

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SYNOPSIS:

Under existing law, the State Ethics Commission is responsible for administering and enforcing a code of ethics for public officials and public employees and enforcing certain aspects of the Fair Campaign Practices Act.

This bill would repeal and replace the existing code of ethics and revise the duties and powers of the commission.

Under existing law, the commission is overseen by five commission members who serve staggered, five-year terms and are appointed on a rotating basis by the Governor, Lieutenant Governor, and Speaker of the House of Representatives. The commission appoints a director to oversee the operations of the commission.

This bill would maintain this process and provide a mechanism for the removal of a member of the commission and the director of the commission.

This bill would provide for five-year terms for the director, who may be reappointed subject to Senate confirmation.

Under existing law, the State Ethics Commission may impose administrative penalties for minor violations or certain violations of the Fair Campaign Practices Act but refers all criminal violations to the

29 Attorney General or a district attorney.

30 This bill would remove all criminal penalties
31 from the ethics code and would authorize the commission
32 to impose private censures, public reprimands, civil
33 penalties, and restitution.

34 The existing code of ethics includes provisions
35 that prohibit a public official or public employee from
36 using his or her office or confidential information
37 for personal gain and from accepting anything for the
38 purpose of corruptly influencing official action. These
39 violations carry criminal penalties.

40 This bill would remove these provisions from the
41 ethics code and in lieu thereof revise the crime of
42 bribery and establish the crime of using public office
43 for pecuniary benefit in the criminal code.

44 Under existing law, the commission is authorized
45 to issue advisory opinions on a specific set of
46 circumstances and publish formal advisory opinions.

47 This bill would explicitly authorize both formal
48 and informal advisory opinions and establish certain
49 publishing requirements, including the publication of
50 the core principles articulated in informal opinions.

51 Under existing law, the commission conducts
52 investigations and holds hearings regarding potential
53 violations of the ethics law and the Fair Campaign
54 Practices Act.

55 This bill would require the commission to
56 provide certain notice to a person under an ethics

57 investigation by the commission.

58 This bill would prohibit a state legislator from
59 sponsoring or voting on legislation that could lead to
60 a conflict of interest, would prohibit a public
61 official or public employee from taking official action
62 that could lead to a conflict of interest, and would
63 define "conflict of interest."

64 This bill would prohibit certain entities
65 seeking to influence official action before a
66 governmental body, including a lobbyist, termed a
67 "prohibited source," from giving gifts to certain
68 public servants and would prohibit public servants from
69 accepting gifts from certain prohibited sources. This
70 bill would define "gift" to be anything valued over
71 \$100, with certain exceptions.

72 Under existing law, certain public officers and
73 public employees must annually file with the commission
74 a statement of economic interests which are posted on
75 the commission's website. This bill would revise who
76 must file a statement of economic interests and what
77 information must be disclosed on a statement. This bill
78 would also require the redaction of certain personal
79 information on a statement from publication by the
80 commission.

81 Under existing law, public servants generally
82 may not serve as a lobbyist before their former
83 governmental bodies for two years after leaving service
84 or upon the completion of their term.

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

85 This bill would revise the revolving door
86 provisions to allow certain public-to-public transfers
87 in employment and would further provide for the scope
88 of the revolving door restrictions.

89 This bill would also define terms and make
90 conforming changes to existing law.

91
92
93
94
95
96

A BILL
TO BE ENTITLED
AN ACT

97 Relating to government ethics; to amend Sections
98 13A-10-60 and 13A-10-61, Code of Alabama 1975, to provide
99 further for the crime of bribery; to add Section 13A-10-61.1,
100 Code of Alabama 1975, to establish the crime of using public
101 office for pecuniary benefit; to repeal Sections 13A-10-62 and
102 13A-10-82, relating to crimes in public office; to repeal
103 Chapter 25 and add a new Chapter 25B to Title 36, Code of
104 Alabama 1975, to replace the public ethics code; to provide
105 further for the appointment of members of the State Ethics
106 Commission and the director of the commission; to revise the
107 duties of the commission; to revise the scope of penalties for
108 violations of the ethics code to include private censures and
109 public reprimands and to exclude criminal violations; to
110 provide for appeals of decisions of the commission; to provide
111 further for formal and informal advisory opinions issued by
112 the commission; to revise who must file and what must be

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

113 disclosed in the Statement of Economic Interests; to provide
114 definitions; to prohibit public servants from taking official
115 action that would result in a conflict of interest; to
116 prohibit certain persons termed "prohibited sources" from
117 giving gifts to certain public servants and prohibit public
118 servants from receiving gifts from certain prohibited sources;
119 to revise the revolving door provisions; to amend Section
120 11-3-5, Code of Alabama 1975, to make conforming changes to
121 provisions governing certain public contracts entered into by
122 counties; and to define terms.

123 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

124 Section 1. Sections 13A-10-60 and 13A-10-61, Code of
125 Alabama 1975, are amended to read as follows:

126 "§13A-10-60

127 (a) The definitions contained in Section 13A-10-1 are
128 applicable in this article unless the context otherwise
129 requires.

130 (b) The following definitions also apply to this
131 article:

132 (1) BENEFIT. Any gain or advantage to the beneficiary,
133 including any gain or advantage to a third person pursuant to
134 the desire or consent of the beneficiary.

135 ~~(2)~~ (3) PECUNIARY BENEFIT. Benefit in the form of money,
136 property, commercial interests, or anything else the primary
137 significance of which is economic gain. Expenses associated
138 with social occasions afforded public servants and party
139 officers shall not be deemed a pecuniary benefit within the
140 meaning of this article.

141 ~~(3)~~ (4) PUBLIC SERVANT. ~~As used in this article, such~~
142 ~~term includes persons~~ An individual who presently ~~occupy~~
143 occupies the position of a public servant, as defined in
144 Section 13A-10-1 ~~(7)~~, or ~~have~~ has been elected, appointed, or
145 designated to become a public servant although not yet
146 occupying that position.

147 ~~(4)~~ (2) PARTY OFFICER. ~~A person~~ An individual who holds
148 any position or office in a political party, whether by
149 election, appointment, or otherwise."

150 "§13A-10-61

151 (a) A person commits the crime of bribery if:

152 (1) He or she offers, confers, or agrees to confer ~~any~~
153 ~~thing of value~~ anything upon a public servant or any person
154 closely associated with the public servant with the intent
155 that the public servant's vote, opinion, judgment, exercise of
156 discretion, or other action in his or her official capacity
157 will thereby be corruptly influenced; or

158 (2) While a public servant, he or she solicits,
159 accepts, or agrees to accept ~~any pecuniary benefit~~ anything
160 for himself, herself, or any other person upon an agreement or
161 understanding that ~~his~~ the public servant's vote, opinion,
162 judgment, exercise of discretion, or other action as a public
163 servant will thereby be corruptly influenced.

164 (b) For purposes of this section, to act corruptly
165 means to act voluntarily, deliberately, and dishonestly to
166 either accomplish an unlawful end or result or to use an
167 unlawful method or means to accomplish an otherwise lawful end
168 or result; and "person closely associated with the public

169 servant" means a spouse, dependent, or associated business as
170 the term "associated business" is defined in Section 36-25B-2,
171 of the public servant.

172 ~~(b)~~ (c) It is not a defense to a prosecution under this
173 section that the person sought to be influenced was not
174 qualified to act in the desired way, whether because he or she
175 had not yet assumed office, lacked jurisdiction, or for any
176 other reason.

177 ~~(e)~~ (d) Bribery is a Class ~~C~~ B felony."

178 Section 2. Section 13A-10-61.1 is added to the Code of
179 Alabama 1975, to read as follows:

180 §13A-10-61.1

181 (a) A public servant commits the crime of using public
182 office for pecuniary benefit if:

183 (1) A public servant uses or causes to be used his or
184 her public office or position to obtain a pecuniary benefit
185 for the public servant or any other person.

186 (2) A public servant uses or causes to be used
187 equipment, facilities, time, materials, human labor, or other
188 public property under his or her discretion or control for the
189 pecuniary benefit of the public servant or any other person,
190 or for a principal campaign committee, as defined in Section
191 17-5-2.

192 (3) A public servant or former public servant uses,
193 causes to be used, or discloses confidential information
194 gained in the course of or by reason of his or her position or
195 employment in any way that results in a pecuniary benefit for
196 himself or herself or for any other person.

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

197 (b) It is not a violation of subsection (a) if a public
198 servant is acting pursuant to another law, a lawful employment
199 agreement, or an agency policy.

200 (c) (1) A public servant who knowingly violates this
201 section, upon conviction, is guilty of a Class A misdemeanor
202 when the personal gain to the public servant or person closely
203 associated with the public servant is material but less than
204 ten thousand dollars (\$10,000), or the cost to the state or
205 local government is material but less than ten thousand
206 dollars (\$10,000).

207 (2) A public servant who knowingly violates this
208 section, upon conviction, is guilty of a Class C felony when
209 the personal gain to the public servant or person closely
210 associated with the public servant is more than ten thousand
211 dollars (\$10,000), but less than one hundred thousand dollars
212 (\$100,000), or the cost to the state or local government is
213 more than ten thousand dollars (\$10,000), but less than one
214 hundred thousand dollars (\$100,000).

215 (3) A public servant who knowingly violates this
216 section, upon conviction, is guilty of a Class B felony when
217 the personal gain to the public servant or person closely
218 associated with the public servant is more than one hundred
219 thousand dollars (\$100,000), or the cost to the state or local
220 government is more than one hundred thousand dollars
221 (\$100,000).

222 Section 3. Section 13A-10-62, which specifies the crime
223 of failing to disclose a conflict of interest, and Section
224 13A-10-82, which specifies the crime of misuse of public

225 information, are repealed.

226 Section 4. Chapter 25 of Title 36, Code of Alabama
227 1975, which sets forth the ethics laws for public officials
228 and public employees, is repealed.

