

# HB227 INTRODUCED



1 HB227  
2 IL1HWZZ-1  
3 By Representative Simpson  
4 RFD: Ethics and Campaign Finance  
5 First Read: 22-Feb-24



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SYNOPSIS:

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

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

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

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

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

This bill would maintain this process and



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

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

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

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

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

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

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

55 This bill would require the commission to  
56 provide certain notice to a person under an ethics



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57 investigation by the commission.

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

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

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

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



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

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

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

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A BILL

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TO BE ENTITLED

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AN ACT

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100                   Relating to government ethics; to amend Sections  
101 13A-10-60 and 13A-10-61, Code of Alabama 1975, to provide  
102 further for the crime of bribery; to add Section 13A-10-61.1,  
103 Code of Alabama 1975, to establish the crime of using public  
104 office for pecuniary benefit; to repeal Sections 13A-10-62 and  
105 13A-10-82, relating to crimes in public office; to repeal  
106 Chapter 25 and add a new Chapter 25B to Title 36, Code of  
107 Alabama 1975, to replace the public ethics code; to provide  
108 further for the appointment of members of the State Ethics  
109 Commission and the director of the commission; to revise the  
110 duties of the commission; to revise the scope of penalties for  
111 violations of the ethics code to include private censures and  
112 public reprimands and to exclude criminal violations; to



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113 provide for appeals of decisions of the commission; to provide  
114 further for formal and informal advisory opinions issued by  
115 the commission; to revise who must file and what must be  
116 disclosed in the Statement of Economic Interests; to provide  
117 definitions; to prohibit public servants from taking official  
118 action that would result in a conflict of interest; to  
119 prohibit certain persons termed "prohibited sources" from  
120 giving gifts to certain public servants and prohibit public  
121 servants from receiving gifts from certain prohibited sources;  
122 to revise the revolving door provisions; to add Section  
123 36-15-1.1 to the Code of Alabama 1975, to further provide for  
124 the duties of the Attorney General; to amend Section 11-3-5,  
125 Code of Alabama 1975, to make conforming changes to provisions  
126 governing certain public contracts entered into by counties;  
127 and to define terms.

128 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

131 "§13A-10-60

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

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

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

140 ~~(2)~~ (3) PECUNIARY BENEFIT. Benefit in the form of money,



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141 property, commercial interests, or anything else the primary  
142 significance of which is economic gain. Expenses associated  
143 with social occasions afforded public servants and party  
144 officers shall not be deemed a pecuniary benefit within the  
145 meaning of this article.

146 ~~(3)~~ (4) PUBLIC SERVANT. ~~As used in this article, such~~  
147 ~~term includes persons~~ An individual who presently ~~occupy~~  
148 occupies the position of a public servant, as defined in  
149 Section 13A-10-1 ~~(7)~~, or ~~have~~ has been elected, appointed, or  
150 designated to become a public servant although not yet  
151 occupying that position.

152 ~~(4)~~ (2) PARTY OFFICER. ~~A person~~ An individual who holds  
153 any position or office in a political party, whether by  
154 election, appointment, or otherwise."

155 "§13A-10-61

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

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

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



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

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

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

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

181 §13A-10-61.1

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

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

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

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





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197 himself or herself or for any other person.

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

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

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

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

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

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

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



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225 conviction, is guilty of a Class C felony when the personal  
226 gain to the public servant or other person is equal to or  
227 exceeds ten thousand dollars (\$10,000), but less than one  
228 hundred thousand dollars (\$100,000), or the cost to the state  
229 or local government is equal to ten thousand dollars  
230 (\$10,000), but less than one hundred thousand dollars  
231 (\$100,000).

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

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

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

244 §36-15-1.1

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

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



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

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

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

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

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

268 Article 1. General Provisions

269 §36-25B-1 Short Title

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

272 §36-25B-2 Definitions

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

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

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



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281 of the business.

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

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

286 (5) COMMISSION. The State Ethics Commission.

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

294 (7) DAY. Calendar day.

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

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

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

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

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



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309 club, organization, or other legal entity.

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

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

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

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

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

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

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

334 f. Compensation or benefits from outside employment or  
335 from a client or prospective employer in the ordinary course  
336 of business, unless the circumstances make it clear that the



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337 purpose of the compensation or benefit is to substantially  
338 influence the public servant.

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

343 h. Anything provided through inheritance.

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

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

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

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

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

364 1. Any legislative action, including executive



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365 amendment, veto, or approval of legislation;

366 2. Any rulemaking action; or

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

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

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

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

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

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

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

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

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

392 1. A reporter or editor while pursuing normal



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393 reportorial and editorial duties.

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

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

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

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

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

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

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

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

419           (21) PERSON. An individual or entity.

420           (22) PERSON CLOSELY ASSOCIATED. A family member or





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421 associated business.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

465 §36-25B-3 Construction of Chapter In Pari Materia

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

469 §36-25B-4 Applicability of Chapter to Other Laws

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

475 §36-25B-5 Conducting Political Activity Allowed

476 Nothing in this chapter shall be deemed to limit the



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477 right of a public servant to publicly or privately express his  
478 or her support for, or to encourage others to support and  
479 contribute to, any principal campaign committee as defined in  
480 Section 17-5-2, political action committee as defined in  
481 Section 17-5-2, referendum, ballot question, issue, or  
482 constitutional amendment.

483 §36-25B-6 College and University Technology Transfer

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

492 §36-25B-7 Additional Discipline

493 Nothing in this chapter limits:

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

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

499 §36-25B-8 Whistleblower Protections

500 (a) As used in this section, "report of a violation" or  
501 "reports a violation" means a communication made in writing,  
502 in good faith, by a public servant to his or her supervisor or  
503 to the commission of a violation, or what the public servant  
504 believes in good faith to be a violation, of this chapter. The



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505 term includes, but is not limited to, filing a complaint,  
506 initiating a complaint, or giving truthful statements or  
507 truthful testimony concerning an alleged violation.

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

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

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



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533     testifying in an investigation conducted by the commission.

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

544             Article 2. State Ethics Commission

545             §36-25B-20 Commission Established; Membership

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

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

555             (c) (1) Commissioners shall serve for a term of five  
556 years with a term beginning on September 1 of the year  
557 appointed and ending on August 31 of the fifth year of that  
558 term. Appointed individuals shall assume their duties on  
559 September 1 or immediately thereafter if appointed after the  
560 start of the term, even if not yet confirmed by the Senate. If



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561 a newly appointed commissioner is not confirmed during the  
562 first regular session of the Legislature in which confirmation  
563 may occur, the appropriate appointing authority shall appoint  
564 another individual who shall immediately begin serving and be  
565 subject to Senate confirmation no later than the next regular  
566 legislative session.

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

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

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

- 580 1. A public official.
- 581 2. A candidate.
- 582 3. A lobbyist or a principal.
- 583 4. A former employee of the commission.

