

1 HB583
2 150487-2
3 By Representatives Ford and Hammon
4 RFD: Internal Affairs
5 First Read: 09-APR-13

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8 SYNOPSIS: Currently, employees of the state and
9 political subdivisions of the state are prohibited
10 from engaging in political activities that involve
11 the use of public funds, resources, and time. The
12 term "political activities" is not defined for
13 these purposes.

14 This bill would specify that public funds
15 may be used to pay staff members of a political
16 caucus of the Legislature or either house thereof
17 to perform specified activities related to the
18 legislative process.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 17-17-5, Code of Alabama 1975,
25 relating to the prohibited use of public property, funds, and
26 time for political activities; to clarify that public funds
27 may be used to pay staff members of a political caucus of the

1 Legislature or either house thereof to perform functions
2 relative to the legislative process.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-17-5, Code of Alabama 1975, is
5 amended to read as follows:

6 "§17-17-5.

7 "(a) (1) No Subject to subdivision (2), no person in
8 the employment of the State of Alabama, a county, a city, a
9 local school board, or any other governmental agency, whether
10 classified or unclassified, shall use any state, county, city,
11 local school board, or other governmental agency funds,
12 property, or time, for any political activities.

13 "(2) With respect to a person employed as a staff
14 member for a political caucus of the Legislature or either
15 house thereof who is paid from state funds, the term political
16 activities does not include work performed for the caucus
17 related to the legislative process, including, but not limited
18 to, formulating and preparing policy for the caucus, preparing
19 an analysis of issues to be considered or under consideration
20 by the Legislature, or formulating a recommendation to the
21 caucus on issues before, or likely to come before, the caucus.

22 "(b) (1) No person in the employment of the State of
23 Alabama, a county, a city, a local school board, or any other
24 governmental agency may arrange by salary deduction or
25 otherwise for any payments to a political action committee or
26 arrange by salary deduction or otherwise for any payments for
27 the dues of any person so employed to a membership

1 organization which uses any portion of the dues for political
2 activity. For purposes of this subsection only, political
3 activity shall be limited to all of the following:

4 "a. Making contributions to or contracting with any
5 entity which engages in any form of political communication,
6 including communications which mention the name of a political
7 candidate.

8 "b. Engaging in or paying for public opinion
9 polling.

10 "c. Engaging in or paying for any form of political
11 communication, including communications which mention the name
12 of a political candidate.

13 "d. Engaging in or paying for any type of political
14 advertising in any medium.

15 "e. Phone calling for any political purpose.

16 "f. Distributing political literature of any type.

17 "g. Providing any type of in-kind help or support to
18 or for a political candidate.

19 "(2) Any organization that requests the State of
20 Alabama, a county, a city, a local school board, or any other
21 governmental agency to arrange by salary deduction or
22 otherwise for the collection of membership dues from persons
23 employed by the State of Alabama, a county, a city, a local
24 school board, or any other governmental agency shall certify
25 to the appropriate governmental entity that none of the
26 membership dues will be used for political activity.
27 Thereafter, at the conclusion of each calendar year, each

1 organization that has arranged for the collection of its
2 membership dues from persons employed by the State of Alabama,
3 a county, a city, a local school board, or any other
4 governmental agency shall provide the appropriate governmental
5 entity a detailed breakdown of the expenditure of the
6 membership dues of persons employed by the State of Alabama, a
7 county, a city, a local school board, or any other
8 governmental agency and collected by the governmental entity.
9 Any organization that fails to provide the required
10 certifications, that reports any expenditures for political
11 activity, or that files false information about political
12 activity in any of its reports shall be permanently barred
13 from arranging for the collection of its membership dues by
14 any governmental entity. The Examiners of Public Accounts
15 shall annually review a sample of at least 10 percent of the
16 certifications filed with each governmental entity and report
17 its findings to the appropriate governmental entity.

18 "(c) Any person who is in the employment of the
19 State of Alabama, a county, a city, a local school board, the
20 State Board of Education or any other governmental agency,
21 shall be on approved leave to engage in political action or
22 the person shall be on personal time before or after work and
23 on holidays. It shall be unlawful for any officer or employee
24 to solicit any type of political campaign contributions from
25 other employees who work for the officer or employee in a
26 subordinate capacity. It shall also be unlawful for any
27 officer or employee to coerce or attempt to coerce any

1 subordinate employee to work in any capacity in any political
2 campaign or cause. Any person who violates this section shall
3 be guilty of the crime of trading in public office and upon
4 conviction thereof, shall be fined or sentenced, or both, as
5 provided by Section 13A-10-63."

6 Section 2. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.