229 Section 5. A violation or offense of Chapter 25 of
230 Title 36, Code of Alabama 1975, committed prior to June 1,
231 2025, is not affected by the repeal of Chapter 25, and any
232 prosecution or proceeding before the State Ethics Commission
233 for any violation or offense in Chapter 25 pending on June 1,
234 2025, shall proceed as if the chapter was not repealed.

235 Section 6. Chapter 25B is added to Title 36, Code of
236 Alabama 1975, to read as follows:

237 Article 1. General Provisions

238 §36-25B-1 Short Title

239 This chapter shall be known and may be cited as the
240 Alabama Ethics Act.

241 §36-25B-2 Definitions

242 Whenever used in this chapter, the following terms have
243 the following meanings:

244 (1) ASSOCIATED BUSINESS. A business of which a public
245 servant or his or her family member is an officer, director,
246 owner, trustee, partner, employee, or a holder of more than
247 five percent of the fair market value of the business.

248 (2) BUSINESS. Any corporation, partnership,
249 proprietorship, firm, enterprise, franchise, self-employed
250 individual, or other business entity.

251 (3) CANDIDATE. The term as defined in Section 17-5-2.

252 (4) COMMISSION. The State Ethics Commission.

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

253 (5) CONFLICT OF INTEREST. A substantial financial
254 interest that materially and uniquely affects a public servant
255 or a person closely associated with a public servant in a
256 manner different from the manner in which the financial
257 interest affects other members of the class to which that
258 public servant or person closely associated with a public
259 servant belongs.

260 (6) DAY. Calendar day.

261 (7) DEPENDENT. An individual claimed as a dependent for
262 income tax purposes.

263 (8) DIRECTOR. The Executive Director of the commission.

264 (9) ECONOMIC DEVELOPMENT PROFESSIONAL. a. An individual
265 seeking to advance specific, good faith economic development
266 or trade promotion projects or related objectives for a
267 business; a chamber of commerce or similar nonprofit economic
268 development organization in this state; a city, a county, a
269 political subdivision of the state; or a governmental
270 corporation or authority.

271 b. The term does not include elected officials,
272 legislators, or any former legislator within two years of the
273 end of the term for which he or she was elected.

274 (10) ENTITY. A business, union, association, committee,
275 club, organization, or other legal entity.

276 (11) FAMILY MEMBER. The spouse or a dependent.

277 (12) GIFT. Anything with a value greater than one
278 hundred dollars (\$100) other than any of the following:

279 a. A lawful campaign contribution or a contribution to
280 an inaugural or transition committee that is established by or

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

281 on behalf of a public official elected or appointed to a
282 public office.

283 b. Any campaign advice or other support that is not
284 considered a contribution under the Fair Campaign Practices
285 Act, Chapter 5 of Title 17.

286 c. Any financial transaction entered into in the
287 ordinary course of business on terms generally available to
288 similarly situated members of the public.

289 d. Anything paid for by a governmental body or an
290 entity created by a governmental body to support the
291 governmental body or secured by a governmental body under
292 contract, except for tickets to a sporting event offered by an
293 educational institution to any person other than faculty,
294 staff, or administration of the institution.

295 e. Anything provided by an association or organization
296 to which the state or a local government pays dues.

297 f. Compensation or benefits from outside employment,
298 unless the circumstances make it clear that the purpose of the
299 compensation or benefit is to substantially influence the
300 public servant.

301 g. Anything provided through inheritance.

302 (13) GOVERNMENTAL BODY. a. Any department, agency,
303 office, commission, board, or other political subdivision at
304 the state or local level in the executive, legislative, or
305 judicial branch. The term includes local boards of education,
306 public institutions of higher education, regulatory bodies,
307 the Legislature, local legislative bodies, and public or
308 private corporations or authorities established pursuant to

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

309 state law for the purpose of carrying out a specific
310 governmental function.

311 b. For purposes of lobbyist registrations, each
312 governmental body shall be considered a separate entity, as
313 described in Section 36-25B-60(b)6.a.

314 (14) LEGISLATIVE CAUCUS. A legislative caucus
315 registered pursuant to Section 17-5-5.1.

316 (15) LEGISLATURE. Includes both the Senate of Alabama
317 and the House of Representatives of Alabama, and unless
318 expressly specified otherwise, any committee or subcommittee
319 thereof.

320 (16) LOBBY or LOBBYING. a. Any act to influence or
321 attempt to influence:

322 1. Any legislative action, including executive action
323 on legislation;

324 2. Any rulemaking action; or

325 3. The awarding of a grant or contract with any
326 governmental body.

327 b. The term does not include any of the following:

328 1. Providing public testimony before a governmental
329 body or as part of an administrative proceeding.

330 2. Carrying out ongoing negotiations following the
331 award of a bid or contract.

332 3. Rendering legal services in a legal matter before a
333 governmental body.

334 4. Responding to a request from a public servant or
335 governmental body for information.

336 5. Providing professional services in drafting bills,

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

337 advising clients, and rendering opinions as to the
338 construction and effect of proposed or pending legislation,
339 executive action, or rules.

340 (17) LOBBYIST. a. An individual who is engaged in
341 lobbying and receives compensation or reimbursement for such
342 engagement. The term includes an employee of an entity if the
343 employee engages in lobbying as a regular and usual part of
344 employment, whether or not any compensation in addition to
345 regular salary and benefits is received.

346 b. The term does not include any of the following:

347 1. A reporter or editor while pursuing normal
348 reportorial and editorial duties.

349 2. A public servant who lobbies as part of his or her
350 official duties.

351 3. An individual acting as an economic development
352 professional who is not otherwise required to register as a
353 lobbyist, unless and until he or she seeks incentives through
354 legislative action in the Legislature that are above and
355 beyond, or in addition to, the then current statutory or
356 constitutional authorization.

357 4. Any citizen not lobbying for compensation who is
358 merely exercising his or her constitutional right to
359 communicate with a governmental body.

360 (18) LOCAL LEGISLATIVE BODY. The term includes both of
361 the following:

362 a. A county commission and any committee or
363 subcommittee thereof.

364 b. A city council, city commission, town council, or

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

365 other municipal council or commission, and any committee or
366 subcommittee thereof.

367 (19) PERSON. An individual or entity.

368 (20) PERSON CLOSELY ASSOCIATED. A family member or
369 associated business.

370 (21) PRINCIPAL. Includes both of the following:

371 a. The person or governmental body who employs, hires,
372 or otherwise retains a lobbyist.

373 b. If the principal is an entity or governmental body,
374 the individual who directs the activities of the lobbyist.

375 (22) PROHIBITED SOURCE. With respect to a public
376 servant, all of the following :

377 a. A lobbyist who engages in lobbying or seeks to
378 engage in lobbying the public servant's governmental body.

379 b. The principal of a lobbyist described in paragraph
380 a.

381 c. A person that is doing business or seeking to do
382 business with the public servant's governmental body.

383 d. A person that is conducting or seeking to conduct
384 activities, other than ordinary activities conducted by the
385 general population, that are regulated by the public servant's
386 governmental body.

387 e. A person that is seeking or intends to seek official
388 action or to influence official action by the public servant's
389 governmental body.

390 (23) PUBLIC SERVANT. a. An individual employed by a
391 governmental body or an individual elected, whether or not
392 that individual has taken office, or appointed to a public

393 office in a governmental body.

394 b. The term does not include any of the following:

395 1. An individual employed on a part-time basis whose
396 employment is limited to providing professional services other
397 than lobbying, the compensation for which constitutes less
398 than 50 percent of the part-time employee's income.

399 2. An individual employed by a governmental body that
400 operates a hospital or other health care organization.

401 3. A judge or other individual governed by the Alabama
402 Canons of Judicial Ethics.

403 (24) REGULATORY BODY. A state agency that adopts rules
404 or a state, county, or municipal department, agency, board, or
405 commission that controls, according to rule or regulation, the
406 activities, business licensure, or functions of any person.

407 (25) VALUE. The fair market price of a like item if
408 purchased by a private citizen. In the case of tickets to
409 social and sporting events and associated passes, the value is
410 the printed or published face value of the ticket or pass.

411 §36-25B-3 Construction of Chapter In Pari Materia

412 This chapter shall be construed in pari materia with
413 other laws dealing with the subject of ethics, including, but
414 not limited to, Title 13A.

415 §36-25B-4 Conducting Political Activity Allowed

416 Nothing in this chapter shall be deemed to limit the
417 right of a public servant to publicly or privately express his
418 or her support for, or to encourage others to support and
419 contribute to, any principal campaign committee as defined in
420 Section 17-5-2, political action committee as defined in

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

421 Section 17-5-2, referendum, ballot question, issue, or
422 constitutional amendment.

423 §36-25B-5 College and University Technology Transfer

424 Nothing in the chapter shall be deemed to limit or
425 restrict the ability of public institutions of higher
426 education, along with the public servants within the
427 institutions, to accept and award grants, conduct research,
428 collaborate with persons both within and outside the
429 institution, enter into technology transfer agreements, and
430 otherwise protect and share intellectual property by agreement
431 in accordance with institution policy.

432 §36-25B-6 Additional Discipline

433 Nothing in this chapter limits:

434 (1) The power of the Legislature or a local legislative
435 body to discipline its own members or to impeach public
436 officials; or

437 (2) The powers of a governmental body to discipline its
438 respective public officials or public employees.

439 §36-25B-7 Whistleblower Protections

440 (a) As used in this section, "report of a violation" or
441 "reports a violation" means a communication made in writing,
442 in good faith, by a public servant to his or her supervisor or
443 to the commission of a violation, or what the public servant
444 believes in good faith to be a violation, of this chapter. The
445 term includes, but is not limited to, filing a complaint,
446 initiating a complaint, or giving truthful statements or
447 truthful testimony concerning an alleged violation.

448 (b) (1) A supervisor shall not discharge, demote,

449 transfer, or otherwise take an adverse employment action
450 against a public servant with respect to compensation, terms,
451 conditions, or privileges of employment based on either the
452 public servant's reporting of a violation or what he or she
453 believes in good faith to be a violation of this chapter, or
454 the public servant's giving truthful statements or truthful
455 testimony concerning an alleged ethics violation, regardless
456 of whether the public servant filed the complaint.

