

**HB227 ENGROSSED**



1 HB227  
2 USJ7XXD-2  
3 By Representative Simpson  
4 RFD: Ethics and Campaign Finance  
5 First Read: 22-Feb-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to government ethics; to amend Sections 13A-10-60 and 13A-10-61, Code of Alabama 1975, to provide further for the crime of bribery; to add Section 13A-10-61.1, Code of Alabama 1975, to establish the crime of using public office for pecuniary benefit; to repeal Sections 13A-10-62 and 13A-10-82, relating to crimes in public office; to repeal Chapter 25 and add a new Chapter 25B to Title 36, Code of Alabama 1975, to replace the public ethics code; to provide further for the appointment of members of the State Ethics Commission and the director of the commission; to revise the duties of the commission; to revise the scope of penalties for violations of the ethics code to include private censures and public reprimands and to exclude criminal violations; to provide for appeals of decisions of the commission; to provide further for formal and informal advisory opinions issued by the commission; to revise who must file and what must be disclosed in the Statement of Economic Interests; to provide definitions; to prohibit public servants from taking official



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29 action that would result in a conflict of interest; to  
30 prohibit certain persons termed "prohibited sources" from  
31 giving gifts to certain public servants and prohibit public  
32 servants from receiving gifts from certain prohibited sources;  
33 to revise the revolving door provisions; to add Section  
34 36-15-1.2 to the Code of Alabama 1975, to further provide for  
35 the duties of the Attorney General; to amend Section 11-3-5,  
36 Code of Alabama 1975, to make conforming changes to provisions  
37 governing certain public contracts entered into by counties;  
38 to define terms; and in connection therewith would have as its  
39 purpose or effect the requirement of a new or increased  
40 expenditure of local funds within the meaning of Section  
41 111.05 of the Constitution of Alabama of 2022.

42 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

45 "§13A-10-60

46 (a) The definitions contained in Section 13A-10-1 are  
47 applicable in this article unless the context otherwise  
48 requires.

49 (b) The following definitions also apply to this  
50 article:

51 (1) BENEFIT. Any gain or advantage to the beneficiary,  
52 including any gain or advantage to a third person pursuant to  
53 the desire or consent of the beneficiary.

54 ~~(2)~~ (3) PECUNIARY BENEFIT. Benefit in the form of money,  
55 property, commercial interests, or anything else the primary  
56 significance of which is economic gain. Expenses associated



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57 with social occasions afforded public servants and party  
58 officers shall not be deemed a pecuniary benefit within the  
59 meaning of this article.

60 ~~(3)~~ (4) PUBLIC SERVANT. ~~As used in this article, such~~  
61 ~~term includes persons~~ An individual who presently ~~occupy~~  
62 occupies the position of a public servant, as defined in  
63 Section 13A-10-1 ~~(7)~~, or ~~have~~ has been elected, appointed, or  
64 designated to become a public servant although not yet  
65 occupying that position.

66 ~~(4)~~ (2) PARTY OFFICER. ~~A person~~ An individual who holds  
67 any position or office in a political party, whether by  
68 election, appointment, or otherwise."

69 "§13A-10-61

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

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

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

83 (b) For purposes of this section, "person closely  
84 associated with the public servant" means a spouse, dependent,



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85 or associated business as the term "associated business" is  
86 defined in Section 36-25B-2, of the public servant.

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

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

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

95 §13A-10-61.1

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

98 (1) A public servant knowingly uses or causes to be  
99 used his or her public office or position to obtain a  
100 pecuniary benefit for the public servant or any other person.

101 (2) A public servant knowingly uses or causes to be  
102 used equipment, facilities, time, materials, human labor, or  
103 other public property under his or her discretion or control  
104 for the pecuniary benefit of the public servant or any other  
105 person, or for a principal campaign committee, as defined in  
106 Section 17-5-2.

107 (3) A public servant or former public servant knowingly  
108 uses, causes to be used, or discloses confidential information  
109 gained in the course of or by reason of his or her position or  
110 employment in any way that results in a pecuniary benefit for  
111 himself or herself or for any other person.

112 (b) It is not a violation of this section in any of the



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113 following circumstances:

114 (1) The public servant is acting pursuant to another  
115 law, a lawful employment agreement, or an agency policy.

116 (2) The use of public property under subdivision (a)(2)  
117 is in the same or a similar manner as is available for use by  
118 the general public and involves minimal to no additional cost  
119 to the state or the applicable governmental body.

120 (3) The information under subdivision (a)(3), at the  
121 time of use or disclosure, was a public record under state law  
122 or was publicly known or readily available to the general  
123 public through the public servant's governmental body or any  
124 other public source.

125 (c)(1) If a public servant violates this section and  
126 the pecuniary benefit to the public servant or other person  
127 is less than one thousand five hundred dollars (\$1,500), the  
128 Attorney General or applicable district attorney may refer the  
129 matter to the State Ethics Commission for a determination by  
130 the commission of whether the public servant violated Section  
131 36-25B-40 or any other provision of the Alabama Ethics Act.

132 (2) A public servant who violates this section, upon  
133 conviction, is guilty of a Class A misdemeanor when the  
134 pecuniary benefit to the public servant or other person is  
135 material but less than two thousand five hundred dollars  
136 (\$2,500).

137 (3) A public servant who violates this section, upon  
138 conviction, is guilty of a Class C felony when the pecuniary  
139 benefit to the public servant or other person is equal to or  
140 exceeds two thousand five hundred dollars (\$2,500), but less



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141 than ten thousand dollars (\$10,000).

142 (4) A public servant who violates this section, upon  
143 conviction, is guilty of a Class B felony when the pecuniary  
144 benefit to the public servant or other person is equal to or  
145 exceeds ten thousand dollars (\$10,000).

146 Section 3. Section 13A-10-62, which specifies the crime  
147 of failing to disclose a conflict of interest, and Section  
148 13A-10-82, which specifies the crime of misuse of public  
149 information, are repealed.

150 Section 4. Section 36-15-1.2 is added to the Code of  
151 Alabama 1975, to read as follows:

152 §36-15-1.2

153 (a) Upon the request of any public servant, as that  
154 term is defined in Section 13A-10-60, or upon his or her own  
155 volition, the Attorney General shall give his or her opinion,  
156 in writing, on any question of law under Section 13A-10-61.1  
157 as it relates to any proposed conduct or activity as presented  
158 in the request or opinion, whether based on real or  
159 hypothetical circumstances.

160 (b) The Attorney General shall establish and publish on  
161 its website guidelines on how to submit a request for an  
162 opinion under this section.

163 (c) The provisions of Section 36-15-19 shall apply to  
164 an opinion issued pursuant to this section.

165 Section 5. Chapter 25 of Title 36, Code of Alabama  
166 1975, which sets forth the ethics laws for public officials  
167 and public employees, is repealed.

168 Section 6. A violation or offense of Chapter 25 of



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169 Title 36, Code of Alabama 1975, committed prior to June 1,  
170 2025, is not affected by the repeal of Chapter 25, and any  
171 prosecution or proceeding before the State Ethics Commission  
172 for any violation or offense in Chapter 25 pending on June 1,  
173 2025, shall proceed as if the chapter was not repealed.

174 Section 7. Chapter 25B is added to Title 36, Code of  
175 Alabama 1975, to read as follows:

176 Article 1. General Provisions

177 §36-25B-1 Short Title

178 This chapter shall be known and may be cited as the  
179 Alabama Ethics Act.

180 §36-25B-2 Definitions

181 Whenever used in this chapter, the following terms have  
182 the following meanings:

183 (1) AGENCY HEAD. The director or chief administrative  
184 officer of a governmental body.

185 (2) ASSOCIATED BUSINESS. A business of which a public  
186 servant or his or her family member is an officer, director,  
187 manager of a limited liability company, employee, or an owner  
188 or holder of more than five percent of the fair market value  
189 of the business.

190 (3) BUSINESS. Any corporation, partnership,  
191 proprietorship, firm, enterprise, franchise, self-employed  
192 individual, or other business entity.

193 (4) CANDIDATE. The term as defined in Section 17-5-2.

194 (5) COMMISSION. The State Ethics Commission.

195 (6) CONFLICT OF INTEREST. A substantial financial  
196 interest that materially and uniquely affects a public servant





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197 or a person closely associated with a public servant in a  
198 manner different from the manner in which the financial  
199 interest affects other members of the class to which that  
200 public servant or person closely associated with a public  
201 servant belongs.

202 (7) DAY. Calendar day.

203 (8) DEPENDENT. An individual claimed as a dependent for  
204 income tax purposes.

205 (9) DIRECTOR. The Executive Director of the commission.

206 (10) ECONOMIC DEVELOPMENT PROFESSIONAL. a. An  
207 individual seeking to advance specific, good faith economic  
208 development or trade promotion projects or related objectives  
209 for a business; a chamber of commerce or similar nonprofit  
210 economic development organization in this state; a city, a  
211 county, a political subdivision of the state; or a  
212 governmental corporation or authority.

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

216 (11) ENTITY. A business, union, association, committee,  
217 club, organization, or other legal entity.

218 (12) FAMILY MEMBER. The spouse or a dependent.

219 (13) GIFT. Any single item or thing with a value  
220 greater than one hundred dollars (\$100), or any number of  
221 items or things with a cumulative or aggregate value exceeding  
222 five hundred dollars (\$500) within a 12-month period, other  
223 than any of the following:

224 a. A lawful campaign contribution or a contribution to



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225 an inaugural or transition committee that is established by or  
226 on behalf of a public official elected or appointed to a  
227 public office.

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

231 c. Any financial transaction entered into in the  
232 ordinary course of business on terms generally available to  
233 similarly situated members of the public.

234 d. Anything paid for by a governmental body or an  
235 entity created by a governmental body to support the  
236 governmental body or secured by a governmental body under  
237 contract, except for tickets to a sporting event offered by an  
238 educational institution to any person other than faculty,  
239 staff, or administration of the institution.

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

242 f. Compensation or benefits earned or received from an  
243 associated business, from a client or prospective employer, or  
244 from a vendor of an associated business, unless the  
245 circumstances make it clear that the purpose of the  
246 compensation or benefit is to substantially influence the  
247 public servant.

248 g. Flowers and items with little intrinsic value which  
249 are intended solely for presentations, such as plaques,  
250 certificates, and trophies, and promotional items commonly  
251 distributed to the general public.