584 (d) If at any time there is a vacancy in the membership  
585 of the commission, a successor commissioner shall be appointed  
586 by the original appointing authority to serve for the  
587 unexpired term and shall be subject to Senate confirmation as  
588 further provided in this section. A commissioner may not be



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589 reappointed to succeed himself or herself unless the prior  
590 service was for less than a full term. A vacancy in the  
591 membership of the commission does not impair the right of the  
592 remaining commissioners to exercise all the powers of the  
593 commissioners as a whole.

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

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

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

614 §36-25B-21 Director and Other Employees of Commission

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



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

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

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

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





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

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

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

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

670 (e) The director, commissioners, and all employees of  
671 the commission may not engage in partisan political activity,  
672 including making any campaign contribution, at the state,



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673 county, and local level, and may not make any public statement  
674 for a period of 120 days before an election about a candidate,  
675 regardless of whether or not a candidate has a matter pending  
676 before the commission, other than a comment directly relating  
677 to the final disposition of the matter. This subsection shall  
678 in no way limit or restrict an individual's ability to vote in  
679 any election.

680 §36-25B-22 General Duties of Commission

681 The commission shall do all of the following:

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

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

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

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



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701 pursuant to this chapter.

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

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

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

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

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

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



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729 applicable, for further investigation and potential  
730 prosecution.

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

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

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

750 §36-25B-23 Commission's Duties under the Fair Campaign  
751 Practices Act

752 In addition to the duties set forth in Section  
753 36-25B-22, the commission shall coordinate with the Secretary  
754 of State to implement the reporting requirements of the  
755 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,  
756 and shall do all of the following:



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

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

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

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

775 (5) Upon written request, provide advice or opinions  
776 concerning proposed future conduct or action as it relates to  
777 the Fair Campaign Practices Act in the form of either formal  
778 or informal opinions, as further provided in Section  
779 38-25B-27.

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



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785 required by the Fair Campaign Practices Act.

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

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

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

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

804 §36-25B-24 Commission Funding

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

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



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

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

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

### 825 §36-25B-25 Training

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

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

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



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

845 (3) For municipal mayors, council members and  
846 commissioners, county commissioners, and members of any local  
847 board of education, in-person or online training not more than  
848 60 days after the beginning of the term of office at times  
849 agreeable to the director and the Alabama League of  
850 Municipalities, the Association of County Commissions of  
851 Alabama, and the Alabama Association of School Boards, and for  
852 any such official whose service begins at a different time,  
853 in-person or online training not more than 60 days after being  
854 sworn into office.

855 (4) For other public servants who are required to  
856 complete a statement of economic interests under Section  
857 36-25B-62, in-person or online training not more than 90 days  
858 after commencing public service.

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

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





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869 and formal advisory opinions and a discussion of relevant  
870 cases or scenarios.

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

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

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

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

893 (f) Attendance at any session of the training program  
894 shall be mandatory, except in the event the individual  
895 verifies he or she, in good faith, cannot or could not attend  
896 the training program. Any individual who fails to attend



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897 mandatory training or attend a mandatory makeup training  
898 session may be subject to a penalty.

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

903 §36-25B-26 Commission Website

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

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

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

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

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

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

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



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925 36-25B-27.

926 §36-25B-27 Advisory Opinions

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

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

946 (3) The person at whose request the opinion was issued  
947 or any person in similar circumstances who may be affected by  
948 the formal advisory opinion may petition for reconsideration  
949 of a formal advisory opinion by submitting a written request  
950 in a form prescribed by the commission received no more than  
951 30 days after the date the commissioners voted to approve the  
952 formal advisory opinion.



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

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

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

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

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



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

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

993 (4) Not later than 30 days after each calendar quarter,  
994 the commission shall summarize and publish on its website in a  
995 readily searchable manner the core principles articulated by  
996 the commission in the informal advisory opinions issued during  
997 the previous calendar year. These principles shall be written  
998 in a manner that does not reveal the identity of the requester  
999 and any other person mentioned in the informal advisory  
1000 opinion and that does not allow members of the public to  
1001 otherwise ascertain the identities of these persons.

1002 (c) The commission's decision not to issue a formal or  
1003 informal advisory opinion does not create any presumption as  
1004 to whether the action upon which the request for an advisory  
1005 opinion was based does or does not violate this chapter or the  
1006 Fair Campaign Practices Act.

1007 (d) The commission may issue formal and informal  
1008 advisory opinions only if requested to do so in writing by a



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1009 person who is not a commissioner or employee of the  
1010 commission.

1011 Article 3. Restricted and Prohibited Acts

1012 §36-25B-40 Conflict of Interest

1013 (a) Consistent with the Constitution of Alabama of  
1014 2022, a member of the Legislature may not sponsor or vote on  
1015 any legislation when the member knows or reasonably should  
1016 know that he or she has a conflict of interest.

1017 (b) Except as otherwise provided by law, a public  
1018 servant may not take official action on a particular matter  
1019 when the public servant knows or reasonably should know he or  
1020 she has a conflict of interest.

1021 (c) (1) In addition to any other penalty provided for in  
1022 Section 36-25B-88, a public servant or former public servant  
1023 who violates this section shall be subject to a civil penalty  
1024 up to three times the economic gain to the public servant.

1025 (2) For a subsequent offense, there shall be a  
1026 rebuttable presumption the public servant committed a criminal  
1027 act under Article 3 of Chapter 10 of Title 13A, and the  
1028 commission shall promptly notify the Attorney General or the  
1029 appropriate district attorney and provide all evidence  
1030 obtained by, or in the possession of, the commission. In  
1031 addition, the commission may notify the appropriate public  
1032 servant or governmental body who has authority to discipline  
1033 or remove the public servant from office or employment.

1034 §36-25B-41 Steering Contracts or Business Prohibited

1035 (a) A public servant may not approve, direct, vote for,  
1036 or otherwise influence or attempt to influence any official



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1037 action of the public servant's governmental body to direct or  
1038 steer contracts, grants, awards, or financial business from  
1039 the public servant's governmental body to any person if the  
1040 public servant knows or should know that the contract, grant,  
1041 award, or financial business would directly benefit the public  
1042 servant, an associated business of the public servant, or any  
1043 family member of the public servant. For purposes of this  
1044 section only, "family member" means an individual within the  
1045 third degree of consanguinity or second degree of affinity.

1046 (b) (1) In addition to any other penalty provided for in  
1047 Section 36-25B-88, a public servant who violates this section  
1048 shall be subject to a civil penalty up to three times the  
1049 economic gain to the public servant, associated business, or  
1050 family member.

1051 (2) For a subsequent offense, there shall be a  
1052 rebuttable presumption the public servant committed a criminal  
1053 act under Article 3 of Chapter 10 of Title 13A, and the  
1054 commission shall promptly notify the Attorney General or the  
1055 appropriate district attorney and provide all evidence  
1056 obtained by, or in the possession of, the commission. In  
1057 addition, the commission may notify the appropriate public  
1058 servant or governmental body who has authority to discipline  
1059 or remove the public servant from office or employment.