457 (2) A supervisor who violates this subsection shall be
458 subject to civil action in circuit court. A public servant may
459 bring a civil action in circuit court for an alleged violation
460 of this subsection within two years after the occurrence of
461 the adverse action taken against the public servant. The court
462 may order reinstatement of employment, payment of back wages,
463 or compensatory damages, or any combination of these remedies
464 in a civil action initiated under this subsection.

465 (c) Nothing in this chapter shall be construed in any
466 manner to prevent or prohibit or otherwise limit a supervisor
467 from disciplining, discharging, transferring, or otherwise
468 affecting the terms and conditions of a public servant's
469 employment so long as the disciplinary action does not result
470 from, or is in no other manner connected with, the public
471 servant's good faith filing of a complaint with the
472 commission, giving truthful statements, or truthfully
473 testifying in an investigation conducted by the commission.

474 (d) A public servant may not file a complaint or
475 otherwise initiate action against a public official or other
476 public employee, including his or her supervisor, without a

477 good faith basis for believing the complaint to be true and
478 accurate. A public servant who files a complaint without a
479 good faith belief in the truthfulness and accuracy of the
480 complaint shall be subject to a civil action in the circuit
481 courts in the State of Alabama pursuant to the Alabama Rules
482 of Civil Procedure and additionally is subject to appropriate
483 and applicable personnel action.

484 Article 2. State Ethics Commission

485 §36-25B-20 Commission Established; Membership

486 (a) The State Ethics Commission is continued in
487 existence as an instrumentality of the state under the
488 direction and supervision of the commissioners.

489 (b) Members of the commission shall be composed of
490 individuals who shall be appointed on a rotating basis by the
491 following public officials in the following repeating order:
492 The Governor, the President Pro Tempore of the Senate, and the
493 Speaker of the House of Representatives. Appointments shall be
494 subject to Senate confirmation.

495 (c) (1) Commissioners shall serve for a term of five
496 years with a term beginning on September 1 of the year
497 appointed and ending on August 31 of the fifth year of that
498 term. Appointed individuals shall assume their duties on
499 September 1 or immediately thereafter if appointed after the
500 start of the term, even if not yet confirmed by the Senate. If
501 a newly appointed commissioner is not confirmed during the
502 first regular session of the Legislature in which confirmation
503 may occur, the appropriate appointing authority shall appoint
504 another individual who shall immediately begin serving and be

505 subject to Senate confirmation no later than the next regular
506 legislative session.

507 (2) Commissioners serving on June 1, 2025, shall
508 continue to serve until their respective term expires.

509 (3)a. The commission membership shall be inclusive so
510 that diversity of gender, race, and geographical areas is
511 reflective of the makeup of this state. One commissioner shall
512 be licensed to practice law in this state and be a member in
513 good standing of the Alabama State Bar Association, and one
514 commissioner shall be a former elected public official who
515 served at least two terms of office. Each commissioner must be
516 a resident of this state and of high moral character and
517 ability.

518 b. The following individuals are not eligible to be
519 appointed as commissioners:

520 1. A public official.

521 2. A candidate.

522 3. A lobbyist or a principal.

523 4. A former employee of the commission.

524 5. An individual who served during the four-year period
525 immediately preceding appointment as a member of the executive
526 committee of a political party.

527 (d) If at any time there is a vacancy in the membership
528 of the commission, a successor commissioner shall be appointed
529 by the original appointing authority to serve for the
530 unexpired term. A commissioner may not be reappointed to
531 succeed himself or herself unless the prior service was for
532 less than a full term. A vacancy in the membership of the

533 commission does not impair the right of the remaining
534 commissioners to exercise all the powers of the commissioners
535 as a whole.

536 (e) If the Attorney General, after conducting an
537 investigation, recommends to the appointing authorities
538 described in subsection (b) that a commissioner be removed for
539 a cause described in Section 173 of the Constitution of
540 Alabama of 2022, the commissioner shall be removed if affirmed
541 by at least two-thirds of the appointing authorities.

542 (f) Commissioners shall elect one member to serve as
543 chair of the commission and one member to serve as vice chair.
544 The vice chair shall act as chair in the absence or disability
545 of the chair or in the event of a vacancy in that office.

546 (g) Three commissioners shall constitute a quorum. No
547 official action may be taken by the commissioners in the
548 absence of a quorum.

549 (h) The commissioners, while conducting official
550 business, shall be entitled to receive compensation at the
551 rate of two hundred fifty dollars (\$250) per day, and each
552 commissioner, when approved by the chair, shall be paid his or
553 her travel expenses incurred in the performance of his or her
554 duties as a commissioner as other state employees and
555 officials are paid. If for any reason a commissioner wishes
556 not to claim and accept the compensation or travel expenses,
557 the commissioner shall inform the director, in writing, of the
558 refusal. The commissioner, at any time during his or her term,
559 may begin accepting compensation or travel expenses; however,
560 the commissioner's refusal for any covered period shall act as

561 an irrevocable waiver for that period.

562 §36-25B-21 Director and Other Employees of Commission

563 (a) (1) The commissioners shall appoint a full-time
564 director who shall serve at the pleasure of the commissioners.
565 The director shall be subject to confirmation by the Senate
566 during the first regular session of the Legislature in which
567 confirmation may occur, however this does not affect the right
568 or authority of the director to act pending confirmation or
569 rejection. If the director is not confirmed during the
570 applicable legislative session, his or her service shall be
571 terminated not more than 30 days after the applicable
572 legislative session adjourns sine die and the commissioners
573 shall immediately appoint another individual who shall
574 immediately begin serving. The new director shall be subject
575 to Senate confirmation no later than the next regular
576 legislative session. No appointee whose confirmation is
577 rejected by the Senate may be reappointed.

578 (2) Beginning June 1, 2025, the director shall serve
579 for a term of five years and until a qualified successor is
580 appointed. The director may be appointed for more than one
581 term, provided he or she is reconfirmed by the Senate as
582 described in subdivision (1).

583 (3) If the Attorney General, after conducting an
584 investigation, recommends to the Legislative Council that the
585 director be removed for a cause described in Section 173 of
586 the Constitution of Alabama of 2022, the director shall be
587 removed if affirmed by a majority vote of the council members
588 from the Senate and a majority vote of the council members

589 from the House of Representatives.

590 (4) The compensation of the director shall be fixed by
591 the commissioners, payable as the salaries of other state
592 employees.

593 (5) Under the direction and supervision of the
594 commissioners, the director shall be responsible for the
595 administrative operations of the commission and shall
596 administer this chapter in accordance with this chapter and
597 rules and commission policies adopted thereunder.

598 (b) The director shall employ other employees of the
599 commission as needed, including investigators as necessary to
600 conduct investigations under this chapter. All employees of
601 the commission, except the director, shall be employed subject
602 to the state Merit System, and their compensation shall be
603 prescribed pursuant to that law. The employment of attorneys
604 shall be subject to subsection (d).

605 (c) The director may appoint part-time stenographic
606 reporters or certified court reporters to take and transcribe
607 the testimony in any hearing or investigation before the
608 commission or before any individual authorized by the
609 commission. The reporters are not full-time employees of the
610 commission, are not subject to the state Merit System, and may
611 not participate in the Employees' Retirement System of
612 Alabama.

613 (d) The director may employ an individual as general
614 counsel and other competent attorneys as legal counsel for the
615 commission. Each attorney so appointed shall be licensed to
616 practice law in this state and be a member in good standing of

617 the Alabama State Bar Association.

618 (e) The director, commissioners, and all employees of
619 the commission may not engage in partisan political activity,
620 including making any campaign contribution, at the state,
621 county, and local level, and may not make any public statement
622 for a period of 120 days before an election about a candidate,
623 regardless of whether or not a candidate has a matter pending
624 before the commission, other than a comment directly relating
625 to the final disposition of the matter. This subsection shall
626 in no way limit or restrict an individual's ability to vote in
627 any election.

628 §36-25B-22 General Duties of Commission

629 The commission shall do all of the following:

630 (1) Inform and train public servants, candidates, and
631 lobbyists of the ethics standards, reporting deadlines, and
632 other requirements set forth in this chapter through regularly
633 conducted and readily available educational programs and
634 assist them in understanding and complying with those
635 standards and requirements.

636 (2) Prescribe forms for reports and statements that are
637 required to be filed under this chapter, establish guidelines
638 and requirements for filing the reports and statements, and
639 make the forms, guidelines, and requirements available for
640 public servants, lobbyists, principals, prohibited sources,
641 and any other person as needed or required.

642 (3) Upon written request, provide advice or opinions
643 concerning proposed future conduct or action as it relates to
644 this chapter in the form of either formal or informal

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

645 opinions, as further provided in Section 36-25B-27.

646 (4) Examine all reports and statements filed with the
647 commission and identify any discernible errors, omissions, or
648 other violations of the filing requirements established
649 pursuant to this chapter.

650 (5) Provide public access to copies of all reports and
651 statements filed with the commission pursuant to this chapter,
652 including publicly posting the reports and statements,
653 excluding information specifically required to be redacted
654 pursuant to this chapter.

655 (6) Maintain an official website that contains
656 information as required pursuant to this chapter and other
657 information as necessary to assist public servants, lobbyists,
658 principals, prohibited sources, and other entities to comply
659 with the requirements of this chapter while promoting
660 transparency and public trust. Information posted on the
661 commission's website shall be readily searchable and
662 accessible to the public.

663 (7) Accept and investigate written complaints made to
664 the commission alleging violations of this chapter, as further
665 provided in Section 36-25B-81.

666 (8) Conduct full investigations and, if applicable,
667 hold contested case hearings regarding potential violations of
668 this chapter, as further provided in Article 5.

669 (9) Upon completion of an investigation and a hearing
670 by the commission, make determinations whether violations of
671 this chapter have occurred and impose civil penalties and
672 restitution, if appropriate, issue private warnings or public

673 reprimands, or enter into consent decrees, as further provided
674 in this chapter.

