment with another governmental body or another
1222 department within the same governmental body and from
1223 representing the interests of his or her public employer
1224 before the governmental body for which he or she had served.

1225 (g) (1) A public servant or former public servant who
1226 violates this section shall immediately cease from engaging in
1227 the prohibited activity and shall be subject to a civil
1228 penalty up to or commensurate with the economic gain to the
1229 public servant.

1230 (2) For a second or subsequent offense, in addition to
1231 the penalty in subdivision (1), the commission shall promptly
1232 notify the Attorney General or the appropriate district



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1233 attorney and provide all evidence obtained by, or in the
1234 possession of, the commission. In addition, the commission may
1235 notify the appropriate public servant or governmental body who
1236 has authority to discipline or remove the public servant from
1237 office or employment.

1238 §36-25B-48 Floor Privileges

1239 No former member of the House of Representatives or the
1240 Senate of the State of Alabama shall be extended floor
1241 privileges of either body in a lobbying capacity.

1242 §36-25B-49 Contingency Fee Lobbying Prohibited

1243 A principal or lobbyist may not accept compensation
1244 for, or enter into a contract to provide, lobbying services
1245 which is contingent upon the passage or defeat of any
1246 legislative action.

1247 Article 4. Registration and Reporting Requirements

1248 §36-25B-60 Lobbyist Registration and Termination

1249 (a) Every lobbyist shall register by filing a form
1250 prescribed by the commission no later than January 31 of each
1251 year or within 10 days after the first undertaking requiring
1252 such registration. Each lobbyist shall pay an annual fee of
1253 two hundred dollars (\$200) on or before January 31 of each
1254 year or within 10 days of the first undertaking requiring
1255 registration.

1256 (b) The registration shall be in writing and shall
1257 contain the following:

1258 (1) The registrant's full name and business address.

1259 (2) The full name and address of each of the
1260 registrant's principal or principals.



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1261 (3) A statement signed by each principal that he or she
1262 has read the registration, knows its contents, and has
1263 authorized the registrant to be a lobbyist on his or her
1264 behalf as specified therein, and that no compensation will be
1265 paid to the registrant contingent upon passage or defeat of
1266 any legislative measure. If the principal is an entity, the
1267 statement must be signed by the individual within the
1268 principal who directs the activities of the lobbyist.

1269 (4) Either of the following:

1270 a. A list of each governmental body with whom he or she
1271 engages or intends to engage in lobbying. For purposes of this
1272 subdivision, each executive branch agency, department, board,
1273 or commission shall be considered a separate entity and the
1274 Legislature and each local legislative body shall be
1275 considered a separate entity.

1276 b. An acknowledgment that the lobbyist is not limiting
1277 his or her ability to engage in lobbying before any specific
1278 governmental body.

1279 (c) A registrant shall file a supplemental registration
1280 indicating any substantial change or changes in the
1281 information contained in the prior registration within 10 days
1282 after the date of the change.

1283 (d) (1) A lobbyist who ceases to engage in activities
1284 requiring registration shall file a written, verified
1285 statement with the commission, on a form prescribed by the
1286 commission by rule, acknowledging the termination of
1287 activities. The notice shall be effective immediately.

1288 (2) An individual who files a notice of termination



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1289 pursuant to this section shall file the reports required
1290 pursuant to Section 36-25B-61 for any reporting period during
1291 which he or she was registered.

1292 §36-25B-61 Prohibited Source Reporting

1293 (a) A prohibited source shall report on a form
1294 prescribed by the commission by rule:

1295 (1) The payment or reimbursement of registration and
1296 travel expenses as permitted under Section 36-25B-42(b)(1) and
1297 (b)(3); and

1298 (2) The provision of food, beverages, and hospitality
1299 as permitted under Section 36-25B-42(c).

1300 (b)(1) For purposes of reporting of events described in
1301 subdivision (a)(1), the report must disclose a description of
1302 the event, the date or dates of the event, the monetary value
1303 received by each public servant and his or her family members,
1304 and the identity of the public servants and family members who
1305 attended the event.

