HB227

IL1HWZZ-1

By Representative Simpson

RFD: Ethics and Campaign Finance

First Read: 22-Feb-24

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

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

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

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

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

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

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

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

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

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

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

Under existing law, public servants generally may not serve as a lobbyist before their former governmental bodies for two years after leaving service or upon the completion of their term.

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

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

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

A BILL

TO BE ENTITLED

AN ACT

Relating to government ethics; to amend Sections 13A-10-60 and 13A-10-61, Code of Alabama 1975, to provide further for the crime of bribery; to add Section 13A-10-61.1, Code of Alabama 1975, to establish the crime of using public office for pecuniary benefit; to repeal Sections 13A-10-62 and 13A-10-82, relating to crimes in public office; to repeal Chapter 25 and add a new Chapter 25B to Title 36, Code of Alabama 1975, to replace the public ethics code; to provide further for the appointment of members of the State Ethics Commission and the director of the commission; to revise the duties of the commission; to revise the scope of penalties for violations of the ethics code to include private censures and public reprimands and to exclude criminal violations; to provide for appeals of decisions of the commission; to provide further for formal and informal advisory opinions issued by the commission; to revise who must file and what must be disclosed in the Statement of Economic Interests; to provide definitions; to prohibit public servants from taking official action that would result in a conflict of interest; to prohibit certain persons termed "prohibited sources" from giving gifts to certain public servants and prohibit public servants from receiving gifts from certain prohibited sources; to revise the revolving door provisions; to add Section 36-15-1.1 to the Code of Alabama 1975, to further provide for the duties of the Attorney General; to amend Section 11-3-5, Code of Alabama 1975, to make conforming changes to provisions governing certain public contracts entered into by counties; and to define terms.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§13A-10-60

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

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

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

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

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

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

"§13A-10-61

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

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

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

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

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

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

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

§13A-10-61.1

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

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

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

(3) A public servant or former public servant knowingly uses, causes to be used, or discloses confidential information gained in the course of or by reason of his or her position or employment in any way that results in a pecuniary benefit for

himself or herself or for any other person.

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

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

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

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

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

(2) A public servant who violates this section, upon conviction, is guilty of a Class A misdemeanor when the personal gain to the public servant or other person is material but less than ten thousand dollars ($10,000), or the cost to the state or local government is material but less than ten thousand dollars ($10,000).

(3) A public servant who violates this section, upon

conviction, is guilty of a Class C felony when the personal gain to the public servant or other person is equal to or exceeds ten thousand dollars ($10,000), but less than one hundred thousand dollars ($100,000), or the cost to the state or local government is equal to ten thousand dollars ($10,000), but less than one hundred thousand dollars ($100,000).

(4) A public servant who knowingly violates this section, upon conviction, is guilty of a Class B felony when the personal gain to the public servant or other person is equal to or exceeds one hundred thousand dollars ($100,000), or the cost to the state or local government is equal to or exceeds one hundred thousand dollars ($100,000).

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

Section 4. Section 36-15-1.1 is added to the Code of Alabama 1975, to read as follows:

§36-15-1.1

(a) Upon the request of any public servant, as that term is defined in Section 13A-10-1, or upon his or her own volition, the Attorney General shall give his or her opinion, in writing, on any question of law under Section 13A-10-61.1 as it relates to any proposed conduct or activity as presented in the request or opinion, whether based on real or hypothetical circumstances.

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

(c) The provisions of Section 35-15-19 shall apply to an opinion issued pursuant to this section.

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

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

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

Article 1. General Provisions

§36-25B-1 Short Title

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

§36-25B-2 Definitions

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

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

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

of the business.

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

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

(5) COMMISSION. The State Ethics Commission.

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

(7) DAY. Calendar day.

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

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

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

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

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

club, organization, or other legal entity.

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

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

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

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

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

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

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

f. Compensation or benefits from outside employment or from a client or prospective employer in the ordinary course of business, unless the circumstances make it clear that the purpose of the compensation or benefit is to substantially influence the public servant.

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

h. Anything provided through inheritance.

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

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

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

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

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

1. Any legislative action, including executive

amendment, veto, or approval of legislation;

2. Any rulemaking action; or

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

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

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

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

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

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

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

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

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

1. A reporter or editor while pursuing normal

reportorial and editorial duties.

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

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

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

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

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

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

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

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

(21) PERSON. An individual or entity.

(22) PERSON CLOSELY ASSOCIATED. A family member or

associated business.