252 h. Anything provided through inheritance.



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253 (14) GOVERNMENTAL BODY. a. Any department, agency,  
254 office, commission, board, or other political subdivision at  
255 the state or local level in the executive, legislative, or  
256 judicial branch. The term includes local boards of education,  
257 public institutions of higher education, regulatory bodies,  
258 the Legislature, local legislative bodies, and public or  
259 private corporations or authorities established pursuant to  
260 state law for the purpose of carrying out a specific  
261 governmental function.

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

265 (15) LEGISLATIVE CAUCUS. A legislative caucus  
266 registered pursuant to Section 17-5-5.1.

267 (16) LEGISLATURE. Includes both the Senate of Alabama  
268 and the House of Representatives of Alabama, and unless  
269 expressly specified otherwise, any committee or subcommittee  
270 thereof.

271 (17) LOBBY or LOBBYING. a. Any act to influence or  
272 attempt to influence:

273 1. Any legislative action, including executive  
274 amendment, veto, or approval of legislation;

275 2. Any rulemaking action; or

276 3. The awarding of a grant or contract with any  
277 governmental body.

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

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



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281           2. Carrying out ongoing negotiations following the  
282 award of a bid or contract.

283           3. Rendering legal services in a legal matter before a  
284 governmental body.

285           4. Responding to a request from a public servant or  
286 governmental body for information.

287           5. Providing professional services in drafting bills,  
288 advising clients, and rendering opinions as to the  
289 construction and effect of proposed or pending legislation,  
290 executive action, or rules.

291           (18) LOBBYIST. a. An individual who is engaged in  
292 lobbying and receives compensation or reimbursement for such  
293 engagement. In the case of an individual who is an officer,  
294 director, manager of a limited liability company, employee, or  
295 an owner or holder of more than five percent of the fair  
296 market value of a business, the term only applies to that  
297 individual if he or she engages in lobbying for the entity as  
298 a regular and usual part of the individual's activities on  
299 behalf of the entity.

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

301           1. A reporter or editor while pursuing normal  
302 reportorial and editorial duties.

303           2. A public servant who lobbies as part of his or her  
304 official duties.

305           3. An individual seeking a contract or grant at the  
306 county or municipal level of government.

307           4. An individual acting as an economic development  
308 professional who is not otherwise required to register as a



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309 lobbyist, unless and until he or she seeks incentives through  
310 legislative action in the Legislature that are above and  
311 beyond, or in addition to, the then current statutory or  
312 constitutional authorization.

313           5. Any citizen not lobbying for compensation who is  
314 merely exercising his or her constitutional right to  
315 communicate with a governmental body.

316           6. An agency head or his or her designee who provides  
317 or communicates information relating to policies or positions  
318 affecting the governmental body that he or she represents.

319           (19) LOCAL LEGISLATIVE BODY. The term includes both of  
320 the following:

321           a. A county commission and any committee or  
322 subcommittee thereof.

323           b. A city council, city commission, town council, or  
324 other municipal council or commission, and any committee or  
325 subcommittee thereof.

326           (20) OFFENSE. A conclusive finding by the commission  
327 that a violation has occurred arising out of a specific set of  
328 circumstances. Second, third, and subsequent offenses are  
329 separate offenses that arise out of distinct sets of  
330 circumstances or events.

331           (21) PERSON. An individual or entity.

332           (22) PERSON CLOSELY ASSOCIATED. A family member or  
333 associated business.

334           (23) PRINCIPAL. Includes both of the following:

335           a. The person or governmental body who employs, hires,  
336 or otherwise retains a lobbyist.



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337           b. If the principal is an entity or governmental body,  
338 the primary individual who directs the activities of the  
339 lobbyist and is designated to sign the lobbyist registration  
340 form under Section 36-25B-60(b)(4).

341           (24) PROHIBITED SOURCE. With respect to a public  
342 servant, all of the following :

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

345           b. The principal of a lobbyist described in paragraph  
346 a.

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

349           d. A person that is conducting or seeking to conduct  
350 activities, other than ordinary activities conducted by the  
351 general population, that are regulated by the public servant's  
352 governmental body.

353           e. A person that is seeking or intends to seek official  
354 action or to influence official action by the public servant's  
355 governmental body.

356           (25) PUBLIC EMPLOYEE. a. An individual employed by a  
357 governmental body.

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

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

363           2. An employee of a hospital or other health care  
364 corporation, including a contract employee of a hospital or



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365 health care corporation.

366 3. An employee who is not paid in whole or in part from  
367 state, county, or municipal funds.

368 4. An individual employed or appointed to an insurance  
369 underwriting association or a guaranty association organized  
370 under Title 27 and subject to the immediate supervision of the  
371 Commissioner of Insurance.

372 (26) PUBLIC OFFICIAL. a. An individual elected, whether  
373 or not that individual has taken office, or appointed to a  
374 public office in a governmental body.

375 b. The term does not include:

376 1. A judge or other individual wholly governed by the  
377 Alabama Canons of Judicial Ethics; or

378 2. An individual subject to Rule 12(c)(1) of the  
379 Alabama Rules of Disciplinary Procedure.

380 (27) PUBLIC SERVANT. A public employee or public  
381 official.

382 (28) REGULATORY BODY. A state agency that adopts rules  
383 or a state, county, or municipal department, agency, board, or  
384 commission that controls, according to rule or regulation, the  
385 activities, business licensure, or functions of any person.

386 (29) VALUE. The fair market price of a like item if  
387 purchased by a private citizen. In the case of tickets to  
388 social and sporting events and associated passes, the value is  
389 the printed or published face value of the ticket or pass.

390 §36-25B-3 Construction of Chapter In Pari Materia

391 This chapter shall be construed in pari materia with  
392 other laws dealing with the subject of ethics, including, but



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393 not limited to, Title 13A.

394 §36-25B-4 Applicability of Chapter to Other Laws

395 Nothing in this chapter shall affect any other law that  
396 requires or exempts a person from complying with any provision  
397 of Chapter 25 of this title or the ethics laws of the state.  
398 Any reference to Chapter 25 of this title shall be considered  
399 a reference to this chapter.

400 §36-25B-5 Conducting Political Activity Allowed

401 Nothing in this chapter shall be deemed to limit the  
402 right of a public servant to publicly or privately express his  
403 or her support for, or to encourage others to support and  
404 contribute to, any principal campaign committee as defined in  
405 Section 17-5-2, political action committee as defined in  
406 Section 17-5-2, referendum, ballot question, issue, or  
407 constitutional amendment.

408 §36-25B-6 College and University Technology Transfer

409 Nothing in the chapter shall be deemed to limit or  
410 restrict the ability of public institutions of higher  
411 education, along with the public servants within the  
412 institutions, to accept and award grants, conduct research,  
413 collaborate with persons both within and outside the  
414 institution, enter into technology transfer agreements, and  
415 otherwise commercialize, protect, and share intellectual  
416 property by agreement in accordance with institution policy.

417 §36-25B-7 Additional Discipline

418 Nothing in this chapter limits:

419 (1) The power of the Legislature or a local legislative  
420 body to discipline its own members or to impeach public





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421 officials; or

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

424 §36-25B-8 Whistleblower Protections

425 (a) As used in this section, "report of a violation" or  
426 "reports a violation" means a communication made in writing,  
427 in good faith, by a public servant to his or her supervisor or  
428 to the commission of a violation, or what the public servant  
429 believes in good faith to be a violation, of this chapter. The  
430 term includes, but is not limited to, filing a complaint,  
431 initiating a complaint, or giving truthful statements or  
432 truthful testimony concerning an alleged violation.

433 (b) (1) A supervisor shall not discharge, demote,  
434 transfer, or otherwise take an adverse employment action  
435 against a public servant in retaliation for reporting to a  
436 governmental body, under oath or in the form of an affidavit,  
437 a violation of this chapter.

438 (2) A supervisor who violates subdivision (1) shall be  
439 subject to civil action in circuit court. A public servant may  
440 bring a civil action in circuit court for an alleged violation  
441 of this subsection within two years after the occurrence of  
442 the adverse action taken against the public servant. The court  
443 may order reinstatement of employment, payment of back wages,  
444 or compensatory damages, or any combination of these remedies  
445 in a civil action initiated under this subsection.

446 (c) Nothing in this chapter shall be construed in any  
447 manner to prevent or prohibit or otherwise limit a supervisor  
448 from disciplining, discharging, transferring, or otherwise



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449 affecting the terms and conditions of a public servant's  
450 employment so long as the disciplinary action does not result  
451 from, or is in no other manner connected with, the public  
452 servant's good faith filing of a complaint with the  
453 commission, giving truthful statements, or truthfully  
454 testifying in an investigation conducted by the commission.

455 (d) A public servant may not file a complaint or  
456 otherwise initiate action against another public servant,  
457 including his or her supervisor, without a good faith basis  
458 for believing the complaint to be true and accurate. A public  
459 servant who files a complaint without a good faith belief in  
460 the truthfulness and accuracy of the complaint shall be  
461 subject to a civil action in the circuit courts in the State  
462 of Alabama pursuant to the Alabama Rules of Civil Procedure  
463 and additionally is subject to appropriate and applicable  
464 personnel action.

465 Article 2. State Ethics Commission

466 §36-25B-20 Commission Established; Membership

467 (a) The State Ethics Commission is continued in  
468 existence as an instrumentality of the state under the  
469 direction and supervision of the commissioners.

470 (b) (1) Members of the commission shall be composed of  
471 five individuals who shall be appointed on a rotating basis by  
472 the following public officials in the following repeating  
473 order: The Governor, the President of the Senate, the Speaker  
474 of the House of Representatives, the Secretary of State, and,  
475 on an alternating basis, either the House of Representatives  
476 Minority Leader or the Senate Minority Leader.



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477           (2) The commission membership shall be inclusive so  
478 that diversity of gender, race, and geographical areas is  
479 reflective of the makeup of this state. Subject to subdivision  
480 (c)(2), the appointing authorities shall coordinate their  
481 appointments so that there is always at least: (i) one member  
482 who has served as a prosecutor within a district attorney's  
483 office for at least 10 years; (ii) one member who has served  
484 as a judge for at least 10 years; and (iii) one member who has  
485 worked as a criminal defense attorney with at least 10 years  
486 of legal experience. All members of the commission must be a  
487 resident of this state and of high moral character and  
488 ability. The retirement or supernumerary status of a former  
489 public official serving as a member shall not be suspended or  
490 impacted while serving as a member. Nothing in this  
491 subdivision shall be deemed to prevent a supernumerary  
492 district attorney from serving as a member of the commission.

