- 1 HB259
- 2 203942-1
- 3 By Representative Chestnut
- 4 RFD: County and Municipal Government
- 5 First Read: 18-FEB-20

1	203942-1:n:01/13/2020:PMG/tj LSA2020-10
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8	SYNOPSIS: Under existing law, the Secretary of State
9	or a judge of probate may levy civil penalties for
10	improperly reporting under the Fair Campaign
11	Practices Act. Proceeds from civil penalties levied
12	by the Secretary of State are distributed to the
13	State General Fund.
14	This bill would require the proceeds from
15	civil penalties paid to the State General Fund for
16	campaign finance violations to be used to provide
17	grants to county probate courts or county
18	commissions to digitize recorded documents.
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20	A BILL
21	TO BE ENTITLED
22	AN ACT
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24	Relating to campaign finance civil penalties; to
25	amend Section 17-5-19.1, Code of Alabama 1975, to require the
26	proceeds from civil penalties paid to the State General Fund
27	for campaign finance violations to be used to provide grants

- to county probate courts or county commissions to digitize
 recorded documents.
- 3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
- Section 1. Section 17-5-19.1, Code of Alabama 1975,
- is amended to read as follows:
- 6 "\$17-5-19.1.

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- "(a) Commencing with the 2018 election cycle, the appropriate election official, based on the location of filing as required by Section 17-5-9, shall levy an administrative penalty against any person who fails to timely file a report required by this chapter and who does not remedy the filing of the report pursuant to subsection (h). The State Ethics Commission shall have the authority to levy an administrative penalty against any person who files a materially inaccurate report required by this chapter and who does not remedy the filing of the report pursuant to subsection (g).
- "(b) The schedule of civil penalties shall be as follows:
- "(1) The lesser of three hundred dollars (\$300) or 10 percent of the amount of contributions or expenditures not properly reported for a first offense in an election cycle.
- "(2) The lesser of six hundred dollars (\$600) or 15 percent of the amount of contributions or expenditures not properly reported for a second offense in an election cycle.
- 25 "(3) The lesser of one thousand two hundred dollars 26 (\$1,200) or 20 percent of the amount of contributions or

expenditures not properly reported for a third or subsequent offense in an election cycle.

- "(c) A fourth failure to timely or accurately file a report in an election cycle shall create a rebuttable presumption of intent to violate the reporting requirements of this chapter. The Secretary of State or judge of probate, as appropriate based on the location of filing, shall notify the Attorney General and the appropriate district attorney of all persons who violate the filing requirements four or more times in an election cycle.
- "(d) Upon imposition of a civil penalty pursuant to this section, the appropriate filing official shall send the person upon whom the penalty is being imposed proper notification by certified mail of the imposition of the penalty. If an electronic mail address is on file with the Secretary of State, the Secretary of State shall also provide such notification by electronic mail.
- "(e) Civil penalties levied shall be paid to the appropriate filing official within 45 days of the finality of any review. The Secretary of State or judge of probate, through his or her attorney, may institute proceedings to recover any penalties ordered pursuant to this section that are not paid by, or on behalf of, the person against whom they are levied and may collect necessary fees and costs associated with the collection action.
- "(f) All penalties collected by a judge of probate shall be distributed to that county's general fund, and all

penalties collected by the Secretary of State shall be distributed to the State General Fund. Notwithstanding any distribution formula contemplated by Article 8, commencing with Section 29-2-120, of Chapter 2 of Title 29, penalties paid to the State General Fund pursuant to this subsection shall be allocated to the State Executive Commission on Community Services Grants. These funds shall be used to provide grants, as recommended by the Joint Legislative Advisory Committee on Community Service Grants, to county probate courts or county commissions for the preservation of their recorded documents and the placement of the recorded documents on a searchable electronic database on the Internet for public access.

"(g) A person who voluntarily files an amended report to correct an error in an otherwise timely filed report without being prompted by a filing official shall not have committed an offense or be subjected to a civil penalty under this section, so long as, in the case of a candidate, the corrected report is filed prior to the election at issue, and so long as, in the case of a political action committee, the corrected report is filed prior to the close of the calendar year.

"(h) Failure to file a timely report shall not be considered an offense or subjected to a civil penalty pursuant to subsection (a) so long as it is the first failure by that candidate or political action committee for the election cycle

and the report is filed within 48 hours of the time it was

due.

"(i) Any penalties assessed pursuant to this section

may be paid with campaign funds.

Section 2. This act shall become effective

immediately following its passage and approval by the

Governor, or its otherwise becoming law.

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