1306 (2) For purposes of reporting of events described in
1307 subdivision (a)(2), the report must include a description of
1308 the event, the date of the event, and a list of the public
1309 servants invited to the event.

1310 (c) Nothing in this section shall require an entity
1311 whose officers or employees or their family members serve as
1312 public servants under this chapter to report any expenditures
1313 or reimbursements paid to the officers and employees for the
1314 performance of their duties for the entity.

1315 (d) The report shall cover activity during a
1316 three-month period and shall be filed no later than January



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1317 31, April 30, July 31, and October 31 for activity during the
1318 preceding calendar quarter.

1319 (e) (1) A prohibited source other than a lobbyist or
1320 principal shall file a report only if the prohibited source
1321 conducts activity that must be reported pursuant to this
1322 section.

1323 (2) A lobbyist or principal shall file a report each
1324 quarter, regardless of whether any reportable activity was
1325 conducted during the preceding quarter.

1326 (f) If a prohibited source files a report required
1327 under this section after the reporting deadline, the
1328 prohibited source shall pay a late fee, as prescribed by rule
1329 of the commission, but not to exceed one hundred fifty dollars
1330 (\$150).

1331 (g) A report required to be filed under this section
1332 which is more than three months past due shall be deemed a
1333 failure to file a report. The commission may impose a fine for
1334 failure to report as follows:

1335 (1) For a first offense, three hundred dollars (\$300).

1336 (2) For a second offense, six hundred dollars (\$600).

1337 (3) For a third or subsequent offense, one thousand two
1338 hundred dollars (\$1,200).

1339 §36-25B-62 Statement of Economic Interests

1340 (a) No later than April 30 of each year, the following
1341 public servants shall file with the commission a statement of
1342 economic interests covering the period of the preceding
1343 calendar year:

1344 (1) All elected public officials.



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1345 (2) Each appointed member of a board, commission, or
1346 authority having statewide jurisdiction other than boards,
1347 commissions, and authorities that solely act in an advisory
1348 capacity.

1349 (3) Each employee of the Legislature, the Legislative
1350 Services Agency, and the Department of Examiners of Public
1351 Accounts, other than those who have a purely administrative or
1352 maintenance role.

1353 (4) All executive staff of the Governor.

1354 (5) The commissioners and all employees of the
1355 commission.

1356 (6) The agency head of each governmental body, if paid
1357 in whole or in part from state, county, or municipal funds.

1358 (7) The general counsel or lead attorney of each
1359 governmental body.

1360 (8) Each public employee holding a position described
1361 in Section 36-26-10(b)(10).

1362 (9) Each public servant with power to grant or deny
1363 land development permits.

1364 (10) Each appointed member of a local board,
1365 commission, or authority, if paid in whole or in part from
1366 state, county, or municipal funds, who receives compensation,
1367 other than travel expenses or a per diem, for his or her
1368 service on the board, commission, or authority.

1369 (11) All city and county school principals,
1370 superintendents, and school board members.

1371 (12) The superintendent or chief executive officer and
1372 members of the board of directors or board of trustees of all



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1373 state public K-12 schools.

1374 (13) Chief and assistant county building inspectors.

1375 (14) Any individual otherwise required by law to file a
1376 statement of economic interests.

1377 (15) All public servants listed with the commission as
1378 provided in subsection (b).

1379 (b) The agency head of each governing body, if paid in
1380 whole or in part from state, county, or municipal funds, shall
1381 provide annually to the commission, within a time frame
1382 determined by rule of the commission, a list of each public
1383 servant within the governing body who has independent
1384 authority to perform any of the following duties, regardless
1385 of whether the public servant actually performs such duties:

1386 (1) Makes discretionary decisions to expend public
1387 funds in excess of ten thousand dollars (\$10,000) in a fiscal
1388 year.

1389 (2) Awards or recommends contracts for goods or
1390 services.

1391 (3) Awards or recommends economic incentives.

