

1 HB310  
2 156005-1  
3 By Representatives Black, McCampbell, Jackson, Melton, Boyd  
4 and Coleman-Evans  
5 RFD: Internal Affairs  
6 First Read: 21-JAN-14

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8 SYNOPSIS: Currently, employees of the state and  
9 political subdivisions of the state are prohibited  
10 from engaging in political activities that involve  
11 the use of public funds, resources, and time. The  
12 term "political activities" is not defined for  
13 these purposes.

14 This bill would specify that public funds  
15 may be used to pay staff members of a political  
16 caucus of the Legislature to perform specified  
17 activities related to the legislative process.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To amend Section 17-17-5, Code of Alabama 1975,  
24 relating to the prohibited use of public property, funds, and  
25 time for political activities; to clarify that public funds  
26 may be used to pay staff members of a political caucus of the

1 Legislature to perform functions relative to the legislative  
2 process.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§17-17-5.

7 "(a) (1) No Subject to subdivision (2), no person in  
8 the employment of the State of Alabama, a county, a city, a  
9 local school board, or any other governmental agency, whether  
10 classified or unclassified, shall use any state, county, city,  
11 local school board, or other governmental agency funds,  
12 property, or time, for any political activities.

13 "(2) With respect to a person employed as a staff  
14 member for a political caucus of the Legislature who is paid  
15 from state funds, the term political activities does not  
16 include work performed for the caucus related to the  
17 legislative process, including, but not limited to,  
18 formulating and preparing policy for the caucus, preparing an  
19 analysis of issues to be considered or under consideration by  
20 the Legislature, or formulating a recommendation to the caucus  
21 on issues before, or likely to come before, the caucus. As  
22 used in this subdivision, "political caucus" means a caucus of  
23 either house of the Legislature that represents the political  
24 party that is in the majority in the respective house or a  
25 political party that is in the minority in either house.

26 "(b) (1) No person in the employment of the State of  
27 Alabama, a county, a city, a local school board, or any other

1 governmental agency may arrange by salary deduction or  
2 otherwise for any payments to a political action committee or  
3 arrange by salary deduction or otherwise for any payments for  
4 the dues of any person so employed to a membership  
5 organization which uses any portion of the dues for political  
6 activity. For purposes of this subsection only, political  
7 activity shall be limited to all of the following:

8 "a. Making contributions to or contracting with any  
9 entity which engages in any form of political communication,  
10 including communications which mention the name of a political  
11 candidate.

12 "b. Engaging in or paying for public opinion  
13 polling.

14 "c. Engaging in or paying for any form of political  
15 communication, including communications which mention the name  
16 of a political candidate.

17 "d. Engaging in or paying for any type of political  
18 advertising in any medium.

19 "e. Phone calling for any political purpose.

20 "f. Distributing political literature of any type.

21 "g. Providing any type of in-kind help or support to  
22 or for a political candidate.

23 "(2) Any organization that requests the State of  
24 Alabama, a county, a city, a local school board, or any other  
25 governmental agency to arrange by salary deduction or  
26 otherwise for the collection of membership dues from persons  
27 employed by the State of Alabama, a county, a city, a local

1 school board, or any other governmental agency shall certify  
2 to the appropriate governmental entity that none of the  
3 membership dues will be used for political activity.  
4 Thereafter, at the conclusion of each calendar year, each  
5 organization that has arranged for the collection of its  
6 membership dues from persons employed by the State of Alabama,  
7 a county, a city, a local school board, or any other  
8 governmental agency shall provide the appropriate governmental  
9 entity a detailed breakdown of the expenditure of the  
10 membership dues of persons employed by the State of Alabama, a  
11 county, a city, a local school board, or any other  
12 governmental agency and collected by the governmental entity.  
13 Any organization that fails to provide the required  
14 certifications, that reports any expenditures for political  
15 activity, or that files false information about political  
16 activity in any of its reports shall be permanently barred  
17 from arranging for the collection of its membership dues by  
18 any governmental entity. The Examiners of Public Accounts  
19 shall annually review a sample of at least 10 percent of the  
20 certifications filed with each governmental entity and report  
21 its findings to the appropriate governmental entity.

22 "(c) Any person who is in the employment of the  
23 State of Alabama, a county, a city, a local school board, the  
24 State Board of Education or any other governmental agency,  
25 shall be on approved leave to engage in political action or  
26 the person shall be on personal time before or after work and  
27 on holidays. It shall be unlawful for any officer or employee

1 to solicit any type of political campaign contributions from  
2 other employees who work for the officer or employee in a  
3 subordinate capacity. It shall also be unlawful for any  
4 officer or employee to coerce or attempt to coerce any  
5 subordinate employee to work in any capacity in any political  
6 campaign or cause. Any person who violates this section shall  
7 be guilty of the crime of trading in public office and upon  
8 conviction thereof, shall be fined or sentenced, or both, as  
9 provided by Section 13A-10-63."

10 Section 2. This act shall become effective October  
11 1, 2014, following its passage and approval by the Governor,  
12 or its otherwise becoming law.