493           (3) Appointments shall be subject to Senate  
494 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



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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) The following individuals are not eligible to be  
510 appointed or serve as commissioners:

511 a. A public servant other than a supernumerary district  
512 attorney.

513 b. A candidate.

514 c. A lobbyist or a principal.

515 d. A former employee of the commission.

516 (d) A member shall serve at the pleasure of his or her  
517 respective appointing authority, but may only be removed by  
518 the respective appointing authority upon such proof as would  
519 authorize the impeachment of a district attorney.

520 (e) If at any time there is a vacancy in the membership  
521 of the commission, a successor commissioner shall be appointed  
522 by the original appointing authority to serve for the  
523 unexpired term and shall be subject to Senate confirmation as  
524 further provided in this section. A commissioner may not be  
525 reappointed to succeed himself or herself unless the prior  
526 service was for less than a full term. A vacancy in the  
527 membership of the commission does not impair the right of the  
528 remaining commissioners to exercise all the powers of the  
529 commissioners as a whole.

530 (f) Commissioners shall elect one member to serve as  
531 chair of the commission and one member to serve as vice chair.  
532 The vice chair shall act as chair in the absence or disability



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533 of the chair or in the event of a vacancy in that office.

534 (g) Three commissioners shall constitute a quorum. No  
535 official action may be taken by the commissioners in the  
536 absence of a quorum.

537 (h) The commissioners, while conducting official  
538 business, shall be entitled to receive compensation at the  
539 rate of two hundred fifty dollars (\$250) per day, and each  
540 commissioner, when approved by the chair, shall be paid his or  
541 her travel expenses incurred in the performance of his or her  
542 duties as a commissioner as other state employees and  
543 officials are paid. If for any reason a commissioner wishes  
544 not to claim and accept the compensation or travel expenses,  
545 the commissioner shall inform the director, in writing, of the  
546 refusal. The commissioner, at any time during his or her term,  
547 may begin accepting compensation or travel expenses; however,  
548 the commissioner's refusal for any covered period shall act as  
549 an irrevocable waiver for that period.

550 §36-25B-21 Director and Other Employees of Commission

551 (a) (1) The commissioners shall appoint a full-time  
552 director who shall serve at the pleasure of the commissioners.  
553 The director shall be an attorney licensed to practice law in  
554 this state. The director shall be subject to confirmation by  
555 the Senate during the first regular session of the Legislature  
556 in which confirmation may occur, however this does not affect  
557 the right or authority of the director to act pending  
558 confirmation or rejection. If the director is not confirmed  
559 during the applicable legislative session, his or her service  
560 shall be terminated not more than 30 days after the applicable



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561 legislative session adjourns sine die and the commissioners  
562 shall immediately appoint another individual who shall  
563 immediately begin serving. The new director shall be subject  
564 to Senate confirmation no later than the next regular  
565 legislative session. No appointee whose confirmation is  
566 rejected by the Senate may be reappointed.

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

572 (3) If the Attorney General, after conducting an  
573 investigation, recommends to the Legislative Council that the  
574 director be removed for a cause described in Section 173 of  
575 the Constitution of Alabama of 2022, the director shall be  
576 removed if affirmed by a majority vote of the council members  
577 from the Senate and a majority vote of the council members  
578 from the House of Representatives.

579 (4) The compensation of the director shall be fixed by  
580 the commissioners, payable as the salaries of other state  
581 employees.

582 (5) Under the direction and supervision of the  
583 commissioners, the director shall be responsible for the  
584 administrative operations of the commission and shall  
585 administer this chapter in accordance with this chapter and  
586 rules and commission policies adopted thereunder.

587 (b) The director shall employ other employees of the  
588 commission as needed, including investigators, as necessary to



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589 conduct investigations under this chapter. All employees of  
590 the commission, except the director, shall be employed subject  
591 to the state Merit System, and their compensation shall be  
592 prescribed pursuant to that law. The employment of attorneys  
593 shall be subject to subsection (e).

594 (c) The investigators shall be and are constituted law  
595 enforcement officers of the State of Alabama with full and  
596 unlimited police power and jurisdiction to enforce the laws of  
597 this state pertaining to the operation and administration of  
598 this chapter. Investigators shall be certified by the Alabama  
599 Peace Officers' Standards and Training Commission.  
600 Notwithstanding the foregoing, investigators shall only  
601 exercise their power of arrest as granted under this chapter  
602 pursuant to an order issued by a court of competent  
603 jurisdiction.

604 (d) The director may appoint certified court reporters  
605 to take and transcribe the testimony in any hearing or  
606 investigation before the commission or before any individual  
607 authorized by the commission, or as required under Section  
608 36-25B-85. The reporters are not full-time employees of the  
609 commission, are not subject to the state Merit System, and may  
610 not participate in the Employees' Retirement System of  
611 Alabama.

612 (e) (1) The director may employ an attorney, upon  
613 approval by the Attorney General, as general counsel who shall  
614 be granted status as a deputy attorney general and shall not  
615 be subject to the state Merit System. The general counsel  
616 shall be subject Rule 3.8 of the Alabama Rules of Professional



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617 Conduct.

618 (2) The director may employ other competent attorneys  
619 as legal counsel for the commission. Each attorney so  
620 appointed shall be licensed to practice law in this state and  
621 be a member in good standing of the Alabama State Bar  
622 Association.

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

633 §36-25B-22 General Duties of Commission

634 The commission shall do all of the following:

635 (1) Inform and train public servants, candidates, and  
636 lobbyists of the ethics standards, reporting deadlines, and  
637 other requirements set forth in this chapter through regularly  
638 conducted and readily available educational programs and  
639 assist them in understanding and complying with those  
640 standards and requirements.

641 (2) Prescribe forms for reports and statements that are  
642 required to be filed under this chapter, establish guidelines  
643 and requirements for filing the reports and statements, and  
644 make the forms, guidelines, and requirements available for





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645 public servants, lobbyists, principals, prohibited sources,  
646 and any other person as needed or required.

647 (3) Upon written request, provide advice or opinions  
648 concerning proposed future conduct or action as it relates to  
649 this chapter in the form of either formal or informal  
650 opinions, as further provided in Section 36-25B-27.

651 (4) Examine all reports and statements filed with the  
652 commission and identify any discernible errors, omissions, or  
653 other violations of the filing requirements established  
654 pursuant to this chapter.

655 (5) Provide public access to copies of all reports and  
656 statements filed with the commission pursuant to this chapter,  
657 including publicly posting the reports and statements,  
658 excluding information specifically required to be redacted  
659 pursuant to this chapter.

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

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

671 (8) Conduct full investigations and, if applicable,  
672 hold contested case hearings regarding potential violations of



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673 this chapter, as further provided in Article 5.

674 (9) Upon completion of an investigation and a hearing  
675 by the commission, make determinations whether violations of  
676 this chapter have occurred and impose civil penalties and  
677 restitution, if appropriate, issue private warnings or public  
678 reprimands, or enter into consent decrees, as further provided  
679 in this chapter.

680 (10) Report suspected criminal violations to the  
681 Attorney General or the appropriate district attorney, as  
682 applicable, for further investigation and potential  
683 prosecution.

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

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

700 (13) Adopt rules pursuant to the Alabama Administrative



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701 Procedures Act, as needed or required, to implement this  
702 chapter.

703 §36-25B-23 Commission's Duties under the Fair Campaign  
704 Practices Act

705 In addition to the duties set forth in Section  
706 36-25B-22, the commission shall coordinate with the Secretary  
707 of State to implement the reporting requirements of the  
708 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,  
709 and shall do all of the following:

710 (1) Review and approve all forms created by the  
711 Secretary of State which are required by the Fair Campaign  
712 Practices Act prior to use and publication by the Secretary of  
713 State.

714 (2) Recommend accounting methods for candidates,  
715 principal campaign committees, and political action committees  
716 in connection with reports and filings required by the Fair  
717 Campaign Practices Act.

718 (3) Review and approve a retention policy created by  
719 the Secretary of State for all reports, filings, and  
720 underlying documentation required by the Fair Campaign  
721 Practices Act prior to use and publication by the Secretary of  
722 State.

723 (4) Review and approve a manual created by the  
724 Secretary of State for all candidates, principal campaign  
725 committees, and political action committees describing the  
726 requirements of the Fair Campaign Practices Act prior to use  
727 and publication by the Secretary of State.

728 (5) Upon written request, provide advice or opinions



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729 concerning proposed future conduct or action as it relates to  
730 the Fair Campaign Practices Act in the form of either formal  
731 or informal opinions, as further provided in Section  
732 38-25B-27.

733 (6) Conduct audits of any filings required under the  
734 Fair Campaign Practices Act if evidence exists that an audit  
735 is warranted because of the filing of a complaint pursuant to  
736 Section 36-25B-81 or if there exists a material discrepancy,  
737 error, omission, or conflict on the face of any filing  
738 required by the Fair Campaign Practices Act.

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

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

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

752 (10) Upon completion of an investigation and a hearing,  
753 if applicable, in which the commission conducts an  
754 administrative review of the assessment of civil penalties  
755 under Section 17-5-19.2, affirm, set aside, or reduce civil  
756 penalties as provided in Section 17-5-19.2.



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757 §36-25B-24 Commission Funding

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

761 (b) Notwithstanding any other provision of law to the  
762 contrary, the annual appropriation to the commission in the  
763 State General Fund Appropriations Act shall not be less than  
764 one-tenth of one percent of the total State General Fund  
765 amount appropriated in the State General Fund Appropriations  
766 Act unless a lower appropriation amount is expressly approved  
767 by two-thirds of the membership of the House of  
768 Representatives and two-thirds of the membership of the  
769 Senate.

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

773 (d) All monies collected as reasonable payment of costs  
774 for copying, reproductions, publications, and lists shall be  
775 deemed a refund against disbursement and shall be deposited  
776 into the appropriate fund account for the use of the  
777 commission.