(23) PRINCIPAL. Includes both of the following:

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

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

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

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

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

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

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

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

(25) PUBLIC SERVANT. a. An individual employed by a governmental body or an individual elected, whether or not that individual has taken office, or appointed to a public office in a governmental body.

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

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

2. An individual employed by a governmental body that operates a hospital or other health care organization.

3. A judge or other individual governed by the Alabama Canons of Judicial Ethics.

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

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

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

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

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

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

§36-25B-5 Conducting Political Activity Allowed

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

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

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

§36-25B-7 Additional Discipline

Nothing in this chapter limits:

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

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

§36-25B-8 Whistleblower Protections

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

(b)(1) A supervisor shall not discharge, demote, transfer, or otherwise take an adverse employment action against a public servant with respect to compensation, terms, conditions, or privileges of employment based on either the public servant's reporting of a violation or what he or she believes in good faith to be a violation of this chapter, or the public servant's giving truthful statements or truthful testimony concerning an alleged ethics violation, regardless of whether the public servant filed the complaint.

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

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

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

Article 2. State Ethics Commission

§36-25B-20 Commission Established; Membership

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

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

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

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

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

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

1. A public official.

2. A candidate.

3. A lobbyist or a principal.

4. A former employee of the commission.

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

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

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

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

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

(a)(1) The commissioners shall appoint a full-time director who shall serve at the pleasure of the commissioners.

The director shall be subject to confirmation by the Senate during the first regular session of the Legislature in which confirmation may occur, however this does not affect the right or authority of the director to act pending confirmation or rejection. If the director is not confirmed during the applicable legislative session, his or her service shall be terminated not more than 30 days after the applicable legislative session adjourns sine die and the commissioners shall immediately appoint another individual who shall immediately begin serving. The new director shall be subject to Senate confirmation no later than the next regular legislative session. No appointee whose confirmation is rejected by the Senate may be reappointed.

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

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

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

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

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

(c) The director may appoint part-time stenographic reporters or certified court reporters to take and transcribe the testimony in any hearing or investigation before the commission or before any individual authorized by the commission. The reporters are not full-time employees of the commission, are not subject to the state Merit System, and may not participate in the Employees' Retirement System of Alabama.

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

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

§36-25B-22 General Duties of Commission

The commission shall do all of the following:

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

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

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

(4) Examine all reports and statements filed with the commission and identify any discernible errors, omissions, or other violations of the filing requirements established

pursuant to this chapter.

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

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

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

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

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

(10) Report suspected criminal violations to the Attorney General or the appropriate district attorney, as

applicable, for further investigation and potential prosecution.

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

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

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

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

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

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

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

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

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

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

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

required by the Fair Campaign Practices Act.

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

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

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

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

§36-25B-24 Commission Funding

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

(b) Notwithstanding any other provision of law to the contrary, the annual appropriation to the commission in the State General Fund Appropriations Act shall not be less than one-tenth of one percent of the total State General Fund amount appropriated in the State General Fund Appropriations

Act unless a lower appropriation amount is expressly approved by two-thirds of the membership of the House of Representatives and two-thirds of the membership of the Senate.

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

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

§36-25B-25 Training

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

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

(2) For statewide constitutional officers, cabinet members, and executive staff, as determined by the Governor, in-person training not more than 30 days after the Governor

has been sworn into office at a time determined by the Governor, and for any individual whose service begins at a different time, in-person or online training not more than 60 days after beginning service.

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

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

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

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

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

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

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

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

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

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

§36-25B-26 Commission Website

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

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

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

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

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

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

d. Formal advisory opinions and the core principles of informal advisory opinions, as further provided in Section

36-25B-27.

§36-25B-27 Advisory Opinions

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

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

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

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

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

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

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

(2) An informal advisory opinion is prospective and shall be based on the facts presented, but does not have the force and effect of a formal advisory opinion, nor does an

informal advisory opinion provide legal immunity to the requesting person. However, there shall be a rebuttable presumption that a requesting person who acts in conformance with an informal advisory opinion intended to comply with this chapter or the Fair Campaign Practices Act and at a minimum, shall be a mitigating factor.

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

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

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

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

Article 3. Restricted and Prohibited Acts

§36-25B-40 Conflict of Interest

(a) Consistent with the Constitution of Alabama of 2022, a member of the Legislature may not sponsor or vote on any legislation when the member knows or reasonably should know that he or she has a conflict of interest.

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

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

(2) For a subsequent offense, there shall be a rebuttable presumption the public servant committed a criminal act under Article 3 of Chapter 10 of Title 13A, and the commission shall promptly notify the Attorney General or the appropriate district attorney and provide all evidence obtained by, or in the possession of, the commission. In addition, the commission may notify the appropriate public servant or governmental body who has authority to discipline or remove the public servant from office or employment.