1392 (c) Notwithstanding subsection (d), a coach of an
1393 athletic team of any four-year public institution of higher
1394 education that receives state funds shall not be required to
1395 include any income, donations, gifts, or benefits on his or
1396 her statement of economic interests if the income, donations,
1397 gifts, or benefits are a condition of the employment contract.

1398 (d) The statement shall be made on a form made
1399 available by the commission and shall contain the following
1400 information:



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1401 (1) The name, occupation, and residential address of
1402 the filing party; the name and occupation of each family
1403 member of the filing party; and the name of each associated
1404 business of the filing party.

1405 (2) The source and amount of income directly accrued by
1406 the filing party and by his or her spouse, other than income
1407 earned from serving in public employment, listed in the
1408 following categorical amounts:

1409 a. Less than one thousand dollars (\$1,000).

1410 b. At least one thousand dollars (\$1,000) and less than
1411 ten thousand dollars (\$10,000).

1412 c. At least ten thousand dollars (\$10,000) and less
1413 than fifty thousand dollars (\$50,000).

1414 d. At least fifty thousand dollars (\$50,000) and less
1415 than one hundred fifty thousand dollars (\$150,000).

1416 e. At least one hundred fifty thousand dollars
1417 (\$150,000) and less than two hundred fifty thousand dollars
1418 (\$250,000).

1419 f. At least two hundred fifty thousand dollars
1420 (\$250,000) or more.

1421 (3) The identity and value of real property, other than
1422 his or her primary residence, owned by the filing party or by
1423 his or her spouse.

1424 (4)a. Except as provided in paragraph b., a listing of
1425 indebtedness by the filing party or his or her spouse showing
1426 types and number of each as follows: Banks, savings and loan
1427 associations, insurance companies, mortgage firms,
1428 stockbrokers and brokerages or bond firms; and the



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1429 indebtedness to combined organizations in the following
1430 categorical amounts:

1431 1. Less than twenty-five thousand dollars (\$25,000).

1432 2. Twenty-five thousand dollars (\$25,000) and less than
1433 fifty thousand dollars (\$50,000).

1434 3. Fifty thousand dollars (\$50,000) and less than one
1435 hundred thousand dollars (\$100,000).

1436 4. One hundred thousand dollars (\$100,000) and less
1437 than one hundred fifty thousand dollars (\$150,000).

1438 5. One hundred fifty thousand dollars (\$150,000) and
1439 less than two hundred fifty thousand dollars (\$250,000).

1440 6. Two hundred fifty thousand dollars (\$250,000) or
1441 more.

1442 b. Mortgage debt on a primary residence and student
1443 loans of the filing party or his or her spouse need not be
1444 disclosed.

1445 (e) Before publishing a statement of economic interest
1446 on the commission's website, the commission shall redact the
1447 names of all family members and the residential address of the
1448 filing party.

1449 (f) If the information required under this section is
1450 not filed as required, the commission shall notify the filing
1451 party as to his or her failure to so file, and the filing
1452 party shall have 20 days to file the report after receipt of
1453 the notification. After the 20-day period lapses, the
1454 commission may assess a fine of twenty dollars (\$20) per day,
1455 not to exceed one thousand dollars (\$1,000), for failure to
1456 file timely.



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1457 (g) (1) Upon petition, the commission shall waive the
1458 filing requirement of this section if the filing party is
1459 deceased or if the filing party was considered a public
1460 servant and was subject to this chapter for a period of no
1461 more than 30 days during the previous calendar year and as of
1462 January 1 of the reporting year, has not been a public
1463 servant.

1464 (2) Upon petition, the commission may waive the filing
1465 requirement of this section if the filing party is incapable
1466 of filing due to infirmity or due to active service in the
1467 military.

1468 (h) A filing party who unintentionally neglects to
1469 include any information relating to the financial disclosure
1470 filing requirements of this section shall have 90 days to file
1471 an amended statement of economic interests without penalty.

