- 1 HB197
- 2 116976-3
- 3 By Representatives Ball, McCutcheon, Wood, Hill and McClurkin
- 4 RFD: Constitution and Elections
- 5 First Read: 12-JAN-10

1	ENGROSSED
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4	A BILL
5	TO BE ENTITLED
6	AN ACT
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8	To amend Section 17-17-35, Code of Alabama 1975,
9	relating to violations of the Fair Campaign Practices Act, to
10	provide that failure to file the final campaign finance report
11	or failure to file the annual campaign finance report would
12	result in the person not being permitted to be a candidate for
13	any election for four years after the delinquent reports are
14	completed.
15	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
16	Section 1. Section 17-17-35, Code of Alabama 1975,
17	is amended to read as follows:
18	"§17-17-35.
19	"(a) A Except as provided in subsection (d), a
20	person who violates any provision of Chapter 5, other than
21	Section 17-5-7, or a reporting requirement under Sections
22	17-5-4, 17-5-5, and 17-5-8, shall be guilty, upon conviction,
23	of a Class A misdemeanor.
24	"(b) A person who violates any reporting requirement
25	of Sections 17-5-4, 17-5-5, and 17-5-8 shall be guilty, upon
26	conviction, of a Class B misdemeanor.

1 "(c) Any person who intentionally violates Section 2 17-5-7 shall be quilty, upon conviction, of a Class B felony. 3 "(d) A person who violates the provisions of Section 17-5-8 by failing to file a final report of contributions and 4 expenditures or by failing to file within after 30 days of 5 the deadline the annual report on or which is due before 6 7 January 31 of the succeeding year shall not be permitted to be a candidate in any election until four years after the date 8 the delinquent reports are completed. 9

"(d) (e) The Attorney General may prosecute
violations of Chapter 5. Venue for cases involving violations
of Chapter 5 shall be in the county in which the alleged
violator resides.

14 "(e)(f) No prosecution for violation of Chapter 5 15 shall be commenced later than two years after the date of 16 violation. Notwithstanding the foregoing, a prosecution 17 brought pursuant to Section 17-5-7 shall be commenced within 18 four years after the commission of the offense. Additionally, a prosecution brought pursuant to Section 17-5-7 shall be 19 20 prosecuted by the Attorney General or the district attorney for the appropriate jurisdiction, and the venue for any action 21 22 pursuant to this section shall be in the county in which the alleged violation occurred, or in those cases where the 23 violation or violations occurred outside the State of Alabama, 24 25 in Montgomery County."

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

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3	House of Representatives
4 5 6 7 8	Read for the first time and re- ferred to the House of Representa- tives committee on Constitution and Elections 12-JAN-10
9 10 11 12	Read for the second time and placed on the calendar with 1 substitute and 04-FEB-10
13 14 15	Read for the third time and passed as amended 11-FEB-10 Yeas 98, Nays 0, Abstains 1
1.5	

16 17 Greg Pappas 18 Clerk 19

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