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SYNOPSIS:

The existing code of ethics includes provisions that prohibit a public official or public employee from using his or her office or confidential information for personal gain and from accepting anything for the purpose of corruptly influencing official action. These violations carry criminal penalties.

This bill would revise the crime of bribery and would add a new crime of using public office for pecuniary gain to the criminal code.

Under existing law, the State Ethics Commission is responsible for administering and enforcing a code of ethics for public officials and public employees and enforcing certain aspects of the Fair Campaign Practices Act.

This bill would repeal and replace the existing code of ethics and revise the duties and powers of the commission.

Under existing law, the commission is overseen by five commission members who serve staggered, five-year terms and are appointed on a rotating basis by the Governor, Lieutenant Governor, and Speaker of the House of Representatives. The commission appoints a director to oversee the operations of the commission.

This bill would maintain this process and



29 provide a mechanism for the removal of the director of  
30 the commission.

31 This bill would provide for five-year terms for  
32 the director, who may be reappointed subject to Senate  
33 confirmation.

34 Under existing law, the State Ethics Commission  
35 may impose administrative penalties for minor  
36 violations or certain violations of the Fair Campaign  
37 Practices Act but refers criminal violations to the  
38 Attorney General or a district attorney.

39 This bill would transfer all criminal  
40 violations to the criminal code and would authorize the  
41 commission to impose private warnings, public  
42 reprimands, civil penalties, and restitution for  
43 violations of the ethics code or Fair Campaign  
44 Practices Act.

45 Under existing law, the commission is  
46 authorized to issue advisory opinions on a specific set  
47 of circumstances and publish formal advisory opinions.

48 This bill would explicitly authorize both  
49 formal and informal advisory opinions and establish  
50 certain publishing requirements, including the  
51 publication of the core principles articulated in  
52 informal opinions.

53 Under existing law, the commission conducts  
54 investigations and holds hearings regarding potential  
55 violations of the ethics law and the Fair Campaign  
56 Practices Act.



57                   This bill would require the commission to  
58 provide certain notice to a person under an ethics  
59 investigation by the commission.

60                   This bill would prohibit a state legislator  
61 from sponsoring or voting on legislation that could  
62 lead to a conflict of interest, would prohibit a public  
63 official or public employee from taking official action  
64 that could lead to a conflict of interest, and would  
65 define "conflict of interest."

66                   This bill would prohibit certain entities  
67 seeking to influence official action before a  
68 governmental body, including a lobbyist, termed a  
69 "prohibited source," from giving gifts to certain  
70 public servants and would prohibit public servants from  
71 accepting gifts from certain prohibited sources. This  
72 bill would define "gift" to be anything valued over  
73 \$100, with certain exceptions.

74                   Under existing law, certain public officers and  
75 public employees must annually file with the commission  
76 a statement of economic interests which are posted on  
77 the commission's website. This bill would revise who  
78 must file a statement of economic interests and what  
79 information must be disclosed on a statement. This bill  
80 would also require the redaction of certain personal  
81 information on a statement from publication by the  
82 commission.

83                   Under existing law, public servants generally  
84 may not serve as a lobbyist before their former



85 governmental bodies for two years after leaving service  
86 or upon the completion of their term.

87 This bill would revise the revolving door  
88 provisions to allow certain public-to-public transfers  
89 in employment and would further provide for the scope  
90 of the revolving door restrictions.

91 This bill would authorize the Attorney General  
92 to issue certain opinions and authorize certain public  
93 servants to request an opinion.

94 This bill would also define terms and make  
95 conforming changes to existing law.

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100 A BILL  
101 TO BE ENTITLED  
102 AN ACT

103  
104 Relating to government ethics; to amend Sections  
105 13A-10-60 and 13A-10-61, Code of Alabama 1975, to provide  
106 further for the crime of bribery; to add Section 13A-10-61.1,  
107 Code of Alabama 1975, to establish the crime of using public  
108 office for pecuniary benefit; to repeal Sections 13A-10-62 and  
109 13A-10-82, relating to crimes in public office; to repeal  
110 Chapter 25 and add a new Chapter 25B to Title 36, Code of  
111 Alabama 1975, to replace the public ethics code; to provide  
112 further for the appointment of members of the State Ethics



113 Commission and the director of the commission; to revise the  
114 duties of the commission; to revise the scope of penalties for  
115 violations of the ethics code to include private censures and  
116 public reprimands and to exclude criminal violations; to  
117 provide for appeals of decisions of the commission; to provide  
118 further for formal and informal advisory opinions issued by  
119 the commission; to revise who must file and what must be  
120 disclosed in the Statement of Economic Interests; to provide  
121 definitions; to prohibit public servants from taking official  
122 action that would result in a conflict of interest; to  
123 prohibit certain persons termed "prohibited sources" from  
124 giving gifts to certain public servants and prohibit public  
125 servants from receiving gifts from certain prohibited sources;  
126 to revise the revolving door provisions; to add Section  
127 36-15-1.2 to the Code of Alabama 1975, to further provide for  
128 the duties of the Attorney General; to amend Section 11-3-5,  
129 Code of Alabama 1975, to make conforming changes to provisions  
130 governing certain public contracts entered into by counties;  
131 to define terms; and in connection therewith would have as its  
132 purpose or effect the requirement of a new or increased  
133 expenditure of local funds within the meaning of Section  
134 111.05 of the Constitution of Alabama of 2022.

135 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

138 "§13A-10-60

139 (a) The definitions contained in Section 13A-10-1 are  
140 applicable in this article unless the context otherwise



141 requires.

142 (b) The following definitions also apply to this  
143 article:

144 (1) BENEFIT. Any gain or advantage to the beneficiary,  
145 including any gain or advantage to a third person pursuant to  
146 the desire or consent of the beneficiary.

147 ~~(2)~~ (3) PECUNIARY BENEFIT. Benefit in the form of money,  
148 property, commercial interests, or anything else the primary  
149 significance of which is economic gain. Expenses associated  
150 with social occasions afforded public servants and party  
151 officers shall not be deemed a pecuniary benefit within the  
152 meaning of this article.

153 ~~(3)~~ (4) PUBLIC SERVANT. ~~As used in this article, such~~  
154 ~~term includes persons~~ An individual who presently ~~occupy~~  
155 occupies the position of a public servant, as defined in  
156 Section 13A-10-1 ~~(7)~~, or ~~have~~ has been elected, appointed, or  
157 designated to become a public servant although not yet  
158 occupying that position.

159 ~~(4)~~ (2) PARTY OFFICER. ~~A person~~ An individual who holds  
160 any position or office in a political party, whether by  
161 election, appointment, or otherwise."

162 "§13A-10-61

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

164 (1) He or she offers, confers, or agrees to confer ~~any~~  
165 ~~thing of value~~ anything upon a public servant or any person  
166 closely associated with the public servant with the intent  
167 that the public servant's vote, opinion, judgment, exercise of  
168 discretion, or other action in his or her official capacity



169 will thereby be corruptly influenced; or

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

176 (b) For purposes of this section, "person closely  
177 associated with the public servant" means a spouse, dependent,  
178 or associated business as the term "associated business" is  
179 defined in Section 36-25B-2, of the public servant.

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

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

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

188 §13A-10-61.1

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

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

194 (2) A public servant knowingly uses or causes to be  
195 used equipment, facilities, time, materials, human labor, or  
196 other public property under his or her discretion or control



197 for the pecuniary benefit of the public servant or any other  
198 person, or for a principal campaign committee, as defined in  
199 Section 17-5-2.

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

205 (b) It is not a violation of this section in any of the  
206 following circumstances:

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

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

213 (3) The use or disclosure of information under  
214 subdivision (a) (3) was, at the time of use or disclosure,  
215 publicly known or readily available to the general public  
216 through the public servant's governmental body or any other  
217 public source.

218 (c) (1) If a public servant violates this section and  
219 the pecuniary benefit to the public servant or other person  
220 is less than one thousand dollars (\$1,000), the Attorney  
221 General or applicable district attorney may refer the matter  
222 to the State Ethics Commission for a determination by the  
223 commission of whether the public servant violated Section  
224 36-25B-40 or any other provision of the Alabama Ethics Act.





225 (2) A public servant who violates this section, upon  
226 conviction, is guilty of a Class A misdemeanor when the  
227 pecuniary benefit to the public servant or other person is  
228 material but less than ten thousand dollars (\$10,000).

229 (3) A public servant who violates this section, upon  
230 conviction, is guilty of a Class C felony when the pecuniary  
231 benefit to the public servant or other person is equal to or  
232 exceeds ten thousand dollars (\$10,000), but less than one  
233 hundred thousand dollars (\$100,000).

234 (4) A public servant who violates this section, upon  
235 conviction, is guilty of a Class B felony when the pecuniary  
236 benefit to the public servant or other person is equal to or  
237 exceeds one hundred thousand dollars (\$100,000).

238 Section 3. Section 13A-10-62, which specifies the crime  
239 of failing to disclose a conflict of interest, and Section  
240 13A-10-82, which specifies the crime of misuse of public  
241 information, are repealed.

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

244 §36-15-1.2

245 (a) Upon the request of any public servant, as that  
246 term is defined in Section 13A-10-60, or upon his or her own  
247 volition, the Attorney General shall give his or her opinion,  
248 in writing, on any question of law under Section 13A-10-61.1  
249 as it relates to any proposed conduct or activity as presented  
250 in the request or opinion, whether based on real or  
251 hypothetical circumstances.

252 (b) The Attorney General shall establish and publish on



253 its website guidelines on how to submit a request for an  
254 opinion under this section.

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

257 Section 5. Chapter 25 of Title 36, Code of Alabama  
258 1975, which sets forth the ethics laws for public officials  
259 and public employees, is repealed.

260 Section 6. A violation or offense of Chapter 25 of  
261 Title 36, Code of Alabama 1975, committed prior to June 1,  
262 2025, is not affected by the repeal of Chapter 25, and any  
263 prosecution or proceeding before the State Ethics Commission  
264 for any violation or offense in Chapter 25 pending on June 1,  
265 2025, shall proceed as if the chapter was not repealed.

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

268 Article 1. General Provisions

269 §36-25B-1 Short Title

270 This chapter shall be known and may be cited as the  
271 Alabama Ethics Act.

272 §36-25B-2 Definitions

273 Whenever used in this chapter, the following terms have  
274 the following meanings:

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

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



281 of the business.

282 (3) BUSINESS. Any corporation, partnership,  
283 proprietorship, firm, enterprise, franchise, self-employed  
284 individual, or other business entity.

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

286 (5) COMMISSION. The State Ethics Commission.

287 (6) CONFLICT OF INTEREST. A substantial financial  
288 interest that materially and uniquely affects a public servant  
289 or a person closely associated with a public servant in a  
290 manner different from the manner in which the financial  
291 interest affects other members of the class to which that  
292 public servant or person closely associated with a public  
293 servant belongs.