1472 §36-25B-63 Candidates Statement of Economic Interests

1473 (a) Not more than five days after a candidate files his
1474 or her qualifying papers with the appropriate election
1475 official or in the case of an independent candidate not more
1476 than five days after the date the individual complies with the
1477 requirements of Section 17-9-3, the candidate shall file with
1478 the commission a statement of economic interests covering the
1479 most recent calendar year for which public servants were
1480 required to file pursuant to Section 36-25B-62. The
1481 commission, for good cause shown, may allow the candidate an
1482 additional five days to file the statement of economic
1483 interests.

1484 (b) (1) Each election official who receives a



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1485 declaration of candidacy or petition to appear on the ballot
1486 for election from a candidate, within five days of the
1487 receipt, shall notify the commission of the name of the
1488 candidate and the date on which the individual became a
1489 candidate.

1490 (2) The commission, within five business days of
1491 receipt of such notification, shall notify the election
1492 official whether the candidate has complied with subdivision
1493 (1).

1494 (c) (1) In addition to filing a statement of economic
1495 interests pursuant to subsection (a), an individual who
1496 remains qualified as a candidate on April 30 following the
1497 date he or she initially qualified shall file a new statement
1498 of economic interests by April 30 covering the period of the
1499 previous calendar year.

1500 (2) Notwithstanding subdivision (1), for any calendar
1501 year for which the commission has a candidate's current
1502 statement of economic interests on file, no additional filing
1503 for that calendar year is required.

1504 (d) If a candidate does not submit a statement of
1505 economic interests under subsection (a) and, if applicable
1506 subsection (c) by the prescribed deadline, the name of the
1507 individual shall not appear on the ballot and the candidate
1508 shall be deemed not qualified as a candidate in that election
1509 cycle.

1510 (e) If a candidate is deemed not qualified, the
1511 appropriate election official shall remove the name of the
1512 candidate from the ballot.



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1513 Article 5. Enforcement

1514 §36-25B-80 Enforcement Generally

1515 The commission may not impose any civil penalty, order
1516 restitution, issue a public reprimand, or enter into a consent
1517 decree unless the commissioners determine a violation has
1518 occurred and approve the penalty, restitution, public
1519 reprimand, or consent decree in accordance with this article.

1520 §36-25B-81 Complaints

1521 (a) The commission shall establish procedures for the
1522 acceptance and investigation of complaints alleging violations
1523 of this chapter or the Fair Campaign Practices Act and shall
1524 publish the procedures and requirements for submitting
1525 complaints, along with the complaint form, on the commission's
1526 website.

1527 (b) Complaints must be in writing, set forth in detail
1528 the specific charges against a respondent and the factual
1529 allegations that support the charges, and signed by the
1530 complainant in order to be considered by the commission.

1531 (c) (1) Upon receiving a complaint or a report filed
1532 pursuant to Section 36-25B-83, and upon verifying the identity
1533 of the complainant and that the complaint contains credible
1534 and verifiable information supporting the allegations, the
1535 director shall notify the respondent of the alleged violation
1536 or violations together with a short and plain statement of the
1537 matters asserted and the provisions of this chapter or the
1538 Fair Campaign Practices Act alleged to have been violated.

1539 (2) The notice shall provide the respondent with an
1540 opportunity to respond to the commission in writing in a



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1541 timely manner but in no event less than 10 days. Notice shall
1542 be provided by personal service or by certified mail, return
1543 receipt requested. The director shall delay further
1544 consideration of the complaint until he or she has received a
1545 response or the 10-day period has lapsed, whichever occurs
1546 first. The director shall consider the response in making his
1547 or her determination and include the response as part of the
1548 written record of the complaint.

1549 (d) (1) If the director determines that the complaint
1550 does not provide sufficient grounds to indicate that a
1551 violation has occurred, the complaint shall be dismissed, but
1552 the action must be reported to the commissioners along with a
1553 written record of the director's reasoning.

1554 (2) If the director determines there are sufficient
1555 grounds to believe that a violation may have occurred, the
1556 director shall notify the respondent, as required in Section
1557 36-25B-84(b), and notify the commissioners of the intent to
1558 conduct a full investigation along with a written record of
1559 the director's reasoning.

1560 (e) A complainant may not file a complaint on behalf of
1561 any other individual.