675 (10) Report suspected criminal violations to the
676 Attorney General or the appropriate district attorney, as
677 applicable, for further investigation and potential
678 prosecution.

679 (11) When in the commission's opinion a thorough audit
680 of a governmental body should be conducted in order to
681 determine whether this chapter has been violated, request the
682 Department of Examiners of Public Accounts to have an audit
683 made and a report filed with the commission. The Department of
684 Examiners of Public Accounts, upon receipt of the directive,
685 shall comply therewith.

686 (12) At the close of each fiscal year, or as soon
687 thereafter as practicable, report to the Legislature and the
688 Governor concerning all official actions the commission has
689 taken, the name, salary, and duties of the director, the names
690 and duties of all individuals in its employ, the money it has
691 disbursed, other relevant matters within its jurisdiction, and
692 such recommendations for legislation as the commission deems
693 appropriate. The commission shall post the report on the
694 commission's website.

695 (13) Adopt rules pursuant to the Alabama Administrative
696 Procedures Act, as needed or required, to implement this
697 chapter.

698 §36-25B-23 Commission's Duties under the Fair Campaign
699 Practices Act

700 In addition to the duties set forth in Section

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

701 36-25B-22, the commission shall coordinate with the Secretary
702 of State to implement the reporting requirements of the
703 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,
704 and shall do all of the following:

705 (1) Review and approve all forms created by the
706 Secretary of State which are required by the Fair Campaign
707 Practices Act prior to use and publication by the Secretary of
708 State.

709 (2) Recommend accounting methods for candidates,
710 principal campaign committees, and political action committees
711 in connection with reports and filings required by the Fair
712 Campaign Practices Act.

713 (3) Review and approve a retention policy created by
714 the Secretary of State for all reports, filings, and
715 underlying documentation required by the Fair Campaign
716 Practices Act prior to use and publication by the Secretary of
717 State.

718 (4) Review and approve a manual created by the
719 Secretary of State for all candidates, principal campaign
720 committees, and political action committees describing the
721 requirements of the Fair Campaign Practices Act prior to use
722 and publication by the Secretary of State.

723 (5) Upon written request, provide advice or opinions
724 concerning proposed future conduct or action as it relates to
725 the Fair Campaign Practices Act in the form of either formal
726 or informal opinions, as further provided in Section
727 38-25B-27.

728 (6) Conduct audits of any filings required under the

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

729 Fair Campaign Practices Act if evidence exists that an audit
730 is warranted because of the filing of a complaint pursuant to
731 Section 36-25B-81 or if there exists a material discrepancy,
732 error, omission, or conflict on the face of any filing
733 required by the Fair Campaign Practices Act.

734 (7) Accept and investigate written complaints made to
735 the commission alleging violations of the Fair Campaign
736 Practices Act, as further provided in Section 36-25B-81.

737 (8) Conduct investigations and hold hearings regarding
738 potential violations of the Fair Campaign Practices Act, as
739 further provided in Article 5.

740 (9) Upon completion of an investigation and hearing,
741 make determinations whether probable cause exists that a
742 criminal violation of the Fair Campaign Practices Act has
743 likely occurred and if appropriate, refer the determination
744 and all evidence and necessary information to the Attorney
745 General or appropriate district attorney for further
746 investigation and potential prosecution.

747 (10) Upon completion of an investigation and a hearing,
748 if applicable, in which the commission conducts an
749 administrative review of the assessment of civil penalties
750 under Section 17-5-19.2, affirm, set aside, or reduce civil
751 penalties as provided in Section 17-5-19.2.

752 §36-25B-24 Commission Funding

753 (a) The Legislature shall appropriate to the commission
754 such sums as it deems necessary for the commission to carry
755 out the duties and functions required under this chapter.

756 (b) Notwithstanding any other provision of law to the

757 contrary, the annual appropriation to the commission in the
758 State General Fund Appropriations Act shall not be less than
759 one-tenth of one percent of the total State General Fund
760 amount appropriated in the State General Fund Appropriations
761 Act unless a lower appropriation amount is expressly approved
762 by two-thirds of the membership of the House of
763 Representatives and two-thirds of the membership of the
764 Senate.

765 (c) All fees, penalties, and fines collected by the
766 commission pursuant to this chapter shall be deposited into
767 the State General Fund.

768 (d) All monies collected as reasonable payment of costs
769 for copying, reproductions, publications, and lists shall be
770 deemed a refund against disbursement and shall be deposited
771 into the appropriate fund account for the use of the
772 commission.

773 §36-25B-25 Training

774 (a) The commission shall conduct regularly scheduled
775 training programs on the requirements and restrictions of this
776 chapter as they specifically apply to public servants,
777 lobbyists, prohibited sources, and other individuals and
778 entities subject to this chapter. The commission shall
779 establish a schedule for training programs that provides:

780 (1) For members of the Legislature, in-person training
781 not more than 30 days after the start of each quadrennium at a
782 time agreeable to the director and the Legislative Council,
783 and for any member whose service begins at a different time,
784 in-person or online training not more than 60 days after being

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

785 sworn into office.

786 (2) For statewide constitutional officers, cabinet
787 members, and executive staff, as determined by the Governor,
788 in-person training not more than 30 days after the Governor
789 has been sworn into office at a time determined by the
790 Governor, and for any individual whose service begins at a
791 different time, in-person or online training not more than 60
792 days after beginning service.

793 (3) For municipal mayors, council members and
794 commissioners, county commissioners, and members of any local
795 board of education, in-person training not more than 60 days
796 after the beginning of the term of office at times agreeable
797 to the director and the Alabama League of Municipalities and
798 the Association of County Commissions of Alabama, and for any
799 such official whose service begins at a different time,
800 in-person or online training not more than 60 days after being
801 sworn into office.

802 (4) For other public servants who are required to
803 complete a statement of economic interests under Section
804 36-25B-62, in-person or online training not more than 90 days
805 after commencing public service.

806 (5) For lobbyists, in-person or online training not
807 more than 30 days after submitting a lobbyists registration
808 form under Section 36-25B-60.

809 (b) (1) The director, in consultation with the legal
810 counsel or agency head of the applicable governmental body,
811 shall determine the subject matter to be covered in the
812 training programs which shall be customized to address the

813 relevant requirements, prohibitions, and restrictions as they
814 apply to the various individuals listed in subsection (a). At
815 a minimum, training shall include a review of the current law
816 and formal advisory opinions and a discussion of relevant
817 cases or scenarios.

818 (2) Faculty for the training programs may include the
819 staff of the commission, members of the faculties of the
820 various law schools in the state, members of the press and
821 media, and other individuals deemed appropriate by the
822 director.

823 (c) The director, by rule, shall determine the digital
824 format of online training programs and for live, online
825 training, the scheduled dates of the actual training. Evidence
826 of completion of online training may be provided to the
827 commission via an electronic reporting system provided on the
828 commission's website.

829 (d) The director may require additional training due to
830 material changes in the requirements of this chapter.

831 (e) The training for county commissioners required by
832 subdivision (a)(3) may be satisfied by the successful
833 completion of the 10-hour course on ethical requirements of
834 public officials provided by the Alabama Local Government
835 Training Institute established pursuant to Article 2 of
836 Chapter 3 of Title 11. The Alabama Local Government Training
837 Institute shall provide in writing to the commission quarterly
838 the names of those county commissioners completing the
839 institute's program.

840 (f) Attendance at any session of the training program

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

841 shall be mandatory, except in the event the individual
842 verifies he or she, in good faith, cannot or could not attend
843 the training program. Any individual who fails to attend
844 mandatory training or attend a mandatory makeup training
845 session may be subject to a penalty.

846 (g) This section shall not preclude the commission from
847 enforcing this chapter, including imposing penalties, against
848 any individual subject to this chapter prior to the individual
849 attending a mandatory training program.

850 §36-25B-26 Commission Website

851 The commission shall provide on its official website
852 all of the following:

853 (1) A system for electronic filing of all statements,
854 reports, registrations, and notices required by this chapter.
855 The website shall include guidance on filing statements,
856 reports, registrations, and notices, including reporting
857 schedules.

858 (2) A readily searchable electronic database accessible
859 to the public which provides for search and retrieval of:

860 a. All statements, registrations, reports, and other
861 filings required by this chapter excluding information
862 required to be redacted, searchable by the name of the filing
863 party to which the filings pertains;

864 b. In addition to paragraph a., lobbyist registrations
865 must be searchable by the governmental body listed on the
866 lobbyist registration pursuant to Section 36-25B-60(b)6.a.;

867 c. In addition to paragraph a., prohibited source
868 reports must be searchable by the recipient public servant

869 listed on reports filed pursuant to Section 36-25B-61(b); and
870 d. Formal advisory opinions and the core principles of
871 informal advisory opinions, as further provided in Section
872 36-25B-27.

873 §36-25B-27 Advisory Opinions

874 (a) (1) The commission shall issue formal advisory
875 opinions, when requested, on the requirements of this chapter
876 or the Fair Campaign Practices Act based on real or
877 hypothetical sets of circumstances. Any person may submit a
878 written request to the commission for a formal advisory
879 opinion in a form prescribed by the commission. The director
880 shall complete and publish a draft formal advisory opinion,
881 and the draft must be published on the commission's website
882 not less than seven days before the commissioners meet to take
883 official action on the draft formal opinion. Any person may
884 submit comments to the commission on the draft. All comments
885 received more than 24 hours in advance of the meeting of the
886 commissioners shall be distributed to the commissioners before
887 the meeting.

888 (2) Before taking effect, a formal advisory opinion
889 must be adopted by a majority vote of the commissioners
890 present at the official meeting of the commissioners. Once
891 adopted, the formal advisory opinion shall be promptly
892 published on the commission's website.

893 (3) The person at whose request the opinion was issued
894 or any person in similar circumstances who may be affected by
895 the formal advisory opinion may petition for reconsideration
896 of a formal advisory opinion by submitting a written request

897 in a form prescribed by the commission received no more than
898 30 days after the date the commissioners voted to approve the
899 formal advisory opinion.