294 (7) DAY. Calendar day.

295 (8) DEPENDENT. An individual claimed as a dependent for  
296 income tax purposes.

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

298 (10) ECONOMIC DEVELOPMENT PROFESSIONAL. a. An  
299 individual seeking to advance specific, good faith economic  
300 development or trade promotion projects or related objectives  
301 for a business; a chamber of commerce or similar nonprofit  
302 economic development organization in this state; a city, a  
303 county, a political subdivision of the state; or a  
304 governmental corporation or authority.

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

308 (11) ENTITY. A business, union, association, committee,



309 club, organization, or other legal entity.

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

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

316 a. A lawful campaign contribution or a contribution to  
317 an inaugural or transition committee that is established by or  
318 on behalf of a public official elected or appointed to a  
319 public office.

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

323 c. Any financial transaction entered into in the  
324 ordinary course of business on terms generally available to  
325 similarly situated members of the public.

326 d. Anything paid for by a governmental body or an  
327 entity created by a governmental body to support the  
328 governmental body or secured by a governmental body under  
329 contract, except for tickets to a sporting event offered by an  
330 educational institution to any person other than faculty,  
331 staff, or administration of the institution.

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

334 f. Compensation or benefits earned or received from an  
335 associated business, from a client or prospective employer, or  
336 from a vendor of an associated business, unless the



337 circumstances make it clear that the purpose of the  
338 compensation or benefit is to substantially influence the  
339 public servant.

340 g. Flowers and items with little intrinsic value which  
341 are intended solely for presentations, such as plaques,  
342 certificates, and trophies, and promotional items commonly  
343 distributed to the general public.

344 h. Anything provided through inheritance.

345 (14) GOVERNMENTAL BODY. a. Any department, agency,  
346 office, commission, board, or other political subdivision at  
347 the state or local level in the executive, legislative, or  
348 judicial branch. The term includes local boards of education,  
349 public institutions of higher education, regulatory bodies,  
350 the Legislature, local legislative bodies, and public or  
351 private corporations or authorities established pursuant to  
352 state law for the purpose of carrying out a specific  
353 governmental function.

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

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

359 (16) LEGISLATURE. Includes both the Senate of Alabama  
360 and the House of Representatives of Alabama, and unless  
361 expressly specified otherwise, any committee or subcommittee  
362 thereof.

363 (17) LOBBY or LOBBYING. a. Any act to influence or  
364 attempt to influence:



365 1. Any legislative action, including executive  
366 amendment, veto, or approval of legislation;

367 2. Any rulemaking action; or

368 3. The awarding of a grant or contract with any  
369 governmental body.

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

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

373 2. Carrying out ongoing negotiations following the  
374 award of a bid or contract.

375 3. Rendering legal services in a legal matter before a  
376 governmental body.

377 4. Responding to a request from a public servant or  
378 governmental body for information.

379 5. Providing professional services in drafting bills,  
380 advising clients, and rendering opinions as to the  
381 construction and effect of proposed or pending legislation,  
382 executive action, or rules.

383 (18) LOBBYIST. a. An individual who is engaged in  
384 lobbying and receives compensation or reimbursement for such  
385 engagement. In the case of an individual who is an officer,  
386 director, manager of a limited liability company, employee, or  
387 an owner or holder of more than five percent of the fair  
388 market value of a business, the term only applies to that  
389 individual if he or she engages in lobbying for the entity as  
390 a regular and usual part of the individual's activities on  
391 behalf of the entity.

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



393 1. A reporter or editor while pursuing normal  
394 reportorial and editorial duties.

395 2. A public servant who lobbies as part of his or her  
396 official duties.

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

399 4. An individual acting as an economic development  
400 professional who is not otherwise required to register as a  
401 lobbyist, unless and until he or she seeks incentives through  
402 legislative action in the Legislature that are above and  
403 beyond, or in addition to, the then current statutory or  
404 constitutional authorization.

405 5. Any citizen not lobbying for compensation who is  
406 merely exercising his or her constitutional right to  
407 communicate with a governmental body.

408 (19) LOCAL LEGISLATIVE BODY. The term includes both of  
409 the following:

410 a. A county commission and any committee or  
411 subcommittee thereof.

412 b. A city council, city commission, town council, or  
413 other municipal council or commission, and any committee or  
414 subcommittee thereof.

415 (20) OFFENSE. A conclusive finding by the commission  
416 that a violation has occurred arising out of a specific set of  
417 circumstances. Second, third, and subsequent offenses are  
418 separate offenses that arise out of distinct sets of  
419 circumstances or events.

420 (21) PERSON. An individual or entity.



421 (22) PERSON CLOSELY ASSOCIATED. A family member or  
422 associated business.

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

424 a. The person or governmental body who employs, hires,  
425 or otherwise retains a lobbyist.

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

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

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

434 b. The principal of a lobbyist described in paragraph  
435 a.

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

438 d. A person that is conducting or seeking to conduct  
439 activities, other than ordinary activities conducted by the  
440 general population, that are regulated by the public servant's  
441 governmental body.

442 e. A person that is seeking or intends to seek official  
443 action or to influence official action by the public servant's  
444 governmental body.

445 (25) PUBLIC EMPLOYEE. a. An individual employed by a  
446 governmental body.

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

448 1. An individual employed on a part-time basis whose





449 employment is limited to providing professional services other  
450 than lobbying, the compensation for which, in aggregate of all  
451 compensation received from governmental bodies, constitutes  
452 less than 50 percent of the part-time employee's annual  
453 income.

454           2. An employee of a hospital or other health care  
455 corporation, including a contract employee of a hospital or  
456 health care corporation.

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

459           4. An individual employed or appointed to an insurance  
460 underwriting association or a guaranty association organized  
461 under Title 27 and subject to the immediate supervision of the  
462 Commissioner of Insurance.

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

466           b. The term does not include:

467           1. A judge or other individual governed by the Alabama  
468 Canons of Judicial Ethics; or

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

471           (27) PUBLIC SERVANT. A public employee or public  
472 official.

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



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

481 §36-25B-3 Construction of Chapter In Pari Materia

482 This chapter shall be construed in pari materia with  
483 other laws dealing with the subject of ethics, including, but  
484 not limited to, Title 13A.

485 §36-25B-4 Applicability of Chapter to Other Laws

486 Nothing in this chapter shall affect any other law that  
487 requires or exempts a person from complying with any provision  
488 of Chapter 25 of this title or the ethics laws of the state.  
489 Any reference to Chapter 25 of this title shall be considered  
490 a reference to this chapter.

491 §36-25B-5 Conducting Political Activity Allowed

492 Nothing in this chapter shall be deemed to limit the  
493 right of a public servant to publicly or privately express his  
494 or her support for, or to encourage others to support and  
495 contribute to, any principal campaign committee as defined in  
496 Section 17-5-2, political action committee as defined in  
497 Section 17-5-2, referendum, ballot question, issue, or  
498 constitutional amendment.

499 §36-25B-6 College and University Technology Transfer

500 Nothing in the chapter shall be deemed to limit or  
501 restrict the ability of public institutions of higher  
502 education, along with the public servants within the  
503 institutions, to accept and award grants, conduct research,  
504 collaborate with persons both within and outside the



505 institution, enter into technology transfer agreements, and  
506 otherwise commercialize, protect, and share intellectual  
507 property by agreement in accordance with institution policy.

508 §36-25B-7 Additional Discipline

509 Nothing in this chapter limits:

510 (1) The power of the Legislature or a local legislative  
511 body to discipline its own members or to impeach public  
512 officials; or

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

515 §36-25B-8 Whistleblower Protections

516 (a) As used in this section, "report of a violation" or  
517 "reports a violation" means a communication made in writing,  
518 in good faith, by a public servant to his or her supervisor or  
519 to the commission of a violation, or what the public servant  
520 believes in good faith to be a violation, of this chapter. The  
521 term includes, but is not limited to, filing a complaint,  
522 initiating a complaint, or giving truthful statements or  
523 truthful testimony concerning an alleged violation.

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

529 (2) A supervisor who violates this subsection shall be  
530 subject to civil action in circuit court. A public servant may  
531 bring a civil action in circuit court for an alleged violation  
532 of this subsection within two years after the occurrence of



533 the adverse action taken against the public servant. The court  
534 may order reinstatement of employment, payment of back wages,  
535 or compensatory damages, or any combination of these remedies  
536 in a civil action initiated under this subsection.

537 (c) Nothing in this chapter shall be construed in any  
538 manner to prevent or prohibit or otherwise limit a supervisor  
539 from disciplining, discharging, transferring, or otherwise  
540 affecting the terms and conditions of a public servant's  
541 employment so long as the disciplinary action does not result  
542 from, or is in no other manner connected with, the public  
543 servant's good faith filing of a complaint with the  
544 commission, giving truthful statements, or truthfully  
545 testifying in an investigation conducted by the commission.

546 (d) A public servant may not file a complaint or  
547 otherwise initiate action against another public servant,  
548 including his or her supervisor, without a good faith basis  
549 for believing the complaint to be true and accurate. A public  
550 servant who files a complaint without a good faith belief in  
551 the truthfulness and accuracy of the complaint shall be  
552 subject to a civil action in the circuit courts in the State  
553 of Alabama pursuant to the Alabama Rules of Civil Procedure  
554 and additionally is subject to appropriate and applicable  
555 personnel action.

556 Article 2. State Ethics Commission

557 §36-25B-20 Commission Established; Membership

558 (a) The State Ethics Commission is continued in  
559 existence as an instrumentality of the state under the  
560 direction and supervision of the commissioners.



561 (b) Members of the commission shall be composed of five  
562 individuals who shall be appointed on a rotating basis by the  
563 following public officials in the following repeating order:  
564 The Governor, the President of the Senate, and the Speaker of  
565 the House of Representatives. Appointments shall be subject to  
566 Senate confirmation.

567 (c) (1) Commissioners shall serve for a term of five  
568 years with a term beginning on September 1 of the year  
569 appointed and ending on August 31 of the fifth year of that  
570 term. Appointed individuals shall assume their duties on  
571 September 1 or immediately thereafter if appointed after the  
572 start of the term, even if not yet confirmed by the Senate. If  
573 a newly appointed commissioner is not confirmed during the  
574 first regular session of the Legislature in which confirmation  
575 may occur, the appropriate appointing authority shall appoint  
576 another individual who shall immediately begin serving and be  
577 subject to Senate confirmation no later than the next regular  
578 legislative session.