1060 §36-25B-42 Gift Ban

1061 (a) (1) A public servant may not solicit or accept a  
1062 gift from any person the public servant knows or should know  
1063 is a prohibited source.

1064 (2) Any person who knows or should know that he or she



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1065 is a prohibited source may not offer or provide a gift to a  
1066 public servant or any person closely associated with a public  
1067 servant.

1068 (b) Notwithstanding subsection (a), a prohibited source  
1069 may make payment of or reimbursement for actual and necessary  
1070 registration and travel expenses, including reasonable food,  
1071 beverages, hospitality, and lodging expenses incurred by  
1072 attendance by a public servant and his or her family members  
1073 at:

1074 (1) An educational function of which the prohibited  
1075 source is a sponsor, provided the expenses are reported to the  
1076 commission in accordance with Section 36-25B-61. For purposes  
1077 of this subdivision, "educational function" means a meeting,  
1078 event, or activity that is organized around a formal program  
1079 or agenda of educational or informational speeches, debates,  
1080 panel discussions, or other presentations concerning matters  
1081 within the scope of the participant's official duties or other  
1082 matters of public policy.

1083 (2) An economic development function of which the  
1084 prohibited source is a sponsor. For purposes of this  
1085 subdivision, "economic development function" means any  
1086 function reasonably and directly related to the advancement of  
1087 a specific, good-faith economic development or trade promotion  
1088 project or objective.

1089 (3) Any event of which a prohibited source is a sponsor  
1090 where the public servant's attendance at the event is  
1091 appropriate to the performance of his or her official duties  
1092 or representative function, provided the expenses are reported





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1093 to the commission in accordance with Section 36-25B-61.

1094 (c) Notwithstanding subsection (a), food, beverages,  
1095 and hospitality may be provided by a prohibited source and  
1096 accepted by a public servant and his or her family members in  
1097 the following conditions, provided the expenses are reported  
1098 to the commission in accordance with Section 36-25B-61:

1099 (1) At a reception or similar event other than in the  
1100 form of a seated meal, at which it is reasonably expected that  
1101 more than 25 individuals will attend.

1102 (2) At a seated meal of mutual interest to a number of  
1103 parties at which it is reasonably expected that more than 12  
1104 individuals will attend and that individuals with a diversity  
1105 of views or interests will be present.

1106 (3) At an event where all members of the Legislature, a  
1107 local legislative body, a legislative caucus registered under  
1108 Chapter 5 of Title 17, or a legislative committee are invited.

1109 (d) It is not a violation of this section in either of  
1110 the following circumstances:

1111 (1) The gift is offered or provided as the result of a  
1112 familial relationship, unless the circumstances make it clear  
1113 that the gift is not motivated by the familial relationship  
1114 and that the gift is intended to substantially influence the  
1115 recipient's official activities.

1116 (2) The gift is offered or provided as the result of a  
1117 friendship, unless the circumstances make it clear that the  
1118 gift is not motivated by the friendship and that the gift is  
1119 intended to substantially influence the recipient's official  
1120 activities.



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1121 (e) A person who violates this section shall be subject  
1122 to the following penalties:

1123 (1) For a first offense, a civil penalty of no more  
1124 than two times the value of the gift. In lieu of a civil  
1125 penalty, the commission may issue a public reprimand for a  
1126 first time violation if the commission determines the person  
1127 did not know the value of the gift was more than one hundred  
1128 dollars (\$100).

1129 (2) For a second offense, a civil penalty of three  
1130 times the value of the gift.

1131 (3) For a third offense, a civil penalty of five times  
1132 the value of the gift.

1133 (4) For a subsequent offense, there shall be a  
1134 rebuttable presumption the person committed a criminal act  
1135 under Article 3 of Chapter 10 of Title 13A, and the commission  
1136 shall promptly notify the Attorney General or the appropriate  
1137 district attorney and provide all evidence obtained by, or in  
1138 the possession of, the commission. In addition, the commission  
1139 may notify the appropriate public servant or governmental body  
1140 that has authority to discipline or remove the public servant  
1141 from office or employment.

1142 (f) The commission shall adopt rules to do both of the  
1143 following:

1144 (1) Provide guidance on what constitutes hospitality  
1145 for purposes of this section.

1146 (2) Allow for, but not require, pre-certification of  
1147 events and activities described in subsections (b) and (c).

1148 §36-25B-43 Solicitation of Subordinates Prohibited



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1149 Other than in the ordinary course of business, a  
1150 supervisor of any governmental body may not solicit a gift  
1151 from a subordinate.

### 1152 §36-25B-44 Charitable Fundraising

1153 Nothing in this article prohibits a public servant or  
1154 his or her family member, regardless of whether he or she  
1155 serves on the board of directors of the nonprofit entity, from  
1156 conducting fundraising activities for a nonprofit entity,  
1157 which may include soliciting monetary donations or other items  
1158 from prohibited sources, provided, (i) the public servant is  
1159 not acting in his or her official capacity, and (ii) the  
1160 public servant or a person closely associated with the public  
1161 servant will not receive any personal financial benefit from  
1162 the fundraising activities.

### 1163 §36-25B-45 Outside Employment

1164 Nothing in this article prohibits or restricts a public  
1165 official, once taking office, from continuing to engage in  
1166 outside employment in his or her profession or skill. The mere  
1167 fact that a public official's compensation in his or her  
1168 outside employment increases while the public official is in  
1169 office does not create a presumption that the increase is  
1170 related to or on account of his or her official office or  
1171 position.

### 1172 §36-25B-46 Elected Officials Prohibited from Lobbying

1173 (a) (1) An individual elected to a statewide office or a  
1174 member of the Legislature, while holding office, may not serve  
1175 as a lobbyist before any governmental body.

1176 (2) Nothing in this subsection shall be construed to



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1177 prohibit an elected public official from engaging, while in  
1178 office, in outside employment in his or her profession or  
1179 field of expertise, including representing a client before a  
1180 governmental body of which the public official is not a  
1181 member, provided such engagement is not related to his or her  
1182 official duties.

1183 (3) This subsection shall not be construed to prohibit  
1184 an individual elected to a statewide office or a member of the  
1185 Legislature from performing his or her official duties or  
1186 responsibilities.

1187 (b) (1) An individual elected to a county or municipal  
1188 office, while holding office, may not serve as a lobbyist  
1189 before any governmental body within the geographical  
1190 jurisdiction of the county or municipal office for which the  
1191 public official is serving.

1192 (2) This subsection shall not be construed to prohibit  
1193 an individual elected to a county or municipal office from  
1194 performing his or her official duties or responsibilities.

1195 (c) (1) A public official who violates this section  
1196 shall be subject to a civil penalty up to or commensurate with  
1197 the economic gain to the public official.

