

1 HB41
2 214972-3
3 By Representative Allen
4 RFD: Constitution, Campaigns and Elections
5 First Read: 11-JAN-22
6 PFD: 12/07/2021

SYNOPSIS: This bill would prohibit a state or local official responsible for the conduct of an election, or his or her employee, from soliciting, accepting, using, or disposing of donations of money, grants, property, or personal services from an individual or nongovernmental entity for the purpose of funding certain election-related expenses, including voter education, voter outreach, or voter registration programs.

 This bill provides an exception for the donation and acceptance of space to be used temporarily as a voting site.

 This bill also provides criminal penalties for violations.

 Amendment 621 of the Constitution of Alabama of 1901, as amended by Amendment 890, now appearing as Section 111.05 of the Official ReCompilation of the Constitution of Alabama of 1901, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local

1 funds from becoming effective with regard to a
2 local governmental entity without enactment by a
3 2/3 vote unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to elections; to prohibit certain public
21 officials responsible for the conduct of an election, or their
22 employees, from soliciting, accepting, using, or disposing of
23 certain donations from an individual or nongovernmental entity
24 for the purpose of funding certain election-related expenses;
25 to provide criminal penalties for violations; and in
26 connection therewith would have as its purpose or effect the
27 requirement of a new or increased expenditure of local funds

1 within the meaning of Amendment 621 of the Constitution of
2 Alabama of 1901, as amended by Amendment 890, now appearing as
3 Section 111.05 of the Official ReCompilation of the
4 Constitution of Alabama of 1901.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) Notwithstanding any other law, no
7 state or local public official responsible for the conduct of
8 an election, nor his or her employee, may solicit, accept,
9 use, or dispose of any donation in the form of money, grants,
10 property, or personal services from an individual or a
11 nongovernmental entity for the purpose of funding
12 election-related expenses or voter education, voter outreach,
13 or voter registration programs.

14 (b) This section does not prohibit the donation and
15 acceptance of space to be temporarily used for a polling
16 place.

17 (c) Any person who violates this section shall be
18 guilty of a Class B misdemeanor.

19 Section 2. Although this bill would have as its
20 purpose or effect the requirement of a new or increased
21 expenditure of local funds, the bill is excluded from further
22 requirements and application under Amendment 621, as amended
23 by Amendment 890, now appearing as Section 111.05 of the
24 Official ReCompilation of the Constitution of Alabama of 1901,
25 as amended, because the bill defines a new crime or amends the
26 definition of an existing crime.

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