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

581 (3)a. The commission membership shall be inclusive so  
582 that diversity of gender, race, and geographical areas is  
583 reflective of the makeup of this state. One commissioner shall  
584 be licensed to practice law in this state and be a member in  
585 good standing of the Alabama State Bar Association, and one  
586 commissioner shall be a former elected public official who  
587 served at least two terms in public office. Each commissioner  
588 must be a resident of this state and of high moral character



589 and ability.

590           b. The following individuals are not eligible to be  
591 appointed or serve as commissioners:

- 592           1. A public servant.
- 593           2. A candidate.
- 594           3. A lobbyist or a principal.
- 595           4. A former employee of the commission.

596           (d) If at any time there is a vacancy in the membership  
597 of the commission, a successor commissioner shall be appointed  
598 by the original appointing authority to serve for the  
599 unexpired term and shall be subject to Senate confirmation as  
600 further provided in this section. A commissioner may not be  
601 reappointed to succeed himself or herself unless the prior  
602 service was for less than a full term. A vacancy in the  
603 membership of the commission does not impair the right of the  
604 remaining commissioners to exercise all the powers of the  
605 commissioners as a whole.

606           (e) Commissioners shall elect one member to serve as  
607 chair of the commission and one member to serve as vice chair.  
608 The vice chair shall act as chair in the absence or disability  
609 of the chair or in the event of a vacancy in that office.

610           (f) Three commissioners shall constitute a quorum. No  
611 official action may be taken by the commissioners in the  
612 absence of a quorum.

613           (g) The commissioners, while conducting official  
614 business, shall be entitled to receive compensation at the  
615 rate of two hundred fifty dollars (\$250) per day, and each  
616 commissioner, when approved by the chair, shall be paid his or



617 her travel expenses incurred in the performance of his or her  
618 duties as a commissioner as other state employees and  
619 officials are paid. If for any reason a commissioner wishes  
620 not to claim and accept the compensation or travel expenses,  
621 the commissioner shall inform the director, in writing, of the  
622 refusal. The commissioner, at any time during his or her term,  
623 may begin accepting compensation or travel expenses; however,  
624 the commissioner's refusal for any covered period shall act as  
625 an irrevocable waiver for that period.

626 §36-25B-21 Director and Other Employees of Commission

627 (a) (1) The commissioners shall appoint a full-time  
628 director who shall serve at the pleasure of the commissioners.  
629 The director shall be subject to confirmation by the Senate  
630 during the first regular session of the Legislature in which  
631 confirmation may occur, however this does not affect the right  
632 or authority of the director to act pending confirmation or  
633 rejection. If the director is not confirmed during the  
634 applicable legislative session, his or her service shall be  
635 terminated not more than 30 days after the applicable  
636 legislative session adjourns sine die and the commissioners  
637 shall immediately appoint another individual who shall  
638 immediately begin serving. The new director shall be subject  
639 to Senate confirmation no later than the next regular  
640 legislative session. No appointee whose confirmation is  
641 rejected by the Senate may be reappointed.

642 (2) Beginning June 1, 2025, the director shall serve  
643 for a term of five years and until a qualified successor is  
644 appointed. The director may be appointed for more than one



645 term, provided he or she is reconfirmed by the Senate as  
646 described in subdivision (1).

647 (3) If the Attorney General, after conducting an  
648 investigation, recommends to the Legislative Council that the  
649 director be removed for a cause described in Section 173 of  
650 the Constitution of Alabama of 2022, the director shall be  
651 removed if affirmed by a majority vote of the council members  
652 from the Senate and a majority vote of the council members  
653 from the House of Representatives.

654 (4) The compensation of the director shall be fixed by  
655 the commissioners, payable as the salaries of other state  
656 employees.

657 (5) Under the direction and supervision of the  
658 commissioners, the director shall be responsible for the  
659 administrative operations of the commission and shall  
660 administer this chapter in accordance with this chapter and  
661 rules and commission policies adopted thereunder.

662 (b) The director shall employ other employees of the  
663 commission as needed, including investigators, as necessary to  
664 conduct investigations under this chapter. All employees of  
665 the commission, except the director, shall be employed subject  
666 to the state Merit System, and their compensation shall be  
667 prescribed pursuant to that law. The employment of attorneys  
668 shall be subject to subsection (e).

669 (c) The investigators shall be and are constituted law  
670 enforcement officers of the State of Alabama with full and  
671 unlimited police power and jurisdiction to enforce the laws of  
672 this state pertaining to the operation and administration of





673 this chapter. Investigators shall be certified by the Alabama  
674 Peace Officers' Standards and Training Commission.  
675 Notwithstanding the foregoing, investigators shall only  
676 exercise their power of arrest as granted under this chapter  
677 pursuant to an order issued by a court of competent  
678 jurisdiction.

679 (d) The director may appoint certified court reporters  
680 to take and transcribe the testimony in any hearing or  
681 investigation before the commission or before any individual  
682 authorized by the commission, or as required under Section  
683 36-25B-85. The reporters are not full-time employees of the  
684 commission, are not subject to the state Merit System, and may  
685 not participate in the Employees' Retirement System of  
686 Alabama.

687 (e) The director may employ an individual as general  
688 counsel and other competent attorneys as legal counsel for the  
689 commission. Each attorney so appointed shall be licensed to  
690 practice law in this state and be a member in good standing of  
691 the Alabama State Bar Association.

692 (f) The director, commissioners, and all employees of  
693 the commission may not engage in partisan political activity,  
694 including making any campaign contribution, at the state,  
695 county, and local level, and may not make any public statement  
696 for a period of 120 days before an election about a candidate,  
697 regardless of whether or not a candidate has a matter pending  
698 before the commission, other than a comment directly relating  
699 to the final disposition of the matter. This subsection shall  
700 in no way limit or restrict an individual's ability to vote in



701 any election.

702 §36-25B-22 General Duties of Commission

703 The commission shall do all of the following:

704 (1) Inform and train public servants, candidates, and  
705 lobbyists of the ethics standards, reporting deadlines, and  
706 other requirements set forth in this chapter through regularly  
707 conducted and readily available educational programs and  
708 assist them in understanding and complying with those  
709 standards and requirements.

710 (2) Prescribe forms for reports and statements that are  
711 required to be filed under this chapter, establish guidelines  
712 and requirements for filing the reports and statements, and  
713 make the forms, guidelines, and requirements available for  
714 public servants, lobbyists, principals, prohibited sources,  
715 and any other person as needed or required.

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

720 (4) Examine all reports and statements filed with the  
721 commission and identify any discernible errors, omissions, or  
722 other violations of the filing requirements established  
723 pursuant to this chapter.

724 (5) Provide public access to copies of all reports and  
725 statements filed with the commission pursuant to this chapter,  
726 including publicly posting the reports and statements,  
727 excluding information specifically required to be redacted  
728 pursuant to this chapter.



729           (6) Maintain an official website that contains  
730 information as required pursuant to this chapter and other  
731 information as necessary to assist public servants, lobbyists,  
732 principals, prohibited sources, and other entities to comply  
733 with the requirements of this chapter while promoting  
734 transparency and public trust. Information posted on the  
735 commission's website shall be readily searchable and  
736 accessible to the public.

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

740           (8) Conduct full investigations and, if applicable,  
741 hold contested case hearings regarding potential violations of  
742 this chapter, as further provided in Article 5.

743           (9) Upon completion of an investigation and a hearing  
744 by the commission, make determinations whether violations of  
745 this chapter have occurred and impose civil penalties and  
746 restitution, if appropriate, issue private warnings or public  
747 reprimands, or enter into consent decrees, as further provided  
748 in this chapter.

749           (10) Report suspected criminal violations to the  
750 Attorney General or the appropriate district attorney, as  
751 applicable, for further investigation and potential  
752 prosecution.

753           (11) When in the commission's opinion a thorough audit  
754 of a governmental body should be conducted in order to  
755 determine whether this chapter has been violated, request the  
756 Department of Examiners of Public Accounts to have an audit



757 made and a report filed with the commission. The Department of  
758 Examiners of Public Accounts, upon receipt of the directive,  
759 shall comply therewith.

760 (12) At the close of each fiscal year, or as soon  
761 thereafter as practicable, report to the Legislature and the  
762 Governor concerning all official actions the commission has  
763 taken, the name, salary, and duties of the director, the names  
764 and duties of all individuals in its employ, the money it has  
765 disbursed, other relevant matters within its jurisdiction, and  
766 such recommendations for legislation as the commission deems  
767 appropriate. The commission shall post the report on the  
768 commission's website.

769 (13) Adopt rules pursuant to the Alabama Administrative  
770 Procedures Act, as needed or required, to implement this  
771 chapter.

772 §36-25B-23 Commission's Duties under the Fair Campaign  
773 Practices Act

774 In addition to the duties set forth in Section  
775 36-25B-22, the commission shall coordinate with the Secretary  
776 of State to implement the reporting requirements of the  
777 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,  
778 and shall do all of the following:

779 (1) Review and approve all forms created by the  
780 Secretary of State which are required by the Fair Campaign  
781 Practices Act prior to use and publication by the Secretary of  
782 State.

783 (2) Recommend accounting methods for candidates,  
784 principal campaign committees, and political action committees



785 in connection with reports and filings required by the Fair  
786 Campaign Practices Act.

787 (3) Review and approve a retention policy created by  
788 the Secretary of State for all reports, filings, and  
789 underlying documentation required by the Fair Campaign  
790 Practices Act prior to use and publication by the Secretary of  
791 State.

792 (4) Review and approve a manual created by the  
793 Secretary of State for all candidates, principal campaign  
794 committees, and political action committees describing the  
795 requirements of the Fair Campaign Practices Act prior to use  
796 and publication by the Secretary of State.

797 (5) Upon written request, provide advice or opinions  
798 concerning proposed future conduct or action as it relates to  
799 the Fair Campaign Practices Act in the form of either formal  
800 or informal opinions, as further provided in Section  
801 38-25B-27.

802 (6) Conduct audits of any filings required under the  
803 Fair Campaign Practices Act if evidence exists that an audit  
804 is warranted because of the filing of a complaint pursuant to  
805 Section 36-25B-81 or if there exists a material discrepancy,  
806 error, omission, or conflict on the face of any filing  
807 required by the Fair Campaign Practices Act.

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

811 (8) Conduct investigations and hold hearings regarding  
812 potential violations of the Fair Campaign Practices Act, as



813 further provided in Article 5.

814 (9) Upon completion of an investigation and hearing,  
815 make determinations whether probable cause exists that a  
816 criminal violation of the Fair Campaign Practices Act has  
817 likely occurred and if appropriate, refer the determination  
818 and all evidence and necessary information to the Attorney  
819 General or appropriate district attorney for further  
820 investigation and potential prosecution.

821 (10) Upon completion of an investigation and a hearing,  
822 if applicable, in which the commission conducts an  
823 administrative review of the assessment of civil penalties  
824 under Section 17-5-19.2, affirm, set aside, or reduce civil  
825 penalties as provided in Section 17-5-19.2.