778 §36-25B-25 Training

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



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785           (1) For members of the Legislature, in-person training  
786 not more than 65 days after the start of each quadrennium at a  
787 time agreeable to the director and the Legislative Council,  
788 and for any member whose service begins at a different time,  
789 in-person or online training not more than 60 days after being  
790 sworn into office.

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

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

808           (4) For other public servants who are required to  
809 complete a statement of economic interests under Section  
810 36-25B-62, in-person or online training not more than 90 days  
811 after commencing public service.

812           (5) For lobbyists, in-person or online training not



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813 more than 30 days after submitting a lobbyists registration  
814 form under Section 36-25B-60.

815 (b) (1) The director, in consultation with the legal  
816 counsel or agency head of the applicable governmental body,  
817 shall determine the subject matter to be covered in the  
818 training programs which shall be customized to address the  
819 relevant requirements, prohibitions, and restrictions as they  
820 apply to the various individuals listed in subsection (a). At  
821 a minimum, training shall include a review of the current law  
822 and formal advisory opinions and a discussion of relevant  
823 cases or scenarios.

824 (2) Faculty for the training programs may include the  
825 staff of the commission, members of the faculties of the  
826 various law schools in the state, members of the press and  
827 media, and other individuals deemed appropriate by the  
828 director.

829 (c) The director, by rule, shall determine the digital  
830 format of online training programs and for live, online  
831 training, the scheduled dates of the actual training. Evidence  
832 of completion of online training may be provided to the  
833 commission via an electronic reporting system provided on the  
834 commission's website.

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

837 (e) The training for county commissioners required by  
838 subdivision (a) (3) may be satisfied by the successful  
839 completion of the 10-hour course on ethical requirements of  
840 public officials provided by the Alabama Local Government



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841 Training Institute established pursuant to Article 2 of  
842 Chapter 3 of Title 11. The Alabama Local Government Training  
843 Institute shall provide in writing to the commission quarterly  
844 the names of those county commissioners completing the  
845 institute's program.

846 (f) Attendance at any session of the training program  
847 shall be mandatory, except in the event the individual  
848 verifies he or she, in good faith, cannot or could not attend  
849 the training program. Any individual who fails to attend  
850 mandatory training or attend a mandatory makeup training  
851 session may be subject to a penalty.

852 (g) This section shall not preclude the commission from  
853 enforcing this chapter, including imposing penalties, against  
854 any individual subject to this chapter prior to the individual  
855 attending a mandatory training program.

856 §36-25B-26 Commission Website

857 The commission shall provide on its official website  
858 all of the following:

859 (1) A system for electronic filing of all statements,  
860 reports, registrations, and notices required by this chapter.  
861 The website shall include guidance on filing statements,  
862 reports, registrations, and notices, including reporting  
863 schedules.

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

866 a. All statements, registrations, reports, and other  
867 filings required by this chapter excluding information  
868 required to be redacted, searchable by the name of the filing





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869 party to which the filings pertain;

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

873           c. In addition to paragraph a., prohibited source  
874 reports must be searchable by the recipient public servant  
875 listed on reports filed pursuant to Section 36-25B-61(b); and

876           d. Formal advisory opinions and the core principles of  
877 informal advisory opinions, as further provided in Section  
878 36-25B-27.

879           §36-25B-27 Advisory Opinions

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

894           (2) Before taking effect, a formal advisory opinion  
895 must be adopted by a majority vote of the commissioners  
896 present at the official meeting of the commissioners. Once



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897 adopted, the formal advisory opinion shall be promptly  
898 published on the commission's website.

899 (3) The person at whose request the opinion was issued  
900 or any person in similar circumstances who may be affected by  
901 the formal advisory opinion may petition for reconsideration  
902 of a formal advisory opinion by submitting a written request  
903 in a form prescribed by the commission received no more than  
904 30 days after the date the commissioners voted to approve the  
905 formal advisory opinion.

906 (4) A formal advisory opinion shall protect the person  
907 at whose request the opinion was issued and any other person  
908 reasonably relying in good faith on the advisory opinion in a  
909 materially like circumstance from liability to the state, a  
910 county, or a municipal subdivision of the state because of any  
911 action performed or action refrained from in reliance on the  
912 advisory opinion.

913 (5) Except as provided in subdivision (6), formal  
914 advisory opinions shall be deemed valid until expressly  
915 overruled or altered by the commission or a court of competent  
916 jurisdiction.

917 (6)a. On and after December 1, 2025, any formal  
918 advisory opinion issued before June 1, 2025, is void unless an  
919 individual has requested the continuance of an advisory  
920 opinion and the commission has affirmatively decided to uphold  
921 that opinion. Any action or course of action taken prior to  
922 December 1, 2025 that is in reliance on an advisory opinion  
923 issued by the commission prior to June 1, 2025, shall protect  
924 the person relying on the advisory opinion in accordance with



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925 this section.

926           b. Paragraph a. does not apply to or have any impact on  
927 advisory opinions or portions of advisory opinions pertaining  
928 to the laws and requirements of the Fair Campaign Practices  
929 Act.

930           (b) (1) Upon receiving a written request, the director  
931 or general counsel of the commission may issue an informal  
932 advisory opinion on the requirements of this chapter or the  
933 Fair Campaign Practices Act based on a real or hypothetical  
934 set of circumstances.

935           (2) An informal advisory opinion is prospective and  
936 shall be based on the facts presented, but does not have the  
937 force and effect of a formal advisory opinion, nor does an  
938 informal advisory opinion provide legal immunity to the  
939 requesting person. However, there shall be a rebuttable  
940 presumption that a requesting person who acts in conformance  
941 with an informal advisory opinion intended to comply with this  
942 chapter or the Fair Campaign Practices Act and at a minimum,  
943 shall be a mitigating factor.

944           (3) Except as provided in subdivision (4), the  
945 commissioners, director, and employees of the commission shall  
946 keep confidential the existence of an informal advisory  
947 opinion and the opinion itself along with the underlying  
948 request, unless expressly waived by the person requesting the  
949 opinion.

950           (4) Not later than 30 days after each calendar quarter,  
951 the commission shall summarize and publish on its website in a  
952 readily searchable manner the core principles articulated by



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953 the commission in the informal advisory opinions issued during  
954 the previous calendar year. These principles shall be written  
955 in a manner that does not reveal the identity of the requester  
956 and any other person mentioned in the informal advisory  
957 opinion and that does not allow members of the public to  
958 otherwise ascertain the identities of these persons.

959 (c) The commission's decision not to issue a formal or  
960 informal advisory opinion does not create any presumption as  
961 to whether the action upon which the request for an advisory  
962 opinion was based does or does not violate this chapter or the  
963 Fair Campaign Practices Act.

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

968 Article 3. Restricted and Prohibited Acts

969 §36-25B-40 Conflict of Interest

970 (a) Consistent with the Constitution of Alabama of  
971 2022, a member of the Legislature may not sponsor or vote on  
972 any legislation when the member knows or reasonably should  
973 know that:

974 (1) He or she has a conflict of interest; or

975 (2) By sponsoring or voting on the legislation, he or  
976 she would materially and uniquely benefit a business client  
977 and increase his or her economic value to the client.

978 (b) Except as otherwise provided by law, a public  
979 servant may not take official action on a particular matter  
980 when the public servant knows or reasonably should know he or



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981 she has a conflict of interest.

982 (c) (1) In addition to any other penalty provided for in  
983 Section 36-25B-88, a public servant who violates this section  
984 shall be subject to a civil penalty up to three times the  
985 economic gain to the public servant.

986 (2) For a second or subsequent offense, in addition to  
987 the penalty in subdivision (1), the commission shall promptly  
988 notify the Attorney General or the appropriate district  
989 attorney and provide all evidence obtained by, or in the  
990 possession of, the commission. In addition, the commission may  
991 notify the appropriate public servant or governmental body who  
992 has authority to discipline or remove the public servant from  
993 office or employment.

994 §36-25B-41 Steering Contracts or Business Prohibited

995 (a) A public servant may not approve, direct, vote for,  
996 or otherwise influence or attempt to influence any official  
997 action of the public servant's governmental body to direct or  
998 steer contracts, grants, awards, or financial business from  
999 the public servant's governmental body to any person if the  
1000 public servant knows or should know that the contract, grant,  
1001 award, or financial business would directly benefit the public  
1002 servant, an associated business of the public servant, or any  
1003 family member of the public servant. For purposes of this  
1004 section only, "family member" means a child, parent, sibling,  
1005 grandchild, grandparent, aunt, uncle, niece, nephew, cousin,  
1006 or spouse, or the child, parent, or sibling of the spouse.

1007 (b) (1) In addition to any other penalty provided for in  
1008 Section 36-25B-88, a public servant who violates this section



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1009 shall be subject to a civil penalty up to three times the  
1010 economic gain to the public servant, associated business, or  
1011 family member.

1012 (2) For a second or subsequent offense, in addition to  
1013 the penalty in subdivision (1), the commission shall promptly  
1014 notify the Attorney General or the appropriate district  
1015 attorney and provide all evidence obtained by, or in the  
1016 possession of, the commission. In addition, the commission may  
1017 notify the appropriate public servant or governmental body who  
1018 has authority to discipline or remove the public servant from  
1019 office or employment.

1020 §36-25B-42 Gift Ban

1021 (a) (1) A public servant may not solicit or accept a  
1022 gift from any person the public servant knows or should know  
1023 is a prohibited source.

1024 (2) Any person who knows or should know that he or she  
1025 is a prohibited source may not offer or provide a gift to a  
1026 public servant or any person closely associated with a public  
1027 servant.

1028 (b) Notwithstanding subsection (a), a prohibited source  
1029 may make payment of or reimbursement for actual and necessary  
1030 registration and travel expenses, including reasonable food,  
1031 beverages, hospitality, and lodging expenses incurred by  
1032 attendance by a public servant and his or her family members  
1033 at:

1034 (1) An educational function of which the prohibited  
1035 source is a sponsor, provided the expenses are reported to the  
1036 commission in accordance with Section 36-25B-61. For purposes



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1037 of this subdivision, "educational function" means a meeting,  
1038 event, or activity that is organized around a formal program  
1039 or agenda of educational or informational speeches, debates,  
1040 panel discussions, or other presentations concerning matters  
1041 within the scope of the participant's official duties or other  
1042 matters of public policy.

1043 (2) An economic development function of which the  
1044 prohibited source is a sponsor. For purposes of this  
1045 subdivision, "economic development function" means any  
1046 function reasonably and directly related to the advancement of  
1047 a specific, good-faith economic development or trade promotion  
1048 project or objective.

