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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



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



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,



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



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



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



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



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



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.



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.



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



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

318 a. A county commission and any committee or
319 subcommittee thereof.

320 b. A city council, city commission, town council, or
321 other municipal council or commission, and any committee or
322 subcommittee thereof.

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

328 (21) PERSON. An individual or entity.

329 (22) PERSON CLOSELY ASSOCIATED. A family member or
330 associated business.

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

332 a. The person or governmental body who employs, hires,
333 or otherwise retains a lobbyist.

334 b. If the principal is an entity or governmental body,
335 the primary individual who directs the activities of the
336 lobbyist and is designated to sign the lobbyist registration



337 form under Section 36-25B-60(b)(4).

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

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

342 b. The principal of a lobbyist described in paragraph
343 a.

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

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

350 e. A person that is seeking or intends to seek official
351 action or to influence official action by the public servant's
352 governmental body.

353 (25) PUBLIC EMPLOYEE. a. An individual employed by a
354 governmental body.

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

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

360 2. An employee of a hospital or other health care
361 corporation, including a contract employee of a hospital or
362 health care corporation.

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



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

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

372 b. The term does not include:

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

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

377 (27) PUBLIC SERVANT. A public employee or public
378 official.

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

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

387 §36-25B-3 Construction of Chapter In Pari Materia

388 This chapter shall be construed in pari materia with
389 other laws dealing with the subject of ethics, including, but
390 not limited to, Title 13A.

391 §36-25B-4 Applicability of Chapter to Other Laws

392 Nothing in this chapter shall affect any other law that



393 requires or exempts a person from complying with any provision
394 of Chapter 25 of this title or the ethics laws of the state.
395 Any reference to Chapter 25 of this title shall be considered
396 a reference to this chapter.

397 §36-25B-5 Conducting Political Activity Allowed

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

405 §36-25B-6 College and University Technology Transfer

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

414 §36-25B-7 Additional Discipline

415 Nothing in this chapter limits:

416 (1) The power of the Legislature or a local legislative
417 body to discipline its own members or to impeach public
418 officials; or

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



421 §36-25B-8 Whistleblower Protections

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

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

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

443 (c) Nothing in this chapter shall be construed in any
444 manner to prevent or prohibit or otherwise limit a supervisor
445 from disciplining, discharging, transferring, or otherwise
446 affecting the terms and conditions of a public servant's
447 employment so long as the disciplinary action does not result
448 from, or is in no other manner connected with, the public



449 servant's good faith filing of a complaint with the
450 commission, giving truthful statements, or truthfully
451 testifying in an investigation conducted by the commission.

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

462 Article 2. State Ethics Commission

463 §36-25B-20 Commission Established; Membership

464 (a) The State Ethics Commission is continued in
465 existence as an instrumentality of the state under the
466 direction and supervision of the commissioners.

467 (b) (1) Members of the commission shall be composed of
468 five individuals who shall be appointed on a rotating basis by
469 the following public officials in the following repeating
470 order: The Governor, the President of the Senate, the Speaker
471 of the House of Representatives, the Secretary of State, and
472 the Director of the Securities Commission.

473 (2) The commission membership shall be inclusive so
474 that diversity of gender, race, and geographical areas is
475 reflective of the makeup of this state. Subject to subdivision
476 (c) (2), the appointing authorities shall coordinate their



477 appointments so that there is always at least: (i) one member
478 who has served as a prosecutor within a district attorney's
479 office for at least 10 years; (ii) one member who has served
480 as a judge for at least 10 years; and (iii) one member who has
481 worked as a criminal defense attorney with at least 10 years
482 of legal experience. All members of the commission must be a
483 resident of this state and of high moral character and
484 ability. The retirement or supernumerary status of a former
485 public official serving as a member shall not be suspended or
486 impacted while serving as a member.

487 (3) Appointments shall be subject to Senate
488 confirmation.

489 (c) (1) Commissioners shall serve for a term of five
490 years with a term beginning on September 1 of the year
491 appointed and ending on August 31 of the fifth year of that
492 term. Appointed individuals shall assume their duties on
493 September 1 or immediately thereafter if appointed after the
494 start of the term, even if not yet confirmed by the Senate. If
495 a newly appointed commissioner is not confirmed during the
496 first regular session of the Legislature in which confirmation
497 may occur, the appropriate appointing authority shall appoint
498 another individual who shall immediately begin serving and be
499 subject to Senate confirmation no later than the next regular
500 legislative session.