826 §36-25B-24 Commission Funding

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

830 (b) Notwithstanding any other provision of law to the  
831 contrary, the annual appropriation to the commission in the  
832 State General Fund Appropriations Act shall not be less than  
833 one-tenth of one percent of the total State General Fund  
834 amount appropriated in the State General Fund Appropriations  
835 Act unless a lower appropriation amount is expressly approved  
836 by two-thirds of the membership of the House of  
837 Representatives and two-thirds of the membership of the  
838 Senate.

839 (c) All fees, penalties, and fines collected by the  
840 commission pursuant to this chapter shall be deposited into



841 the State General Fund.

842 (d) All monies collected as reasonable payment of costs  
843 for copying, reproductions, publications, and lists shall be  
844 deemed a refund against disbursement and shall be deposited  
845 into the appropriate fund account for the use of the  
846 commission.

847 §36-25B-25 Training

848 (a) The commission shall conduct regularly scheduled  
849 training programs on the requirements and restrictions of this  
850 chapter as they specifically apply to public servants,  
851 lobbyists, prohibited sources, and other individuals and  
852 entities subject to this chapter. The commission shall  
853 establish a schedule for training programs that provides:

854 (1) For members of the Legislature, in-person training  
855 not more than 65 days after the start of each quadrennium at a  
856 time agreeable to the director and the Legislative Council,  
857 and for any member whose service begins at a different time,  
858 in-person or online training not more than 60 days after being  
859 sworn into office.

860 (2) For statewide constitutional officers, cabinet  
861 members, and executive staff, as determined by the Governor,  
862 in-person training not more than 30 days after the Governor  
863 has been sworn into office at a time determined by the  
864 Governor, and for any individual whose service begins at a  
865 different time, in-person or online training not more than 60  
866 days after beginning service.

867 (3) For municipal mayors, council members and  
868 commissioners, county commissioners, and members of any local



869 board of education, in-person or online training not more than  
870 60 days after the beginning of the term of office at times  
871 agreeable to the director and the Alabama League of  
872 Municipalities, the Association of County Commissions of  
873 Alabama, and the Alabama Association of School Boards, and for  
874 any such official whose service begins at a different time,  
875 in-person or online training not more than 60 days after being  
876 sworn into office.

877 (4) For other public servants who are required to  
878 complete a statement of economic interests under Section  
879 36-25B-62, in-person or online training not more than 90 days  
880 after commencing public service.

881 (5) For lobbyists, in-person or online training not  
882 more than 30 days after submitting a lobbyists registration  
883 form under Section 36-25B-60.

884 (b) (1) The director, in consultation with the legal  
885 counsel or agency head of the applicable governmental body,  
886 shall determine the subject matter to be covered in the  
887 training programs which shall be customized to address the  
888 relevant requirements, prohibitions, and restrictions as they  
889 apply to the various individuals listed in subsection (a). At  
890 a minimum, training shall include a review of the current law  
891 and formal advisory opinions and a discussion of relevant  
892 cases or scenarios.

893 (2) Faculty for the training programs may include the  
894 staff of the commission, members of the faculties of the  
895 various law schools in the state, members of the press and  
896 media, and other individuals deemed appropriate by the





897 director.

898 (c) The director, by rule, shall determine the digital  
899 format of online training programs and for live, online  
900 training, the scheduled dates of the actual training. Evidence  
901 of completion of online training may be provided to the  
902 commission via an electronic reporting system provided on the  
903 commission's website.

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

906 (e) The training for county commissioners required by  
907 subdivision (a) (3) may be satisfied by the successful  
908 completion of the 10-hour course on ethical requirements of  
909 public officials provided by the Alabama Local Government  
910 Training Institute established pursuant to Article 2 of  
911 Chapter 3 of Title 11. The Alabama Local Government Training  
912 Institute shall provide in writing to the commission quarterly  
913 the names of those county commissioners completing the  
914 institute's program.

915 (f) Attendance at any session of the training program  
916 shall be mandatory, except in the event the individual  
917 verifies he or she, in good faith, cannot or could not attend  
918 the training program. Any individual who fails to attend  
919 mandatory training or attend a mandatory makeup training  
920 session may be subject to a penalty.

921 (g) This section shall not preclude the commission from  
922 enforcing this chapter, including imposing penalties, against  
923 any individual subject to this chapter prior to the individual  
924 attending a mandatory training program.



925 §36-25B-26 Commission Website

926 The commission shall provide on its official website  
927 all of the following:

928 (1) A system for electronic filing of all statements,  
929 reports, registrations, and notices required by this chapter.  
930 The website shall include guidance on filing statements,  
931 reports, registrations, and notices, including reporting  
932 schedules.

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

935 a. All statements, registrations, reports, and other  
936 filings required by this chapter excluding information  
937 required to be redacted, searchable by the name of the filing  
938 party to which the filings pertain;

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

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

945 d. Formal advisory opinions and the core principles of  
946 informal advisory opinions, as further provided in Section  
947 36-25B-27.

948 §36-25B-27 Advisory Opinions

949 (a) (1) The commission shall issue formal advisory  
950 opinions, when requested, on the requirements of this chapter  
951 or the Fair Campaign Practices Act based on real or  
952 hypothetical sets of circumstances. Any person may submit a



953 written request to the commission for a formal advisory  
954 opinion in a form prescribed by the commission. The director  
955 shall complete and publish a draft formal advisory opinion,  
956 and the draft must be published on the commission's website  
957 not less than seven days before the commissioners meet to take  
958 official action on the draft formal opinion. Any person may  
959 submit comments to the commission on the draft. All comments  
960 received more than 24 hours in advance of the meeting of the  
961 commissioners shall be distributed to the commissioners before  
962 the meeting.

963 (2) Before taking effect, a formal advisory opinion  
964 must be adopted by a majority vote of the commissioners  
965 present at the official meeting of the commissioners. Once  
966 adopted, the formal advisory opinion shall be promptly  
967 published on the commission's website.

968 (3) The person at whose request the opinion was issued  
969 or any person in similar circumstances who may be affected by  
970 the formal advisory opinion may petition for reconsideration  
971 of a formal advisory opinion by submitting a written request  
972 in a form prescribed by the commission received no more than  
973 30 days after the date the commissioners voted to approve the  
974 formal advisory opinion.

975 (4) A formal advisory opinion shall protect the person  
976 at whose request the opinion was issued and any other person  
977 reasonably relying in good faith on the advisory opinion in a  
978 materially like circumstance from liability to the state, a  
979 county, or a municipal subdivision of the state because of any  
980 action performed or action refrained from in reliance on the



981 advisory opinion.

982 (5) Except as provided in subdivision (6), formal  
983 advisory opinions shall be deemed valid until expressly  
984 overruled or altered by the commission or a court of competent  
985 jurisdiction.

986 (6)a. On and after December 1, 2025, any formal  
987 advisory opinion issued before June 1, 2025, is void unless an  
988 individual has requested the continuance of an advisory  
989 opinion and the commission has affirmatively decided to uphold  
990 that opinion. Any action or course of action taken prior to  
991 December 1, 2025 that is in reliance on an advisory opinion  
992 issued by the commission prior to June 1, 2025, shall protect  
993 the person relying on the advisory opinion in accordance with  
994 this section.

995 b. Paragraph a. does not apply to or have any impact on  
996 advisory opinions or portions of advisory opinions pertaining  
997 to the laws and requirements of the Fair Campaign Practices  
998 Act.

999 (b) (1) Upon receiving a written request, the director  
1000 or general counsel of the commission may issue an informal  
1001 advisory opinion on the requirements of this chapter or the  
1002 Fair Campaign Practices Act based on a real or hypothetical  
1003 set of circumstances.

1004 (2) An informal advisory opinion is prospective and  
1005 shall be based on the facts presented, but does not have the  
1006 force and effect of a formal advisory opinion, nor does an  
1007 informal advisory opinion provide legal immunity to the  
1008 requesting person. However, there shall be a rebuttable



1009 presumption that a requesting person who acts in conformance  
1010 with an informal advisory opinion intended to comply with this  
1011 chapter or the Fair Campaign Practices Act and at a minimum,  
1012 shall be a mitigating factor.

1013 (3) Except as provided in subdivision (4), the  
1014 commissioners, director, and employees of the commission shall  
1015 keep confidential the existence of an informal advisory  
1016 opinion and the opinion itself along with the underlying  
1017 request, unless expressly waived by the person requesting the  
1018 opinion.

1019 (4) Not later than 30 days after each calendar quarter,  
1020 the commission shall summarize and publish on its website in a  
1021 readily searchable manner the core principles articulated by  
1022 the commission in the informal advisory opinions issued during  
1023 the previous calendar year. These principles shall be written  
1024 in a manner that does not reveal the identity of the requester  
1025 and any other person mentioned in the informal advisory  
1026 opinion and that does not allow members of the public to  
1027 otherwise ascertain the identities of these persons.

1028 (c) The commission's decision not to issue a formal or  
1029 informal advisory opinion does not create any presumption as  
1030 to whether the action upon which the request for an advisory  
1031 opinion was based does or does not violate this chapter or the  
1032 Fair Campaign Practices Act.

1033 (d) The commission may issue formal and informal  
1034 advisory opinions only if requested to do so in writing by a  
1035 person who is not a commissioner or employee of the  
1036 commission.



1037 Article 3. Restricted and Prohibited Acts

1038 §36-25B-40 Conflict of Interest

1039 (a) Consistent with the Constitution of Alabama of  
1040 2022, a member of the Legislature may not sponsor or vote on  
1041 any legislation when the member knows or reasonably should  
1042 know that:

1043 (1) He or she has a conflict of interest; or

1044 (2) By sponsoring or voting on the legislation, he or  
1045 she would materially and uniquely benefit a business client  
1046 and increase his or her economic value to the client.

1047 (b) Except as otherwise provided by law, a public  
1048 servant may not take official action on a particular matter  
1049 when the public servant knows or reasonably should know he or  
1050 she has a conflict of interest.

1051 (c) (1) In addition to any other penalty provided for in  
1052 Section 36-25B-88, a public servant who violates this section  
1053 shall be subject to a civil penalty up to three times the  
1054 economic gain to the public servant.

1055 (2) For a second or subsequent offense, in addition to  
1056 the penalty in subdivision (1), the commission shall promptly  
1057 notify the Attorney General or the appropriate district  
1058 attorney and provide all evidence obtained by, or in the  
1059 possession of, the commission. In addition, the commission may  
1060 notify the appropriate public servant or governmental body who  
1061 has authority to discipline or remove the public servant from  
1062 office or employment.