1049 (3) Any event of which a prohibited source is a sponsor  
1050 where the public servant's attendance at the event is  
1051 appropriate to the performance of his or her official duties  
1052 or representative function, provided the expenses are reported  
1053 to the commission in accordance with Section 36-25B-61.

1054 (c) Notwithstanding subsection (a), food, beverages,  
1055 and hospitality may be provided by a prohibited source and  
1056 accepted by a public servant and his or her family members in  
1057 the following conditions, provided the event details are  
1058 reported to the commission in accordance with Section  
1059 36-25B-61:

1060 (1) At a reception or similar event other than in the  
1061 form of a seated meal, at which it is reasonably expected that  
1062 more than 25 individuals will attend.

1063 (2) At a seated meal of mutual interest to a number of  
1064 parties at which it is reasonably expected that more than 12



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1065 individuals will attend and that individuals with a diversity  
1066 of views or interests will be present.

1067 (3) At an event where all members of the Legislature, a  
1068 local legislative body, a legislative caucus registered under  
1069 Chapter 5 of Title 17, or a legislative committee are invited  
1070 or are eligible to register for the event.

1071 (d) It is not a violation of this section in either of  
1072 the following circumstances:

1073 (1) The gift is offered or provided as the result of a  
1074 familial relationship, unless the circumstances make it clear  
1075 that the gift is not motivated by the familial relationship  
1076 and that the gift is intended to substantially influence the  
1077 recipient's official activities.

1078 (2) The gift is offered or provided as the result of a  
1079 friendship, unless the circumstances make it clear that the  
1080 gift is not motivated by the friendship and that the gift is  
1081 intended to substantially influence the recipient's official  
1082 activities.

1083 (e) A person who violates this section shall be subject  
1084 to the following penalties:

1085 (1) For a first offense, a civil penalty of no more  
1086 than two times the value of the gift. In lieu of a civil  
1087 penalty, the commission may issue a public reprimand for a  
1088 first time violation if the commission determines the person  
1089 did not know the value of the gift was more than one hundred  
1090 dollars (\$100).

1091 (2) For a second offense, a civil penalty of three  
1092 times the value of the gift.





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1093 (3) For a third or subsequent offense, a civil penalty  
1094 of five times the value of the gift and the commission shall  
1095 promptly notify the Attorney General or the appropriate  
1096 district attorney and provide all evidence obtained by, or in  
1097 the possession of, the commission. In addition, the commission  
1098 may notify the appropriate public servant or governmental body  
1099 that has authority to discipline or remove the public servant  
1100 from office or employment.

1101 (f) The commission shall adopt rules to do both of the  
1102 following:

1103 (1) Provide guidance on what constitutes hospitality  
1104 for purposes of this section.

1105 (2) Allow for, but not require, pre-certification of  
1106 events and activities described in subsections (b) and (c).

1107 §36-25B-43 Solicitation of Subordinates Prohibited

1108 Other than in the ordinary course of business, a  
1109 supervisor of any governmental body may not solicit a gift  
1110 from a subordinate.

1111 §36-25B-44 Charitable Fundraising

1112 Nothing in this article prohibits a public servant or  
1113 his or her family member, regardless of whether he or she  
1114 serves on the board of directors of the nonprofit entity, from  
1115 conducting fundraising activities for a nonprofit entity,  
1116 which may include soliciting monetary donations or other items  
1117 from prohibited sources, provided, (i) the public servant is  
1118 not acting in his or her official capacity, (ii) the public  
1119 servant or a person closely associated with the public servant  
1120 will not receive any personal financial benefit from the



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1121 fundraising activities, and (iii) no public resources are used  
1122 to conduct the fundraising activities, except as authorized by  
1123 law or agency policy.

### 1124 §36-25B-45 Outside Employment

1125 Nothing in this article prohibits or restricts an  
1126 individual appointed or elected to public office, once taking  
1127 office, from continuing to engage in outside employment in his  
1128 or her profession or skill. The mere fact that a public  
1129 official's compensation in his or her outside employment  
1130 increases while the public official is in office does not  
1131 create a presumption that the increase is related to or on  
1132 account of his or her official office or position.

### 1133 §36-25B-46 Elected Officials Prohibited from Lobbying

1134 (a) (1) A public official elected or appointed to a  
1135 state office or a member of the Legislature, while holding  
1136 office, may not serve as a lobbyist before any governmental  
1137 body.

1138 (2) Nothing in this subsection shall be construed to  
1139 prohibit a public official from engaging, while in office, in  
1140 outside employment in his or her profession or field of  
1141 expertise, including representing a client before a  
1142 governmental body of which the public official is not a  
1143 member, provided such engagement is not related to his or her  
1144 official duties.

1145 (3) This subsection shall not be construed to prohibit  
1146 a public official elected or appointed to a state office or a  
1147 member of the Legislature from performing his or her official  
1148 duties or responsibilities.



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1149 (b) (1) A public official elected or appointed to a  
1150 county or municipal office, while holding office, may not  
1151 serve as a lobbyist before any governmental body within the  
1152 geographical jurisdiction of the county or municipal office  
1153 for which the public official is serving.

1154 (2) Nothing in this subsection shall be construed to  
1155 prohibit a public official from engaging, while in office, in  
1156 outside employment in his or her profession or field of  
1157 expertise, including representing a client before a  
1158 governmental body of which the public official is not a  
1159 member, provided such engagement is not related to his or her  
1160 official duties.

1161 (3) This subsection shall not be construed to prohibit  
1162 a public official elected or appointed to a county or  
1163 municipal office from performing his or her official duties or  
1164 responsibilities.

1165 (c) (1) A public official who violates this section  
1166 shall be subject to a civil penalty up to or commensurate with  
1167 the economic gain to the public official.

1168 (2) For a second or subsequent offense, in addition to  
1169 the penalty in subdivision (1), the commission shall promptly  
1170 notify the Attorney General or the appropriate district  
1171 attorney and provide all evidence obtained by, or in the  
1172 possession of, the commission. In addition, the commission may  
1173 notify the appropriate public servant or governmental body who  
1174 has authority to discipline or remove the public servant from  
1175 office or employment.

1176 §36-25B-47 Revolving Door Prohibitions



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1177 (a) An appointed public official, for a period of two  
1178 years after leaving service, may not serve as a lobbyist  
1179 before the governmental body for which he or she had served.

1180 (b) An elected public official, for a period of two  
1181 years after leaving service or the expiration of the term to  
1182 which he or she was elected, whichever is longer, may not  
1183 serve as a lobbyist before the governmental body for which he  
1184 or she had served.

1185 (c) A public employee or an individual who works for a  
1186 governmental body pursuant to a consulting agreement, agency  
1187 transfer, loan, or similar arrangement, for a period of two  
1188 years after leaving the employment or other arrangement, may  
1189 not serve as a lobbyist before the governmental body for which  
1190 he or she had worked.

1191 (d) A public servant who has authority over  
1192 procurements or who recommends or materially influences the  
1193 approval of grants, awards, or contracts for goods or  
1194 services, for a period of two years after leaving service or  
1195 employment, may not:

1196 (1) Enter into, solicit, or negotiate a grant, award,  
1197 or contract for goods or services with the governmental body  
1198 for which he or she had served or worked; and

1199 (2) Accept employment or enter into a consulting  
1200 agreement with a business that received a grant, award, or  
1201 contract for goods or services with the governmental body for  
1202 which he or she had served or worked within the preceding two  
1203 years, if the public servant actually recommended or  
1204 materially influenced the approval of the grant, award, or



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1205 contract.

1206 (e) A public servant who personally participates in the  
1207 direct regulation, audit, or investigation of a business, for  
1208 a period of two years after leaving service or employment, may  
1209 not solicit or accept employment or enter into a consulting  
1210 agreement with that business.

1211 (f) Nothing in this section shall limit or prohibit any  
1212 of the following:

1213 (1) A former public employee from resuming employment  
1214 with his or her former employer, unless otherwise restricted  
1215 or prohibited by law.

1216 (2) A former public employee from entering into a  
1217 consulting agreement with his or her former employer to  
1218 personally provide consulting services, unless otherwise  
1219 restricted or prohibited by law.

1220 (3) A public official or public employee from accepting  
1221 employment with another governmental body or another  
1222 department within the same governmental body and from  
1223 representing the interests of his or her public employer  
1224 before the governmental body for which he or she had served.

1225 (g) (1) A public servant or former public servant who  
1226 violates this section shall immediately cease from engaging in  
1227 the prohibited activity and shall be subject to a civil  
1228 penalty up to or commensurate with the economic gain to the  
1229 public servant.

1230 (2) For a second or subsequent offense, in addition to  
1231 the penalty in subdivision (1), the commission shall promptly  
1232 notify the Attorney General or the appropriate district



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1233 attorney and provide all evidence obtained by, or in the  
1234 possession of, the commission. In addition, the commission may  
1235 notify the appropriate public servant or governmental body who  
1236 has authority to discipline or remove the public servant from  
1237 office or employment.

1238 §36-25B-48 Floor Privileges

1239 No former member of the House of Representatives or the  
1240 Senate of the State of Alabama shall be extended floor  
1241 privileges of either body in a lobbying capacity.

1242 §36-25B-49 Contingency Fee Lobbying Prohibited

1243 A principal or lobbyist may not accept compensation  
1244 for, or enter into a contract to provide, lobbying services  
1245 which is contingent upon the passage or defeat of any  
1246 legislative action.

1247 Article 4. Registration and Reporting Requirements

1248 §36-25B-60 Lobbyist Registration and Termination

1249 (a) Every lobbyist shall register by filing a form  
1250 prescribed by the commission no later than January 31 of each  
1251 year or within 10 days after the first undertaking requiring  
1252 such registration. Each lobbyist shall pay an annual fee of  
1253 two hundred dollars (\$200) on or before January 31 of each  
1254 year or within 10 days of the first undertaking requiring  
1255 registration.

1256 (b) The registration shall be in writing and shall  
1257 contain the following:

1258 (1) The registrant's full name and business address.

1259 (2) The full name and address of each of the  
1260 registrant's principal or principals.



