HB70

208577-1

By Representative Kiel

RFD: Constitution, Campaigns and Elections

First Read: 02-FEB-21

PFD: 11/30/2020
SYNOPSIS: Under existing law, it is unlawful for a person to pay, or for any elector to accept payment, either to vote or withhold his or her vote.

This bill would prohibit a person from promising, prior to an election, to make a payment after the election to an individual or entity, on a per voter basis, upon receiving proof that an elector or a specific number of electors voted in that election.

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

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

A BILL TO BE ENTITLED AN ACT

Relating to elections; to add Section 17-17-34.1 to the Code of Alabama 1975, to prohibit certain payments offered or promised prior to an election to an individual or entity for voting in an election; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-17-34.1 is added to the Code of Alabama 1975, to read as follows:
§17-17-34.1.

(a) It shall be unlawful for any individual, business, organization, or other entity, prior to an election, to promise or offer to make a payment after the election, on a per voter basis, to an individual, business, association, organization, religious institution, or other entity upon receiving proof that an elector or a specific number of electors voted in that election.

(b) A violation of this section shall be a Class C misdemeanor.

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

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