1198 (2) For a subsequent offense, there shall be a  
1199 rebuttable presumption the public official committed a  
1200 criminal act under Article 3 of Chapter 10 of Title 13A, and  
1201 the commission shall promptly notify the Attorney General or  
1202 the appropriate district attorney and provide all evidence  
1203 obtained by, or in the possession of, the commission. In  
1204 addition, the commission may notify the appropriate public



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1205 servant or governmental body who has authority to discipline  
1206 or remove the public servant from office or employment.

1207 §36-25B-47 Revolving Door Prohibitions

1208 (a) An appointed public official, for a period of two  
1209 years after leaving service, may not serve as a lobbyist  
1210 before the governmental body for which he or she had served.

1211 (b) An elected public official, for a period of two  
1212 years after leaving service or the expiration of the term to  
1213 which he or she was elected, whichever is longer, may not  
1214 serve as a lobbyist before the governmental body for which he  
1215 or she had served.

1216 (c) A public employee or an individual who works for a  
1217 governmental body pursuant to a consulting agreement, agency  
1218 transfer, loan, or similar arrangement, for a period of two  
1219 years after leaving the employment or other arrangement, may  
1220 not serve as a lobbyist before the governmental body for which  
1221 he or she had worked.

1222 (d) A public servant who has authority over  
1223 procurements or who recommends or materially influences the  
1224 approval of grants, awards, or contracts for goods or  
1225 services, for a period of two years after leaving service or  
1226 employment, may not:

1227 (1) Enter into, solicit, or negotiate a grant, award,  
1228 or contract for goods or services with the governmental body  
1229 for which he or she had served or worked; and

1230 (2) Accept employment or enter into a consulting  
1231 agreement with a business that received a grant, award, or  
1232 contract for goods or services with the governmental body for



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1233 which he or she had served or worked within the preceding two  
1234 years, if the public servant actually recommended or  
1235 materially influenced the approval of the grant, award, or  
1236 contract.

1237 (e) A public servant who personally participates in the  
1238 direct regulation, audit, or investigation of a business, for  
1239 a period of two years after leaving service or employment, may  
1240 not solicit or accept employment or enter into a consulting  
1241 agreement with that business.

1242 (f) Nothing in this section shall limit or prohibit any  
1243 of the following:

1244 (1) A former public employee from resuming employment  
1245 with his or her former employer, unless otherwise restricted  
1246 or prohibited by law.

1247 (2) A former public employee from entering into a  
1248 consulting agreement with his or her former employer to  
1249 personally provide consulting services, unless otherwise  
1250 restricted or prohibited by law.

1251 (3) A public official or public employee from accepting  
1252 employment with another governmental body or another  
1253 department within the same governmental body and from  
1254 representing the interests of his or her public employer  
1255 before the governmental body for which he or she had served.

1256 (g) (1) A public servant or former public servant who  
1257 violates this section shall be subject to a civil penalty up  
1258 to or commensurate with the economic gain to the public  
1259 servant.

1260 (2) For a subsequent offense, there shall be a



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1261 rebuttable presumption the public servant committed a criminal  
1262 act under Article 3 of Chapter 10 of Title 13A, and the  
1263 commission shall promptly notify the Attorney General or the  
1264 appropriate district attorney and provide all evidence  
1265 obtained by, or in the possession of, the commission. In  
1266 addition, the commission may notify the appropriate public  
1267 servant or governmental body who has authority to discipline  
1268 or remove the public servant from office or employment.

1269 §36-25B-48 Floor Privileges

1270 No former member of the House of Representatives or the  
1271 Senate of the State of Alabama shall be extended floor  
1272 privileges of either body in a lobbying capacity.

1273 §36-25B-49 Contingency Fee Lobbying Prohibited

1274 A principal or lobbyist may not accept compensation  
1275 for, or enter into a contract to provide, lobbying services  
1276 which is contingent upon the passage or defeat of any  
1277 legislative action.

1278 Article 4. Registration and Reporting Requirements

1279 §36-25B-60 Lobbyist Registration and Termination

1280 (a) Every lobbyist shall register by filing a form  
1281 prescribed by the commission no later than January 31 of each  
1282 year or within 10 days after the first undertaking requiring  
1283 such registration. Each lobbyist shall pay an annual fee of  
1284 two hundred dollars (\$200) on or before January 31 of each  
1285 year or within 10 days of the first undertaking requiring  
1286 registration.

1287 (b) The registration shall be in writing and shall  
1288 contain the following:



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1289 (1) The registrant's full name and business address.

1290 (2) A full-face photograph of the registrant.

1291 (3) The full name and address of each of the  
1292 registrant's principal or principals.

1293 (4) A statement signed by each principal that he or she  
1294 has read the registration, knows its contents, and has  
1295 authorized the registrant to be a lobbyist on his or her  
1296 behalf as specified therein, and that no compensation will be  
1297 paid to the registrant contingent upon passage or defeat of  
1298 any legislative measure. If the principal is an entity, the  
1299 statement must be signed by the individual within the  
1300 principal who directs the activities of the lobbyist.

1301 (5) Either of the following:

1302 a. A list of each governmental body with whom he or she  
1303 engages or intends to engage in lobbying. For purposes of this  
1304 subdivision, each executive branch agency, department, board,  
1305 or commission shall be considered a separate entity and the  
1306 Legislature and each local legislative body shall be  
1307 considered a separate entity.

1308 b. An acknowledgment that the lobbyist is not limiting  
1309 his or her ability to engage in lobbying before any specific  
1310 governmental body.

1311 (c) A registrant shall file a supplemental registration  
1312 indicating any substantial change or changes in the  
1313 information contained in the prior registration within 10 days  
1314 after the date of the change.

1315 (d) (1) A lobbyist who ceases to engage in activities  
1316 requiring registration shall file a written, verified





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1317 statement with the commission, on a form prescribed by the  
1318 commission by rule, acknowledging the termination of  
1319 activities. The notice shall be effective immediately.

1320 (2) An individual who files a notice of termination  
1321 pursuant to this section shall file the reports required  
1322 pursuant to Section 36-25B-61 for any reporting period during  
1323 which he or she was registered.

1324 §36-25B-61 Prohibited Source Reporting

1325 (a) A prohibited source shall report on a form  
1326 prescribed by the commission by rule:

1327 (1) The payment or reimbursement of registration and  
1328 travel expenses as permitted under Section 36-25B-42(b)(1) and  
1329 (b)(3); and

1330 (2) The provision of food, beverages, and hospitality  
1331 as permitted under Section 36-25B-42(c).

1332 (b)(1) For purposes of reporting of events described in  
1333 subdivision (a)(1), the report must disclose a description of  
1334 the event, the date or dates of the event, the monetary value  
1335 received by each public servant and his or her family members,  
1336 and the identity of the public servants and family members who  
1337 attended the event.

1338 (2) For purposes of reporting of events described in  
1339 subdivision (a)(2), the report must include a description of  
1340 the event, the date of the event, and a list of the public  
1341 servants invited to the event.