501 (2) Commissioners serving on June 1, 2025, shall
502 continue to serve until their respective term expires.

503 (3) The following individuals are not eligible to be
504 appointed or serve as commissioners:



505 a. A public servant.

506 b. A candidate.

507 c. A lobbyist or a principal.

508 d. A former employee of the commission.

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

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

523 (f) Commissioners shall elect one member to serve as
524 chair of the commission and one member to serve as vice chair.
525 The vice chair shall act as chair in the absence or disability
526 of the chair or in the event of a vacancy in that office.

527 (g) Three commissioners shall constitute a quorum. No
528 official action may be taken by the commissioners in the
529 absence of a quorum.

530 (h) The commissioners, while conducting official
531 business, shall be entitled to receive compensation at the
532 rate of two hundred fifty dollars (\$250) per day, and each



533 commissioner, when approved by the chair, shall be paid his or
534 her travel expenses incurred in the performance of his or her
535 duties as a commissioner as other state employees and
536 officials are paid. If for any reason a commissioner wishes
537 not to claim and accept the compensation or travel expenses,
538 the commissioner shall inform the director, in writing, of the
539 refusal. The commissioner, at any time during his or her term,
540 may begin accepting compensation or travel expenses; however,
541 the commissioner's refusal for any covered period shall act as
542 an irrevocable waiver for that period.

543 §36-25B-21 Director and Other Employees of Commission

544 (a) (1) The commissioners shall appoint a full-time
545 director who shall serve at the pleasure of the commissioners.
546 The director shall be an attorney licensed to practice law in
547 this state. The director shall be subject to confirmation by
548 the Senate during the first regular session of the Legislature
549 in which confirmation may occur, however this does not affect
550 the right or authority of the director to act pending
551 confirmation or rejection. If the director is not confirmed
552 during the applicable legislative session, his or her service
553 shall be terminated not more than 30 days after the applicable
554 legislative session adjourns sine die and the commissioners
555 shall immediately appoint another individual who shall
556 immediately begin serving. The new director shall be subject
557 to Senate confirmation no later than the next regular
558 legislative session. No appointee whose confirmation is
559 rejected by the Senate may be reappointed.

560 (2) Beginning June 1, 2025, the director shall serve



561 for a term of five years and until a qualified successor is
562 appointed. The director may be appointed for more than one
563 term, provided he or she is reconfirmed by the Senate as
564 described in subdivision (1).

565 (3) If the Attorney General, after conducting an
566 investigation, recommends to the Legislative Council that the
567 director be removed for a cause described in Section 173 of
568 the Constitution of Alabama of 2022, the director shall be
569 removed if affirmed by a majority vote of the council members
570 from the Senate and a majority vote of the council members
571 from the House of Representatives.

572 (4) The compensation of the director shall be fixed by
573 the commissioners, payable as the salaries of other state
574 employees.

575 (5) Under the direction and supervision of the
576 commissioners, the director shall be responsible for the
577 administrative operations of the commission and shall
578 administer this chapter in accordance with this chapter and
579 rules and commission policies adopted thereunder.

580 (b) The director shall employ other employees of the
581 commission as needed, including investigators, as necessary to
582 conduct investigations under this chapter. All employees of
583 the commission, except the director, shall be employed subject
584 to the state Merit System, and their compensation shall be
585 prescribed pursuant to that law. The employment of attorneys
586 shall be subject to subsection (e).

587 (c) The investigators shall be and are constituted law
588 enforcement officers of the State of Alabama with full and



589 unlimited police power and jurisdiction to enforce the laws of
590 this state pertaining to the operation and administration of
591 this chapter. Investigators shall be certified by the Alabama
592 Peace Officers' Standards and Training Commission.

593 Notwithstanding the foregoing, investigators shall only
594 exercise their power of arrest as granted under this chapter
595 pursuant to an order issued by a court of competent
596 jurisdiction.

597 (d) The director may appoint certified court reporters
598 to take and transcribe the testimony in any hearing or
599 investigation before the commission or before any individual
600 authorized by the commission, or as required under Section
601 36-25B-85. The reporters are not full-time employees of the
602 commission, are not subject to the state Merit System, and may
603 not participate in the Employees' Retirement System of
604 Alabama.