1562 §36-25B-82 Confidentiality of Complaints

1563 (a) Except as provided in Section 36-25B-81(c) and
1564 Section 36-25B-84(d) (3), the commissioners, director, and
1565 employees of the commission shall keep confidential the
1566 existence of any complaint and any information relating to the
1567 complaint, including relevant information and documents and
1568 the identity of the complainant, until the final disposition



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1569 of the matter. In no event may a complaint or any part of the
1570 record be made public or available on the commission's website
1571 if the complaint is dismissed or, after an investigation, the
1572 commission determines no violation occurred.

1573 (b) This section does not prohibit a complainant or
1574 respondent from disclosing information relating to a complaint
1575 submitted to the commission, and the fact that an individual
1576 who is not a commissioner, director, or commission employee
1577 discloses information relating to a complaint does not grant
1578 the commissioners, director, or commission employees the
1579 authority to discuss or disclose the existence of a complaint
1580 or any information relating to the complaint.

1581 §36-25B-83 Agency Heads Required to Report Violations

1582 The agency head of every governmental body shall file a
1583 report with the commission on any matter that comes to his or
1584 her attention in his or her official capacity that, after an
1585 appropriate investigation based on credible and verifiable
1586 information supporting the allegations, may constitute a
1587 violation of this chapter within 10 days of completing the
1588 investigation.

1589 §36-25B-84 Investigations

1590 (a) Upon a preliminary finding by the director that a
1591 violation of this chapter or the Fair Campaign Practices Act
1592 may have occurred pursuant to Section 36-25B-81(d)(2), or if a
1593 matter is referred to the commission pursuant to Section
1594 13A-10-61.1(c)(1), the director and staff of the commission
1595 shall conduct a full investigation in accordance with this
1596 section.



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1597 (b) Before initiating a full investigation, the
1598 director shall notify the respondent by personal service or by
1599 certified mail, return receipt requested, of the
1600 investigation, along with the violations alleged to have
1601 occurred and the written record of the director's reasoning
1602 pursuant to Section 36-25B-81.

1603 (c) In the course of an investigation, the director,
1604 upon an affirmative vote of at least four commissioners, may
1605 subpoena witnesses and compel their attendance and may also
1606 require the production of documents and other evidence. The
1607 commission shall give the respondent the opportunity to
1608 respond to the allegations by providing written statements,
1609 testimony to commission staff, and any additional evidence.
1610 Any additional relevant facts or evidence discovered by a
1611 commissioner or commission staff during the course of an
1612 investigation shall immediately be provided to the respondent.
1613 The respondent has the right to be represented by legal
1614 counsel throughout an investigation.

1615 (d) (1) Commission staff shall have no more than 180
1616 days to complete an investigation and compile a written
1617 record. The written record of the investigation shall include
1618 all evidence considered and a written statement of the
1619 director's assessment and recommendations. Findings of fact
1620 shall be based solely on the evidence in the record.

1621 (2) If the director determines no violation has
1622 occurred, the director shall dismiss the matter, but the
1623 action must be reported to the commissioners along with the
1624 written record described in subdivision (1). The director



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1625 shall promptly notify the respondent of the determination
1626 along with a copy of the director's assessment. The commission
1627 may not reinstate an investigation based on the same facts
1628 alleged in the complaint or investigation.

1629 (3) If the director determines there is sufficient
1630 evidence to indicate that a violation occurred, the director
1631 shall make a recommendation of appropriate penalties and shall
1632 immediately notify the respondent of the director's findings
1633 and recommended penalties, a reference to the particular
1634 provision of this chapter or the Fair Campaign Practice Act
1635 which was violated, and a copy of the complaint, including the
1636 identity of the complainant, together with any statement,
1637 evidence, or information received from the complainant,
1638 witnesses, or other individuals or discovered in the course of
1639 the investigation.

1640 (4) Notice provided to the respondent pursuant to this
1641 subsection shall be by personal service or by certified mail,
1642 return receipt requested.