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1261 (3) A statement signed by each principal that he or she  
1262 has read the registration, knows its contents, and has  
1263 authorized the registrant to be a lobbyist on his or her  
1264 behalf as specified therein, and that no compensation will be  
1265 paid to the registrant contingent upon passage or defeat of  
1266 any legislative measure. If the principal is an entity, the  
1267 statement must be signed by the individual within the  
1268 principal who directs the activities of the lobbyist.

1269 (4) Either of the following:

1270 a. A list of each governmental body with whom he or she  
1271 engages or intends to engage in lobbying. For purposes of this  
1272 subdivision, each executive branch agency, department, board,  
1273 or commission shall be considered a separate entity and the  
1274 Legislature and each local legislative body shall be  
1275 considered a separate entity.

1276 b. An acknowledgment that the lobbyist is not limiting  
1277 his or her ability to engage in lobbying before any specific  
1278 governmental body.

1279 (c) A registrant shall file a supplemental registration  
1280 indicating any substantial change or changes in the  
1281 information contained in the prior registration within 10 days  
1282 after the date of the change.

1283 (d) (1) A lobbyist who ceases to engage in activities  
1284 requiring registration shall file a written, verified  
1285 statement with the commission, on a form prescribed by the  
1286 commission by rule, acknowledging the termination of  
1287 activities. The notice shall be effective immediately.

1288 (2) An individual who files a notice of termination



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1289 pursuant to this section shall file the reports required  
1290 pursuant to Section 36-25B-61 for any reporting period during  
1291 which he or she was registered.

1292 §36-25B-61 Prohibited Source Reporting

1293 (a) A prohibited source shall report on a form  
1294 prescribed by the commission by rule:

1295 (1) The payment or reimbursement of registration and  
1296 travel expenses as permitted under Section 36-25B-42(b)(1) and  
1297 (b)(3); and

1298 (2) The provision of food, beverages, and hospitality  
1299 as permitted under Section 36-25B-42(c).

1300 (b)(1) For purposes of reporting of events described in  
1301 subdivision (a)(1), the report must disclose a description of  
1302 the event, the date or dates of the event, the monetary value  
1303 received by each public servant and his or her family members,  
1304 and the identity of the public servants and family members who  
1305 attended the event.

1306 (2) For purposes of reporting of events described in  
1307 subdivision (a)(2), the report must include a description of  
1308 the event, the date of the event, and a list of the public  
1309 servants invited to the event.

1310 (c) Nothing in this section shall require an entity  
1311 whose officers or employees or their family members serve as  
1312 public servants under this chapter to report any expenditures  
1313 or reimbursements paid to the officers and employees for the  
1314 performance of their duties for the entity.

1315 (d) The report shall cover activity during a  
1316 three-month period and shall be filed no later than January





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1317 31, April 30, July 31, and October 31 for activity during the  
1318 preceding calendar quarter.

1319 (e) (1) A prohibited source other than a lobbyist or  
1320 principal shall file a report only if the prohibited source  
1321 conducts activity that must be reported pursuant to this  
1322 section.

1323 (2) A lobbyist or principal shall file a report each  
1324 quarter, regardless of whether any reportable activity was  
1325 conducted during the preceding quarter.

1326 (f) If a prohibited source files a report required  
1327 under this section after the reporting deadline, the  
1328 prohibited source shall pay a late fee, as prescribed by rule  
1329 of the commission, but not to exceed one hundred fifty dollars  
1330 (\$150).

1331 (g) A report required to be filed under this section  
1332 which is more than three months past due shall be deemed a  
1333 failure to file a report. The commission may impose a fine for  
1334 failure to report as follows:

1335 (1) For a first offense, three hundred dollars (\$300).

1336 (2) For a second offense, six hundred dollars (\$600).

1337 (3) For a third or subsequent offense, one thousand two  
1338 hundred dollars (\$1,200).

1339 §36-25B-62 Statement of Economic Interests

1340 (a) No later than April 30 of each year, the following  
1341 public servants shall file with the commission a statement of  
1342 economic interests covering the period of the preceding  
1343 calendar year:

1344 (1) All elected public officials.



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1345 (2) Each appointed member of a board, commission, or  
1346 authority having statewide jurisdiction other than boards,  
1347 commissions, and authorities that solely act in an advisory  
1348 capacity.

1349 (3) Each employee of the Legislature, the Legislative  
1350 Services Agency, and the Department of Examiners of Public  
1351 Accounts, other than those who have a purely administrative or  
1352 maintenance role.

1353 (4) All executive staff of the Governor.

1354 (5) The commissioners and all employees of the  
1355 commission.

1356 (6) The agency head of each governmental body, if paid  
1357 in whole or in part from state, county, or municipal funds.

1358 (7) The general counsel or lead attorney of each  
1359 governmental body.

1360 (8) Each public employee holding a position described  
1361 in Section 36-26-10(b)(10).

1362 (9) Each public servant with power to grant or deny  
1363 land development permits.

1364 (10) Each appointed member of a local board,  
1365 commission, or authority, if paid in whole or in part from  
1366 state, county, or municipal funds, who receives compensation,  
1367 other than travel expenses or a per diem, for his or her  
1368 service on the board, commission, or authority.

1369 (11) All city and county school principals,  
1370 superintendents, and school board members.

1371 (12) The superintendent or chief executive officer and  
1372 members of the board of directors or board of trustees of all



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1373 state public K-12 schools.

1374 (13) Chief and assistant county building inspectors.

1375 (14) Any individual otherwise required by law to file a  
1376 statement of economic interests.

1377 (15) All public servants listed with the commission as  
1378 provided in subsection (b).

1379 (b) The agency head of each governing body, if paid in  
1380 whole or in part from state, county, or municipal funds, shall  
1381 provide annually to the commission, within a time frame  
1382 determined by rule of the commission, a list of each public  
1383 servant within the governing body who has independent  
1384 authority to perform any of the following duties, regardless  
1385 of whether the public servant actually performs such duties:

1386 (1) Makes discretionary decisions to expend public  
1387 funds in excess of ten thousand dollars (\$10,000) in a fiscal  
1388 year.

1389 (2) Awards or recommends contracts for goods or  
1390 services.

1391 (3) Awards or recommends economic incentives.

1392 (c) Notwithstanding subsection (d), a coach of an  
1393 athletic team of any four-year public institution of higher  
1394 education that receives state funds shall not be required to  
1395 include any income, donations, gifts, or benefits on his or  
1396 her statement of economic interests if the income, donations,  
1397 gifts, or benefits are a condition of the employment contract.

1398 (d) The statement shall be made on a form made  
1399 available by the commission and shall contain the following  
1400 information:



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1401 (1) The name, occupation, and residential address of  
1402 the filing party; the name and occupation of each family  
1403 member of the filing party; and the name of each associated  
1404 business of the filing party.

1405 (2) The source and amount of income directly accrued by  
1406 the filing party and by his or her spouse, other than income  
1407 earned from serving in public employment, listed in the  
1408 following categorical amounts:

1409 a. Less than one thousand dollars (\$1,000).

1410 b. At least one thousand dollars (\$1,000) and less than  
1411 ten thousand dollars (\$10,000).

1412 c. At least ten thousand dollars (\$10,000) and less  
1413 than fifty thousand dollars (\$50,000).

1414 d. At least fifty thousand dollars (\$50,000) and less  
1415 than one hundred fifty thousand dollars (\$150,000).

1416 e. At least one hundred fifty thousand dollars  
1417 (\$150,000) and less than two hundred fifty thousand dollars  
1418 (\$250,000).

1419 f. At least two hundred fifty thousand dollars  
1420 (\$250,000) or more.

1421 (3) The identity and value of real property, other than  
1422 his or her primary residence, owned by the filing party or by  
1423 his or her spouse.

1424 (4)a. Except as provided in paragraph b., a listing of  
1425 indebtedness by the filing party or his or her spouse showing  
1426 types and number of each as follows: Banks, savings and loan  
1427 associations, insurance companies, mortgage firms,  
1428 stockbrokers and brokerages or bond firms; and the



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1429 indebtedness to combined organizations in the following  
1430 categorical amounts:

1431 1. Less than twenty-five thousand dollars (\$25,000).

1432 2. Twenty-five thousand dollars (\$25,000) and less than  
1433 fifty thousand dollars (\$50,000).

1434 3. Fifty thousand dollars (\$50,000) and less than one  
1435 hundred thousand dollars (\$100,000).

1436 4. One hundred thousand dollars (\$100,000) and less  
1437 than one hundred fifty thousand dollars (\$150,000).

1438 5. One hundred fifty thousand dollars (\$150,000) and  
1439 less than two hundred fifty thousand dollars (\$250,000).

1440 6. Two hundred fifty thousand dollars (\$250,000) or  
1441 more.

1442 b. Mortgage debt on a primary residence and student  
1443 loans of the filing party or his or her spouse need not be  
1444 disclosed.

1445 (e) Before publishing a statement of economic interest  
1446 on the commission's website, the commission shall redact the  
1447 names of all family members and the residential address of the  
1448 filing party.

1449 (f) If the information required under this section is  
1450 not filed as required, the commission shall notify the filing  
1451 party as to his or her failure to so file, and the filing  
1452 party shall have 20 days to file the report after receipt of  
1453 the notification. After the 20-day period lapses, the  
1454 commission may assess a fine of twenty dollars (\$20) per day,  
1455 not to exceed one thousand dollars (\$1,000), for failure to  
1456 file timely.



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1457 (g) (1) Upon petition, the commission shall waive the  
1458 filing requirement of this section if the filing party is  
1459 deceased or if the filing party was considered a public  
1460 servant and was subject to this chapter for a period of no  
1461 more than 30 days during the previous calendar year and as of  
1462 January 1 of the reporting year, has not been a public  
1463 servant.

1464 (2) Upon petition, the commission may waive the filing  
1465 requirement of this section if the filing party is incapable  
1466 of filing due to infirmity or due to active service in the  
1467 military.

1468 (h) A filing party who unintentionally neglects to  
1469 include any information relating to the financial disclosure  
1470 filing requirements of this section shall have 90 days to file  
1471 an amended statement of economic interests without penalty.

1472 §36-25B-63 Candidates Statement of Economic Interests

1473 (a) Not more than five days after a candidate files his  
1474 or her qualifying papers with the appropriate election  
1475 official or in the case of an independent candidate not more  
1476 than five days after the date the individual complies with the  
1477 requirements of Section 17-9-3, the candidate shall file with  
1478 the commission a statement of economic interests covering the  
1479 most recent calendar year for which public servants were  
1480 required to file pursuant to Section 36-25B-62. The  
1481 commission, for good cause shown, may allow the candidate an  
1482 additional five days to file the statement of economic  
1483 interests.

