

HB310 INTRODUCED



1 HB310
2 I3XYMZW-1
3 By Representative Lamb
4 RFD: Ethics and Campaign Finance
5 First Read: 20-Feb-25



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SYNOPSIS:

Under the Fair Campaign Practices Act, the Secretary of State must notify a person in violation of the act by certified mail, even when the amount of civil penalties being imposed exceeds the cost of mailing the notice.

This bill would authorize the Secretary of State to impose civil penalties by notifying the person via email and limiting certified mail notice to those penalties imposed that exceed the cost of sending by certified mail.

A BILL
TO BE ENTITLED
AN ACT

Relating to the Fair Campaign Practices Act; to amend Section 17-5-19.1, Code of Alabama 1975, to authorize the Secretary of State to provide electronic notice of imposed civil penalties in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-5-19.1, Code of Alabama 1975, is amended to read as follows:

"§17-5-19.1



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29 (a) The Secretary of State shall levy a civil penalty
30 against any person who fails to timely file a report required
31 by this chapter and who does not remedy the filing of the
32 report pursuant to subsection (h). The State Ethics Commission
33 may levy an administrative penalty against any person who
34 files a materially inaccurate report required by this chapter
35 and who does not remedy the filing of the report pursuant to
36 subsection (g).

37 (b) The schedule of civil penalties shall be as
38 follows:

39 (1) The lesser of three hundred dollars (\$300) or 10
40 percent of the amount of contributions or expenditures not
41 properly reported for a first offense in an election cycle.

42 (2) The lesser of six hundred dollars (\$600) or 15
43 percent of the amount of contributions or expenditures not
44 properly reported for a second offense in an election cycle.

45 (3) The lesser of one thousand two hundred dollars
46 (\$1,200) or 20 percent of the amount of contributions or
47 expenditures not properly reported for a third or subsequent
48 offense in an election cycle.

49 (c) A fourth failure to timely or accurately file a
50 report in an election cycle shall create a rebuttable
51 presumption of intent to violate the reporting requirements of
52 this chapter. The Secretary of State shall notify the Attorney
53 General and the appropriate district attorney of all persons
54 who violate the filing requirements four or more times in an
55 election cycle.

56 (d) Upon imposition of a civil penalty pursuant to this



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57 section, the Secretary of State shall send the person upon
58 whom the penalty is being imposed proper notification by
59 ~~certified mail of the imposition of the penalty. If an~~
60 electronic mail to the email address ~~is on file with the~~
61 ~~Secretary of State, the Secretary of State shall also provide~~
62 ~~notification by electronic mail~~ filed with the statement
63 showing the political action committee pursuant to Section
64 17-5-3 or principal campaign committee pursuant to Section
65 17-5-4, which shall be kept current by the committee. In the
66 event an imposed penalty exceeds the cost of certified mail,
67 proper notification must additionally be sent via certified
68 mail to the address filed with the statement showing the
69 political action committee or the principal campaign
70 committee, which shall also be kept current by the committee.

71 (e) Civil penalties levied shall be paid to the
72 Secretary of State within 45 days of the finality of any
73 review. The Secretary of State, through his or her attorney,
74 may institute proceedings to recover any penalties ordered
75 pursuant to this section that are not paid by, or on behalf
76 of, the person against whom they are levied and may collect
77 necessary fees and costs associated with the collection
78 action.

79 (f) All penalties collected by the Secretary of State
80 shall be distributed to the State General Fund.

81 (g) A person who voluntarily files an amended report to
82 correct an error in an otherwise timely filed report without
83 being prompted by the Secretary of State shall not have
84 committed an offense or be subjected to a civil penalty under



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85 this section, so long as, in the case of a candidate, the
86 corrected report is filed prior to the election at issue, and
87 so long as, in the case of a political action committee, the
88 corrected report is filed prior to the close of the calendar
89 year.

90 (h) Failure to file a timely report shall not be
91 considered an offense or subjected to a civil penalty pursuant
92 to subsection (a) so long as it is the first failure by that
93 candidate or political action committee for the election cycle
94 and the report is filed within 48 hours of the time it was
95 due.

96 (i) Any penalties assessed pursuant to this section may
97 be paid with campaign funds."

98 Section 2. This act shall become effective on October
99 1, 2025.