605 (e) (1) The director may employ an attorney, upon
606 approval by the Attorney General, as general counsel who shall
607 be granted status as a deputy attorney general and shall not
608 be subject to the state Merit System. The general counsel
609 shall be subject Rule 3.8 of the Alabama Rules of Professional
610 Conduct.

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

616 (f) The director, commissioners, and all employees of



617 the commission may not engage in partisan political activity,
618 including making any campaign contribution, at the state,
619 county, and local level, and may not make any public statement
620 for a period of 120 days before an election about a candidate,
621 regardless of whether or not a candidate has a matter pending
622 before the commission, other than a comment directly relating
623 to the final disposition of the matter. This subsection shall
624 in no way limit or restrict an individual's ability to vote in
625 any election.

626 §36-25B-22 General Duties of Commission

627 The commission shall do all of the following:

628 (1) Inform and train public servants, candidates, and
629 lobbyists of the ethics standards, reporting deadlines, and
630 other requirements set forth in this chapter through regularly
631 conducted and readily available educational programs and
632 assist them in understanding and complying with those
633 standards and requirements.

634 (2) Prescribe forms for reports and statements that are
635 required to be filed under this chapter, establish guidelines
636 and requirements for filing the reports and statements, and
637 make the forms, guidelines, and requirements available for
638 public servants, lobbyists, principals, prohibited sources,
639 and any other person as needed or required.

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

644 (4) Examine all reports and statements filed with the



645 commission and identify any discernible errors, omissions, or
646 other violations of the filing requirements established
647 pursuant to this chapter.

648 (5) Provide public access to copies of all reports and
649 statements filed with the commission pursuant to this chapter,
650 including publicly posting the reports and statements,
651 excluding information specifically required to be redacted
652 pursuant to this chapter.

653 (6) Maintain an official website that contains
654 information as required pursuant to this chapter and other
655 information as necessary to assist public servants, lobbyists,
656 principals, prohibited sources, and other entities to comply
657 with the requirements of this chapter while promoting
658 transparency and public trust. Information posted on the
659 commission's website shall be readily searchable and
660 accessible to the public.

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

664 (8) Conduct full investigations and, if applicable,
665 hold contested case hearings regarding potential violations of
666 this chapter, as further provided in Article 5.

667 (9) Upon completion of an investigation and a hearing
668 by the commission, make determinations whether violations of
669 this chapter have occurred and impose civil penalties and
670 restitution, if appropriate, issue private warnings or public
671 reprimands, or enter into consent decrees, as further provided
672 in this chapter.



673 (10) Report suspected criminal violations to the
674 Attorney General or the appropriate district attorney, as
675 applicable, for further investigation and potential
676 prosecution.

677 (11) When in the commission's opinion a thorough audit
678 of a governmental body should be conducted in order to
679 determine whether this chapter has been violated, request the
680 Department of Examiners of Public Accounts to have an audit
681 made and a report filed with the commission. The Department of
682 Examiners of Public Accounts, upon receipt of the directive,
683 shall comply therewith.

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

693 (13) Adopt rules pursuant to the Alabama Administrative
694 Procedures Act, as needed or required, to implement this
695 chapter.

696 §36-25B-23 Commission's Duties under the Fair Campaign
697 Practices Act

698 In addition to the duties set forth in Section
699 36-25B-22, the commission shall coordinate with the Secretary
700 of State to implement the reporting requirements of the



701 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,
702 and shall do all of the following:

703 (1) Review and approve all forms created by the
704 Secretary of State which are required by the Fair Campaign
705 Practices Act prior to use and publication by the Secretary of
706 State.

707 (2) Recommend accounting methods for candidates,
708 principal campaign committees, and political action committees
709 in connection with reports and filings required by the Fair
710 Campaign Practices Act.

711 (3) Review and approve a retention policy created by
712 the Secretary of State for all reports, filings, and
713 underlying documentation required by the Fair Campaign
714 Practices Act prior to use and publication by the Secretary of
715 State.

716 (4) Review and approve a manual created by the
717 Secretary of State for all candidates, principal campaign
718 committees, and political action committees describing the
719 requirements of the Fair Campaign Practices Act prior to use
720 and publication by the Secretary of State.