1063 §36-25B-41 Steering Contracts or Business Prohibited

1064 (a) A public servant may not approve, direct, vote for,



1065 or otherwise influence or attempt to influence any official  
1066 action of the public servant's governmental body to direct or  
1067 steer contracts, grants, awards, or financial business from  
1068 the public servant's governmental body to any person if the  
1069 public servant knows or should know that the contract, grant,  
1070 award, or financial business would directly benefit the public  
1071 servant, an associated business of the public servant, or any  
1072 family member of the public servant. For purposes of this  
1073 section only, "family member" means a child, parent, sibling,  
1074 grandchild, grandparent, aunt, uncle, niece, nephew, cousin,  
1075 or spouse, or the child, parent, or sibling of the spouse.

1076 (b) (1) In addition to any other penalty provided for in  
1077 Section 36-25B-88, a public servant who violates this section  
1078 shall be subject to a civil penalty up to three times the  
1079 economic gain to the public servant, associated business, or  
1080 family member.

1081 (2) For a second or subsequent offense, in addition to  
1082 the penalty in subdivision (1), the commission shall promptly  
1083 notify the Attorney General or the appropriate district  
1084 attorney and provide all evidence obtained by, or in the  
1085 possession of, the commission. In addition, the commission may  
1086 notify the appropriate public servant or governmental body who  
1087 has authority to discipline or remove the public servant from  
1088 office or employment.

1089 §36-25B-42 Gift Ban

1090 (a) (1) A public servant may not solicit or accept a  
1091 gift from any person the public servant knows or should know  
1092 is a prohibited source.



1093           (2) Any person who knows or should know that he or she  
1094 is a prohibited source may not offer or provide a gift to a  
1095 public servant or any person closely associated with a public  
1096 servant.

1097           (b) Notwithstanding subsection (a), a prohibited source  
1098 may make payment of or reimbursement for actual and necessary  
1099 registration and travel expenses, including reasonable food,  
1100 beverages, hospitality, and lodging expenses incurred by  
1101 attendance by a public servant and his or her family members  
1102 at:

1103           (1) An educational function of which the prohibited  
1104 source is a sponsor, provided the expenses are reported to the  
1105 commission in accordance with Section 36-25B-61. For purposes  
1106 of this subdivision, "educational function" means a meeting,  
1107 event, or activity that is organized around a formal program  
1108 or agenda of educational or informational speeches, debates,  
1109 panel discussions, or other presentations concerning matters  
1110 within the scope of the participant's official duties or other  
1111 matters of public policy.

1112           (2) An economic development function of which the  
1113 prohibited source is a sponsor. For purposes of this  
1114 subdivision, "economic development function" means any  
1115 function reasonably and directly related to the advancement of  
1116 a specific, good-faith economic development or trade promotion  
1117 project or objective.

1118           (3) Any event of which a prohibited source is a sponsor  
1119 where the public servant's attendance at the event is  
1120 appropriate to the performance of his or her official duties





1121 or representative function, provided the expenses are reported  
1122 to the commission in accordance with Section 36-25B-61.

1123 (c) Notwithstanding subsection (a), food, beverages,  
1124 and hospitality may be provided by a prohibited source and  
1125 accepted by a public servant and his or her family members in  
1126 the following conditions, provided the event details are  
1127 reported to the commission in accordance with Section  
1128 36-25B-61:

1129 (1) At a reception or similar event other than in the  
1130 form of a seated meal, at which it is reasonably expected that  
1131 more than 25 individuals will attend.

1132 (2) At a seated meal of mutual interest to a number of  
1133 parties at which it is reasonably expected that more than 12  
1134 individuals will attend and that individuals with a diversity  
1135 of views or interests will be present.

1136 (3) At an event where all members of the Legislature, a  
1137 local legislative body, a legislative caucus registered under  
1138 Chapter 5 of Title 17, or a legislative committee are invited  
1139 or are eligible to register for the event.

1140 (d) It is not a violation of this section in either of  
1141 the following circumstances:

1142 (1) The gift is offered or provided as the result of a  
1143 familial relationship, unless the circumstances make it clear  
1144 that the gift is not motivated by the familial relationship  
1145 and that the gift is intended to substantially influence the  
1146 recipient's official activities.

1147 (2) The gift is offered or provided as the result of a  
1148 friendship, unless the circumstances make it clear that the



1149 gift is not motivated by the friendship and that the gift is  
1150 intended to substantially influence the recipient's official  
1151 activities.

1152 (e) A person who violates this section shall be subject  
1153 to the following penalties:

1154 (1) For a first offense, a civil penalty of no more  
1155 than two times the value of the gift. In lieu of a civil  
1156 penalty, the commission may issue a public reprimand for a  
1157 first time violation if the commission determines the person  
1158 did not know the value of the gift was more than one hundred  
1159 dollars (\$100).

1160 (2) For a second offense, a civil penalty of three  
1161 times the value of the gift.

1162 (3) For a third or subsequent offense, a civil penalty  
1163 of five times the value of the gift and the commission shall  
1164 promptly notify the Attorney General or the appropriate  
1165 district attorney and provide all evidence obtained by, or in  
1166 the possession of, the commission. In addition, the commission  
1167 may notify the appropriate public servant or governmental body  
1168 that has authority to discipline or remove the public servant  
1169 from office or employment.

1170 (f) The commission shall adopt rules to do both of the  
1171 following:

1172 (1) Provide guidance on what constitutes hospitality  
1173 for purposes of this section.

1174 (2) Allow for, but not require, pre-certification of  
1175 events and activities described in subsections (b) and (c).

1176 §36-25B-43 Solicitation of Subordinates Prohibited



1177 Other than in the ordinary course of business, a  
1178 supervisor of any governmental body may not solicit a gift  
1179 from a subordinate.

1180 §36-25B-44 Charitable Fundraising

1181 Nothing in this article prohibits a public servant or  
1182 his or her family member, regardless of whether he or she  
1183 serves on the board of directors of the nonprofit entity, from  
1184 conducting fundraising activities for a nonprofit entity,  
1185 which may include soliciting monetary donations or other items  
1186 from prohibited sources, provided, (i) the public servant is  
1187 not acting in his or her official capacity, (ii) the public  
1188 servant or a person closely associated with the public servant  
1189 will not receive any personal financial benefit from the  
1190 fundraising activities, and (iii) no public resources are used  
1191 to conduct the fundraising activities, except as authorized by  
1192 law or agency policy.

1193 §36-25B-45 Outside Employment

1194 Nothing in this article prohibits or restricts an  
1195 individual appointed or elected to public office, once taking  
1196 office, from continuing to engage in outside employment in his  
1197 or her profession or skill. The mere fact that a public  
1198 official's compensation in his or her outside employment  
1199 increases while the public official is in office does not  
1200 create a presumption that the increase is related to or on  
1201 account of his or her official office or position.

1202 §36-25B-46 Elected Officials Prohibited from Lobbying

1203 (a) (1) A public official elected or appointed to a  
1204 state office or a member of the Legislature, while holding



1205 office, may not serve as a lobbyist before any governmental  
1206 body.

1207 (2) Nothing in this subsection shall be construed to  
1208 prohibit a public official from engaging, while in office, in  
1209 outside employment in his or her profession or field of  
1210 expertise, including representing a client before a  
1211 governmental body of which the public official is not a  
1212 member, provided such engagement is not related to his or her  
1213 official duties.

1214 (3) This subsection shall not be construed to prohibit  
1215 a public official elected or appointed to a state office or a  
1216 member of the Legislature from performing his or her official  
1217 duties or responsibilities.

1218 (b)(1) A public official elected or appointed to a  
1219 county or municipal office, while holding office, may not  
1220 serve as a lobbyist before any governmental body within the  
1221 geographical jurisdiction of the county or municipal office  
1222 for which the public official is serving.

1223 (2) Nothing in this subsection shall be construed to  
1224 prohibit a public official from engaging, while in office, in  
1225 outside employment in his or her profession or field of  
1226 expertise, including representing a client before a  
1227 governmental body of which the public official is not a  
1228 member, provided such engagement is not related to his or her  
1229 official duties.

1230 (3) This subsection shall not be construed to prohibit  
1231 a public official elected or appointed to a county or  
1232 municipal office from performing his or her official duties or



1233 responsibilities.

1234 (c) (1) A public official who violates this section  
1235 shall be subject to a civil penalty up to or commensurate with  
1236 the economic gain to the public official.

1237 (2) For a second or subsequent offense, in addition to  
1238 the penalty in subdivision (1), the commission shall promptly  
1239 notify the Attorney General or the appropriate district  
1240 attorney and provide all evidence obtained by, or in the  
1241 possession of, the commission. In addition, the commission may  
1242 notify the appropriate public servant or governmental body who  
1243 has authority to discipline or remove the public servant from  
1244 office or employment.

1245 §36-25B-47 Revolving Door Prohibitions

1246 (a) An appointed public official, for a period of two  
1247 years after leaving service, may not serve as a lobbyist  
1248 before the governmental body for which he or she had served.

1249 (b) An elected public official, for a period of two  
1250 years after leaving service or the expiration of the term to  
1251 which he or she was elected, whichever is longer, may not  
1252 serve as a lobbyist before the governmental body for which he  
1253 or she had served.

1254 (c) A public employee or an individual who works for a  
1255 governmental body pursuant to a consulting agreement, agency  
1256 transfer, loan, or similar arrangement, for a period of two  
1257 years after leaving the employment or other arrangement, may  
1258 not serve as a lobbyist before the governmental body for which  
1259 he or she had worked.

1260 (d) A public servant who has authority over



1261 procurements or who recommends or materially influences the  
1262 approval of grants, awards, or contracts for goods or  
1263 services, for a period of two years after leaving service or  
1264 employment, may not:

1265 (1) Enter into, solicit, or negotiate a grant, award,  
1266 or contract for goods or services with the governmental body  
1267 for which he or she had served or worked; and

1268 (2) Accept employment or enter into a consulting  
1269 agreement with a business that received a grant, award, or  
1270 contract for goods or services with the governmental body for  
1271 which he or she had served or worked within the preceding two  
1272 years, if the public servant actually recommended or  
1273 materially influenced the approval of the grant, award, or  
1274 contract.

1275 (e) A public servant who personally participates in the  
1276 direct regulation, audit, or investigation of a business, for  
1277 a period of two years after leaving service or employment, may  
1278 not solicit or accept employment or enter into a consulting  
1279 agreement with that business.

1280 (f) Nothing in this section shall limit or prohibit any  
1281 of the following:

1282 (1) A former public employee from resuming employment  
1283 with his or her former employer, unless otherwise restricted  
1284 or prohibited by law.

1285 (2) A former public employee from entering into a  
1286 consulting agreement with his or her former employer to  
1287 personally provide consulting services, unless otherwise  
1288 restricted or prohibited by law.