1643 (e) A respondent found by the director to have violated
1644 this chapter or the Fair Campaign Practices Act under
1645 subdivision (d)(3) shall have 21 days after receiving notice
1646 of a violation to request a contested case hearing before the
1647 commissioners. If at the end of the 21-day period the
1648 respondent does not request a hearing, the director shall
1649 notify and provide the commissioners with a written record
1650 along with the director's assessment and recommendations for
1651 penalties.

1652 (f) At the official meeting of the commissioners held



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1653 after receiving notification under subsection (e), the
1654 commissioners shall:

1655 (1) Approve the director's assessment and
1656 recommendations for penalties;

1657 (2) Revise the assessment and penalties, in which case
1658 the respondent shall have an additional 21 days to request a
1659 contested case hearing;

1660 (3) Request a contested case hearing; or

1661 (4) Dismiss the matter.

1662 (g) Prior to an official meeting of the commissioners
1663 pursuant to subsection (f), the commissioners may not discuss
1664 any matter relating to a respondent's case with the director
1665 or with any other employee of the commission unless the
1666 respondent and his or her legal counsel are given the
1667 opportunity to also be present during any such discussion.

1668 §36-25B-85 Contested Case Hearings

1669 (a) (1) If a contested case hearing is requested, the
1670 commission shall set a hearing date of not less than 45 days
1671 after receiving the request and shall immediately provide
1672 notice to the respondent. Notice shall include the time and
1673 place of the hearing, all information in any form that arises
1674 out of or relates to the complaint, including but not limited
1675 to, all statements, evidence, testimony, and other information
1676 received from the complainant, witnesses, or other
1677 individuals, or discovered in the course of the investigation.
1678 The commission shall not discourage individuals with knowledge
1679 arising out of or relating to the complaint, including
1680 individuals who were interviewed by, or gave statements to,



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1681 the commission, whether or not the statements were the basis
1682 of the commission's findings, from providing that information
1683 to the respondent or his or her legal counsel.

1684 (2) Upon the timely request of the respondent, the
1685 commission shall postpone the hearing for not less than 90
1686 days.

1687 (b) Any additional relevant facts or evidence
1688 discovered by the director or employee of the commission or
1689 put in the possession of a commissioner after the conclusion
1690 of the investigation but before or during the hearing shall
1691 immediately be provided to the respondent.

1692 (c) The commissioners shall preside over any contested
1693 case hearing held pursuant to this section. The commission
1694 shall provide the respondent the opportunity to respond and
1695 present evidence and argument on all material issues involved,
1696 call witnesses, be represented by legal counsel at his or her
1697 own expense, and be present along with his or her legal
1698 counsel during all deliberations of the commissioners. If
1699 requested by the respondent, the proceedings shall be
1700 transcribed by the appointed court reporter and a copy of the
1701 transcribed proceedings shall be timely provided to the
1702 respondent at the respondent's expense.

1703 (d) Outside of an official hearing proceeding, if the
1704 director or any other employee of the commission is present in
1705 any commissioner deliberations on any matter relating to a
1706 respondent's case, the respondent and his or her legal counsel
1707 must be given the opportunity to also be present during the
1708 deliberation.



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1709 (e) The record of a hearing shall include all evidence
1710 considered and a written statement of the findings of the
1711 commission members. Findings of fact shall be based solely on
1712 the evidence in the record. The respondent shall have the
1713 right to supplement the record of the hearing, including any
1714 transcript of the hearing and all statements, evidence,
1715 testimony, and other information that the respondent offered
1716 into evidence at the hearing, whether or not the commission
1717 accepted the information into evidence.

1718 (f) If the respondent does not request a hearing or
1719 does not participate in a hearing, the commissioners' decision
1720 is final, a penalty may be imposed, and the respondent, absent
1721 good cause shown, may not appeal the decision.

1722 §36-25B-86 Confidentiality of Investigations

1723 (a) Prior to the disposition of a matter, the
1724 commissioners, director, and employees of the commission shall
1725 keep confidential and may not publicly disclose information
1726 relating to an investigation, including the identity of the
1727 respondent. In no event may an investigation or any part of
1728 the record be made public or available on the commission's
1729 website if the case is dismissed under Section
1730 36-25B-84(d)(2).