1484 (b) (1) Each election official who receives a



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1485 declaration of candidacy or petition to appear on the ballot  
1486 for election from a candidate, within five days of the  
1487 receipt, shall notify the commission of the name of the  
1488 candidate and the date on which the individual became a  
1489 candidate.

1490 (2) The commission, within five business days of  
1491 receipt of such notification, shall notify the election  
1492 official whether the candidate has complied with subdivision  
1493 (1).

1494 (c) (1) In addition to filing a statement of economic  
1495 interests pursuant to subsection (a), an individual who  
1496 remains qualified as a candidate on April 30 following the  
1497 date he or she initially qualified shall file a new statement  
1498 of economic interests by April 30 covering the period of the  
1499 previous calendar year.

1500 (2) Notwithstanding subdivision (1), for any calendar  
1501 year for which the commission has a candidate's current  
1502 statement of economic interests on file, no additional filing  
1503 for that calendar year is required.

1504 (d) If a candidate does not submit a statement of  
1505 economic interests under subsection (a) and, if applicable  
1506 subsection (c) by the prescribed deadline, the name of the  
1507 individual shall not appear on the ballot and the candidate  
1508 shall be deemed not qualified as a candidate in that election  
1509 cycle.

1510 (e) If a candidate is deemed not qualified, the  
1511 appropriate election official shall remove the name of the  
1512 candidate from the ballot.



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1513 Article 5. Enforcement

1514 §36-25B-80 Enforcement Generally

1515 The commission may not impose any civil penalty, order  
1516 restitution, issue a public reprimand, or enter into a consent  
1517 decree unless the commissioners determine a violation has  
1518 occurred and approve the penalty, restitution, public  
1519 reprimand, or consent decree in accordance with this article.

1520 §36-25B-81 Complaints

1521 (a) The commission shall establish procedures for the  
1522 acceptance and investigation of complaints alleging violations  
1523 of this chapter or the Fair Campaign Practices Act and shall  
1524 publish the procedures and requirements for submitting  
1525 complaints, along with the complaint form, on the commission's  
1526 website.

1527 (b) Complaints must be in writing, set forth in detail  
1528 the specific charges against a respondent and the factual  
1529 allegations that support the charges, and signed by the  
1530 complainant in order to be considered by the commission.

1531 (c) (1) Upon receiving a complaint or a report filed  
1532 pursuant to Section 36-25B-83, and upon verifying the identity  
1533 of the complainant and that the complaint contains credible  
1534 and verifiable information supporting the allegations, the  
1535 director shall notify the respondent of the alleged violation  
1536 or violations together with a short and plain statement of the  
1537 matters asserted and the provisions of this chapter or the  
1538 Fair Campaign Practices Act alleged to have been violated.

1539 (2) The notice shall provide the respondent with an  
1540 opportunity to respond to the commission in writing in a





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1541 timely manner but in no event less than 10 days. Notice shall  
1542 be provided by personal service or by certified mail, return  
1543 receipt requested. The director shall delay further  
1544 consideration of the complaint until he or she has received a  
1545 response or the 10-day period has lapsed, whichever occurs  
1546 first. The director shall consider the response in making his  
1547 or her determination and include the response as part of the  
1548 written record of the complaint.

1549 (d) (1) If the director determines that the complaint  
1550 does not provide sufficient grounds to indicate that a  
1551 violation has occurred, the complaint shall be dismissed, but  
1552 the action must be reported to the commissioners along with a  
1553 written record of the director's reasoning.

1554 (2) If the director determines there are sufficient  
1555 grounds to believe that a violation may have occurred, the  
1556 director shall notify the respondent, as required in Section  
1557 36-25B-84(b), and notify the commissioners of the intent to  
1558 conduct a full investigation along with a written record of  
1559 the director's reasoning.

1560 (e) A complainant may not file a complaint on behalf of  
1561 any other individual.

### 1562 §36-25B-82 Confidentiality of Complaints

1563 (a) Except as provided in Section 36-25B-81(c) and  
1564 Section 36-25B-84(d) (3), the commissioners, director, and  
1565 employees of the commission shall keep confidential the  
1566 existence of any complaint and any information relating to the  
1567 complaint, including relevant information and documents and  
1568 the identity of the complainant, until the final disposition



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1569 of the matter. In no event may a complaint or any part of the  
1570 record be made public or available on the commission's website  
1571 if the complaint is dismissed or, after an investigation, the  
1572 commission determines no violation occurred.

1573 (b) This section does not prohibit a complainant or  
1574 respondent from disclosing information relating to a complaint  
1575 submitted to the commission, and the fact that an individual  
1576 who is not a commissioner, director, or commission employee  
1577 discloses information relating to a complaint does not grant  
1578 the commissioners, director, or commission employees the  
1579 authority to discuss or disclose the existence of a complaint  
1580 or any information relating to the complaint.

1581 §36-25B-83 Agency Heads Required to Report Violations

1582 The agency head of every governmental body shall file a  
1583 report with the commission on any matter that comes to his or  
1584 her attention in his or her official capacity that, after an  
1585 appropriate investigation based on credible and verifiable  
1586 information supporting the allegations, may constitute a  
1587 violation of this chapter within 10 days of completing the  
1588 investigation.

1589 §36-25B-84 Investigations

1590 (a) Upon a preliminary finding by the director that a  
1591 violation of this chapter or the Fair Campaign Practices Act  
1592 may have occurred pursuant to Section 36-25B-81(d)(2), or if a  
1593 matter is referred to the commission pursuant to Section  
1594 13A-10-61.1(c)(1), the director and staff of the commission  
1595 shall conduct a full investigation in accordance with this  
1596 section.



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1597 (b) Before initiating a full investigation, the  
1598 director shall notify the respondent by personal service or by  
1599 certified mail, return receipt requested, of the  
1600 investigation, along with the violations alleged to have  
1601 occurred and the written record of the director's reasoning  
1602 pursuant to Section 36-25B-81.

1603 (c) In the course of an investigation, the director,  
1604 upon an affirmative vote of at least four commissioners, may  
1605 subpoena witnesses and compel their attendance and may also  
1606 require the production of documents and other evidence. The  
1607 commission shall give the respondent the opportunity to  
1608 respond to the allegations by providing written statements,  
1609 testimony to commission staff, and any additional evidence.  
1610 Any additional relevant facts or evidence discovered by a  
1611 commissioner or commission staff during the course of an  
1612 investigation shall immediately be provided to the respondent.  
1613 The respondent has the right to be represented by legal  
1614 counsel throughout an investigation.

1615 (d) (1) Commission staff shall have no more than 180  
1616 days to complete an investigation and compile a written  
1617 record. The written record of the investigation shall include  
1618 all evidence considered and a written statement of the  
1619 director's assessment and recommendations. Findings of fact  
1620 shall be based solely on the evidence in the record.

1621 (2) If the director determines no violation has  
1622 occurred, the director shall dismiss the matter, but the  
1623 action must be reported to the commissioners along with the  
1624 written record described in subdivision (1). The director



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1625 shall promptly notify the respondent of the determination  
1626 along with a copy of the director's assessment. The commission  
1627 may not reinstate an investigation based on the same facts  
1628 alleged in the complaint or investigation.

1629 (3) If the director determines there is sufficient  
1630 evidence to indicate that a violation occurred, the director  
1631 shall make a recommendation of appropriate penalties and shall  
1632 immediately notify the respondent of the director's findings  
1633 and recommended penalties, a reference to the particular  
1634 provision of this chapter or the Fair Campaign Practice Act  
1635 which was violated, and a copy of the complaint, including the  
1636 identity of the complainant, together with any statement,  
1637 evidence, or information received from the complainant,  
1638 witnesses, or other individuals or discovered in the course of  
1639 the investigation.

1640 (4) Notice provided to the respondent pursuant to this  
1641 subsection shall be by personal service or by certified mail,  
1642 return receipt requested.

1643 (e) A respondent found by the director to have violated  
1644 this chapter or the Fair Campaign Practices Act under  
1645 subdivision (d)(3) shall have 21 days after receiving notice  
1646 of a violation to request a contested case hearing before the  
1647 commissioners. If at the end of the 21-day period the  
1648 respondent does not request a hearing, the director shall  
1649 notify and provide the commissioners with a written record  
1650 along with the director's assessment and recommendations for  
1651 penalties.

1652 (f) At the official meeting of the commissioners held



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1653 after receiving notification under subsection (e), the  
1654 commissioners shall:

1655 (1) Approve the director's assessment and  
1656 recommendations for penalties;

1657 (2) Revise the assessment and penalties, in which case  
1658 the respondent shall have an additional 21 days to request a  
1659 contested case hearing;

1660 (3) Request a contested case hearing; or

1661 (4) Dismiss the matter.

1662 (g) Prior to an official meeting of the commissioners  
1663 pursuant to subsection (f), the commissioners may not discuss  
1664 any matter relating to a respondent's case with the director  
1665 or with any other employee of the commission unless the  
1666 respondent and his or her legal counsel are given the  
1667 opportunity to also be present during any such discussion.

1668 §36-25B-85 Contested Case Hearings

1669 (a) (1) If a contested case hearing is requested, the  
1670 commission shall set a hearing date of not less than 45 days  
1671 after receiving the request and shall immediately provide  
1672 notice to the respondent. Notice shall include the time and  
1673 place of the hearing, all information in any form that arises  
1674 out of or relates to the complaint, including but not limited  
1675 to, all statements, evidence, testimony, and other information  
1676 received from the complainant, witnesses, or other  
1677 individuals, or discovered in the course of the investigation.  
1678 The commission shall not discourage individuals with knowledge  
1679 arising out of or relating to the complaint, including  
1680 individuals who were interviewed by, or gave statements to,



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1681 the commission, whether or not the statements were the basis  
1682 of the commission's findings, from providing that information  
1683 to the respondent or his or her legal counsel.

1684 (2) Upon the timely request of the respondent, the  
1685 commission shall postpone the hearing for not less than 90  
1686 days.