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

(a) A public servant may not approve, direct, vote for, or otherwise influence or attempt to influence any official action of the public servant's governmental body to direct or steer contracts, grants, awards, or financial business from the public servant's governmental body to any person if the public servant knows or should know that the contract, grant, award, or financial business would directly benefit the public servant, an associated business of the public servant, or any family member of the public servant. For purposes of this section only, "family member" means an individual within the third degree of consanguinity or second degree of affinity.

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

(2) For a subsequent offense, there shall be a rebuttable presumption the public servant committed a criminal act under Article 3 of Chapter 10 of Title 13A, and the commission shall promptly notify the Attorney General or the appropriate district attorney and provide all evidence obtained by, or in the possession of, the commission. In addition, the commission may notify the appropriate public servant or governmental body who has authority to discipline or remove the public servant from office or employment.

§36-25B-42 Gift Ban

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

(2) Any person who knows or should know that he or she

is a prohibited source may not offer or provide a gift to a public servant or any person closely associated with a public servant.

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

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

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

(3) Any event of which a prohibited source is a sponsor where the public servant's attendance at the event is appropriate to the performance of his or her official duties or representative function, provided the expenses are reported

to the commission in accordance with Section 36-25B-61.

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

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

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

(3) At an event where all members of the Legislature, a local legislative body, a legislative caucus registered under Chapter 5 of Title 17, or a legislative committee are invited.

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

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

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

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

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

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

(3) For a third offense, a civil penalty of five times the value of the gift.

(4) For a subsequent offense, there shall be a rebuttable presumption the person committed a criminal act under Article 3 of Chapter 10 of Title 13A, and the commission shall promptly notify the Attorney General or the appropriate district attorney and provide all evidence obtained by, or in the possession of, the commission. In addition, the commission may notify the appropriate public servant or governmental body that has authority to discipline or remove the public servant from office or employment.

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

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

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

§36-25B-43 Solicitation of Subordinates Prohibited

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

§36-25B-44 Charitable Fundraising

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

§36-25B-45 Outside Employment

Nothing in this article prohibits or restricts a public official, once taking office, from continuing to engage in outside employment in his or her profession or skill. The mere fact that a public official's compensation in his or her outside employment increases while the public official is in office does not create a presumption that the increase is related to or on account of his or her official office or position.

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

(a)(1) An individual elected to a statewide office or a member of the Legislature, while holding office, may not serve as a lobbyist before any governmental body.

(2) Nothing in this subsection shall be construed to

prohibit an elected public official from engaging, while in office, in outside employment in his or her profession or field of expertise, including representing a client before a governmental body of which the public official is not a member, provided such engagement is not related to his or her official duties.

(3) This subsection shall not be construed to prohibit an individual elected to a statewide office or a member of the Legislature from performing his or her official duties or responsibilities.

(b)(1) An individual elected to a county or municipal office, while holding office, may not serve as a lobbyist before any governmental body within the geographical jurisdiction of the county or municipal office for which the public official is serving.

(2) This subsection shall not be construed to prohibit an individual elected to a county or municipal office from performing his or her official duties or responsibilities.

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

(2) For a subsequent offense, there shall be a rebuttable presumption the public official committed a criminal act under Article 3 of Chapter 10 of Title 13A, and the commission shall promptly notify the Attorney General or the appropriate district attorney and provide all evidence obtained by, or in the possession of, the commission. In addition, the commission may notify the appropriate public

servant or governmental body who has authority to discipline or remove the public servant from office or employment.

§36-25B-47 Revolving Door Prohibitions

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

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

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

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

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

(2) Accept employment or enter into a consulting agreement with a business that received a grant, award, or contract for goods or services with the governmental body for

which he or she had served or worked within the preceding two years, if the public servant actually recommended or materially influenced the approval of the grant, award, or contract.

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

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

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

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

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

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

(2) For a subsequent offense, there shall be a

rebuttable presumption the public servant committed a criminal act under Article 3 of Chapter 10 of Title 13A, and the commission shall promptly notify the Attorney General or the appropriate district attorney and provide all evidence obtained by, or in the possession of, the commission. In addition, the commission may notify the appropriate public servant or governmental body who has authority to discipline or remove the public servant from office or employment.