1342 (c) Nothing in this section shall require an entity  
1343 whose officers or employees serve as public servants under  
1344 this chapter to report any expenditures or reimbursements paid



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1345 to the officers and employees for the performance of their  
1346 duties for the entity.

1347 (d) The report shall cover activity during a  
1348 three-month period and shall be filed no later than January  
1349 31, April 30, July 31, and October 31 for activity during the  
1350 preceding calendar quarter.

1351 (e) (1) A prohibited source other than a lobbyist or  
1352 principal shall file a report only if the prohibited source  
1353 conducts activity that must be reported pursuant to this  
1354 section.

1355 (2) A lobbyist or principal shall file a report each  
1356 quarter, regardless of whether any reportable activity was  
1357 conducted during the preceding quarter.

1358 (f) If a prohibited source files a report required  
1359 under this section after the reporting deadline, the  
1360 prohibited source shall pay a late fee, as prescribed by rule  
1361 of the commission, but not to exceed one hundred fifty dollars  
1362 (\$150).

1363 (g) A report required to be filed under this section  
1364 which is more than three months past due shall be deemed a  
1365 failure to file a report. The commission may impose a fine for  
1366 failure to report as follows:

1367 (1) For a first offense, three hundred dollars (\$300).

1368 (2) For a second offense, six hundred dollars (\$600).

1369 (3) For a third or subsequent offense, one thousand two  
1370 hundred dollars (\$1,200).

1371 §36-25B-62 Statement of Economic Interests

1372 (a) No later than April 30 of each year, the following



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1373 public servants shall file with the commission a statement of  
1374 economic interests covering the period of the preceding  
1375 calendar year:

1376 (1) All elected public officials.

1377 (2) Each appointed member of a board, commission, or  
1378 authority having statewide jurisdiction other than boards,  
1379 commissions, and authorities that solely act in an advisory  
1380 capacity.

1381 (3) Each employee of the Legislature, the Legislative  
1382 Services Agency, and the Department of Examiners of Public  
1383 Accounts, other than those who have a purely administrative or  
1384 maintenance role.

1385 (4) All executive staff of the Governor.

1386 (5) The commissioners and all employees of the  
1387 commission.

1388 (6) The agency head of each governmental body, if paid  
1389 in whole or in part from state, county, or municipal funds.

1390 (7) The general counsel or lead attorney of each  
1391 governmental body.

1392 (8) Each public employee holding a position described  
1393 in Section 36-26-10(b)(10).

1394 (9) Each public servant with power to grant or deny  
1395 land development permits.

1396 (10) Each appointed member of a local board,  
1397 commission, or authority, if paid in whole or in part from  
1398 state, county, or municipal funds, who receives compensation,  
1399 other than travel expenses or a per diem, for his or her  
1400 service on the board, commission, or authority.



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1401 (11) All city and county school superintendents and  
1402 school board members.

1403 (12) The superintendent or chief executive officer and  
1404 members of the board of directors or board of trustees of all  
1405 state public K-12 schools.

1406 (13) Chief and assistant county building inspectors.

1407 (14) Any individual otherwise required by law to file a  
1408 statement of economic interests.

1409 (15) All public servants listed with the commission as  
1410 provided in subsection (b).

1411 (b) The agency head of each governing body, if paid in  
1412 whole or in part from state, county, or municipal funds, shall  
1413 provide annually to the commission, within a time frame  
1414 determined by rule of the commission, a list of each public  
1415 servant within the governing body who has independent  
1416 authority to perform any of the following duties, regardless  
1417 of whether the public servant actually performs such duties:

1418 (1) Makes discretionary decisions to expend public  
1419 funds in excess of ten thousand dollars (\$10,000) in a fiscal  
1420 year.

1421 (2) Awards or recommends contracts for goods or  
1422 services.

1423 (3) Awards or recommends economic incentives.

1424 (c) Notwithstanding subsection (d), a coach of an  
1425 athletic team of any four-year public institution of higher  
1426 education that receives state funds shall not be required to  
1427 include any income, donations, gifts, or benefits on his or  
1428 her statement of economic interests if the income, donations,



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1429 gifts, or benefits are a condition of the employment contract.

1430 (d) The statement shall be made on a form made  
1431 available by the commission and shall contain the following  
1432 information:

1433 (1) The name, occupation, and residential address of  
1434 the filing party; the name and occupation of each family  
1435 member of the filing party; and the name of each associated  
1436 business of the filing party.

1437 (2) The source and amount of income directly accrued by  
1438 the filing party and by his or her spouse, other than income  
1439 earned from serving in public employment, listed in the  
1440 following categorical amounts:

1441 a. Less than one thousand dollars (\$1,000).

1442 b. At least one thousand dollars (\$1,000) and less than  
1443 ten thousand dollars (\$10,000).

1444 c. At least ten thousand dollars (\$10,000) and less  
1445 than fifty thousand dollars (\$50,000).

1446 d. At least fifty thousand dollars (\$50,000) and less  
1447 than one hundred fifty thousand dollars (\$150,000).

1448 e. At least one hundred fifty thousand dollars  
1449 (\$150,000) and less than two hundred fifty thousand dollars  
1450 (\$250,000).

1451 f. At least two hundred fifty thousand dollars  
1452 (\$250,000) or more.

1453 (3) The identity and value of real property, other than  
1454 his or her primary residence, owned by the filing party or by  
1455 his or her spouse.

1456 (4)a. Except as provided in paragraph b., a listing of



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1457 indebtedness by the filing party or his or her spouse to  
1458 businesses operating in Alabama showing types and number of  
1459 each as follows: Banks, savings and loan associations,  
1460 insurance companies, mortgage firms, stockbrokers and  
1461 brokerages or bond firms; and the indebtedness to combined  
1462 organizations in the following categorical amounts:

1463 1. Less than twenty-five thousand dollars (\$25,000).

1464 2. Twenty-five thousand dollars (\$25,000) and less than  
1465 fifty thousand dollars (\$50,000).

1466 3. Fifty thousand dollars (\$50,000) and less than one  
1467 hundred thousand dollars (\$100,000).

1468 4. One hundred thousand dollars (\$100,000) and less  
1469 than one hundred fifty thousand dollars (\$150,000).

1470 5. One hundred fifty thousand dollars (\$150,000) and  
1471 less than two hundred fifty thousand dollars (\$250,000).

1472 6. Two hundred fifty thousand dollars (\$250,000) or  
1473 more.

1474 b. Mortgage debt on a primary residence and student  
1475 loans of the filing party or his or her spouse need not be  
1476 disclosed.

1477 (e) Before publishing a statement of economic interest  
1478 on the commission's website, the commission shall redact the  
1479 names of all family members and the residential address of the  
1480 filing party.

1481 (f) If the information required under this section is  
1482 not filed as required, the commission shall notify the filing  
1483 party as to his or her failure to so file, and the filing  
1484 party shall have 20 days to file the report after receipt of



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1485 the notification. After the 20-day period lapses, the  
1486 commission may assess a fine of twenty dollars (\$20) per day,  
1487 not to exceed one thousand dollars (\$1,000), for failure to  
1488 file timely.

