

1 SB313
2 219038-3
3 By Senator Orr
4 RFD: Fiscal Responsibility and Economic Development
5 First Read: 15-MAR-22

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to public funds; to prohibit any public
12 official or public employee from expending public funds to
13 advocate in favor of or against statewide and local ballot
14 measures.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) For the purposes of this section, the
17 following terms have the following meanings:

18 (1) GOVERNMENTAL BODY. Any department, agency,
19 board, commission, or authority of the state or political
20 subdivision, or any public corporation, authority, agency,
21 board, commission, or other governmental body controlled by
22 the state or political subdivision, including a public
23 institution of higher education, local board of education, or
24 any school under the jurisdiction of a local board of
25 education.

26 (2) PUBLIC EMPLOYEE. The meaning ascribed in Section
27 36-25-1, Code of Alabama 1975.

1 (3) PUBLIC OFFICIAL. The meaning ascribed in Section
2 36-25-1, Code of Alabama 1975.

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

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

17 (c) Providing an objective analysis or factual
18 information on a ballot measure which does not advocate a
19 specific position is not a prohibited activity under
20 subsection (b).

21 (d) Any public official or public employee who votes
22 or takes other official action to expend public funds in
23 violation of subsection (b), as determined by the Department
24 of Examiners of Public Accounts, shall be subject to a demand
25 for repayment in accordance with Section 41-5A-20, Code of
26 Alabama 1975.

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

4 (f) Nothing in this section shall be interpreted as
5 prohibiting any student, faculty member, or other employee or
6 official of a school or institution of higher education from
7 discussing political topics, including referendums, while on
8 campus.

9 (g) Nothing in this section shall be interpreted as
10 prohibiting a public official or public employee from
11 promoting or opposing a referendum in his or her capacity as a
12 private citizen and while not engaged in official duties as
13 long as the activities of the public official or public
14 employee do not violate Section 36-25-5, Code of Alabama 1975.

15 Section 2. This act shall become effective on the
16 first day of the third month following its passage and
17 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Economic
Development..... 15-MAR-22

Read for the second time and placed on the
calendar with 1 substitute and..... 17-MAR-22

Read for the third time and passed as amended 31-MAR-22

Yeas 26
Nays 5

Patrick Harris,
Secretary.