721 (5) Upon written request, provide advice or opinions
722 concerning proposed future conduct or action as it relates to
723 the Fair Campaign Practices Act in the form of either formal
724 or informal opinions, as further provided in Section
725 38-25B-27.

726 (6) Conduct audits of any filings required under the
727 Fair Campaign Practices Act if evidence exists that an audit
728 is warranted because of the filing of a complaint pursuant to



729 Section 36-25B-81 or if there exists a material discrepancy,
730 error, omission, or conflict on the face of any filing
731 required by the Fair Campaign Practices Act.

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

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

738 (9) Upon completion of an investigation and hearing,
739 make determinations whether probable cause exists that a
740 criminal violation of the Fair Campaign Practices Act has
741 likely occurred and if appropriate, refer the determination
742 and all evidence and necessary information to the Attorney
743 General or appropriate district attorney for further
744 investigation and potential prosecution.

745 (10) Upon completion of an investigation and a hearing,
746 if applicable, in which the commission conducts an
747 administrative review of the assessment of civil penalties
748 under Section 17-5-19.2, affirm, set aside, or reduce civil
749 penalties as provided in Section 17-5-19.2.

750 §36-25B-24 Commission Funding

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

754 (b) Notwithstanding any other provision of law to the
755 contrary, the annual appropriation to the commission in the
756 State General Fund Appropriations Act shall not be less than



757 one-tenth of one percent of the total State General Fund
758 amount appropriated in the State General Fund Appropriations
759 Act unless a lower appropriation amount is expressly approved
760 by two-thirds of the membership of the House of
761 Representatives and two-thirds of the membership of the
762 Senate.

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

766 (d) All monies collected as reasonable payment of costs
767 for copying, reproductions, publications, and lists shall be
768 deemed a refund against disbursement and shall be deposited
769 into the appropriate fund account for the use of the
770 commission.

771 §36-25B-25 Training

772 (a) The commission shall conduct regularly scheduled
773 training programs on the requirements and restrictions of this
774 chapter as they specifically apply to public servants,
775 lobbyists, prohibited sources, and other individuals and
776 entities subject to this chapter. The commission shall
777 establish a schedule for training programs that provides:

778 (1) For members of the Legislature, in-person training
779 not more than 65 days after the start of each quadrennium at a
780 time agreeable to the director and the Legislative Council,
781 and for any member whose service begins at a different time,
782 in-person or online training not more than 60 days after being
783 sworn into office.

784 (2) For statewide constitutional officers, cabinet



785 members, and executive staff, as determined by the Governor,
786 in-person training not more than 30 days after the Governor
787 has been sworn into office at a time determined by the
788 Governor, and for any individual whose service begins at a
789 different time, in-person or online training not more than 60
790 days after beginning service.

791 (3) For municipal mayors, council members and
792 commissioners, county commissioners, and members of any local
793 board of education, in-person or online training not more than
794 60 days after the beginning of the term of office at times
795 agreeable to the director and the Alabama League of
796 Municipalities, the Association of County Commissions of
797 Alabama, and the Alabama Association of School Boards, and for
798 any such official whose service begins at a different time,
799 in-person or online training not more than 60 days after being
800 sworn into office.

801 (4) For other public servants who are required to
802 complete a statement of economic interests under Section
803 36-25B-62, in-person or online training not more than 90 days
804 after commencing public service.

805 (5) For lobbyists, in-person or online training not
806 more than 30 days after submitting a lobbyists registration
807 form under Section 36-25B-60.

808 (b) (1) The director, in consultation with the legal
809 counsel or agency head of the applicable governmental body,
810 shall determine the subject matter to be covered in the
811 training programs which shall be customized to address the
812 relevant requirements, prohibitions, and restrictions as they



813 apply to the various individuals listed in subsection (a). At
814 a minimum, training shall include a review of the current law
815 and formal advisory opinions and a discussion of relevant
816 cases or scenarios.

817 (2) Faculty for the training programs may include the
818 staff of the commission, members of the faculties of the
819 various law schools in the state, members of the press and
820 media, and other individuals deemed appropriate by the
821 director.

822 (c) The director, by rule, shall determine the digital
823 format of online training programs and for live, online
824 training, the scheduled dates of the actual training. Evidence
825 of completion of online training may be provided to the
826 commission via an electronic reporting system provided on the
827 commission's website.

