

1 SB471
2 168874-1
3 By Senator Glover
4 RFD: Constitution, Ethics and Elections
5 First Read: 12-MAY-15

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8 SYNOPSIS: Under existing law, there are certain
9 criminal and civil penalties that may be charged or
10 assessed against any person who violates the Fair
11 Campaign Practice Act.

12 This bill would provide that any civil
13 penalties for violation of the act would be
14 assessed by the appropriate filing official.

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16 A BILL
17 TO BE ENTITLED
18 AN ACT

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20 To amend Section 17-5-19, Code of Alabama 1975,
21 relating to the Fair Campaign Practices Act; to provide that
22 civil penalties for violations shall be assessed by the filing
23 official.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 17-5-19 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§17-5-19.

1 "(a) Except as otherwise provided in this section, a
2 person who intentionally violates any provision of this
3 chapter shall be guilty, upon conviction, of a Class A
4 misdemeanor.

5 "(b) A person who intentionally violates any
6 reporting requirement of Sections 17-5-4, 17-5-5, or 17-5-8
7 shall be guilty, upon conviction, of a Class A misdemeanor. A
8 person's failure to promptly file a required report upon
9 discovering or receiving notice from any person that the
10 report has not been filed, or the failure to promptly correct
11 an omission, error, or other discrepancy in a filed report
12 upon discovering or receiving notice of the discrepancy, shall
13 create a rebuttable presumption of intent to violate the
14 applicable reporting requirement.

15 "(c) Any person who intentionally violates Section
16 17-5-7 shall be guilty, upon conviction, of a Class B felony.

17 "(d) A person who fails to timely or accurately file
18 any report required by this chapter shall be assessed a civil
19 penalty of the greater of three hundred dollars (\$300) or ~~ten~~
20 10 percent of the amount not properly reported for a first
21 offense in an election cycle, six hundred dollars (\$600) or 15
22 percent of the amount not properly reported for a second
23 offense in an election cycle, and one thousand two hundred
24 dollars (\$1,200) or 20 percent of the amount not properly
25 reported for a third or subsequent offense in an election
26 cycle. A fourth failure to timely or accurately file a report
27 in an election cycle shall create a rebuttable presumption of

1 intent to violate the reporting requirements of this chapter.
2 Civil penalties shall be assessed by and paid to the
3 appropriate filing official. All penalties collected by a
4 judge of probate shall be distributed to that county's general
5 fund, and all penalties collected by the Secretary of State
6 shall be distributed to the State General Fund. A person who
7 voluntarily files an amended report to correct an error in an
8 otherwise timely filed report, without being prompted by a
9 filing official shall not be subjected to a civil penalty
10 under this subsection, so long as, in the case of a candidate,
11 the corrected report is filed prior to the election at issue,
12 and so long as, in the case of a political action committee,
13 the corrected report is filed prior to the election which the
14 contribution was given to influence.

15 "(e) The Attorney General or district attorney for
16 the appropriate jurisdiction may prosecute violations of this
17 chapter. Venue for cases involving violations of this chapter
18 shall be in the county in which the violation occurred or the
19 county in which the alleged violator resides or is
20 incorporated. If the alleged violator resides or is
21 incorporated outside of the State of Alabama or if the
22 violation or violations occurred outside the State of Alabama,
23 venue shall be in Montgomery County.

24 "(f) No prosecution for violation of this chapter
25 shall be commenced later than two years after the date of
26 violation. Notwithstanding the foregoing, a prosecution

1 brought pursuant to Section 17-5-7 shall be commenced within
2 four years after the commission of the offense."

3 Section 2. The Secretary of State may promulgate any
4 rules necessary to implement Section 17-5-19, Code of Alabama
5 1975, as amended by this act, pursuant to the Alabama
6 Administrative Procedure Act.

7 Section 3. This act shall become effective on the
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.