



SYNOPSIS:

This bill would prohibit foreign nationals from contributing to campaigns, ballot measures, political parties, or political action committees and prohibit political parties, political action committees, principal campaign committees, and others from soliciting campaign contributions from foreign nationals.

This bill would also impose penalties for violations.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Fair Campaign Practices Act; to amend Sections 17-5-2 and 17-5-15.1, Code of Alabama 1975; to define foreign national and prohibit foreign national contributions and donations to fund Alabama campaigns and ballot measures; and to provide penalties for violations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 17-5-2 and 17-5-15.1, Code of Alabama 1975, are amended to read as follows:

"§17-5-2



(a) For purposes of this chapter, the following terms ~~shall~~ have the following meanings:

(1) CANDIDATE. An individual who has done any of the following:

a. Taken the action necessary under the laws of the state to qualify himself or herself for nomination or for election to any state office or local office or in the case of an independent seeking ballot access, on the date when he or she files a petition with the judge of probate in the case of county offices, with the appropriate qualifying municipal official in the case of municipal offices, or the Secretary of State in all other cases.

b. Received contributions or made expenditures in excess of one thousand dollars (\$1,000), or given his or her consent for any other person or persons to receive contributions or make expenditures in excess of one thousand dollars (\$1,000), with a view to bringing about his or her nomination or election to any state office or local office.

(2) COMMISSION. The State Ethics Commission created pursuant to Section 36-25-3.

(3) CONTRIBUTION.

a. Any of the following shall be considered a contribution:

1. A gift, subscription, loan, advance, deposit of money or anything of value, a payment, a forgiveness of a loan, or payment of a third party, made for the purpose of influencing the result of an election.

2. A contract or agreement to make a gift,



57 subscription, loan, advance, or deposit of money or anything
58 of value for the purpose of influencing the result of an
59 election.

60 3. Any transfer of anything of value received by a
61 political committee from another political committee,
62 political party, or other source.

63 4. The payment of compensation by any person for the
64 personal services or expenses of any other person if the
65 services are rendered or expenses incurred on behalf of a
66 candidate, political committee, or political party without
67 payment of full and adequate compensation by the candidate,
68 political committee, or political party; ~~Provided~~ provided,
69 however, that the payment of compensation by a corporation for
70 the purpose of establishing, administering, or soliciting
71 voluntary contributions to a separate, segregated fund as
72 permitted in this chapter, shall not constitute a
73 contribution.

74 b. The term "contribution" does not include:

75 1. The value of services provided without compensation
76 by individuals who volunteer a portion or all of their time on
77 behalf of a candidate or political committee.

78 2. The use of real or personal property and the cost of
79 invitations, food, or beverages, voluntarily provided by an
80 individual to a candidate or political committee in rendering
81 voluntary personal services on the individual's residential or
82 business premises for election-related activities.

83 3. The sale of any food or beverage by a vendor for use
84 in an election campaign at a charge to a candidate or



85 political committee less than the normal comparable charge, if
86 the charge to the political committee for use in an election
87 campaign is at least equal to the cost of the food or beverage
88 to the vendor.

89 4. Any unreimbursed payment for travel expenses made by
90 an individual who, on his or her own behalf, volunteers
91 personal services to a candidate or political committee.

92 5. The payment by a state or local committee of a
93 political party of the cost of preparation, display, or
94 mailing or other distribution incurred by the committee with
95 respect to a printed slate card or sample ballot, or other
96 printed listing of two or more candidates for any public
97 office for which an election is held in the state, except that
98 this subparagraph shall not apply in the case of costs
99 incurred by the committee with respect to a display of the
100 listing made on broadcasting stations, or in newspapers,
101 magazines, or other similar types of general public political
102 advertising.

103 6. The value or cost of polling data and voter
104 preference data and information if provided to a candidate or
105 political committee, unless the information was compiled with
106 the advance knowledge of and approval of the candidate or the
107 political committee.

108 c. For purposes of reporting contributions as required
109 by this chapter, the date of receipt of a contribution shall
110 be the first date the recipient of the contribution is able to
111 make use of the contribution. In the case of a contribution in
112 the form of a check, the date of receipt is the earlier of



113 either of the following:

114 1. Ten days from the date that the check came within
115 the recipient's control.

116 2. The date that the check was deposited into the
117 recipient's account.

118 (4) DESIGNATED FILING AGENT. An individual appointed
119 and authorized as attorney in fact to electronically submit
120 any report or other filing required by this chapter on behalf
121 of a candidate, his or her principal campaign committee, or a
122 political action committee.

123 (5) ELECTION. Unless otherwise specified, any general,
124 special, primary, or runoff election, or any convention or
125 caucus of a political party held to nominate a candidate, or
126 any election at which a constitutional amendment or other
127 proposition is submitted to the popular vote.

