

1 HB41  
2 214972-3  
3 By Representative Allen  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 11-JAN-22

8           SYNOPSIS:           This bill would prohibit a state or local  
9                               official responsible for the conduct of an  
10                              election, or his or her employee, from soliciting,  
11                              accepting, using, or disposing of donations of  
12                              money, grants, property, or personal services from  
13                              an individual or nongovernmental entity for the  
14                              purpose of funding certain election-related  
15                              expenses, including voter education, voter  
16                              outreach, or voter registration programs.

17                              This bill provides an exception for the  
18                              donation and acceptance of space to be used  
19                              temporarily as a voting site.

20                              This bill also provides criminal penalties  
21                              for violations.

22                              Amendment 621 of the Constitution of Alabama  
23                              of 1901, as amended by Amendment 890, now appearing  
24                              as Section 111.05 of the Official Recompilation of  
25                              the Constitution of Alabama of 1901, prohibits a  
26                              general law whose purpose or effect would be to  
27                              require a new or increased expenditure of local

1 funds from becoming effective with regard to a  
2 local governmental entity without enactment by a  
3 2/3 vote unless: it comes within one of a number of  
4 specified exceptions; it is approved by the  
5 affected entity; or the Legislature appropriates  
6 funds, or provides a local source of revenue, to  
7 the entity for the purpose.

8 The purpose or effect of this bill would be  
9 to require a new or increased expenditure of local  
10 funds within the meaning of the amendment. However,  
11 the bill does not require approval of a local  
12 governmental entity or enactment by a 2/3 vote to  
13 become effective because it comes within one of the  
14 specified exceptions contained in the amendment.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT  
19

20 Relating to elections; to prohibit certain public  
21 officials responsible for the conduct of an election, or their  
22 employees, from soliciting, accepting, using, or disposing of  
23 certain donations from an individual or nongovernmental entity  
24 for the purpose of funding certain election-related expenses;  
25 to provide criminal penalties for violations; and in  
26 connection therewith would have as its purpose or effect the  
27 requirement of a new or increased expenditure of local funds

1 within the meaning of Amendment 621 of the Constitution of  
2 Alabama of 1901, as amended by Amendment 890, now appearing as  
3 Section 111.05 of the Official ReCompilation of the  
4 Constitution of Alabama of 1901.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) Notwithstanding any other law, no  
7 state or local public official responsible for the conduct of  
8 an election, nor his or her employee, may solicit, accept,  
9 use, or dispose of any donation in the form of money, grants,  
10 property, or personal services from an individual or a  
11 nongovernmental entity for the purpose of funding  
12 election-related expenses or voter education, voter outreach,  
13 or voter registration programs.

14 (b) This section does not prohibit the donation and  
15 acceptance of space to be temporarily used for a polling  
16 place.

17 (c) Any person who violates this section shall be  
18 guilty of a Class B misdemeanor.

19 Section 2. Although this bill would have as its  
20 purpose or effect the requirement of a new or increased  
21 expenditure of local funds, the bill is excluded from further  
22 requirements and application under Amendment 621, as amended  
23 by Amendment 890, now appearing as Section 111.05 of the  
24 Official ReCompilation of the Constitution of Alabama of 1901,  
25 as amended, because the bill defines a new crime or amends the  
26 definition of an 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.