1489 (g) (1) Upon petition, the commission shall waive the  
1490 filing requirement of this section if the filing party is  
1491 deceased or if the filing party was considered a public  
1492 servant and was subject to this chapter for a period of no  
1493 more than 30 days during the previous calendar year and as of  
1494 January 1 of the reporting year, has not been a public  
1495 servant.

1496 (2) Upon petition, the commission may waive the filing  
1497 requirement of this section if the filing party is incapable  
1498 of filing due to infirmity or due to active service in the  
1499 military.

1500 (h) A filing party who unintentionally neglects to  
1501 include any information relating to the financial disclosure  
1502 filing requirements of this section shall have 90 days to file  
1503 an amended statement of economic interests without penalty.

1504 §36-25B-63 Candidates Statement of Economic Interests

1505 (a) Not more than five days after a candidate files his  
1506 or her qualifying papers with the appropriate election  
1507 official or in the case of an independent candidate not more  
1508 than five days after the date the individual complies with the  
1509 requirements of Section 17-9-3, the candidate shall file with  
1510 the commission a statement of economic interests covering the  
1511 most recent calendar year for which public servants were  
1512 required to file pursuant to Section 36-25B-62. The



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1513 commission, for good cause shown, may allow the candidate an  
1514 additional five days to file the statement of economic  
1515 interests.

1516 (b) (1) Each election official who receives a  
1517 declaration of candidacy or petition to appear on the ballot  
1518 for election from a candidate, within five days of the  
1519 receipt, shall notify the commission of the name of the  
1520 candidate and the date on which the individual became a  
1521 candidate.

1522 (2) The commission, within five business days of  
1523 receipt of such notification, shall notify the election  
1524 official whether the candidate has complied with subdivision  
1525 (1).

1526 (c) (1) In addition to filing a statement of economic  
1527 interests pursuant to subsection (a), an individual who  
1528 remains qualified as a candidate on April 30 following the  
1529 date he or she initially qualified shall file a new statement  
1530 of economic interests by April 30 covering the period of the  
1531 previous calendar year.

1532 (2) Notwithstanding subdivision (1), for any calendar  
1533 year for which the commission has a candidate's current  
1534 statement of economic interests on file, no additional filing  
1535 for that calendar year is required.

1536 (d) If a candidate does not submit a statement of  
1537 economic interests under subsection (a) and, if applicable  
1538 subsection (c) by the prescribed deadline, the name of the  
1539 individual shall not appear on the ballot and the candidate  
1540 shall be deemed not qualified as a candidate in that election





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1541 cycle.

1542 (e) If a candidate is deemed not qualified, the  
1543 appropriate election official shall remove the name of the  
1544 candidate from the ballot.

1545 Article 5. Enforcement

1546 §36-25B-80 Enforcement Generally

1547 The commission may not impose any civil penalty, order  
1548 restitution, issue a public reprimand, or enter into a consent  
1549 decree unless the commissioners determine a violation has  
1550 occurred and approve the penalty, restitution, public  
1551 reprimand, or consent decree in accordance with this article.

1552 §36-25B-81 Complaints

1553 (a) The commission shall establish procedures for the  
1554 acceptance and investigation of complaints alleging violations  
1555 of this chapter or the Fair Campaign Practices Act and shall  
1556 publish the procedures and requirements for submitting  
1557 complaints, along with the complaint form, on the commission's  
1558 website.

1559 (b) Complaints must be in writing, set forth in detail  
1560 the specific charges against a respondent and the factual  
1561 allegations that support the charges, and signed by the  
1562 complainant in order to be considered by the commission.

1563 (c) (1) Upon receiving a complaint or a report filed  
1564 pursuant to Section 36-25B-83, and upon verifying the identity  
1565 of the complainant and that the complaint contains credible  
1566 and verifiable information supporting the allegations, the  
1567 director shall notify the respondent of the alleged violation  
1568 or violations together with a short and plain statement of the



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1569 matters asserted and the provisions of this chapter or the  
1570 Fair Campaign Practices Act alleged to have been violated.

1571 (2) The notice shall provide the respondent with an  
1572 opportunity to respond to the commission in writing in a  
1573 timely manner but in no event less than 10 days. Notice shall  
1574 be provided by personal service or by certified mail, return  
1575 receipt requested. The director shall delay further  
1576 consideration of the complaint until he or she has received a  
1577 response or the 10-day period has lapsed, whichever occurs  
1578 first. The director shall consider the response in making his  
1579 or her determination and include the response as part of the  
1580 written record of the complaint.

1581 (d) (1) If the director determines that the complaint  
1582 does not provide sufficient grounds to indicate that a  
1583 violation has occurred, the complaint shall be dismissed, but  
1584 the action must be reported to the commissioners along with a  
1585 written record of the director's reasoning.

1586 (2) If the director determines there are sufficient  
1587 grounds to believe that a violation may have occurred, the  
1588 director shall notify the respondent, as required in Section  
1589 36-25B-84(b), and notify the commissioners of the intent to  
1590 conduct a full investigation along with a written record of  
1591 the director's reasoning.

1592 (e) A complainant may not file a complaint on behalf of  
1593 any other individual.

1594 (f) If information is brought to the attention of the  
1595 commission in a manner other than through a complaint, the  
1596 director shall conduct a preliminary investigation and if he



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1597 or she determines there are sufficient grounds to believe that  
1598 a violation may have occurred, the director may request the  
1599 commissioners to authorize a full investigation and shall  
1600 provide a written record of the director's reasoning. If at  
1601 least four commissioners provide written consent to a full  
1602 investigation, the director shall notify the respondent, as  
1603 required in Section 36-25B-84(b), of the commission's intent  
1604 to conduct a full investigation.

### §36-25B-82 Confidentiality of Complaints

1606 (a) Except as provided in Section 36-25B-81(c) and  
1607 Section 36-25B-84(d)(3), the commissioners, director, and  
1608 employees of the commission shall keep confidential the  
1609 existence of any complaint and any information relating to the  
1610 complaint, including relevant information and documents and  
1611 the identity of the complainant, until the disposition of the  
1612 matter. In no event may a complaint or any part of the record  
1613 be made public or available on the commission's website if the  
1614 complaint is dismissed or, after an investigation, the  
1615 commission determines no violation occurred.

1616 (b) This section does not prohibit a complainant or  
1617 respondent from disclosing information relating to a complaint  
1618 submitted to the commission, and the fact that an individual  
1619 who is not a commissioner, director, or commission employee  
1620 discloses information relating to a complaint does not grant  
1621 the commissioners, director, or commission employees the  
1622 authority to discuss or disclose the existence of a complaint  
1623 or any information relating to the complaint.