1289 (3) A public official or public employee from accepting  
1290 employment with another governmental body or another  
1291 department within the same governmental body and from  
1292 representing the interests of his or her public employer  
1293 before the governmental body for which he or she had served.

1294 (g) (1) A public servant or former public servant who  
1295 violates this section shall be subject to a civil penalty up  
1296 to or commensurate with the economic gain to the public  
1297 servant.

1298 (2) For a second or subsequent offense, in addition to  
1299 the penalty in subdivision (1), the commission shall promptly  
1300 notify the Attorney General or the appropriate district  
1301 attorney and provide all evidence obtained by, or in the  
1302 possession of, the commission. In addition, the commission may  
1303 notify the appropriate public servant or governmental body who  
1304 has authority to discipline or remove the public servant from  
1305 office or employment.

1306 §36-25B-48 Floor Privileges

1307 No former member of the House of Representatives or the  
1308 Senate of the State of Alabama shall be extended floor  
1309 privileges of either body in a lobbying capacity.

1310 §36-25B-49 Contingency Fee Lobbying Prohibited

1311 A principal or lobbyist may not accept compensation  
1312 for, or enter into a contract to provide, lobbying services  
1313 which is contingent upon the passage or defeat of any  
1314 legislative action.

1315 Article 4. Registration and Reporting Requirements

1316 §36-25B-60 Lobbyist Registration and Termination



1317 (a) Every lobbyist shall register by filing a form  
1318 prescribed by the commission no later than January 31 of each  
1319 year or within 10 days after the first undertaking requiring  
1320 such registration. Each lobbyist shall pay an annual fee of  
1321 two hundred dollars (\$200) on or before January 31 of each  
1322 year or within 10 days of the first undertaking requiring  
1323 registration.

1324 (b) The registration shall be in writing and shall  
1325 contain the following:

1326 (1) The registrant's full name and business address.

1327 (2) The full name and address of each of the  
1328 registrant's principal or principals.

1329 (3) A statement signed by each principal that he or she  
1330 has read the registration, knows its contents, and has  
1331 authorized the registrant to be a lobbyist on his or her  
1332 behalf as specified therein, and that no compensation will be  
1333 paid to the registrant contingent upon passage or defeat of  
1334 any legislative measure. If the principal is an entity, the  
1335 statement must be signed by the individual within the  
1336 principal who directs the activities of the lobbyist.

1337 (4) Either of the following:

1338 a. A list of each governmental body with whom he or she  
1339 engages or intends to engage in lobbying. For purposes of this  
1340 subdivision, each executive branch agency, department, board,  
1341 or commission shall be considered a separate entity and the  
1342 Legislature and each local legislative body shall be  
1343 considered a separate entity.

1344 b. An acknowledgment that the lobbyist is not limiting





1345 his or her ability to engage in lobbying before any specific  
1346 governmental body.

1347 (c) A registrant shall file a supplemental registration  
1348 indicating any substantial change or changes in the  
1349 information contained in the prior registration within 10 days  
1350 after the date of the change.

1351 (d) (1) A lobbyist who ceases to engage in activities  
1352 requiring registration shall file a written, verified  
1353 statement with the commission, on a form prescribed by the  
1354 commission by rule, acknowledging the termination of  
1355 activities. The notice shall be effective immediately.

1356 (2) An individual who files a notice of termination  
1357 pursuant to this section shall file the reports required  
1358 pursuant to Section 36-25B-61 for any reporting period during  
1359 which he or she was registered.

1360 §36-25B-61 Prohibited Source Reporting

1361 (a) A prohibited source shall report on a form  
1362 prescribed by the commission by rule:

1363 (1) The payment or reimbursement of registration and  
1364 travel expenses as permitted under Section 36-25B-42(b)(1) and  
1365 (b)(3); and

1366 (2) The provision of food, beverages, and hospitality  
1367 as permitted under Section 36-25B-42(c).

1368 (b) (1) For purposes of reporting of events described in  
1369 subdivision (a)(1), the report must disclose a description of  
1370 the event, the date or dates of the event, the monetary value  
1371 received by each public servant and his or her family members,  
1372 and the identity of the public servants and family members who



1373 attended the event.

1374 (2) For purposes of reporting of events described in  
1375 subdivision (a)(2), the report must include a description of  
1376 the event, the date of the event, and a list of the public  
1377 servants invited to the event.

1378 (c) Nothing in this section shall require an entity  
1379 whose officers or employees or their family members serve as  
1380 public servants under this chapter to report any expenditures  
1381 or reimbursements paid to the officers and employees for the  
1382 performance of their duties for the entity.

1383 (d) The report shall cover activity during a  
1384 three-month period and shall be filed no later than January  
1385 31, April 30, July 31, and October 31 for activity during the  
1386 preceding calendar quarter.

1387 (e)(1) A prohibited source other than a lobbyist or  
1388 principal shall file a report only if the prohibited source  
1389 conducts activity that must be reported pursuant to this  
1390 section.

1391 (2) A lobbyist or principal shall file a report each  
1392 quarter, regardless of whether any reportable activity was  
1393 conducted during the preceding quarter.

1394 (f) If a prohibited source files a report required  
1395 under this section after the reporting deadline, the  
1396 prohibited source shall pay a late fee, as prescribed by rule  
1397 of the commission, but not to exceed one hundred fifty dollars  
1398 (\$150).

1399 (g) A report required to be filed under this section  
1400 which is more than three months past due shall be deemed a



1401 failure to file a report. The commission may impose a fine for  
1402 failure to report as follows:

1403 (1) For a first offense, three hundred dollars (\$300).

1404 (2) For a second offense, six hundred dollars (\$600).

1405 (3) For a third or subsequent offense, one thousand two  
1406 hundred dollars (\$1,200).

1407 §36-25B-62 Statement of Economic Interests

1408 (a) No later than April 30 of each year, the following  
1409 public servants shall file with the commission a statement of  
1410 economic interests covering the period of the preceding  
1411 calendar year:

1412 (1) All elected public officials.

1413 (2) Each appointed member of a board, commission, or  
1414 authority having statewide jurisdiction other than boards,  
1415 commissions, and authorities that solely act in an advisory  
1416 capacity.

1417 (3) Each employee of the Legislature, the Legislative  
1418 Services Agency, and the Department of Examiners of Public  
1419 Accounts, other than those who have a purely administrative or  
1420 maintenance role.

1421 (4) All executive staff of the Governor.

1422 (5) The commissioners and all employees of the  
1423 commission.

1424 (6) The agency head of each governmental body, if paid  
1425 in whole or in part from state, county, or municipal funds.

1426 (7) The general counsel or lead attorney of each  
1427 governmental body.

1428 (8) Each public employee holding a position described



1429 in Section 36-26-10(b) (10).

1430 (9) Each public servant with power to grant or deny  
1431 land development permits.

1432 (10) Each appointed member of a local board,  
1433 commission, or authority, if paid in whole or in part from  
1434 state, county, or municipal funds, who receives compensation,  
1435 other than travel expenses or a per diem, for his or her  
1436 service on the board, commission, or authority.

1437 (11) All city and county school principals,  
1438 superintendents, and school board members.

1439 (12) The superintendent or chief executive officer and  
1440 members of the board of directors or board of trustees of all  
1441 state public K-12 schools.

1442 (13) Chief and assistant county building inspectors.

1443 (14) Any individual otherwise required by law to file a  
1444 statement of economic interests.

1445 (15) All public servants listed with the commission as  
1446 provided in subsection (b).

1447 (b) The agency head of each governing body, if paid in  
1448 whole or in part from state, county, or municipal funds, shall  
1449 provide annually to the commission, within a time frame  
1450 determined by rule of the commission, a list of each public  
1451 servant within the governing body who has independent  
1452 authority to perform any of the following duties, regardless  
1453 of whether the public servant actually performs such duties:

1454 (1) Makes discretionary decisions to expend public  
1455 funds in excess of ten thousand dollars (\$10,000) in a fiscal  
1456 year.



1457 (2) Awards or recommends contracts for goods or  
1458 services.

1459 (3) Awards or recommends economic incentives.

1460 (c) Notwithstanding subsection (d), a coach of an  
1461 athletic team of any four-year public institution of higher  
1462 education that receives state funds shall not be required to  
1463 include any income, donations, gifts, or benefits on his or  
1464 her statement of economic interests if the income, donations,  
1465 gifts, or benefits are a condition of the employment contract.

1466 (d) The statement shall be made on a form made  
1467 available by the commission and shall contain the following  
1468 information:

1469 (1) The name, occupation, and residential address of  
1470 the filing party; the name and occupation of each family  
1471 member of the filing party; and the name of each associated  
1472 business of the filing party.

1473 (2) The source and amount of income directly accrued by  
1474 the filing party and by his or her spouse, other than income  
1475 earned from serving in public employment, listed in the  
1476 following categorical amounts:

1477 a. Less than one thousand dollars (\$1,000).

1478 b. At least one thousand dollars (\$1,000) and less than  
1479 ten thousand dollars (\$10,000).

1480 c. At least ten thousand dollars (\$10,000) and less  
1481 than fifty thousand dollars (\$50,000).

1482 d. At least fifty thousand dollars (\$50,000) and less  
1483 than one hundred fifty thousand dollars (\$150,000).

1484 e. At least one hundred fifty thousand dollars



1485 (\$150,000) and less than two hundred fifty thousand dollars  
1486 (\$250,000).

1487 f. At least two hundred fifty thousand dollars  
1488 (\$250,000) or more.

1489 (3) The identity and value of real property, other than  
1490 his or her primary residence, owned by the filing party or by  
1491 his or her spouse.

1492 (4)a. Except as provided in paragraph b., a listing of  
1493 indebtedness by the filing party or his or her spouse showing  
1494 types and number of each as follows: Banks, savings and loan  
1495 associations, insurance companies, mortgage firms,  
1496 stockbrokers and brokerages or bond firms; and the  
1497 indebtedness to combined organizations in the following  
1498 categorical amounts:

1499 1. Less than twenty-five thousand dollars (\$25,000).

1500 2. Twenty-five thousand dollars (\$25,000) and less than  
1501 fifty thousand dollars (\$50,000).

1502 3. Fifty thousand dollars (\$50,000) and less than one  
1503 hundred thousand dollars (\$100,000).

1504 4. One hundred thousand dollars (\$100,000) and less  
1505 than one hundred fifty thousand dollars (\$150,000).

1506 5. One hundred fifty thousand dollars (\$150,000) and  
1507 less than two hundred fifty thousand dollars (\$250,000).

1508 6. Two hundred fifty thousand dollars (\$250,000) or  
1509 more.

1510 b. Mortgage debt on a primary residence and student  
1511 loans of the filing party or his or her spouse need not be  
1512 disclosed.