§36-25B-48 Floor Privileges

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

§36-25B-49 Contingency Fee Lobbying Prohibited

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

Article 4. Registration and Reporting Requirements

§36-25B-60 Lobbyist Registration and Termination

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

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

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

(2) A full-face photograph of the registrant.

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

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

(5) Either of the following:

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

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

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

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

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

§36-25B-61 Prohibited Source Reporting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§36-25B-62 Statement of Economic Interests

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

(1) All elected public officials.

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

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

(4) All executive staff of the Governor.

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

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

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

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

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

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

(11) All city and county school superintendents and school board members.

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

(13) Chief and assistant county building inspectors.

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

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

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

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

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

(3) Awards or recommends economic incentives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 5. Enforcement

§36-25B-80 Enforcement Generally

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

§36-25B-81 Complaints

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

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

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

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

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

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

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

(f) If information is brought to the attention of the commission in a manner other than through a complaint, the director shall conduct a preliminary investigation and if he or she determines there are sufficient grounds to believe that a violation may have occurred, the director may request the commissioners to authorize a full investigation and shall provide a written record of the director's reasoning. If at least four commissioners provide written consent to a full investigation, the director shall notify the respondent, as required in Section 36-25B-84(b), of the commission's intent to conduct a full investigation.

§36-25B-82 Confidentiality of Complaints

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

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

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

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

§36-25B-84 Investigations

(a) Upon a preliminary finding by the director that a violation of this chapter or the Fair Campaign Practices Act may have occurred pursuant to Section 36-25B-81(d)(2), or after an affirmative vote of the commissioners to initiate a full investigation pursuant to Section 36-25B-81(f), or if a matter is referred to the commission pursuant to Section 13A-10-61.1(c)(1), the director and staff of the commission shall conduct a full investigation in accordance with this section.

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

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

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

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

(3) If the director determines there is sufficient evidence to indicate that a violation occurred, the director shall make a recommendation of appropriate penalties and shall immediately notify the respondent of the director's findings and recommended penalties, a reference to the particular provision of this chapter or the Fair Campaign Practice Act which was violated, and a copy of the complaint, including the

identity of the complainant, together with any statement, evidence, or information received from the complainant, witnesses, or other individuals or discovered in the course of the investigation.

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

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

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

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

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

(3) Request a contested case hearing; or

(4) Dismiss the matter.

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

§36-25B-85 Contested Case Hearings

(a) If a contested case hearing is requested, the commission shall set a hearing date of not less than 45 days after receiving the request and shall immediately provide notice to the respondent. Notice shall include the time and place of the hearing, the complaint, and all statements, evidence, and information received from the complainant, witnesses, or other individuals, or discovered in the course of the investigation. Upon the timely request of the respondent, the commission shall postpone the hearing for not less than 30 days for good cause shown.

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

(c) The commissioners shall preside over any contested case hearing held pursuant to this section. The commission shall provide the respondent the opportunity to respond and present evidence and argument on all material issues involved, call witnesses, be represented by legal counsel at his or her own expense, and be present along with his or her legal counsel during all deliberations of the commissioners.

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

(e) The record of a hearing shall include all evidence considered and a written statement of the findings of the commission members. Findings of fact shall be based solely on the evidence in the record.

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

§36-25B-86 Confidentiality of Investigations

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

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

§36-25B-87 Criminal Referrals

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

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

§36-25B-88 Penalties

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

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

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

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

(1) Issue a private warning or public reprimand;

(2) Enter into a consent decree;

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

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

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

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

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

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

§36-25B-90 Appeals

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

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

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

"§11-3-5

(a) ~~Except where a contract for goods or services is competitively bid regardless of whether bidding is required~~

~~under Alabama's competitive bid law, no member of any county commission and no business with which any county commissioner is associated shall~~ A county commissioner, family member of a county commissioner, or associated business of a county commissioner may not be a party to any contract for goods or services with the county commission on which he or she serves, unless the contract is competitively bid, regardless of whether bidding is required under the competitive bid laws of this state. ~~Except where a contract for goods or services is competitively bid regardless of whether bidding is required under Alabama's competitive bid law, no county commission shall award any contract to a family member of a county commissioner.~~ Under no circumstances shall a county commissioner participate in the bid preparation or review of a bid that is received from the county commissioner, ~~a business with which he or she is associated, or~~ a family member of the county commissioner, or an associated business of the county commissioner, and a county commissioner shall not deliberate or vote on acceptance of a bid submitted by the county commissioner, ~~a business with which he or she is associated, or~~ a family member of the county commissioner, or an associated business of the county commissioner.

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

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

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

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

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

Section 10. This act shall become effective on June 1, 2025.