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



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1625           The agency head of every governmental body shall file a  
1626 report with the commission on any matter that comes to his or  
1627 her attention in his or her official capacity that, after an  
1628 appropriate investigation based on credible and verifiable  
1629 information supporting the allegations, may constitute a  
1630 violation of this chapter within 10 days of completing the  
1631 investigation.

1632           §36-25B-84 Investigations

1633           (a) Upon a preliminary finding by the director that a  
1634 violation of this chapter or the Fair Campaign Practices Act  
1635 may have occurred pursuant to Section 36-25B-81(d)(2), or  
1636 after an affirmative vote of the commissioners to initiate a  
1637 full investigation pursuant to Section 36-25B-81(f), or if a  
1638 matter is referred to the commission pursuant to Section  
1639 13A-10-61.1(c)(1), the director and staff of the commission  
1640 shall conduct a full investigation in accordance with this  
1641 section.

1642           (b) Before initiating a full investigation, the  
1643 director shall notify the respondent by personal service or by  
1644 certified mail, return receipt requested, of the  
1645 investigation, along with the violations alleged to have  
1646 occurred and the written record of the director's reasoning  
1647 pursuant to Section 36-25B-81.

1648           (c) In the course of an investigation, the director,  
1649 upon an affirmative vote of at least four commissioners, may  
1650 subpoena witnesses and compel their attendance and may also  
1651 require the production of documents and other evidence. The  
1652 commission shall give the respondent the opportunity to



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1653 respond to the allegations by providing written statements,  
1654 testimony to commission staff, and any additional evidence.  
1655 Any additional relevant facts or evidence discovered by a  
1656 commissioner or commission staff during the course of an  
1657 investigation shall immediately be provided to the respondent.  
1658 The respondent has the right to be represented by legal  
1659 counsel throughout an investigation.

1660 (d) (1) Commission staff shall have no more than 180  
1661 days to complete an investigation and compile a written  
1662 record. The written record of the investigation shall include  
1663 all evidence considered and a written statement of the  
1664 director's assessment and recommendations. Findings of fact  
1665 shall be based solely on the evidence in the record.

1666 (2) If the director determines no violation has  
1667 occurred, the director shall dismiss the matter, but the  
1668 action must be reported to the commissioners along with the  
1669 written record described in subdivision (1). The director  
1670 shall promptly notify the respondent of the determination  
1671 along with a copy of the director's assessment. The commission  
1672 may not reinstate an investigation based on the same facts  
1673 alleged in the complaint or investigation.

1674 (3) If the director determines there is sufficient  
1675 evidence to indicate that a violation occurred, the director  
1676 shall make a recommendation of appropriate penalties and shall  
1677 immediately notify the respondent of the director's findings  
1678 and recommended penalties, a reference to the particular  
1679 provision of this chapter or the Fair Campaign Practice Act  
1680 which was violated, and a copy of the complaint, including the



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1681 identity of the complainant, together with any statement,  
1682 evidence, or information received from the complainant,  
1683 witnesses, or other individuals or discovered in the course of  
1684 the investigation.

1685 (4) Notice provided to the respondent pursuant to this  
1686 subsection shall be by personal service or by certified mail,  
1687 return receipt requested.

1688 (e) A respondent found by the director to have violated  
1689 this chapter or the Fair Campaign Practices Act under  
1690 subdivision (d) (3) shall have 21 days after receiving notice  
1691 of a violation to request a contested case hearing before the  
1692 commissioners. If at the end of the 21-day period the  
1693 respondent does not request a hearing, the director shall  
1694 notify and provide the commissioners with a written record  
1695 along with the director's assessment and recommendations for  
1696 penalties.

1697 (f) At the official meeting of the commissioners held  
1698 after receiving notification under subsection (e), the  
1699 commissioners shall:

1700 (1) Approve the director's assessment and  
1701 recommendations for penalties;

1702 (2) Revise the assessment and penalties, in which case  
1703 the respondent shall have an additional 21 days to request a  
1704 contested case hearing;

1705 (3) Request a contested case hearing; or

1706 (4) Dismiss the matter.

1707 (g) Prior to an official meeting of the commissioners  
1708 pursuant to subsection (f), the commissioners may not discuss



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1709 any matter relating to a respondent's case with the director  
1710 or with any other employee of the commission unless the  
1711 respondent and his or her legal counsel are given the  
1712 opportunity to also be present during any such discussion.

### 1713 §36-25B-85 Contested Case Hearings

1714 (a) If a contested case hearing is requested, the  
1715 commission shall set a hearing date of not less than 45 days  
1716 after receiving the request and shall immediately provide  
1717 notice to the respondent. Notice shall include the time and  
1718 place of the hearing, the complaint, and all statements,  
1719 evidence, and information received from the complainant,  
1720 witnesses, or other individuals, or discovered in the course  
1721 of the investigation. Upon the timely request of the  
1722 respondent, the commission shall postpone the hearing for not  
1723 less than 30 days for good cause shown.

1724 (b) Any additional relevant facts or evidence  
1725 discovered by the director or employee of the commission or  
1726 put in the possession of a commissioner after the conclusion  
1727 of the investigation but before or during the hearing shall  
1728 immediately be provided to the respondent.

1729 (c) The commissioners shall preside over any contested  
1730 case hearing held pursuant to this section. The commission  
1731 shall provide the respondent the opportunity to respond and  
1732 present evidence and argument on all material issues involved,  
1733 call witnesses, be represented by legal counsel at his or her  
1734 own expense, and be present along with his or her legal  
1735 counsel during all deliberations of the commissioners.

1736 (d) Outside of an official hearing proceeding, if the



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1737 director or any other employee of the commission is present in  
1738 any commissioner deliberations on any matter relating to a  
1739 respondent's case, the respondent and his or her legal counsel  
1740 must be given the opportunity to also be present during the  
1741 deliberation.

1742 (e) The record of a hearing shall include all evidence  
1743 considered and a written statement of the findings of the  
1744 commission members. Findings of fact shall be based solely on  
1745 the evidence in the record.

1746 (f) If the respondent does not request a hearing or  
1747 does not participate in a hearing, the commissioners' decision  
1748 is final, a penalty may be imposed, and the respondent, absent  
1749 good cause shown, may not appeal the decision.

1750 §36-25B-86 Confidentiality of Investigations

1751 (a) Prior to the disposition of a matter, the  
1752 commissioners, director, and employees of the commission shall  
1753 keep confidential and may not publicly disclose information  
1754 relating to an investigation, including the identity of the  
1755 respondent. In no event may an investigation or any part of  
1756 the record be made public or available on the commission's  
1757 website if the case is dismissed under Section  
1758 36-25B-84(d)(2).

1759 (b) This section does not prohibit a respondent or a  
1760 witness or other individual from disclosing information  
1761 relating to an investigation. The fact that an individual who  
1762 is not a commissioner, director, or commission employee  
1763 discloses information relating to an investigation does not  
1764 grant the commissioners, director, or commission employees the





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1765 authority to discuss or disclose the existence of the  
1766 investigation or any information relating to the  
1767 investigation.