1513 (e) Before publishing a statement of economic interest  
1514 on the commission's website, the commission shall redact the  
1515 names of all family members and the residential address of the  
1516 filing party.

1517 (f) If the information required under this section is  
1518 not filed as required, the commission shall notify the filing  
1519 party as to his or her failure to so file, and the filing  
1520 party shall have 20 days to file the report after receipt of  
1521 the notification. After the 20-day period lapses, the  
1522 commission may assess a fine of twenty dollars (\$20) per day,  
1523 not to exceed one thousand dollars (\$1,000), for failure to  
1524 file timely.

1525 (g) (1) Upon petition, the commission shall waive the  
1526 filing requirement of this section if the filing party is  
1527 deceased or if the filing party was considered a public  
1528 servant and was subject to this chapter for a period of no  
1529 more than 30 days during the previous calendar year and as of  
1530 January 1 of the reporting year, has not been a public  
1531 servant.

1532 (2) Upon petition, the commission may waive the filing  
1533 requirement of this section if the filing party is incapable  
1534 of filing due to infirmity or due to active service in the  
1535 military.

1536 (h) A filing party who unintentionally neglects to  
1537 include any information relating to the financial disclosure  
1538 filing requirements of this section shall have 90 days to file  
1539 an amended statement of economic interests without penalty.

1540 §36-25B-63 Candidates Statement of Economic Interests



1541 (a) Not more than five days after a candidate files his  
1542 or her qualifying papers with the appropriate election  
1543 official or in the case of an independent candidate not more  
1544 than five days after the date the individual complies with the  
1545 requirements of Section 17-9-3, the candidate shall file with  
1546 the commission a statement of economic interests covering the  
1547 most recent calendar year for which public servants were  
1548 required to file pursuant to Section 36-25B-62. The  
1549 commission, for good cause shown, may allow the candidate an  
1550 additional five days to file the statement of economic  
1551 interests.

1552 (b) (1) Each election official who receives a  
1553 declaration of candidacy or petition to appear on the ballot  
1554 for election from a candidate, within five days of the  
1555 receipt, shall notify the commission of the name of the  
1556 candidate and the date on which the individual became a  
1557 candidate.

1558 (2) The commission, within five business days of  
1559 receipt of such notification, shall notify the election  
1560 official whether the candidate has complied with subdivision  
1561 (1).

1562 (c) (1) In addition to filing a statement of economic  
1563 interests pursuant to subsection (a), an individual who  
1564 remains qualified as a candidate on April 30 following the  
1565 date he or she initially qualified shall file a new statement  
1566 of economic interests by April 30 covering the period of the  
1567 previous calendar year.

1568 (2) Notwithstanding subdivision (1), for any calendar





1569 year for which the commission has a candidate's current  
1570 statement of economic interests on file, no additional filing  
1571 for that calendar year is required.

1572 (d) If a candidate does not submit a statement of  
1573 economic interests under subsection (a) and, if applicable  
1574 subsection (c) by the prescribed deadline, the name of the  
1575 individual shall not appear on the ballot and the candidate  
1576 shall be deemed not qualified as a candidate in that election  
1577 cycle.

1578 (e) If a candidate is deemed not qualified, the  
1579 appropriate election official shall remove the name of the  
1580 candidate from the ballot.

1581 Article 5. Enforcement

1582 §36-25B-80 Enforcement Generally

1583 The commission may not impose any civil penalty, order  
1584 restitution, issue a public reprimand, or enter into a consent  
1585 decree unless the commissioners determine a violation has  
1586 occurred and approve the penalty, restitution, public  
1587 reprimand, or consent decree in accordance with this article.

1588 §36-25B-81 Complaints

1589 (a) The commission shall establish procedures for the  
1590 acceptance and investigation of complaints alleging violations  
1591 of this chapter or the Fair Campaign Practices Act and shall  
1592 publish the procedures and requirements for submitting  
1593 complaints, along with the complaint form, on the commission's  
1594 website.

1595 (b) Complaints must be in writing, set forth in detail  
1596 the specific charges against a respondent and the factual



1597 allegations that support the charges, and signed by the  
1598 complainant in order to be considered by the commission.

1599 (c) (1) Upon receiving a complaint or a report filed  
1600 pursuant to Section 36-25B-83, and upon verifying the identity  
1601 of the complainant and that the complaint contains credible  
1602 and verifiable information supporting the allegations, the  
1603 director shall notify the respondent of the alleged violation  
1604 or violations together with a short and plain statement of the  
1605 matters asserted and the provisions of this chapter or the  
1606 Fair Campaign Practices Act alleged to have been violated.

1607 (2) The notice shall provide the respondent with an  
1608 opportunity to respond to the commission in writing in a  
1609 timely manner but in no event less than 10 days. Notice shall  
1610 be provided by personal service or by certified mail, return  
1611 receipt requested. The director shall delay further  
1612 consideration of the complaint until he or she has received a  
1613 response or the 10-day period has lapsed, whichever occurs  
1614 first. The director shall consider the response in making his  
1615 or her determination and include the response as part of the  
1616 written record of the complaint.

1617 (d) (1) If the director determines that the complaint  
1618 does not provide sufficient grounds to indicate that a  
1619 violation has occurred, the complaint shall be dismissed, but  
1620 the action must be reported to the commissioners along with a  
1621 written record of the director's reasoning.

1622 (2) If the director determines there are sufficient  
1623 grounds to believe that a violation may have occurred, the  
1624 director shall notify the respondent, as required in Section



1625 36-25B-84(b), and notify the commissioners of the intent to  
1626 conduct a full investigation along with a written record of  
1627 the director's reasoning.

1628 (e) A complainant may not file a complaint on behalf of  
1629 any other individual.

1630 §36-25B-82 Confidentiality of Complaints

1631 (a) Except as provided in Section 36-25B-81(c) and  
1632 Section 36-25B-84(d)(3), the commissioners, director, and  
1633 employees of the commission shall keep confidential the  
1634 existence of any complaint and any information relating to the  
1635 complaint, including relevant information and documents and  
1636 the identity of the complainant, until the final disposition  
1637 of the matter. In no event may a complaint or any part of the  
1638 record be made public or available on the commission's website  
1639 if the complaint is dismissed or, after an investigation, the  
1640 commission determines no violation occurred.

1641 (b) This section does not prohibit a complainant or  
1642 respondent from disclosing information relating to a complaint  
1643 submitted to the commission, and the fact that an individual  
1644 who is not a commissioner, director, or commission employee  
1645 discloses information relating to a complaint does not grant  
1646 the commissioners, director, or commission employees the  
1647 authority to discuss or disclose the existence of a complaint  
1648 or any information relating to the complaint.

1649 §36-25B-83 Agency Heads Required to Report Violations

1650 The agency head of every governmental body shall file a  
1651 report with the commission on any matter that comes to his or  
1652 her attention in his or her official capacity that, after an



1653 appropriate investigation based on credible and verifiable  
1654 information supporting the allegations, may constitute a  
1655 violation of this chapter within 10 days of completing the  
1656 investigation.

1657 §36-25B-84 Investigations

1658 (a) Upon a preliminary finding by the director that a  
1659 violation of this chapter or the Fair Campaign Practices Act  
1660 may have occurred pursuant to Section 36-25B-81(d)(2), or if a  
1661 matter is referred to the commission pursuant to Section  
1662 13A-10-61.1(c)(1), the director and staff of the commission  
1663 shall conduct a full investigation in accordance with this  
1664 section.

1665 (b) Before initiating a full investigation, the  
1666 director shall notify the respondent by personal service or by  
1667 certified mail, return receipt requested, of the  
1668 investigation, along with the violations alleged to have  
1669 occurred and the written record of the director's reasoning  
1670 pursuant to Section 36-25B-81.

1671 (c) In the course of an investigation, the director,  
1672 upon an affirmative vote of at least four commissioners, may  
1673 subpoena witnesses and compel their attendance and may also  
1674 require the production of documents and other evidence. The  
1675 commission shall give the respondent the opportunity to  
1676 respond to the allegations by providing written statements,  
1677 testimony to commission staff, and any additional evidence.  
1678 Any additional relevant facts or evidence discovered by a  
1679 commissioner or commission staff during the course of an  
1680 investigation shall immediately be provided to the respondent.



1681 The respondent has the right to be represented by legal  
1682 counsel throughout an investigation.

1683 (d) (1) Commission staff shall have no more than 180  
1684 days to complete an investigation and compile a written  
1685 record. The written record of the investigation shall include  
1686 all evidence considered and a written statement of the  
1687 director's assessment and recommendations. Findings of fact  
1688 shall be based solely on the evidence in the record.

1689 (2) If the director determines no violation has  
1690 occurred, the director shall dismiss the matter, but the  
1691 action must be reported to the commissioners along with the  
1692 written record described in subdivision (1). The director  
1693 shall promptly notify the respondent of the determination  
1694 along with a copy of the director's assessment. The commission  
1695 may not reinstate an investigation based on the same facts  
1696 alleged in the complaint or investigation.

1697 (3) If the director determines there is sufficient  
1698 evidence to indicate that a violation occurred, the director  
1699 shall make a recommendation of appropriate penalties and shall  
1700 immediately notify the respondent of the director's findings  
1701 and recommended penalties, a reference to the particular  
1702 provision of this chapter or the Fair Campaign Practice Act  
1703 which was violated, and a copy of the complaint, including the  
1704 identity of the complainant, together with any statement,  
1705 evidence, or information received from the complainant,  
1706 witnesses, or other individuals or discovered in the course of  
1707 the investigation.

1708 (4) Notice provided to the respondent pursuant to this



1709 subsection shall be by personal service or by certified mail,  
1710 return receipt requested.

1711 (e) A respondent found by the director to have violated  
1712 this chapter or the Fair Campaign Practices Act under  
1713 subdivision (d)(3) shall have 21 days after receiving notice  
1714 of a violation to request a contested case hearing before the  
1715 commissioners. If at the end of the 21-day period the  
1716 respondent does not request a hearing, the director shall  
1717 notify and provide the commissioners with a written record  
1718 along with the director's assessment and recommendations for  
1719 penalties.

1720 (f) At the official meeting of the commissioners held  
1721 after receiving notification under subsection (e), the  
1722 commissioners shall:

1723 (1) Approve the director's assessment and  
1724 recommendations for penalties;

1725 (2) Revise the assessment and penalties, in which case  
1726 the respondent shall have an additional 21 days to request a  
1727 contested case hearing;

1728 (3) Request a contested case hearing; or

1729 (4) Dismiss the matter.

1730 (g) Prior to an official meeting of the commissioners  
1731 pursuant to subsection (f), the commissioners may not discuss  
1732 any matter relating to a respondent's case with the director  
1733 or with any other employee of the commission unless the  
1734 respondent and his or her legal counsel are given the  
1735 opportunity to also be present during any such discussion.

