

1 SB308  
2 145706-1  
3 By Senators Taylor, McGill, Holtzclaw, Fielding, Brewbaker,  
4 Scofield, Williams, Reed, Marsh, Waggoner, Orr, Pittman,  
5 Beason, Ward, Allen, Whatley, Dial, Holley, and Blackwell  
6 RFD: Constitution, Campaign Finance, Ethics, and Elections  
7 First Read: 12-MAR-13

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8 SYNOPSIS: Under existing law, the crime of paying,  
9 offering to pay, or accepting payment to vote,  
10 withhold a vote, or vote against a candidate is a  
11 Class C misdemeanor.

12 This bill would reclassify the crime as a  
13 Class C felony.

14 Amendment 621 of the Constitution of Alabama  
15 of 1901, now appearing as Section 111.05 of the  
16 Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended, prohibits a general  
18 law whose purpose or effect would be to require a  
19 new or increased expenditure of local funds from  
20 becoming effective with regard to a local  
21 governmental entity without enactment by a 2/3 vote  
22 unless: it comes within one of a number of  
23 specified exceptions; it is approved by the  
24 affected entity; or the Legislature appropriates  
25 funds, or provides a local source of revenue, to  
26 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.

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9                   A BILL  
10                   TO BE ENTITLED  
11                   AN ACT

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13                   To amend Section 17-17-34, Code of Alabama 1975,  
14                   relating to the crime of paying for or accepting payment for a  
15                   vote; to reclassify the crime from a Class C misdemeanor to a  
16                   Class C felony; and in connection therewith to have as its  
17                   purpose or effect the requirement of a new or increased  
18                   expenditure of local funds within the meaning of Amendment 621  
19                   of the Constitution of Alabama of 1901, now appearing as  
20                   Section 111.05 of the Official Recompilation of the  
21                   Constitution of Alabama of 1901, as amended.

22                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23                   Section 1. Section 17-17-34 of the Code of Alabama  
24                   1975, is amended to read as follows:

25                   "§17-17-34.

26                   "It shall be unlawful for any person to pay or offer  
27                   to pay, or for any person to accept such payment, either to

1 vote or withhold his or her vote, or to vote for or against  
2 any candidate. Any person who violates this section shall be  
3 guilty, upon conviction, of a Class C ~~misdemeanor~~ felony."

4 Section 2. Although this bill would have as its  
5 purpose or effect the requirement of a new or increased  
6 expenditure of local funds, the bill is excluded from further  
7 requirements and application under Amendment 621, now  
8 appearing as Section 111.05 of the Official Recompilation of  
9 the Constitution of Alabama of 1901, as amended, because the  
10 bill defines a new crime or amends the definition of an  
11 existing crime.

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