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

830 (e) The training for county commissioners required by
831 subdivision (a)(3) may be satisfied by the successful
832 completion of the 10-hour course on ethical requirements of
833 public officials provided by the Alabama Local Government
834 Training Institute established pursuant to Article 2 of
835 Chapter 3 of Title 11. The Alabama Local Government Training
836 Institute shall provide in writing to the commission quarterly
837 the names of those county commissioners completing the
838 institute's program.

839 (f) Attendance at any session of the training program
840 shall be mandatory, except in the event the individual



841 verifies he or she, in good faith, cannot or could not attend
842 the training program. Any individual who fails to attend
843 mandatory training or attend a mandatory makeup training
844 session may be subject to a penalty.

845 (g) This section shall not preclude the commission from
846 enforcing this chapter, including imposing penalties, against
847 any individual subject to this chapter prior to the individual
848 attending a mandatory training program.

849 §36-25B-26 Commission Website

850 The commission shall provide on its official website
851 all of the following:

852 (1) A system for electronic filing of all statements,
853 reports, registrations, and notices required by this chapter.
854 The website shall include guidance on filing statements,
855 reports, registrations, and notices, including reporting
856 schedules.

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

859 a. All statements, registrations, reports, and other
860 filings required by this chapter excluding information
861 required to be redacted, searchable by the name of the filing
862 party to which the filings pertain;

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

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



869 d. Formal advisory opinions and the core principles of
870 informal advisory opinions, as further provided in Section
871 36-25B-27.

872 §36-25B-27 Advisory Opinions

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

887 (2) Before taking effect, a formal advisory opinion
888 must be adopted by a majority vote of the commissioners
889 present at the official meeting of the commissioners. Once
890 adopted, the formal advisory opinion shall be promptly
891 published on the commission's website.

892 (3) The person at whose request the opinion was issued
893 or any person in similar circumstances who may be affected by
894 the formal advisory opinion may petition for reconsideration
895 of a formal advisory opinion by submitting a written request
896 in a form prescribed by the commission received no more than



897 30 days after the date the commissioners voted to approve the
898 formal advisory opinion.

899 (4) A formal advisory opinion shall protect the person
900 at whose request the opinion was issued and any other person
901 reasonably relying in good faith on the advisory opinion in a
902 materially like circumstance from liability to the state, a
903 county, or a municipal subdivision of the state because of any
904 action performed or action refrained from in reliance on the
905 advisory opinion.

906 (5) Except as provided in subdivision (6), formal
907 advisory opinions shall be deemed valid until expressly
908 overruled or altered by the commission or a court of competent
909 jurisdiction.

910 (6)a. On and after December 1, 2025, any formal
911 advisory opinion issued before June 1, 2025, is void unless an
912 individual has requested the continuance of an advisory
913 opinion and the commission has affirmatively decided to uphold
914 that opinion. Any action or course of action taken prior to
915 December 1, 2025 that is in reliance on an advisory opinion
916 issued by the commission prior to June 1, 2025, shall protect
917 the person relying on the advisory opinion in accordance with
918 this section.

919 b. Paragraph a. does not apply to or have any impact on
920 advisory opinions or portions of advisory opinions pertaining
921 to the laws and requirements of the Fair Campaign Practices
922 Act.

923 (b) (1) Upon receiving a written request, the director
924 or general counsel of the commission may issue an informal



925 advisory opinion on the requirements of this chapter or the
926 Fair Campaign Practices Act based on a real or hypothetical
927 set of circumstances.

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

937 (3) Except as provided in subdivision (4), the
938 commissioners, director, and employees of the commission shall
939 keep confidential the existence of an informal advisory
940 opinion and the opinion itself along with the underlying
941 request, unless expressly waived by the person requesting the
942 opinion.

943 (4) Not later than 30 days after each calendar quarter,
944 the commission shall summarize and publish on its website in a
945 readily searchable manner the core principles articulated by
946 the commission in the informal advisory opinions issued during
947 the previous calendar year. These principles shall be written
948 in a manner that does not reveal the identity of the requester
949 and any other person mentioned in the informal advisory
950 opinion and that does not allow members of the public to
951 otherwise ascertain the identities of these persons.

952 (c) The commission's decision not to issue a formal or



953 informal advisory opinion does not create any presumption as
954 to whether the action upon which the request for an advisory
955 opinion was based does or does not violate this chapter or the
956 Fair Campaign Practices Act.

