

1 HB197
2 115719-1
3 By Representatives Ball, McCutcheon, Wood, Hill and McClurkin
4 RFD: Constitution and Elections
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, failure to file a
9 reporting requirement of the Fair Campaign
10 Practices Act is a Class A misdemeanor.

11 This bill would provide that failure to file
12 the final campaign finance report or failure to
13 file the annual campaign finance report would
14 result in the person not being permitted to be a
15 candidate for any election for four years after the
16 reports are due.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 To amend Section 17-17-35, Code of Alabama 1975,
23 relating to violations of the Fair Campaign Practices Act, to
24 provide that failure to file the final campaign finance report
25 or failure to file the annual campaign finance report would
26 result in the person not being permitted to be a candidate for
27 any election for four years after the reports are due.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 17-17-35, Code of Alabama 1975,
3 is amended to read as follows:

4 "§17-17-35.

5 "(a) ~~A~~ Except as provided in subsection (d), a
6 person who violates any provision of Chapter 5, other than
7 Section 17-5-7, or a reporting requirement under Sections
8 17-5-4, 17-5-5, and 17-5-8, shall be guilty, upon conviction,
9 of a Class A misdemeanor.

10 "(b) A person who violates any reporting requirement
11 of Sections 17-5-4, 17-5-5, and 17-5-8 shall be guilty, upon
12 conviction, of a Class B misdemeanor.

13 "(c) Any person who intentionally violates Section
14 17-5-7 shall be guilty, upon conviction, of a Class B felony.

15 "(d) A person who violates the provisions of Section
16 17-5-8 by failing to file a report of contributions and
17 expenditures between 10 and five days before the date of any
18 election or by failing to file the annual report on or before
19 January 31 of the succeeding year shall not be permitted to be
20 a candidate in any election until four years after the date
21 the reports are due.

22 "~~(d)~~ (e) The Attorney General may prosecute
23 violations of Chapter 5. Venue for cases involving violations
24 of Chapter 5 shall be in the county in which the alleged
25 violator resides.

26 "~~(e)~~ (f) No prosecution for violation of Chapter 5
27 shall be commenced later than two years after the date of

1 violation. Notwithstanding the foregoing, a prosecution
2 brought pursuant to Section 17-5-7 shall be commenced within
3 four years after the commission of the offense. Additionally,
4 a prosecution brought pursuant to Section 17-5-7 shall be
5 prosecuted by the Attorney General or the district attorney
6 for the appropriate jurisdiction, and the venue for any action
7 pursuant to this section shall be in the county in which the
8 alleged violation occurred, or in those cases where the
9 violation or violations occurred outside the State of Alabama,
10 in Montgomery County."

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