

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

1 SB313

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4 ENROLLED, An Act,

5 Relating to public funds; to prohibit any public
6 official or public employee from expending public funds to
7 advocate in favor of or against statewide and local ballot
8 measures.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

12 (1) GOVERNMENTAL BODY. Any department, agency,
13 board, commission, or authority of the state or political
14 subdivision, or any public corporation, authority, agency,
15 board, commission, or other governmental body controlled by
16 the state or political subdivision, including a public
17 institution of higher education, local board of education, or
18 any school under the jurisdiction of a local board of
19 education.

20 (2) PUBLIC EMPLOYEE. The meaning ascribed in Section
21 36-25-1, Code of Alabama 1975.

22 (3) PUBLIC OFFICIAL. The meaning ascribed in Section
23 36-25-1, Code of Alabama 1975.

24 (b) (1) Any provision of law to the contrary
25 notwithstanding, a public official or public employee may not

1 expend any public funds from any source for activities to
2 advocate in favor of or against a statewide or local ballot
3 measure, even if the public official or public employee has
4 determined that the expenditure serves a public purpose.

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

13 (c) Providing an objective analysis or factual
14 information on a ballot measure which does not advocate a
15 specific position is not a prohibited activity under
16 subsection (b).

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

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

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

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

12 (h) Nothing in this section shall prohibit a
13 governmental body from informing members of the public about
14 pending elections, promoting citizen participation in the
15 voting process, or encouraging citizens to vote on an election
16 day as part of their civic duty.

17 (i) Nothing in this section shall prohibit a
18 municipality from expending public funds to hold a referendum
19 election authorized by the municipal governmental body as
20 provided by law nor prohibit municipal officials or employees
21 from advocating in favor of or against the underlying purpose
22 of the referendum.

23 (j) Nothing in this section shall prevent a local
24 school district or other governmental body from expending
25 local revenue to inform members of the public as to services

1 that would be cut if ad valorem taxes are not passed or
2 renewed.

3 Section 2. This act shall become effective January
4 1, 2023, following its passage and approval by the Governor,
5 or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB313

Senate 31-MAR-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed 07-APR-22

Senate concurred in House amendment 07-APR-22

By: Senator Orr