900 (4) A formal advisory opinion shall protect the person
901 at whose request the opinion was issued and any other person
902 reasonably relying in good faith on the advisory opinion in a
903 materially like circumstance from liability to the state, a
904 county, or a municipal subdivision of the state because of any
905 action performed or action refrained from in reliance on the
906 advisory opinion.

907 (5) Except as provided in subdivision (6), formal
908 advisory opinions shall be deemed valid until expressly
909 overruled or altered by the commission or a court of competent
910 jurisdiction.

911 (6) On and after December 1, 2025, any formal advisory
912 opinion issued before June 1, 2025, is void unless an
913 individual has requested the continuance of an advisory
914 opinion and the commission has affirmatively decided to uphold
915 that opinion.

916 (b) (1) Upon receiving a written request, the director
917 or general counsel of the commission may issue an informal
918 advisory opinion on the requirements of this chapter or the
919 Fair Campaign Practices Act based on a real or hypothetical
920 set of circumstances.

921 (2) An informal advisory opinion is prospective and
922 shall be based on the facts presented, but does not have the
923 force and effect of a formal advisory opinion, nor does an
924 informal advisory opinion provide legal immunity to the

925 requesting person. However, there shall be a rebuttable
926 presumption that a requesting person who acts in conformance
927 with an informal advisory opinion intended to comply with this
928 chapter or the Fair Campaign Practices Act and shall be taken
929 into consideration by the commission as a mitigating factor.

930 (3) Except as provided in subdivision (4), the
931 commissioners, director, and employees of the commission shall
932 keep confidential the existence of an informal advisory
933 opinion and the opinion itself along with the underlying
934 request, unless expressly waived by the person requesting the
935 opinion.

936 (4) Not later than 30 days after each calendar quarter,
937 the commission shall summarize and publish on its website in a
938 readily searchable manner the core principles articulated by
939 the commission in the informal advisory opinions issued during
940 the previous calendar year. These principles shall be written
941 in a manner that does not reveal the identity of the requester
942 and any other person mentioned in the informal advisory
943 opinion and that does not allow members of the public to
944 otherwise ascertain the identities of these persons.

945 (c) The commission's decision not to issue a formal or
946 informal advisory opinion does not create any presumption as
947 to whether the action upon which the request for an advisory
948 opinion was based does or does not violate this chapter.

949 (d) The commission may issue formal and informal
950 advisory opinions only if requested to do so in writing by a
951 person who is not a commissioner or employee of the
952 commission.

953 Article 3. Restricted and Prohibited Acts

954 §36-25B-40 Conflict of Interest

955 (a) Consistent with the Constitution of Alabama of
956 2022, a member of the Legislature may not sponsor or vote on
957 any legislation that he or she knows or reasonably should know
958 is likely to result in a conflict of interest, consistent with
959 the Constitution of Alabama of 2022.

960 (b) Except as otherwise provided by law, a public
961 servant may not take official action on a particular matter
962 that he or she knows or reasonably should know is likely to
963 result in a conflict of interest.

964 §36-25B-41 Gift Ban

965 (a) (1) A public servant may not solicit or accept a
966 gift from any prohibited source.

967 (2) A prohibited source may not offer or provide a gift
968 to a public servant or any person closely associated with a
969 public servant.

970 (b) Notwithstanding subsection (a), a prohibited source
971 may make payment of or reimbursement for actual and necessary
972 registration and travel expenses, including reasonable food,
973 beverages, hospitality, and lodging expenses incurred by
974 attendance by a public servant and his or her family members
975 at an educational function of which the prohibited source is a
976 sponsor, provided the expenses are reported to the commission
977 in accordance with Section 36-25B-61.

978 (c) Notwithstanding subsection (a), food, beverages,
979 and hospitality may be provided by a prohibited source and
980 accepted by a public servant and his or her family members of

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

981 a public servant in the following conditions, provided the
982 expenses are reported to the commission in accordance with
983 Section 36-25B-61:

984 (1) At a reception or similar event other than in the
985 form of a seated meal, at which it is reasonably expected that
986 more than 25 individuals will attend.

987 (2) At a seated meal of mutual interest to a number of
988 parties at which it is reasonably expected that more than 12
989 individuals will attend and that individuals with a diversity
990 of views or interests will be present.

991 (3) At an event where all members of the Legislature, a
992 local legislative body, a legislative caucus registered under
993 Chapter 5 of Title 17, or a legislative committee are invited.

994 (d) It is not a violation of this section in either of
995 the following circumstances:

996 (1) The gift is offered or provided as the result of a
997 familial relationship, unless the circumstances make it clear
998 the gift is not motivated by the familial relationship and is
999 given because of the recipient's official position.

1000 (2) The gift is offered or provided as the result of a
1001 friendship, unless the circumstances make it clear the gift is
1002 not motivated by the friendship and is given because of the
1003 recipient's official position.

1004 (e) A person who violates this section shall be subject
1005 to the following penalties:

1006 (1) For a first offense, a civil penalty of no more
1007 than two times the value of the gift. In lieu of a civil
1008 penalty, the commission may issue a public reprimand for a

1009 first time violation if the commission determines the public
1010 servant did not know the gift was solicited or accepted from a
1011 prohibited source or did not know the value of the gift was
1012 more than one hundred dollars (\$100).

1013 (2) For a second offense, a civil penalty of three
1014 times the value of the gift.

1015 (3) For a third offense, a civil penalty of five times
1016 the value of the gift.

1017 (4) For a subsequent offense, there shall be a
1018 presumption the person committed a criminal act under Article
1019 3 of Chapter 10 of Title 13A, and the commission shall
1020 promptly notify the Attorney General or the appropriate
1021 district attorney and provide all evidence obtained by, or in
1022 the possession of, the commission. In addition, the commission
1023 may notify the appropriate public official or governmental
1024 body that has authority to discipline or remove the public
1025 servant from office or employment.

1026 (f) The commission shall adopt rules to provide
1027 guidance on what constitutes hospitality for purposes of this
1028 section.

1029 36-25B-42 Outside Employment

1030 Nothing in this chapter prohibits or restricts a public
1031 official from continuing, once taking office, to engage in
1032 outside employment in his or her profession or skill. The mere
1033 fact that a public official's compensation in his or her
1034 outside employment increases while the public official is in
1035 office does not create a presumption that the increase is
1036 related to or on account of his or her official office or

1037 position.

1038 §36-25B-43 Elected Officials Prohibited from Lobbying

1039 (a) (1) An individual elected to a statewide office or a
1040 member of the Legislature, while holding office, may not serve
1041 as a lobbyist before any governmental body.

1042 (2) Nothing in this subsection shall be construed to
1043 prohibit an elected public official from engaging, while in
1044 office, in outside employment in his or her profession or
1045 field of expertise, including representing a client before a
1046 governmental body of which the public official is not a
1047 member, provided such engagement is not related in any manner
1048 to his or her official duties.

1049 (3) This subsection shall not be construed to prohibit
1050 an individual elected to a statewide office or a member of the
1051 Legislature from performing his or her official duties or
1052 responsibilities.

1053 (b) (1) An individual elected to a county or municipal
1054 office, while holding office, may not serve as a lobbyist
1055 before any governmental body within the geographical
1056 jurisdiction of the county or municipal office for which the
1057 public official is serving.

1058 (2) This subsection shall not be construed to prohibit
1059 an individual elected to a county or municipal office from
1060 performing his or her official duties or responsibilities.

1061 (c) (1) A public official who violates this section
1062 shall be subject to a civil penalty up to or commensurate with
1063 the economic gain to the public official.

1064 (2) For a subsequent offense, there shall be a

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1065 presumption the public official committed a criminal act under
1066 Article 3 of Chapter 10 of Title 13A, and the commission shall
1067 promptly notify the Attorney General or the appropriate
1068 district attorney and provide all evidence obtained by, or in
1069 the possession of, the commission. In addition, the commission
1070 may notify the appropriate public official or governmental
1071 body who has authority to discipline or remove the public
1072 servant from office or employment.

1073 §36-25B-44 Revolving Door Prohibitions

1074 (a) An appointed public official, for a period of two
1075 years after leaving service, may not serve as a lobbyist
1076 before the governmental body for which he or she had served.

1077 (b) An elected public official, for a period of two
1078 years after leaving service or the expiration of the term to
1079 which he or she was elected, whichever is longer, may not
1080 serve as a lobbyist before the governmental body for which he
1081 or she had served.

1082 (c) A public employee or an individual who works for a
1083 governmental body pursuant to a consulting agreement, agency
1084 transfer, loan, or similar arrangement, for a period of two
1085 years after leaving the employment or other arrangement, may
1086 not serve as a lobbyist before the governmental body for which
1087 he or she had worked.

1088 (d) A public servant who has authority over
1089 procurements or who recommends or materially influences the
1090 approval of grants, awards, or contracts for goods or
1091 services, for a period of two years after leaving service or
1092 employment, may not:

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1093 (1) Enter into, solicit, or negotiate a grant, award,
1094 or contract for goods or services with the governmental body
1095 for which he or she had served or worked; and

1096 (2) Accept employment or enter into a consulting
1097 agreement with a business that received a grant, award, or
1098 contract for goods or services with the governmental body for
1099 which he or she had served or worked within the preceding two
1100 years, if the public servant actually recommended or
1101 materially influenced the approval of the grant, award, or
1102 contract.

1103 (e) A public servant who personally participates in the
1104 direct regulation, audit, or investigation of a business, for
1105 a period of two years after leaving service or employment, may
1106 not solicit or accept employment or enter into a consulting
1107 agreement with that business.

1108 (f) Nothing in this section shall limit or prohibit any
1109 of the following:

1110 (1) A former public employee from resuming employment
1111 with his or her former employer, unless otherwise restricted
1112 or prohibited by law.

1113 (2) A former public employee from entering into a
1114 consulting agreement with his or her former employer to
1115 personally provide consulting services, unless otherwise
1116 restricted or prohibited by law.