1736 §36-25B-85 Contested Case Hearings



1737           (a) (1) If a contested case hearing is requested, the  
1738 commission shall set a hearing date of not less than 45 days  
1739 after receiving the request and shall immediately provide  
1740 notice to the respondent. Notice shall include the time and  
1741 place of the hearing, all information in any form that arises  
1742 out of or relates to the complaint, including but not limited  
1743 to, all statements, evidence, testimony, and other information  
1744 received from the complainant, witnesses, or other  
1745 individuals, or discovered in the course of the investigation.  
1746 The commission shall not discourage individuals with knowledge  
1747 arising out of or relating to the complaint, including  
1748 individuals who were interviewed by, or gave statements to,  
1749 the commission, whether or not the statements were the basis  
1750 of the commission's findings, from providing that information  
1751 to the respondent or his or her legal counsel.

1752           (2) Upon the timely request of the respondent, the  
1753 commission shall postpone the hearing for not less than 90  
1754 days.

1755           (b) Any additional relevant facts or evidence  
1756 discovered by the director or employee of the commission or  
1757 put in the possession of a commissioner after the conclusion  
1758 of the investigation but before or during the hearing shall  
1759 immediately be provided to the respondent.

1760           (c) The commissioners shall preside over any contested  
1761 case hearing held pursuant to this section. The commission  
1762 shall provide the respondent the opportunity to respond and  
1763 present evidence and argument on all material issues involved,  
1764 call witnesses, be represented by legal counsel at his or her



1765 own expense, and be present along with his or her legal  
1766 counsel during all deliberations of the commissioners. If  
1767 requested by the respondent, the proceedings shall be  
1768 transcribed by the appointed court reporter and a copy of the  
1769 transcribed proceedings shall be timely provided to the  
1770 respondent at the respondent's expense.

1771 (d) Outside of an official hearing proceeding, if the  
1772 director or any other employee of the commission is present in  
1773 any commissioner deliberations on any matter relating to a  
1774 respondent's case, the respondent and his or her legal counsel  
1775 must be given the opportunity to also be present during the  
1776 deliberation.

1777 (e) The record of a hearing shall include all evidence  
1778 considered and a written statement of the findings of the  
1779 commission members. Findings of fact shall be based solely on  
1780 the evidence in the record. The respondent shall have the  
1781 right to supplement the record of the hearing, including any  
1782 transcript of the hearing and all statements, evidence,  
1783 testimony, and other information that the respondent offered  
1784 into evidence at the hearing, whether or not the commission  
1785 accepted the information into evidence.

1786 (f) If the respondent does not request a hearing or  
1787 does not participate in a hearing, the commissioners' decision  
1788 is final, a penalty may be imposed, and the respondent, absent  
1789 good cause shown, may not appeal the decision.

1790 §36-25B-86 Confidentiality of Investigations

1791 (a) Prior to the disposition of a matter, the  
1792 commissioners, director, and employees of the commission shall





1793 keep confidential and may not publicly disclose information  
1794 relating to an investigation, including the identity of the  
1795 respondent. In no event may an investigation or any part of  
1796 the record be made public or available on the commission's  
1797 website if the case is dismissed under Section  
1798 36-25B-84(d)(2).

1799 (b) This section does not prohibit a respondent or a  
1800 witness or other individual from disclosing information  
1801 relating to an investigation. The fact that an individual who  
1802 is not a commissioner, director, or commission employee  
1803 discloses information relating to an investigation does not  
1804 grant the commissioners, director, or commission employees the  
1805 authority to discuss or disclose the existence of the  
1806 investigation or any information relating to the  
1807 investigation.

1808 §36-25B-87 Criminal Referrals

1809 (a) If at any time during the course of reviewing a  
1810 complaint or conducting an investigation, the director has  
1811 reason to believe a criminal violation has been committed, the  
1812 director or general counsel shall present the relevant and  
1813 applicable evidence and other factors to the commissioners  
1814 and, upon the affirmative vote of the majority of the  
1815 commissioners, the director shall promptly notify the Attorney  
1816 General or the appropriate district attorney and provide all  
1817 evidence obtained by, or in the possession of, the commission.

1818 (b) The imposition of a penalty by the commission does  
1819 not prohibit the Attorney General or a district attorney from  
1820 pursuing criminal charges based on the same or related



1821 conduct.

1822 §36-25B-88 Penalties

1823 (a) Any person subject to this chapter who  
1824 intentionally makes a false statement on any report,  
1825 registration, or statement pursuant to this chapter is subject  
1826 to a civil penalty not to exceed one thousand dollars  
1827 (\$1,000).

1828 (b) Any individual who makes or transmits a complaint  
1829 pursuant to this chapter which contains information or  
1830 statements the individual knows to be false is subject to a  
1831 civil penalty not to exceed one thousand dollars (\$1,000) and  
1832 shall be liable for the actual legal expenses incurred by the  
1833 respondent against whom the false report or complaint was  
1834 filed.

1835 (c) Any individual who intentionally makes false  
1836 statements to an employee of the commission or member of the  
1837 commission pursuant to this chapter is subject to a civil  
1838 penalty not to exceed one thousand dollars (\$1,000).

1839 (d) For a violation of this chapter, unless otherwise  
1840 specified, the commission may:

- 1841 (1) Issue a private warning or public reprimand;  
1842 (2) Enter into a consent decree;  
1843 (3) Impose a civil penalty up to or commensurate with  
1844 the economic gain to the violator; or  
1845 (4) Order restitution, if applicable, up to or  
1846 commensurate with the economic loss to a governmental body.

1847 (e) Restitution collected by the commission shall be  
1848 paid to the governmental body suffering the economic loss.



1849 (f) If a person fails to pay any civil penalty or  
1850 restitution, the commission may file an action to collect the  
1851 penalty in a court of competent jurisdiction in Montgomery  
1852 County. The person shall be responsible for paying all costs  
1853 associated with the collection of the civil penalty or  
1854 restitution.

1855 §36-25B-89 Reconsideration of Contested Case Hearings

1856 If the respondent discovers new evidence that comes to  
1857 his or her knowledge after the final determination was made by  
1858 the commissioners in a case hearing and that evidence would  
1859 not have been discovered sooner through the exercise of due  
1860 diligence, the respondent may petition the commission for  
1861 reconsideration, regardless of whether the respondent had  
1862 requested a contested case hearing. Upon receiving a petition,  
1863 the commission shall stay any collection of any penalty  
1864 pending a determination by the commissioners whether to  
1865 reconsider the respondent's case. If the commissioners reject  
1866 the respondent's petition, the respondent shall have the  
1867 opportunity to file an appeal under Section 36-25B-90,  
1868 regardless of whether the respondent had requested a contested  
1869 case hearing.

1870 §36-25B-90 Appeals

1871 Within 30 days of a final order or decision of the  
1872 commissioners in a contested case hearing imposing a penalty  
1873 under this article or within 30 days of a rejection of a  
1874 petition for reconsideration, any person aggrieved by the  
1875 final order or decision may file a petition for appeal in a  
1876 court of competent jurisdiction in Montgomery County.



1877 Section 8. The Code Commissioner shall conform  
1878 references in the Code of Alabama 1975, to reflect the changes  
1879 made by this act. Code changes, including the renumbering of  
1880 references to Chapter 25, Title 36, to reflect the appropriate  
1881 code sections in Chapter 25B, Title 36, as created by this  
1882 act, shall be made at a time determined to be appropriate by  
1883 the Code Commissioner.

1884 Section 9. Section 11-3-5, Code of Alabama 1975, is  
1885 amended to read as follows:

1886 "§11-3-5

1887 (a) ~~Except where a contract for goods or services is~~  
1888 ~~competitively bid regardless of whether bidding is required~~  
1889 ~~under Alabama's competitive bid law, no member of any county~~  
1890 ~~commission and no business with which any county commissioner~~  
1891 ~~is associated shall~~ A county commissioner, family member of a  
1892 county commissioner, or associated business of a county  
1893 commissioner may not be a party to any contract for goods or  
1894 services with the county commission on which he or she serves,  
1895 unless the contract is competitively bid, regardless of  
1896 whether bidding is required under the competitive bid laws of  
1897 this state. ~~Except where a contract for goods or services is~~  
1898 ~~competitively bid regardless of whether bidding is required~~  
1899 ~~under Alabama's competitive bid law, no county commission~~  
1900 ~~shall award any contract to a family member of a county~~  
1901 ~~commissioner.~~ Under no circumstances shall a county  
1902 commissioner participate in the bid preparation or review of a  
1903 bid that is received from the county commissioner, ~~a business~~  
1904 ~~with which he or she is associated, or~~ a family member of the



1905 county commissioner, or an associated business of the county  
1906 commissioner, and a county commissioner shall not deliberate  
1907 or vote on acceptance of a bid submitted by the county  
1908 commissioner, ~~a business with which he or she is associated,~~  
1909 ~~or~~ a family member of the county commissioner, or an  
1910 associated business of the county commissioner.

1911 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a  
1912 family member to do any work for the county; provided,  
1913 however, the family member of a county commissioner may be  
1914 employed by the county if the family member is hired pursuant  
1915 to a county personnel policy that does not require a vote of  
1916 the county commission or if the county commissioner does not  
1917 participate in the hiring process through recommendation,  
1918 deliberation, vote, or otherwise.

1919 (c) Any county commissioner in violation of this  
1920 section shall be guilty of a Class A misdemeanor.

1921 ~~(d) In compliance with Section 36-25-11, any contract~~  
1922 ~~executed with a member of the county commission or with a~~  
1923 ~~business with which a county commissioner is associated shall~~  
1924 ~~be filed with the Ethics Commission within 10 days after the~~  
1925 ~~contract has been executed.~~

1926 (d) Any contract executed in violation of this section  
1927 shall be void by operation of law and any ~~person~~ individual  
1928 employed by the county in violation of this section shall  
1929 forfeit his or her employment by operation of law.

1930 (e) For the purposes of this section, the ~~definition of~~  
1931 ~~family member shall be the same as the definition in~~  
1932 ~~subdivision (15) of Section 36-25-1 for the family member of a~~



1933 ~~public-official~~ terms "family member" and "associated business"  
1934 shall have the same meanings as defined in Section 36-25B-2."

1935           Section 10. Although this bill would have as its  
1936 purpose or effect the requirement of a new or increased  
1937 expenditure of local funds, the bill is excluded from further  
1938 requirements and application under Section 111.05 of the  
1939 Constitution of Alabama of 2022, because the bill defines a  
1940 new crime or amends the definition of an existing crime.

1941           Section 11. This act shall become effective on June 1,  
1942 2025.