

1 SB210  
2 115719-1  
3 By Senator Orr  
4 RFD: Economic Expansion and Trade  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, failure to file a  
9 reporting requirement of the Fair Campaign  
10 Practices Act is a Class A misdemeanor.

11 This bill would provide that failure to file  
12 the final campaign finance report or failure to  
13 file the annual campaign finance report would  
14 result in the person not being permitted to be a  
15 candidate for any election for four years after the  
16 reports are due.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT  
21

22 To amend Section 17-17-35, Code of Alabama 1975,  
23 relating to violations of the Fair Campaign Practices Act, to  
24 provide that failure to file the final campaign finance report  
25 or failure to file the annual campaign finance report would  
26 result in the person not being permitted to be a candidate for  
27 any election for four years after the reports are due.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 17-17-35, Code of Alabama 1975,  
3 is amended to read as follows:

4 "§17-17-35.

5 "(a) ~~A~~ Except as provided in subsection (d), a  
6 person who violates any provision of Chapter 5, other than  
7 Section 17-5-7, or a reporting requirement under Sections  
8 17-5-4, 17-5-5, and 17-5-8, shall be guilty, upon conviction,  
9 of a Class A misdemeanor.

10 "(b) A person who violates any reporting requirement  
11 of Sections 17-5-4, 17-5-5, and 17-5-8 shall be guilty, upon  
12 conviction, of a Class B misdemeanor.

13 "(c) Any person who intentionally violates Section  
14 17-5-7 shall be guilty, upon conviction, of a Class B felony.

15 "(d) A person who violates the provisions of Section  
16 17-5-8 by failing to file a report of contributions and  
17 expenditures between 10 and five days before the date of any  
18 election or by failing to file the annual report on or before  
19 January 31 of the succeeding year shall not be permitted to be  
20 a candidate in any election until four years after the date  
21 the reports are due.

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

26 "~~(e)~~ (f) No prosecution for violation of Chapter 5  
27 shall be commenced later than two years after the date of

1 violation. Notwithstanding the foregoing, a prosecution  
2 brought pursuant to Section 17-5-7 shall be commenced within  
3 four years after the commission of the offense. Additionally,  
4 a prosecution brought pursuant to Section 17-5-7 shall be  
5 prosecuted by the Attorney General or the district attorney  
6 for the appropriate jurisdiction, and the venue for any action  
7 pursuant to this section shall be in the county in which the  
8 alleged violation occurred, or in those cases where the  
9 violation or violations occurred outside the State of Alabama,  
10 in Montgomery County."

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