1117 (3) A public official or public employee from accepting
1118 employment with another governmental body or another
1119 department within the same governmental body and from
1120 representing the interests of his or her public employer

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1121 before the governmental body for which he or she had served.

1122 (g) (1) A public servant or former public servant who
1123 violates this section shall be subject to a civil penalty up
1124 to or commensurate with the economic gain to the public
1125 servant.

1126 (2) For a subsequent offense, there shall be a
1127 presumption the public servant committed a criminal act under
1128 Article 3 of Chapter 10 of Title 13A, and the commission shall
1129 promptly notify the Attorney General or the appropriate
1130 district attorney and provide all evidence obtained by, or in
1131 the possession of, the commission. In addition, the commission
1132 may notify the appropriate public official or governmental
1133 body who has authority to discipline or remove the public
1134 servant from office or employment.

1135 §36-25B-45 Floor Privileges

1136 No former member of the House of Representatives or the
1137 Senate of the State of Alabama shall be extended floor
1138 privileges of either body in a lobbying capacity.

1139 §36-25B-46 Contingency Fee Lobbying Prohibited

1140 A principal or lobbyist may not accept compensation
1141 for, or enter into a contract to provide, lobbying services
1142 which is contingent upon the passage or defeat of any
1143 legislative action.

1144 Article 4. Registration and Reporting Requirements

1145 §36-25B-60 Lobbyist Registration and Termination

1146 (a) Every lobbyist shall register by filing a form
1147 prescribed by the commission no later than January 31 of each
1148 year or within 10 days after the first undertaking requiring

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1149 such registration. Each lobbyist shall pay an annual fee of
1150 two hundred dollars (\$200) on or before January 31 of each
1151 year or within 10 days of the first undertaking requiring
1152 registration.

1153 (b) The registration shall be in writing and shall
1154 contain the following:

1155 (1) The registrant's full name and business address.

1156 (2) A full-face photograph of the registrant.

1157 (3) The full name and address of each of the
1158 registrant's principal or principals.

1159 (4) If a registrant's lobbying activity is conducted on
1160 behalf of a principal that is an association or organization,
1161 a categorical disclosure of the number of individual members
1162 in the association or organization as follows: 1-5; 6-10;
1163 11-25; over 25.

1164 (5) A statement signed by each principal that he or she
1165 has read the registration, knows its contents and has
1166 authorized the registrant to be a lobbyist on his or her
1167 behalf as specified therein, and that no compensation will be
1168 paid to the registrant contingent upon passage or defeat of
1169 any legislative measure. If the principal is an entity, the
1170 statement must be signed by the individual within the
1171 principal who directs the activities of the lobbyist.

1172 (6) Either of the following:

1173 a. A list of each governmental body with whom he or she
1174 engages or intends to engage in lobbying. For purposes of this
1175 subdivision, each executive branch agency, department, board,
1176 or commission shall be considered a separate entity and the

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1177 Legislature and each local legislative body shall be
1178 considered a separate entity.

1179 b. An acknowledgment that the lobbyist is not limiting
1180 his or her ability to engage in lobbying before any specific
1181 governmental body.

1182 (c) A registrant shall file a supplemental registration
1183 indicating any substantial change or changes in the
1184 information contained in the prior registration within 10 days
1185 after the date of the change.

1186 (d) (1) A lobbyist who ceases to engage in activities
1187 requiring registration shall file a written, verified
1188 statement with the commission, on a form prescribed by the
1189 commission by rule, acknowledging the termination of
1190 activities. The notice shall be effective immediately.

1191 (2) An individual who files a notice of termination
1192 pursuant to this section shall file the reports required
1193 pursuant to Section 36-25B-61 for any reporting period during
1194 which he or she was registered.

1195 §36-25B-61 Prohibited Source Reporting

1196 (a) A prohibited source shall report on a form
1197 prescribed by the commission by rule:

1198 (1) The payment or reimbursement of registration and
1199 travel expenses as permitted under Section 36-25B-41(b); and

1200 (2) The provision of food, beverages, and hospitality
1201 as permitted under Section 36-25B-41(c).

1202 (b) The report must disclose the date or dates of the
1203 activities described in subsection (a), the value received by
1204 a public servant and his or her family members, and except for

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1205 a reception described in Section 36-25B-41(c)(1), the name or
1206 names of the public servant recipient or recipients.

1207 (c) The report shall cover activity during a
1208 three-month period and shall be filed no later than January
1209 31, April 30, July 31, and October 31 for activity during the
1210 preceding calendar quarter.

1211 (d)(1) A prohibited source other than a lobbyist or
1212 principal shall file a report only if the prohibited source
1213 conducts activity that must be reported pursuant to this
1214 section.

1215 (2) A lobbyist or principal shall file a report each
1216 quarter, regardless of whether any reportable activity was
1217 conducted during the preceding quarter.

1218 (e) If a prohibited source files a report required
1219 under this section after the reporting deadline, the
1220 prohibited source shall pay a late fee, as prescribed by rule
1221 of the commission, but not to exceed one hundred fifty dollars
1222 (\$150).

1223 (f) A report required to be filed under this section
1224 which is more than three months past due shall be deemed a
1225 failure to file a report. The commission may impose a fine for
1226 failure to report as follows:

1227 (1) For a first offense, three hundred dollars (\$300).

1228 (2) For a second offense, five hundred dollars (\$600).

1229 (3) For a third or subsequent offense, one thousand two
1230 hundred dollars (\$1,200).

1231 §36-25B-62 Statement of Economic Interests

1232 (a) No later than April 30 of each year, the following

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1233 public servants shall file with the commission a statement of
1234 economic interests covering the period of the preceding
1235 calendar year:

1236 (1) All elected public officials.

1237 (2) Each appointed member of a statewide board,
1238 commission, or authority other than boards, commissions, and
1239 authorities that solely act in an advisory capacity.

1240 (3) Each employee of the Legislature, the Legislative
1241 Services Agency, and the Department of Examiners of Public
1242 Accounts, other than those who have a purely administrative or
1243 maintenance role.

1244 (4) All executive staff of the Governor.

1245 (5) The commissioners and all employees of the
1246 commission.

1247 (6) The agency head of each governmental body.

1248 (7) The general counsel or lead attorney of each
1249 governmental body.

1250 (8) Each public employee holding a position described
1251 in Section 36-26-10(b)(10).

1252 (9) Each public servant with power to grant or deny
1253 land development permits.

1254 (10) Each appointed member of a local board,
1255 commission, or authority who receives compensation for his or
1256 her service on the board, commission, or authority.

1257 (11) All city and county school superintendents and
1258 school board members.

1259 (12) The superintendent or chief executive officer and
1260 members of the board of directors or board of trustees of all

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1261 state public K-12 schools.

1262 (13) All members of the boards of trustees of each
1263 public two-year and four-year institution of higher education
1264 that receives appropriations.

1265 (14) All public servants listed with the commission as
1266 provided in subsection (b).

1267 (b) The agency head of each governing body shall
1268 provide annually to the commission, within a time frame
1269 determined by rule of the commission, a list of each public
1270 servant within the governing body who has independent
1271 authority to perform any of the following duties, regardless
1272 of whether the public servant actually performs such duties:

1273 (1) Makes discretionary decisions to expend public
1274 funds in excess of ten thousand dollars (\$10,000) in a fiscal
1275 year.

1276 (2) Awards or recommends contracts for goods or
1277 services.

1278 (3) Awards or recommends economic incentives.

1279 (c) Notwithstanding subsection (d), a coach of an
1280 athletic team of any four-year public institution of higher
1281 education that receives state funds shall not be required to
1282 include any income, donations, gifts, or benefits on his or
1283 her statement of economic interests if the income, donations,
1284 gifts, or benefits are a condition of the employment contract.

1285 (d) The statement shall be made on a form made
1286 available by the commission and shall contain the following
1287 information:

1288 (1) The name, occupation, and residential address of

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1289 the filing party; the name and occupation of each family
1290 member of the filing party; and the name of each associated
1291 business of the filing party.

1292 (2) The source and amount of income directly accrued by
1293 the filing party and by his or her spouse, other than income
1294 earned from serving in public employment, listed in the
1295 following categorical amounts:

1296 a. Less than one thousand dollars (\$1,000).

1297 b. At least one thousand dollars (\$1,000) and less than
1298 ten thousand dollars (\$10,000).

1299 c. At least ten thousand dollars (\$10,000) and less
1300 than fifty thousand dollars (\$50,000).

1301 d. At least fifty thousand dollars (\$50,000) and less
1302 than one hundred fifty thousand dollars (\$150,000).

1303 e. At least one hundred fifty thousand dollars
1304 (\$150,000) and less than two hundred fifty thousand dollars
1305 (\$250,000).

1306 f. At least two hundred fifty thousand dollars
1307 (\$250,000) or more.

1308 (3) The identity and value of real property, other than
1309 his or her primary residence, owned by the filing party or by
1310 his or her spouse.

1311 (4)a. Except as provided in paragraph b., a listing of
1312 indebtedness by the filing party or his spouse to businesses
1313 operating in Alabama showing types and number of each as
1314 follows: Banks, savings and loan associations, insurance
1315 companies, mortgage firms, stockbrokers and brokerages or bond
1316 firms; and the indebtedness to combined organizations in the

1317 following categorical amounts:

1318 1. Less than twenty-five thousand dollars (\$25,000).

1319 2. Twenty-five thousand dollars (\$25,000) and less than
1320 fifty thousand dollars (\$50,000).

1321 3. Fifty thousand dollars (\$50,000) and less than one
1322 hundred thousand dollars (\$100,000).

1323 4. One hundred thousand dollars (\$100,000) and less
1324 than one hundred fifty thousand dollars (\$150,000).

1325 5. One hundred fifty thousand dollars (\$150,000) and
1326 less than two hundred fifty thousand dollars (\$250,000).

1327 6. Two hundred fifty thousand dollars (\$250,000) or
1328 more.

1329 b. Mortgage debt on a primary residence and student
1330 loans of the filing party or his or her spouse need not be
1331 disclosed.