1687 (b) Any additional relevant facts or evidence  
1688 discovered by the director or employee of the commission or  
1689 put in the possession of a commissioner after the conclusion  
1690 of the investigation but before or during the hearing shall  
1691 immediately be provided to the respondent.

1692 (c) The commissioners shall preside over any contested  
1693 case hearing held pursuant to this section. The commission  
1694 shall provide the respondent the opportunity to respond and  
1695 present evidence and argument on all material issues involved,  
1696 call witnesses, be represented by legal counsel at his or her  
1697 own expense, and be present along with his or her legal  
1698 counsel during all deliberations of the commissioners. If  
1699 requested by the respondent, the proceedings shall be  
1700 transcribed by the appointed court reporter and a copy of the  
1701 transcribed proceedings shall be timely provided to the  
1702 respondent at the respondent's expense.

1703 (d) Outside of an official hearing proceeding, if the  
1704 director or any other employee of the commission is present in  
1705 any commissioner deliberations on any matter relating to a  
1706 respondent's case, the respondent and his or her legal counsel  
1707 must be given the opportunity to also be present during the  
1708 deliberation.



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1709 (e) The record of a hearing shall include all evidence  
1710 considered and a written statement of the findings of the  
1711 commission members. Findings of fact shall be based solely on  
1712 the evidence in the record. The respondent shall have the  
1713 right to supplement the record of the hearing, including any  
1714 transcript of the hearing and all statements, evidence,  
1715 testimony, and other information that the respondent offered  
1716 into evidence at the hearing, whether or not the commission  
1717 accepted the information into evidence.

1718 (f) If the respondent does not request a hearing or  
1719 does not participate in a hearing, the commissioners' decision  
1720 is final, a penalty may be imposed, and the respondent, absent  
1721 good cause shown, may not appeal the decision.

### 1722 §36-25B-86 Confidentiality of Investigations

1723 (a) Prior to the disposition of a matter, the  
1724 commissioners, director, and employees of the commission shall  
1725 keep confidential and may not publicly disclose information  
1726 relating to an investigation, including the identity of the  
1727 respondent. In no event may an investigation or any part of  
1728 the record be made public or available on the commission's  
1729 website if the case is dismissed under Section  
1730 36-25B-84 (d) (2).

1731 (b) This section does not prohibit a respondent or a  
1732 witness or other individual from disclosing information  
1733 relating to an investigation. The fact that an individual who  
1734 is not a commissioner, director, or commission employee  
1735 discloses information relating to an investigation does not  
1736 grant the commissioners, director, or commission employees the



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1737 authority to discuss or disclose the existence of the  
1738 investigation or any information relating to the  
1739 investigation.

### 1740 §36-25B-87 Criminal Referrals

1741 (a) If at any time during the course of reviewing a  
1742 complaint or conducting an investigation, the director has  
1743 reason to believe a criminal violation has been committed, the  
1744 director or general counsel shall present the relevant and  
1745 applicable evidence and other factors to the commissioners  
1746 and, upon the affirmative vote of the majority of the  
1747 commissioners, the director shall promptly notify the Attorney  
1748 General or the appropriate district attorney and provide all  
1749 evidence obtained by, or in the possession of, the commission.

1750 (b) The imposition of a penalty by the commission does  
1751 not prohibit the Attorney General or a district attorney from  
1752 pursuing criminal charges based on the same or related  
1753 conduct.

### 1754 §36-25B-88 Penalties

1755 (a) Any person subject to this chapter who  
1756 intentionally makes a false statement on any report,  
1757 registration, or statement pursuant to this chapter is subject  
1758 to a civil penalty not to exceed one thousand dollars  
1759 (\$1,000).

1760 (b) Any individual who makes or transmits a complaint  
1761 pursuant to this chapter which contains information or  
1762 statements the individual knows to be false is subject to a  
1763 civil penalty not to exceed one thousand dollars (\$1,000) and  
1764 shall be liable for the actual legal expenses incurred by the





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1765 respondent against whom the false report or complaint was  
1766 filed.

1767 (c) Any individual who intentionally makes false  
1768 statements to an employee of the commission or member of the  
1769 commission pursuant to this chapter is subject to a civil  
1770 penalty not to exceed one thousand dollars (\$1,000).

1771 (d) For a violation of this chapter, unless otherwise  
1772 specified, the commission may:

1773 (1) Issue a private warning or public reprimand;

1774 (2) Enter into a consent decree;

1775 (3) Impose a civil penalty up to or commensurate with  
1776 the economic gain to the violator; or

1777 (4) Order restitution, if applicable, up to or  
1778 commensurate with the economic loss to a governmental body.

1779 (e) Restitution collected by the commission shall be  
1780 paid to the governmental body suffering the economic loss.

1781 (f) The commission may not impose any civil penalty for  
1782 a violation of Article 3 until receiving approval of the  
1783 penalty by the Attorney General or appropriate district  
1784 attorney.

1785 (g) If a person fails to pay any civil penalty or  
1786 restitution, the commission may file an action to collect the  
1787 penalty in a court of competent jurisdiction in Montgomery  
1788 County. The person shall be responsible for paying all costs  
1789 associated with the collection of the civil penalty or  
1790 restitution.

1791 §36-25B-89 Reconsideration of Contested Case Hearings

1792 If the respondent discovers new evidence that comes to



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1793 his or her knowledge after the final determination was made by  
1794 the commissioners in a case hearing and that evidence would  
1795 not have been discovered sooner through the exercise of due  
1796 diligence, the respondent may petition the commission for  
1797 reconsideration, regardless of whether the respondent had  
1798 requested a contested case hearing. Upon receiving a petition,  
1799 the commission shall stay any collection of any penalty  
1800 pending a determination by the commissioners whether to  
1801 reconsider the respondent's case. If the commissioners reject  
1802 the respondent's petition, the respondent shall have the  
1803 opportunity to file an appeal under Section 36-25B-90,  
1804 regardless of whether the respondent had requested a contested  
1805 case hearing.

1806 §36-25B-90 Appeals

1807 Within 30 days of a final order or decision of the  
1808 commissioners in a contested case hearing imposing a penalty  
1809 under this article or within 30 days of a rejection of a  
1810 petition for reconsideration, any person aggrieved by the  
1811 final order or decision may file a petition for appeal in a  
1812 court of competent jurisdiction in Montgomery County.

1813 Section 8. The Code Commissioner shall conform  
1814 references in the Code of Alabama 1975, to reflect the changes  
1815 made by this act. Code changes, including the renumbering of  
1816 references to Chapter 25, Title 36, to reflect the appropriate  
1817 code sections in Chapter 25B, Title 36, as created by this  
1818 act, shall be made at a time determined to be appropriate by  
1819 the Code Commissioner.

1820 Section 9. Section 11-3-5, Code of Alabama 1975, is



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1821 amended to read as follows:

1822 "§11-3-5

1823 (a) ~~Except where a contract for goods or services is~~  
1824 ~~competitively bid regardless of whether bidding is required~~  
1825 ~~under Alabama's competitive bid law, no member of any county~~  
1826 ~~commission and no business with which any county commissioner~~  
1827 ~~is associated shall~~ A county commissioner, family member of a  
1828 county commissioner, or associated business of a county  
1829 commissioner may not be a party to any contract for goods or  
1830 services with the county commission on which he or she serves,  
1831 unless the contract is competitively bid, regardless of  
1832 whether bidding is required under the competitive bid laws of  
1833 this state. ~~Except where a contract for goods or services is~~  
1834 ~~competitively bid regardless of whether bidding is required~~  
1835 ~~under Alabama's competitive bid law, no county commission~~  
1836 ~~shall award any contract to a family member of a county~~  
1837 ~~commissioner.~~ Under no circumstances shall a county  
1838 commissioner participate in the bid preparation or review of a  
1839 bid that is received from the county commissioner, ~~a business~~  
1840 ~~with which he or she is associated, or~~ a family member of the  
1841 county commissioner, or an associated business of the county  
1842 commissioner, and a county commissioner shall not deliberate  
1843 or vote on acceptance of a bid submitted by the county  
1844 commissioner, ~~a business with which he or she is associated,~~  
1845 ~~or~~ a family member of the county commissioner, or an  
1846 associated business of the county commissioner.

1847 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a  
1848 family member to do any work for the county; provided,



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1849 however, the family member of a county commissioner may be  
1850 employed by the county if the family member is hired pursuant  
1851 to a county personnel policy that does not require a vote of  
1852 the county commission or if the county commissioner does not  
1853 participate in the hiring process through recommendation,  
1854 deliberation, vote, or otherwise.

1855 (c) Any county commissioner in violation of this  
1856 section shall be guilty of a Class A misdemeanor.

1857 ~~(d) In compliance with Section 36-25-11, any contract~~  
1858 ~~executed with a member of the county commission or with a~~  
1859 ~~business with which a county commissioner is associated shall~~  
1860 ~~be filed with the Ethics Commission within 10 days after the~~  
1861 ~~contract has been executed.~~

1862 (d) Any contract executed in violation of this section  
1863 shall be void by operation of law and any ~~person~~ individual  
1864 employed by the county in violation of this section shall  
1865 forfeit his or her employment by operation of law.

1866 (e) For the purposes of this section, the ~~definition of~~  
1867 ~~family member shall be the same as the definition in~~  
1868 ~~subdivision (15) of Section 36-25-1 for the family member of a~~  
1869 ~~public official terms~~ "family member" and "associated  
1870 business" shall have the same meanings as defined in Section  
1871 36-25B-2."

1872 Section 10. Although this bill would have as its  
1873 purpose or effect the requirement of a new or increased  
1874 expenditure of local funds, the bill is excluded from further  
1875 requirements and application under Section 111.05 of the  
1876 Constitution of Alabama of 2022, because the bill defines a

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1877 new crime or amends the definition of an existing crime.

1878 Section 11. This act shall become effective on June 1,

1879 2025.



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1880  
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1882

### House of Representatives

1883 Read for the first time and referred .....22-Feb-24  
1884 to the House of Representatives  
1885 committee on Ethics and Campaign  
1886 Finance  
1887  
1888 Read for the second time and placed .....06-Mar-24  
1889 on the calendar:  
1890 1 amendment  
1891  
1892 Read for the third time and passed .....02-Apr-24  
1893 as amended  
1894 Yeas 79  
1895 Nays 9  
1896 Abstains 15  
1897  
1898  
1899 John Treadwell  
1900 Clerk  
1901