

1 SB345  
2 137327-1  
3 By Senators Taylor, Williams, Bussman, Scofield, Ward, Reed,  
4 Brewbaker and Marsh  
5 RFD: Constitution, Campaign Finance, Ethics, and Elections  
6 First Read: 21-FEB-12

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SYNOPSIS:                This bill would create the crime of corruption of an election if a person offers or solicits a campaign contribution to a candidate for public office or if a candidate solicits or accepts a campaign contribution knowing the contribution is from illegal activity. The crime would be a Class C felony.

                          Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                  TO BE ENTITLED  
11                  AN ACT

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13                  To add Section 13A-10-64 to the Code of Alabama  
14                  1975, to establish the crime of corruption of an election; and  
15                  in connection therewith would have as its purpose or effect  
16                  the requirement of a new or increased expenditure of local  
17                  funds within the meaning of Amendment 621 of the Constitution  
18                  of Alabama of 1901, now appearing as Section 111.05 of the  
19                  Official Recompilation of the Constitution of Alabama of 1901,  
20                  as amended.

21                  BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                  Section 1. Section 13A-10-64 is added to the Code of  
23                  Alabama 1975, to read as follows:

24                  §13A-10-64.

25                  (a) For the purposes of this act, the term  
26                  "contribution" means a contribution as defined in subdivision  
27                  (2) of Section 17-5-2.

1 (b) A person commits the crime of corruption of an  
2 election if the person does either of the following:

3 (1) The person knowingly offers, makes, solicits,  
4 coordinates, facilitates, structures, or authorizes the making  
5 of a contribution to any candidate for public office, any  
6 public official, or any political action committee, including  
7 a principal campaign committee, from the proceeds of any  
8 illegal activity or any activity that would be illegal under  
9 the laws of this state if carried on within the criminal  
10 jurisdiction of this state.

11 (2) While a candidate for public office or otherwise,  
12 a candidate, a public official, the chair or treasurer of a  
13 political action committee, including a principal campaign  
14 committee, or other person solicits or accepts a contribution  
15 that the person knows is paid from the proceeds of any illegal  
16 activity or any activity that would be illegal under the laws  
17 of this state if carried on within the criminal jurisdiction  
18 of this state.

19 (c) Corruption of an election is a Class C felony.

20 Section 2. Although this bill would have as its  
21 purpose or effect the requirement of a new or increased  
22 expenditure of local funds, the bill is excluded from further  
23 requirements and application under Amendment 621, now  
24 appearing as Section 111.05 of the Official Recompilation of  
25 the Constitution of Alabama of 1901, as amended, because the  
26 bill defines a new crime or amends the definition of an  
27 existing crime.

1                   Section 3. This act shall become effective on the  
2           first day of the third month following its passage and  
3           approval by the Governor, or its otherwise becoming law.