1731 (b) This section does not prohibit a respondent or a
1732 witness or other individual from disclosing information
1733 relating to an investigation. The fact that an individual who
1734 is not a commissioner, director, or commission employee
1735 discloses information relating to an investigation does not
1736 grant the commissioners, director, or commission employees the



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1737 authority to discuss or disclose the existence of the
1738 investigation or any information relating to the
1739 investigation.

1740 §36-25B-87 Criminal Referrals

1741 (a) If at any time during the course of reviewing a
1742 complaint or conducting an investigation, the director has
1743 reason to believe a criminal violation has been committed, the
1744 director or general counsel shall present the relevant and
1745 applicable evidence and other factors to the commissioners
1746 and, upon the affirmative vote of the majority of the
1747 commissioners, the director shall promptly notify the Attorney
1748 General or the appropriate district attorney and provide all
1749 evidence obtained by, or in the possession of, the commission.

1750 (b) The imposition of a penalty by the commission does
1751 not prohibit the Attorney General or a district attorney from
1752 pursuing criminal charges based on the same or related
1753 conduct.

1754 §36-25B-88 Penalties

1755 (a) Any person subject to this chapter who
1756 intentionally makes a false statement on any report,
1757 registration, or statement pursuant to this chapter is subject
1758 to a civil penalty not to exceed one thousand dollars
1759 (\$1,000).

1760 (b) Any individual who makes or transmits a complaint
1761 pursuant to this chapter which contains information or
1762 statements the individual knows to be false is subject to a
1763 civil penalty not to exceed one thousand dollars (\$1,000) and
1764 shall be liable for the actual legal expenses incurred by the



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1765 respondent against whom the false report or complaint was
1766 filed.

1767 (c) Any individual who intentionally makes false
1768 statements to an employee of the commission or member of the
1769 commission pursuant to this chapter is subject to a civil
1770 penalty not to exceed one thousand dollars (\$1,000).

1771 (d) For a violation of this chapter, unless otherwise
1772 specified, the commission may:

1773 (1) Issue a private warning or public reprimand;

1774 (2) Enter into a consent decree;

1775 (3) Impose a civil penalty up to or commensurate with
1776 the economic gain to the violator; or

1777 (4) Order restitution, if applicable, up to or
1778 commensurate with the economic loss to a governmental body.

1779 (e) Restitution collected by the commission shall be
1780 paid to the governmental body suffering the economic loss.

1781 (f) The commission may not impose any civil penalty for
1782 a violation of Article 3 until receiving approval of the
1783 penalty by the Attorney General or appropriate district
1784 attorney.

1785 (g) If a person fails to pay any civil penalty or
1786 restitution, the commission may file an action to collect the
1787 penalty in a court of competent jurisdiction in Montgomery
1788 County. The person shall be responsible for paying all costs
1789 associated with the collection of the civil penalty or
1790 restitution.

1791 §36-25B-89 Reconsideration of Contested Case Hearings

1792 If the respondent discovers new evidence that comes to



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1793 his or her knowledge after the final determination was made by
1794 the commissioners in a case hearing and that evidence would
1795 not have been discovered sooner through the exercise of due
1796 diligence, the respondent may petition the commission for
1797 reconsideration, regardless of whether the respondent had
1798 requested a contested case hearing. Upon receiving a petition,
1799 the commission shall stay any collection of any penalty
1800 pending a determination by the commissioners whether to
1801 reconsider the respondent's case. If the commissioners reject
1802 the respondent's petition, the respondent shall have the
1803 opportunity to file an appeal under Section 36-25B-90,
1804 regardless of whether the respondent had requested a contested
1805 case hearing.

1806 §36-25B-90 Appeals

1807 Within 30 days of a final order or decision of the
1808 commissioners in a contested case hearing imposing a penalty
1809 under this article or within 30 days of a rejection of a
1810 petition for reconsideration, any person aggrieved by the
1811 final order or decision may file a petition for appeal in a
1812 court of competent jurisdiction in Montgomery County.