128 (6) ELECTIONEERING COMMUNICATION. Any communication
129 disseminated through any federally regulated broadcast media,
130 any mailing, or other distribution, electronic communication,
131 phone bank, or publication which (i) contains the name or
132 image of a candidate; (ii) is made within 120 days of an
133 election in which the candidate will appear on the ballot;
134 (iii) the only reasonable conclusion to be drawn from the
135 presentation and content of the communication is that it is
136 intended to influence the outcome of an election; and (iv)
137 entails an expenditure in excess of one thousand dollars
138 (\$1,000).

139 (7) EXPENDITURE.

140 a. The following shall be considered expenditures:



141 1. A purchase, payment, distribution, loan, advance,
142 deposit, or gift of money or anything of value made for the
143 purpose of influencing the result of an election.

144 2. A contract or agreement to make any purchase,
145 payment, distribution, loan, advance, deposit, or gift of
146 money or anything of value, for the purpose of influencing the
147 result of an election.

148 3. The transfer, gift, or contribution of funds of a
149 political committee to another political committee.

150 4. The payment of any qualifying fee or other cost
151 associated with qualifying to run for office.

152 b. The term "expenditure" does not include:

153 1. Any news story, commentary, or editorial prepared by
154 and distributed through the facilities of any broadcasting
155 station, newspaper, magazine, or other periodical publication,
156 unless the facilities are owned or controlled by any political
157 party or political committee.

158 2. Nonpartisan activity designed to encourage
159 individuals to register to vote, or to vote.

160 3. Any communication by any membership organization to
161 its members or by a corporation to its stockholders and
162 employees if the membership organization or corporation is not
163 organized primarily for the purpose of influencing the result
164 of an election.

165 4. The use of real or personal property and the cost of
166 invitations, food, or beverages, voluntarily provided by an
167 individual in rendering voluntary personal services on the
168 individual's residential or business premises for



election-related activities.

5. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee.

6. Any communication by any person which is not made for the purposes of influencing the result of an election.

7. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by the committee with respect to a display of the listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.

c. For purposes of reporting expenditures as required by this chapter, the date an expenditure is made is the date the instrument authorizes the expenditure. In the case of an expenditure made by check or electronic payment, the date of expenditure is the date of the check or electronic payment.

(8) FOREIGN NATIONAL. Any of the following:

a. An individual who is not a citizen or lawful permanent resident of the United States.

b. A government or subdivision of a foreign country or municipality thereof.

c. A foreign political party.



d. Any entity, such as a partnership, association, corporation, organization, or other combination of persons, that is organized under the laws of, or has its principal place of business in a foreign country.

e. Any U.S. entity, such as a partnership, association, corporation, or organization, which is wholly or majority owned by any foreign national, unless: (i) any contribution or expenditure the entity makes derives entirely from funds generated by the entity's U.S. operations; and (ii) all decisions concerning the contributions or expenditures are made by individuals who are U.S. citizens or permanent residents, except decisions setting overall budget amounts.

~~(8)~~ (9) IDENTIFICATION. The full name and complete address.

~~(9)~~ (10) LOAN. A transfer of money, property, or anything of value in consideration of a promise or obligation, conditional or not, to repay in whole or part.

~~(10)~~ (11) LOCAL OFFICE. Any office under the constitution and laws of the state, except circuit, district, or legislative offices, filled by election of the registered voters of a single county or municipality, or by the voters of a division contained within a county or municipality.

(12) NON-CANDIDATE ELECTION. A question or proposition to be placed before the voter in a state or local election, other than the nomination or election of a candidate for public office, such as a constitutional amendment or referendum.

~~(11)~~ (13) PERSON. An individual, partnership, committee,



225 association, corporation, labor organization, or any other
226 organization or group of persons.

227 ~~(12)~~ (14) PERSONAL AND LEGISLATIVE LIVING EXPENSES.

228 Household supplies, personal clothing, tuition payments,
229 mortgage, rent, or utility payments for a personal residence;
230 admission to an entertainment event or fees for a country club
231 or social club, unless tied to a specific campaign event or
232 functions involving constituents; and any other expense,
233 excluding food and beverages, that would exist irrespective of
234 the candidate's campaign or duties as a legislator. Personal
235 and legislative living expenses shall not include expenses for
236 food, beverages, travel, or communications incurred by the
237 legislator in the performance of the office held.

238 ~~(13)~~ (15) POLITICAL ACTION COMMITTEE. Any committee,

239 club, association, political party, or other group of one or
240 more persons, whether in-state or out-of-state, which receives
241 or anticipates receiving contributions and makes or
242 anticipates making expenditures to or on behalf of any Alabama
243 state or local elected official, proposition, candidate,
244 principal campaign committee or other political action
245 committee. For the purposes of this chapter, a person who
246 makes a political contribution shall not be considered a
247 political action committee by virtue of making such
248 contribution.

