

1 HB70
2 208577-1
3 By Representative Kiel
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-FEB-21
6 PFD: 11/30/2020

SYNOPSIS: Under existing law, it is unlawful for a person to pay, or for any elector to accept payment, either to vote or withhold his or her vote.

This bill would prohibit a person from promising, prior to an election, to make a payment after the election to an individual or entity, on a per voter basis, upon receiving proof that an elector or a specific number of electors voted in that election.

Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

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

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to elections; to add Section 17-17-34.1 to
17 the Code of Alabama 1975, to prohibit certain payments offered
18 or promised prior to an election to an individual or entity
19 for voting in an election; and in connection therewith would
20 have as its purpose or effect the requirement of a new or
21 increased expenditure of local funds within the meaning of
22 Amendment 621 of the Constitution of Alabama of 1901, now
23 appearing as Section 111.05 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 17-17-34.1 is added to the Code
27 of Alabama 1975, to read as follows:

1 §17-17-34.1.

2 (a) It shall be unlawful for any individual,
3 business, organization, or other entity, prior to an election,
4 to promise or offer to make a payment after the election, on a
5 per voter basis, to an individual, business, association,
6 organization, religious institution, or other entity upon
7 receiving proof that an elector or a specific number of
8 electors voted in that election.

9 (b) A violation of this section shall be a Class C
10 misdemeanor.

11 Section 2. Although this bill would have as its
12 purpose or effect the requirement of a new or increased
13 expenditure of local funds, the bill is excluded from further
14 requirements and application under Amendment 621, now
15 appearing as Section 111.05 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended, because the
17 bill defines a new crime or amends the definition of an
18 existing crime.

19 Section 3. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.