

1 HB121
2 196357-2
3 By Representatives Sorrell and McCutcheon
4 RFD: State Government
5 First Read: 04-FEB-20

2
3
4
5
6
7
8 SYNOPSIS: This bill would prohibit any governmental
9 entity from expending public funds to advocate in
10 favor of or against statewide and local ballot
11 measures.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
17 Relating to public funds; to prohibit any
18 governmental entity from expending public funds to advocate in
19 favor of or against statewide and local ballot measures.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. (a) For the purposes of this section, the
22 term governmental entity includes the state, or any political
23 subdivision thereof, or any department, agency, board,
24 commission, or authority of the state or political
25 subdivision, or any public corporation, authority, agency,
26 board, commission, or other governmental entity controlled by
27 the state or political subdivision, including a public

1 institution of higher education, local board of education, or
2 any school under the jurisdiction of a local board of
3 education.

4 (b) (1) Any provision of law to the contrary
5 notwithstanding, a governmental entity may not expend any
6 public funds from any source for activities to advocate for
7 electors to vote in favor of or against a statewide or local
8 ballot measure, even if the governmental entity has determined
9 that the expenditure serves a public purpose.

10 (2) For the purposes of this subsection, the
11 activities prohibited are those enumerated in subdivision (1)
12 of subsection (b) of Section 17-17-5, Code of Alabama 1975,
13 including the presentation or distribution of any political
14 literature or the placement of any sign, banner, marker, or
15 other political poster on the property of a governmental
16 entity, if the purpose is to advocate for electors to vote in
17 favor of or against a statewide or local measure.

18 (3) The Department of Examiners of Public Accounts
19 shall report any violation of this subsection by a
20 governmental entity to the Chairs of the Senate Finance and
21 Taxation General Fund Committee and the Senate Finance and
22 Taxation Education Committee and the Chairs of the House Ways
23 and Means General Fund Committee and the House Ways and Means
24 Education Committee.

25 (c) Providing information on ballot issues which do
26 not advocate a specific voter action is not a prohibited
27 activity under subsection (b).

1 (d) Nothing in this section shall prevent a
2 contribution or dues payment to a trade association in which
3 the public entity is a member.

4 Section 2. This act shall become effective on the
5 first day of the fourth month following its passage and
6 approval by the Governor, or its otherwise becoming law.