249 ~~(14)~~ (16) POLITICAL PARTY. A political party as defined
250 in Section 17-13-40.

251 ~~(15)~~ (17) PRINCIPAL CAMPAIGN COMMITTEE. The principal

252 campaign committee designated by a candidate under Section



17-5-4. A political action committee established primarily to benefit an individual candidate or an individual elected official shall be considered a principal campaign committee for purposes of this chapter.

~~(16)~~ (18) PROPOSITION. Any proposal for submission to the general public for its approval or rejection, including proposed as well as qualified ballot questions.

~~(17)~~ (19) PUBLIC OFFICIAL. Any person elected to public office, whether or not that person has taken office, by the vote of the people at the state, county, or municipal level of government or their instrumentalities, including governmental corporations, and any person appointed to a position at the state, county, or municipal level of government or their instrumentalities, including governmental corporations. For purposes of this chapter, a public official includes the chairs and vice chairs or the equivalent offices of each state political party as defined in Section 17-13-40.

~~(18)~~ (20) STATE. The State of Alabama.

~~(19)~~ (21) STATE OFFICE. All offices under the constitution and laws of the state filled by election of the registered voters of the state or of any circuit or district and shall include legislative offices.

(b) The words and terms used in this chapter shall have the same meanings respectively ascribed to them in Section 36-25-1."

"§17-5-15.1

(a) (1) A principal campaign committee of a state or local candidate and any person authorized to make an



expenditure on its behalf ~~may~~shall not receive or spend, in a campaign for state or local office, campaign funds in excess of one thousand dollars (\$1,000) that were raised by a principal campaign committee of a federal candidate.

~~(b)~~ (2) Any person who ~~intentionally~~knowingly and willfully receives or expends campaign funds in violation of ~~subsection (a)~~subdivision (1) shall be guilty, upon conviction, of a Class C felony.

(b) (1) A foreign national shall not make, directly or indirectly:

a. A contribution or donation of money or other thing of value, or make an express or implied promise to make a contribution or donation, in connection with a state or local election of a candidate to public office or a noncandidate election;

b. A contribution or donation to a committee of a state or local political party;

c. A contribution or donation to a political action committee; or

d. An expenditure, independent expenditure, or disbursement for an electioneering communication.

(2) A person, political party, political action committee, or principal campaign committee shall not solicit, accept, or receive a contribution, donation, expenditure, independent expenditure, or disbursement described in paragraph (1)a., (1)b., (1)c., or (1)d. from a foreign national.

(3) A solicitation may contain a notice or disclaimer



309 that no funds are being solicited from a foreign national.
310 This notice or disclaimer may be included with any notice or
311 disclaimer required under Section 17-5-12 or 17-5-13.

312 (4) For purposes of this section, "directly or
313 indirectly" means acting either alone or jointly with,
314 through, or on behalf of any other noncandidate election
315 committee, political party, political action committee, or
316 principal campaign committee, organization, person, or other
317 entity.

318 (5) This subsection does not apply to dues charged for
319 membership in a trade association or membership organization
320 or fees collected for conference attendance or sponsorship of
321 an event hosted by the trade association or membership
322 organization so long as the entity is not a foreign national
323 and no foreign national serves in a decision making role and
324 no decisions of the entity regarding a state or local election
325 of a candidate to public office or a noncandidate election are
326 dictated, directly or indirectly, by a foreign national. For
327 purposes of this subdivision, an "organization" is a trade
328 association if it is a membership organization whose members
329 are engaged in a similar or related profession, line of
330 commerce, business, or industry and the primary purpose of the
331 organization is to promote and improve the business conditions
332 of its membership.

333 (6) Any person who knowingly and willfully violates
334 subdivision (1) or (2) shall be guilty, upon conviction, of a
335 Class C felony.

336 (7) It is the intent of the Legislature that the



Secretary of State and the Alabama Ethics Commission use available Federal Election Commission guidance and interpretations of restrictions involving foreign national campaign activities pursuant to 52 U.S.C. § 30121, contributions by foreign nationals, where the provisions are comparable in order to help avoid federal and state regulatory confusion and to minimize administrative burdens. The definition of "foreign national" in this subsection should be construed in pari materia with 52 U.S.C. § 30121 and the regulations, interpretations, and guidance issued by the Federal Election Commission pursuant to that law. Other terms not specifically defined by the Alabama Fair Campaign Practices Act, such as "independent expenditure," should likewise be construed. It is the intent of the Legislature that, pursuant to Section 36-25-4, the Alabama Ethics Commission issue and publish advisory opinions regarding compliance with foreign national campaign activity restrictions under Alabama law, giving effect to the above considerations."

Section 2. This act shall become effective on October 1, 2025.