1332 (e) Before publishing a statement of economic interest
1333 on the commission's website, the commission shall redact the
1334 names of all family members and the residential address of the
1335 filing party.

1336 (f) If the information required under this section is
1337 not filed as required, the commission shall notify the filing
1338 party as to his or her failure to so file, and the filing
1339 party shall have 20 days to file the report after receipt of
1340 the notification. After the 20-day period lapses, the
1341 commission may assess a fine of twenty dollars (\$20) per day,
1342 not to exceed one thousand dollars (\$1,000), for failure to
1343 file timely.

1344 (g) (1) Upon petition, the commission shall waive the

1345 filing requirement of this section if the filing party is
1346 deceased or if the filing party was considered a public
1347 servant and was subject to this chapter for a period of no
1348 more than 30 days during the previous calendar year and as of
1349 January 1 of the reporting year, has not been a public
1350 servant.

1351 (2) Upon petition, the commission may waive the filing
1352 requirement of this section if the filing party is incapable
1353 of filing due to infirmity or due to active service in the
1354 military.

1355 (h) A filing party who unintentionally neglects to
1356 include any information relating to the financial disclosure
1357 filing requirements of this section shall have 90 days to file
1358 an amended statement of economic interests without penalty.

1359 §36-25B-63 Candidates Statement of Economic Interests

1360 (a) Not more than five days after a candidate files his
1361 or her qualifying papers with the appropriate election
1362 official or in the case of an independent candidate not more
1363 than five days after the date the individual complies with the
1364 requirements of Section 17-9-3, the candidate shall file with
1365 the commission a statement of economic interests covering the
1366 most recent calendar year for which public servants were
1367 required to file pursuant to Section 36-25B-62. The
1368 commission, for good cause shown, may allow the candidate an
1369 additional five days to file the statement of economic
1370 interests.

1371 (b) (1) Each election official who receives a
1372 declaration of candidacy or petition to appear on the ballot

1373 for election from a candidate, within five days of the
1374 receipt, shall notify the commission of the name of the
1375 candidate and the date on which the individual became a
1376 candidate.

1377 (2) The commission, within five business days of
1378 receipt of such notification, shall notify the election
1379 official whether the candidate has complied with subdivision
1380 (1).

1381 (c) (1) In addition to filing a statement of economic
1382 interests pursuant to subsection (a), an individual who
1383 remains qualified as a candidate on April 30 following the
1384 date he or she initially qualified shall file a new statement
1385 of economic interests by April 30 covering the period of the
1386 previous calendar year.

1387 (2) Notwithstanding subdivision (1), for any calendar
1388 year for which the commission has a candidate's current
1389 statement of economic interests on file, no additional filing
1390 for that calendar year is required.

1391 (d) If a candidate does not submit a statement of
1392 economic interests under subsection (a) and, if applicable
1393 subsection (c) by the prescribed deadline, the name of the
1394 individual shall not appear on the ballot and the candidate
1395 shall be deemed not qualified as a candidate in that election.

1396 (e) If a candidate is deemed not qualified, the
1397 appropriate election official shall remove the name of the
1398 candidate from the ballot.

1399 Article 5. Enforcement

1400 §36-25B-80 Enforcement Generally

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1401 The commission may not impose any civil penalty, order
1402 restitution, issue a public reprimand, or enter into a consent
1403 decree unless the commissioners determine a violation has
1404 occurred and approve the penalty, restitution, public
1405 reprimand, or consent decree in accordance with this article.

1406 §36-25B-81 Complaints

1407 (a) The commission shall establish procedures for the
1408 acceptance and investigation of complaints alleging violations
1409 of this chapter or the Fair Campaign Practices Act and shall
1410 publish the procedures and requirements for submitting
1411 complaints, along with the complaint form, on the commission's
1412 website.

1413 (b) Complaints must be in writing, set forth in detail
1414 the specific charges against a respondent and the factual
1415 allegations that support the charges, and signed by the
1416 complainant in order to be considered by the commission.

1417 (c) (1) Upon receiving a complaint or a report filed
1418 pursuant to Section 36-25B-83, and upon verifying the identity
1419 of the complainant and that the complaint contains credible
1420 and verifiable information supporting the allegations, the
1421 director shall notify the respondent of the alleged violation
1422 or violations together with a short and plain statement of the
1423 matters asserted and the provisions of this chapter or the
1424 Fair Campaign Practices Act alleged to have been violated.

1425 (2) The notice shall provide the respondent with an
1426 opportunity to respond to the commission in writing in a
1427 timely manner but in no event less than 10 days. Notice shall
1428 be provided by personal service or by certified mail, return

1429 receipt requested. The director shall delay further
1430 consideration of the complaint until he or she has received a
1431 response or the 10-day period has lapsed, whichever occurs
1432 first. The director shall consider the response in making his
1433 or her determination and include the response as part of the
1434 written record of the complaint.

1435 (d) (1) If the director determines that the complaint
1436 does not provide sufficient grounds to indicate that a
1437 violation has occurred, the complaint shall be dismissed, but
1438 the action must be reported to the commissioners along with a
1439 written record of the director's reasoning.

1440 (2) If the director determines there are sufficient
1441 grounds to believe that a violation may have occurred, the
1442 director shall notify the respondent, as required in Section
1443 36-25B-84(b), and notify the commissioners of the intent to
1444 conduct a full investigation along with a written record of
1445 the director's reasoning.

1446 (e) A complainant may not file a complaint on behalf of
1447 any other individual.

1448 (f) If information is brought to the attention of the
1449 commission in a manner other than through a complaint, the
1450 director shall conduct a preliminary investigation and if he
1451 or she determines there are sufficient grounds to believe that
1452 a violation may have occurred, the director may request the
1453 commissioners to authorize a full investigation and shall
1454 provide a written record of the director's reasoning. If at
1455 least four commissioners provide written consent to a full
1456 investigation, the director shall notify the respondent, as

1457 required in Section 36-25B-84(b), of the commission's intent
1458 to conduct a full investigation.

1459 §36-25B-82 Confidentiality of Complaints

1460 (a) Except as provided in Section 36-25B-81(c) and
1461 Section 36-25B-84(d)(3), the commissioners, director, and
1462 employees of the commission shall keep confidential the
1463 existence of any complaint and any information relating to the
1464 complaint, including relevant information and documents and
1465 the identity of the complainant, until the disposition of the
1466 matter. In no event may a complaint or any part of the record
1467 be made public or available on the commission's website if the
1468 complaint is dismissed or, after an investigation, the
1469 commission determines no violation occurred.

1470 (b) This section does not prohibit a complainant or
1471 respondent from disclosing information relating to a complaint
1472 submitted to the commission, and the fact that an individual
1473 who is not a commissioner, director, or commission employee
1474 discloses information relating to a complaint does not grant
1475 the commissioners, director, or commission employees the
1476 authority to discuss or disclose the existence of a complaint
1477 or any information relating to the complaint.

1478 §36-25B-83 Agency Heads Required to Report Violations

1479 The agency head of every governmental body shall file a
1480 report with the commission on any matter that comes to his or
1481 her attention in his or her official capacity that, after an
1482 appropriate investigation based on credible and verifiable
1483 information supporting the allegations, may constitute a
1484 violation of this chapter within 10 days of completing the

1485 investigation.

1486 §36-25B-84 Investigations

1487 (a) Upon a preliminary finding by the director that a
1488 violation of this chapter or the Fair Campaign Practices Act
1489 may have occurred pursuant to Section 36-25B-81(d)(2), or
1490 after an affirmative vote of the commissioners to initiate a
1491 full investigation pursuant to Section 36-25B-81(f), the
1492 director and staff of the commission shall conduct a full
1493 investigation in accordance with this section.

1494 (b) Before initiating a full investigation, the
1495 director shall notify the respondent by personal service or by
1496 certified mail, return receipt requested, of the
1497 investigation, along with the violations alleged to have
1498 occurred and the written record of the director's reasoning
1499 pursuant to Section 36-25B-81.

1500 (c) In the course of an investigation, the director,
1501 upon an affirmative vote of at least four commissioners, may
1502 subpoena witnesses and compel their attendance and may also
1503 require the production of documents and other evidence. The
1504 commission shall give the respondent the opportunity to
1505 respond to the allegations by providing written statements,
1506 testimony to commission staff, and any additional evidence.
1507 Any additional relevant facts or evidence discovered by a
1508 commissioner or commission staff during the course of an
1509 investigation shall immediately be provided to the respondent.
1510 The respondent has the right to be represented by legal
1511 counsel throughout an investigation.

1512 (d)(1) Commission staff shall have no more than 180

1513 days to complete an investigation and compile a written
1514 record. The written record of the investigation shall include
1515 all evidence considered and a written statement of the
1516 director's assessment and recommendations. Findings of fact
1517 shall be based solely on the evidence in the record.

1518 (2) If the director determines no violation has
1519 occurred, the director shall dismiss the matter, but the
1520 action must be reported to the commissioners along with the
1521 written record described in subdivision (1). The director
1522 shall promptly notify the respondent of the determination
1523 along with a copy of the director's assessment. The commission
1524 may not reinstate an investigation based on the same facts
1525 alleged in the complaint or investigation.

1526 (3) If the director determines there is sufficient
1527 evidence to indicate that a violation occurred, the director
1528 shall make a recommendation of appropriate penalties and shall
1529 immediately notify the respondent of the director's findings
1530 and recommended penalties, a reference to the particular
1531 provision of this chapter or the Fair Campaign Practice Act
1532 which was violated, and a copy of the complaint together with
1533 any statement, evidence, or information received from the
1534 complainant, witnesses, or other individuals or discovered in
1535 the course of the investigation.

1536 (4) Notice provided to the respondent pursuant to this
1537 subsection shall be by personal service or by certified mail,
1538 return receipt requested.