### 1768 §36-25B-87 Criminal Referrals

1769 (a) If at any time during the course of reviewing a  
1770 complaint or conducting an investigation, the director has  
1771 reason to believe a criminal violation has been committed, the  
1772 director or general counsel shall present the relevant and  
1773 applicable evidence and other factors to the commissioners  
1774 and, upon the affirmative vote of the majority of the  
1775 commissioners, the director shall promptly notify the Attorney  
1776 General or the appropriate district attorney and provide all  
1777 evidence obtained by, or in the possession of, the commission.

1778 (b) The imposition of a penalty by the commission does  
1779 not prohibit the Attorney General or a district attorney from  
1780 pursuing criminal charges based on the same or related  
1781 conduct.

### 1782 §36-25B-88 Penalties

1783 (a) Any person subject to this chapter who  
1784 intentionally makes a false statement on any report,  
1785 registration, or statement pursuant to this chapter is subject  
1786 to a civil penalty not to exceed one thousand dollars  
1787 (\$1,000).

1788 (b) Any individual who makes or transmits a complaint  
1789 pursuant to this chapter which contains information or  
1790 statements the individual knows to be false is subject to a  
1791 civil penalty not to exceed one thousand dollars (\$1,000) and  
1792 shall be liable for the actual legal expenses incurred by the



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1793 respondent against whom the false report or complaint was  
1794 filed.

1795 (c) Any individual who intentionally makes false  
1796 statements to an employee of the commission or member of the  
1797 commission pursuant to this chapter is subject to a civil  
1798 penalty not to exceed one thousand dollars (\$1,000).

1799 (d) For a violation of this chapter, unless otherwise  
1800 specified, the commission may:

1801 (1) Issue a private warning or public reprimand;

1802 (2) Enter into a consent decree;

1803 (3) Impose a civil penalty up to or commensurate with  
1804 the economic gain to the violator; or

1805 (4) Order restitution, if applicable, up to or  
1806 commensurate with the economic loss to a governmental body.

1807 (e) Restitution collected by the commission shall be  
1808 paid to the governmental body suffering the economic loss.

1809 (f) If a person fails to pay any civil penalty or  
1810 restitution, the commission may file an action to collect the  
1811 penalty in a court of competent jurisdiction in Montgomery  
1812 County. The person shall be responsible for paying all costs  
1813 associated with the collection of the civil penalty or  
1814 restitution.

1815 §36-25B-89 Reconsideration of Contested Case Hearings

1816 If the respondent discovers new evidence that comes to  
1817 his or her knowledge after the final determination was made by  
1818 the commissioners in a case hearing and that evidence would  
1819 not have been discovered sooner through the exercise of due  
1820 diligence, the respondent may petition the commission for



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1821 reconsideration, regardless of whether the respondent had  
1822 requested a contested case hearing. Upon receiving a petition,  
1823 the commission shall stay any collection of any penalty  
1824 pending a determination by the commissioners whether to  
1825 reconsider the respondent's case. If the commissioners reject  
1826 the respondent's petition, the respondent shall have the  
1827 opportunity to file an appeal under Section 36-25B-90,  
1828 regardless of whether the respondent had requested a contested  
1829 case hearing.

### 1830 §36-25B-90 Appeals

1831 Within 30 days of a final order or decision of the  
1832 commissioners in a contested case hearing imposing a penalty  
1833 under this article or within 30 days of a rejection of a  
1834 petition for reconsideration, any person aggrieved by the  
1835 final order or decision may file a petition for appeal in a  
1836 court of competent jurisdiction in Montgomery County.

1837 Section 8. The Code Commissioner shall conform  
1838 references in the Code of Alabama 1975, to reflect the changes  
1839 made by this act. Code changes, including the renumbering of  
1840 references to Chapter 25, Title 36, to reflect the appropriate  
1841 code sections in Chapter 25B, Title 36, as created by this  
1842 act, shall be made at a time determined to be appropriate by  
1843 the Code Commissioner.

1844 Section 9. Section 11-3-5, Code of Alabama 1975, is  
1845 amended to read as follows:

1846 "§11-3-5

1847 (a) ~~Except where a contract for goods or services is~~  
1848 ~~competitively bid regardless of whether bidding is required~~



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1849 ~~under Alabama's competitive bid law, no member of any county~~  
1850 ~~commission and no business with which any county commissioner~~  
1851 ~~is associated shall~~ A county commissioner, family member of a  
1852 county commissioner, or associated business of a county  
1853 commissioner may not be a party to any contract for goods or  
1854 services with the county commission on which he or she serves,  
1855 unless the contract is competitively bid, regardless of  
1856 whether bidding is required under the competitive bid laws of  
1857 this state. ~~Except where a contract for goods or services is~~  
1858 ~~competitively bid regardless of whether bidding is required~~  
1859 ~~under Alabama's competitive bid law, no county commission~~  
1860 ~~shall award any contract to a family member of a county~~  
1861 ~~commissioner.~~ Under no circumstances shall a county  
1862 commissioner participate in the bid preparation or review of a  
1863 bid that is received from the county commissioner, ~~a business~~  
1864 ~~with which he or she is associated, or~~ a family member of the  
1865 county commissioner, or an associated business of the county  
1866 commissioner, and a county commissioner shall not deliberate  
1867 or vote on acceptance of a bid submitted by the county  
1868 commissioner, ~~a business with which he or she is associated,~~  
1869 ~~or~~ a family member of the county commissioner, or an  
1870 associated business of the county commissioner.

1871 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a  
1872 family member to do any work for the county; provided,  
1873 however, the family member of a county commissioner may be  
1874 employed by the county if the family member is hired pursuant  
1875 to a county personnel policy that does not require a vote of  
1876 the county commission or if the county commissioner does not



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1877 participate in the hiring process through recommendation,  
1878 deliberation, vote, or otherwise.

1879 (c) Any county commissioner in violation of this  
1880 section shall be guilty of a Class A misdemeanor.

1881 ~~(d) In compliance with Section 36-25-11, any contract~~  
1882 ~~executed with a member of the county commission or with a~~  
1883 ~~business with which a county commissioner is associated shall~~  
1884 ~~be filed with the Ethics Commission within 10 days after the~~  
1885 ~~contract has been executed.~~

1886 (d) Any contract executed in violation of this section  
1887 shall be void by operation of law and any ~~person~~ individual  
1888 employed by the county in violation of this section shall  
1889 forfeit his or her employment by operation of law.

1890 (e) For the purposes of this section, the ~~definition of~~  
1891 ~~family member shall be the same as the definition in~~  
1892 ~~subdivision (15) of Section 36-25-1 for the family member of a~~  
1893 ~~public official~~ terms "family member" and "associated business"  
1894 shall have the same meanings as defined in Section 36-25B-2."

1895 Section 10. This act shall become effective on June 1,  
1896 2025.