1813 Section 8. The Code Commissioner shall conform
1814 references in the Code of Alabama 1975, to reflect the changes
1815 made by this act. Code changes, including the renumbering of
1816 references to Chapter 25, Title 36, to reflect the appropriate
1817 code sections in Chapter 25B, Title 36, as created by this
1818 act, shall be made at a time determined to be appropriate by
1819 the Code Commissioner.

1820 Section 9. Section 11-3-5, Code of Alabama 1975, is



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1821 amended to read as follows:

1822 "§11-3-5

1823 (a) ~~Except where a contract for goods or services is~~
1824 ~~competitively bid regardless of whether bidding is required~~
1825 ~~under Alabama's competitive bid law, no member of any county~~
1826 ~~commission and no business with which any county commissioner~~
1827 ~~is associated shall~~ A county commissioner, family member of a
1828 county commissioner, or associated business of a county
1829 commissioner may not be a party to any contract for goods or
1830 services with the county commission on which he or she serves,
1831 unless the contract is competitively bid, regardless of
1832 whether bidding is required under the competitive bid laws of
1833 this state. ~~Except where a contract for goods or services is~~
1834 ~~competitively bid regardless of whether bidding is required~~
1835 ~~under Alabama's competitive bid law, no county commission~~
1836 ~~shall award any contract to a family member of a county~~
1837 ~~commissioner.~~ Under no circumstances shall a county
1838 commissioner participate in the bid preparation or review of a
1839 bid that is received from the county commissioner, ~~a business~~
1840 ~~with which he or she is associated, or~~ a family member of the
1841 county commissioner, or an associated business of the county
1842 commissioner, and a county commissioner shall not deliberate
1843 or vote on acceptance of a bid submitted by the county
1844 commissioner, ~~a business with which he or she is associated,~~
1845 ~~or~~ a family member of the county commissioner, or an
1846 associated business of the county commissioner.

1847 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a
1848 family member to do any work for the county; provided,



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1849 however, the family member of a county commissioner may be
1850 employed by the county if the family member is hired pursuant
1851 to a county personnel policy that does not require a vote of
1852 the county commission or if the county commissioner does not
1853 participate in the hiring process through recommendation,
1854 deliberation, vote, or otherwise.

1855 (c) Any county commissioner in violation of this
1856 section shall be guilty of a Class A misdemeanor.

1857 ~~(d) In compliance with Section 36-25-11, any contract~~
1858 ~~executed with a member of the county commission or with a~~
1859 ~~business with which a county commissioner is associated shall~~
1860 ~~be filed with the Ethics Commission within 10 days after the~~
1861 ~~contract has been executed.~~

1862 (d) Any contract executed in violation of this section
1863 shall be void by operation of law and any ~~person~~ individual
1864 employed by the county in violation of this section shall
1865 forfeit his or her employment by operation of law.

1866 (e) For the purposes of this section, the ~~definition of~~
1867 ~~family member shall be the same as the definition in~~
1868 ~~subdivision (15) of Section 36-25-1 for the family member of a~~
1869 ~~public official terms~~ "family member" and "associated
1870 business" shall have the same meanings as defined in Section
1871 36-25B-2."

1872 Section 10. Although this bill would have as its
1873 purpose or effect the requirement of a new or increased
1874 expenditure of local funds, the bill is excluded from further
1875 requirements and application under Section 111.05 of the
1876 Constitution of Alabama of 2022, because the bill defines a



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1877 new crime or amends the definition of an existing crime.

1878 Section 11. This act shall become effective on June 1,

1879 2025.



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1880
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1882

House of Representatives

1883 Read for the first time and referred22-Feb-24
1884 to the House of Representatives
1885 committee on Ethics and Campaign
1886 Finance
1887
1888 Read for the second time and placed06-Mar-24
1889 on the calendar:
1890 1 amendment
1891
1892 Read for the third time and passed02-Apr-24
1893 as amended
1894 Yeas 79
1895 Nays 9
1896 Abstains 15
1897
1898
1899 John Treadwell
1900 Clerk
1901