1539 (e) A respondent found by the director to have violated
1540 this chapter or the Fair Campaign Practices Act under

1541 subdivision (d) (3) shall have 21 days after receiving notice
1542 of a violation to request a contested case hearing before the
1543 commissioners. If at the end of the 21-day period the
1544 respondent does not request a hearing, the director shall
1545 notify and provide the commissioners with a written record
1546 along with the director's assessment and recommendations for
1547 penalties.

1548 (f) At the official meeting of the commissioners held
1549 after receiving notification under subsection (e), the
1550 commissioners shall:

1551 (1) Approve the director's assessment and
1552 recommendations for penalties;

1553 (2) Revise the assessment and penalties, in which case
1554 the respondent shall have an additional 21 days to request a
1555 contested case hearing;

1556 (3) Request a contested case hearing; or

1557 (4) Dismiss the matter.

1558 (g) Prior to an official meeting of the commissioners
1559 pursuant to subsection (f), the commissioners may not discuss
1560 any matter relating to a respondent's case with the director
1561 or with any other employee of the commission unless the
1562 respondent and his or her legal counsel are given the
1563 opportunity to also be present during any such discussion.

1564 §36-25B-85 Contested Case Hearings

1565 (a) If a contested case hearing is requested, the
1566 commission shall set a hearing date of not less than 45 days
1567 after receiving the request and shall immediately provide
1568 notice to the respondent. Notice shall include the time and

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1569 place of the hearing, the complaint, and all statements,
1570 evidence, and information received from the complainant,
1571 witnesses, or other individuals, or discovered in the course
1572 of the investigation. Upon the timely request of the
1573 respondent, the commission shall postpone the hearing for not
1574 less than 30 days for good cause shown.

1575 (b) Any additional relevant facts or evidence
1576 discovered by the director or employee of the commission or
1577 put in the possession of a commissioner after the conclusion
1578 of the investigation but before or during the hearing shall
1579 immediately be provided to the respondent.

1580 (c) The commissioners shall preside over any contested
1581 case hearing held pursuant to this section. The commission
1582 shall provide the respondent the opportunity to respond and
1583 present evidence and argument on all material issues involved,
1584 call witnesses, be represented by legal counsel at his or her
1585 own expense, and be present along with his or her legal
1586 counsel during all deliberations of the commissioners.

1587 (d) Outside of an official hearing proceeding, if the
1588 director or any other employee of the commission is present in
1589 any commissioner deliberations on any matter relating to a
1590 respondent's case, the respondent and his or her legal counsel
1591 must be given the opportunity to also be present during the
1592 deliberation.

1593 (e) The record of a hearing shall include all evidence
1594 considered and a written statement of the findings of the
1595 commission members. Findings of fact shall be based solely on
1596 the evidence in the record.

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1597 (f) If the respondent does not request a hearing or
1598 does not participate in a hearing, the commissioners' decision
1599 is final, a penalty may be imposed, and the respondent, absent
1600 good cause shown, may not appeal the decision.

1601 §36-25B-86 Confidentiality of Investigations

1602 (a) Prior to the disposition of a matter, the
1603 commissioners, director, and employees of the commission shall
1604 keep confidential and may not publicly disclose information
1605 relating to an investigation, including the identity of the
1606 respondent. In no event may an investigation or any part of
1607 the record be made public or available on the commission's
1608 website if the case is dismissed under Section
1609 36-25B-84 (d) (2).

1610 (b) This section does not prohibit a respondent or a
1611 witness or other individual from disclosing information
1612 relating to an investigation. The fact that an individual who
1613 is not a commissioner, director, or commission employee
1614 discloses information relating to an investigation does not
1615 grant the commissioners, director, or commission employees the
1616 authority to discuss or disclose the existence of the
1617 investigation or any information relating to the
1618 investigation.

1619 §36-25B-87 Criminal Referrals

1620 (a) If at any time during the course of reviewing a
1621 complaint or conducting an investigation, the director,
1622 general counsel, or a member or investigator of the commission
1623 has reason to believe a criminal violation has been committed,
1624 the commission shall promptly notify the Attorney General or

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1625 the appropriate district attorney and provide all evidence
1626 obtained by, or in the possession of, the commission.

1627 (b) The imposition of a penalty by the commission does
1628 not prohibit the Attorney General or a district attorney from
1629 pursuing criminal charges based on the same or related
1630 conduct.

1631 §36-25B-88 Penalties

1632 (a) Any person subject to this chapter who
1633 intentionally makes a false statement on any report,
1634 registration, or statement pursuant to this chapter is subject
1635 to a civil penalty not to exceed one thousand dollars
1636 (\$1,000).

1637 (b) Any individual who makes or transmits a complaint
1638 pursuant to this chapter which contains information or
1639 statements the individual knows to be false is subject to a
1640 civil penalty not to exceed one thousand dollars (\$1,000) and
1641 shall be liable for the actual legal expenses incurred by the
1642 respondent against whom the false report or complaint was
1643 filed.

1644 (c) Any individual who intentionally makes false
1645 statements to an employee of the commission or member of the
1646 commission pursuant to this chapter is subject to a civil
1647 penalty not to exceed one thousand dollars (\$1,000).

1648 (d) For a violation of this chapter, unless otherwise
1649 specified, the commission may:

- 1650 (1) Issue a private warning or public reprimand;
1651 (2) Enter into a consent decree;
1652 (3) Impose a civil penalty up to or commensurate with

1653 the economic gain to the violator; or

1654 (4) Order restitution, if applicable, up to or
1655 commensurate with the economic loss to a governmental body.

1656 (e) Restitution collected by the commission shall be
1657 paid to the governmental body suffering the economic loss.

1658 (f) If a person fails to pay any civil penalty or
1659 restitution, the commission may file an action to collect the
1660 penalty in the District Court of Montgomery County. The person
1661 shall be responsible for paying all costs associated with the
1662 collection of the civil penalty or restitution.

1663 §36-25B-89 Reconsideration of Contested Case Hearings

1664 If the respondent discovers new evidence that comes to
1665 his or her knowledge after the final determination was made by
1666 the commissioners in a case hearing and that evidence would
1667 not have been discovered sooner through the exercise of due
1668 diligence, the respondent may petition the commission for
1669 reconsideration, regardless of whether the respondent had
1670 requested a contested case hearing. Upon receiving a petition,
1671 the commission shall stay any collection of any penalty
1672 pending a determination by the commissioners whether to
1673 reconsider the respondent's case. If the commissioners reject
1674 the respondent's petition, the respondent shall have the
1675 opportunity to file an appeal under Section 36-25B-90,
1676 regardless of whether the respondent had requested a contested
1677 case hearing.

1678 §36-25B-90 Appeals

1679 Within 30 days of a final order or decision of the
1680 commissioners in a contested case hearing imposing a penalty

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1681 under this article or within 30 days of a rejection of a
1682 petition for reconsideration, any person aggrieved by the
1683 final order or decision may file a petition for appeal in the
1684 Circuit Court of Montgomery County.

1685 Section 7. The Code Commissioner shall conform
1686 references in the Code of Alabama 1975, to reflect the changes
1687 made by this act. Code changes, including the renumbering of
1688 references to Chapter 25, Title 36, to reflect the appropriate
1689 code sections in Chapter 25B, Title 36, as created by this
1690 act, shall be made at a time determined to be appropriate by
1691 the Code Commissioner.

1692 Section 8. Section 11-3-5, Code of Alabama 1975, is
1693 amended to read as follows:

1694 "§11-3-5

1695 (a) ~~Except where a contract for goods or services is~~
1696 ~~competitively bid regardless of whether bidding is required~~
1697 ~~under Alabama's competitive bid law, no member of any county~~
1698 ~~commission and no business with which any county commissioner~~
1699 ~~is associated shall~~ A county commissioner, family member of a
1700 county commissioner, or associated business of a county
1701 commissioner may not be a party to any contract for goods or
1702 services with the county commission on which he or she serves,
1703 unless the contract is competitively bid, regardless of
1704 whether bidding is required under the competitive bid laws of
1705 this state. ~~Except where a contract for goods or services is~~
1706 ~~competitively bid regardless of whether bidding is required~~
1707 ~~under Alabama's competitive bid law, no county commission~~
1708 ~~shall award any contract to a family member of a county~~

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1709 ~~commissioner.~~ Under no circumstances shall a county
1710 commissioner participate in the bid preparation or review of a
1711 bid that is received from the county commissioner, ~~a business~~
1712 ~~with which he or she is associated, or~~ a family member of the
1713 county commissioner, or an associated business of the county
1714 commissioner, and a county commissioner shall not deliberate
1715 or vote on acceptance of a bid submitted by the county
1716 commissioner, ~~a business with which he or she is associated,~~
1717 ~~or~~ a family member of the county commissioner, or an
1718 associated business of the county commissioner.

1719 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a
1720 family member to do any work for the county; provided,
1721 however, the family member of a county commissioner may be
1722 employed by the county if the family member is hired pursuant
1723 to a county personnel policy that does not require a vote of
1724 the county commission or if the county commissioner does not
1725 participate in the hiring process through recommendation,
1726 deliberation, vote, or otherwise.

1727 (c) Any county commissioner in violation of this
1728 section shall be guilty of a Class A misdemeanor.

1729 ~~(d) In compliance with Section 36-25-11, any contract~~
1730 ~~executed with a member of the county commission or with a~~
1731 ~~business with which a county commissioner is associated shall~~
1732 ~~be filed with the Ethics Commission within 10 days after the~~
1733 ~~contract has been executed.~~

1734 (d) Any contract executed in violation of this section
1735 shall be void by operation of law and any ~~person~~ individual
1736 employed by the county in violation of this section shall

DRAFT DOCUMENT: NOT OFFICIAL LEGISLATION

1737 forfeit his or her employment by operation of law.

1738 (e) For the purposes of this section, the ~~definition of~~
1739 ~~family member shall be the same as the definition in~~
1740 ~~subdivision (15) of Section 36-25-1 for the family member of a~~
1741 ~~public official~~ terms "family member" and "associated business"
1742 shall have the same meanings as defined in Section 36-25B-2."

1743 Section 9. This act shall become effective on June 1,
1744 2025.