

1 HB194
2 216649-1
3 By Representative Allen
4 RFD: Constitution, Campaigns and Elections
5 First Read: 01-FEB-22

8 SYNOPSIS: This bill would prohibit a state or local
9 official responsible for the conduct of an
10 election, or his or her employee, from soliciting,
11 accepting, or using donations of money, grants,
12 property, or personal services from an individual
13 or nongovernmental entity for the purpose of
14 funding certain election-related expenses,
15 including voter education, voter outreach, or voter
16 registration programs.

17 This bill would provide an exception for the
18 donation and acceptance of space to be used
19 temporarily as a voting site.

20 This bill would also provide criminal
21 penalties for violations.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, as amended by Amendment 890, now appearing
24 as Section 111.05 of the Official Recompilation of
25 the Constitution of Alabama of 1901, as amended,
26 prohibits a general law whose purpose or effect
27 would be to require a new or increased expenditure

1 of local funds from becoming effective with regard
2 to a local governmental entity without enactment by
3 a 2/3 vote unless: it comes within one of a number
4 of specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to elections; to prohibit certain public
21 officials responsible for the conduct of an election, or their
22 employees, from soliciting, accepting, or using certain
23 donations from an individual or nongovernmental entity for the
24 purpose of funding certain election-related expenses; to
25 provide criminal penalties for violations; and in connection
26 therewith would have as its purpose or effect the requirement
27 of a new or increased expenditure of local funds within the

1 meaning of Amendment 621 of the Constitution of Alabama of
2 1901, as amended by Amendment 890, now appearing as Section
3 111.05 of the Official Recompilation of the Constitution of
4 Alabama of 1901, as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) For the purposes of this section,
7 "election-related expenses" means any of the following:

8 (1) Payments, salaries, or bonuses for election
9 officials, boards of registrars, and poll workers.

10 (2) Expenses relating to equipment, ballots,
11 printing, mailing, or transportation.

12 (3) Expenses relating to signage or media
13 production.

14 (4) Expenses relating to lectures, educational
15 seminars, or events to train election officials, boards of
16 registrars, or poll workers.

17 (b) Notwithstanding any other law, no state or local
18 public official responsible for the conduct of an election,
19 nor his or her employee, may solicit, accept, or use any
20 donation in the form of money, grants, property, or personal
21 services from an individual or a nongovernmental entity for
22 the purpose of funding election-related expenses or voter
23 education, voter outreach, or voter registration programs.

24 (c) This section does not prohibit the donation and
25 acceptance of space to be temporarily used for a polling
26 place.

1 (d) Any person who violates this section shall be
2 guilty of a Class B misdemeanor.

3 Section 2. Although this bill would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds, the bill is excluded from further
6 requirements and application under Amendment 621, as amended
7 by Amendment 890, now appearing as Section 111.05 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, because the bill defines a new crime or amends the
10 definition of an existing crime.

11 Section 3. 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.