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

961 Article 3. Restricted and Prohibited Acts

962 §36-25B-40 Conflict of Interest

963 (a) Consistent with the Constitution of Alabama of
964 2022, a member of the Legislature may not sponsor or vote on
965 any legislation when the member knows or reasonably should
966 know that:

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

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

971 (b) Except as otherwise provided by law, a public
972 servant may not take official action on a particular matter
973 when the public servant knows or reasonably should know he or
974 she has a conflict of interest.

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

979 (2) For a second or subsequent offense, in addition to
980 the penalty in subdivision (1), the commission shall promptly



981 notify the Attorney General or the appropriate district
982 attorney and provide all evidence obtained by, or in the
983 possession of, the commission. In addition, the commission may
984 notify the appropriate public servant or governmental body who
985 has authority to discipline or remove the public servant from
986 office or employment.

987 §36-25B-41 Steering Contracts or Business Prohibited

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

1000 (b) (1) In addition to any other penalty provided for in
1001 Section 36-25B-88, a public servant who violates this section
1002 shall be subject to a civil penalty up to three times the
1003 economic gain to the public servant, associated business, or
1004 family member.

1005 (2) For a second or subsequent offense, in addition to
1006 the penalty in subdivision (1), the commission shall promptly
1007 notify the Attorney General or the appropriate district
1008 attorney and provide all evidence obtained by, or in the



1009 possession of, the commission. In addition, the commission may
1010 notify the appropriate public servant or governmental body who
1011 has authority to discipline or remove the public servant from
1012 office or employment.

1013 §36-25B-42 Gift Ban

1014 (a) (1) A public servant may not solicit or accept a
1015 gift from any person the public servant knows or should know
1016 is a prohibited source.

1017 (2) Any person who knows or should know that he or she
1018 is a prohibited source may not offer or provide a gift to a
1019 public servant or any person closely associated with a public
1020 servant.

1021 (b) Notwithstanding subsection (a), a prohibited source
1022 may make payment of or reimbursement for actual and necessary
1023 registration and travel expenses, including reasonable food,
1024 beverages, hospitality, and lodging expenses incurred by
1025 attendance by a public servant and his or her family members
1026 at:

1027 (1) An educational function of which the prohibited
1028 source is a sponsor, provided the expenses are reported to the
1029 commission in accordance with Section 36-25B-61. For purposes
1030 of this subdivision, "educational function" means a meeting,
1031 event, or activity that is organized around a formal program
1032 or agenda of educational or informational speeches, debates,
1033 panel discussions, or other presentations concerning matters
1034 within the scope of the participant's official duties or other
1035 matters of public policy.

1036 (2) An economic development function of which the



1037 prohibited source is a sponsor. For purposes of this
1038 subdivision, "economic development function" means any
1039 function reasonably and directly related to the advancement of
1040 a specific, good-faith economic development or trade promotion
1041 project or objective.

1042 (3) Any event of which a prohibited source is a sponsor
1043 where the public servant's attendance at the event is
1044 appropriate to the performance of his or her official duties
1045 or representative function, provided the expenses are reported
1046 to the commission in accordance with Section 36-25B-61.

1047 (c) Notwithstanding subsection (a), food, beverages,
1048 and hospitality may be provided by a prohibited source and
1049 accepted by a public servant and his or her family members in
1050 the following conditions, provided the event details are
1051 reported to the commission in accordance with Section
1052 36-25B-61:

1053 (1) At a reception or similar event other than in the
1054 form of a seated meal, at which it is reasonably expected that
1055 more than 25 individuals will attend.

1056 (2) At a seated meal of mutual interest to a number of
1057 parties at which it is reasonably expected that more than 12
1058 individuals will attend and that individuals with a diversity
1059 of views or interests will be present.

1060 (3) At an event where all members of the Legislature, a
1061 local legislative body, a legislative caucus registered under
1062 Chapter 5 of Title 17, or a legislative committee are invited
1063 or are eligible to register for the event.

1064 (d) It is not a violation of this section in either of



1065 the following circumstances:

1066 (1) The gift is offered or provided as the result of a
1067 familial relationship, unless the circumstances make it clear
1068 that the gift is not motivated by the familial relationship
1069 and that the gift is intended to substantially influence the
1070 recipient's official activities.

1071 (2) The gift is offered or provided as the result of a
1072 friendship, unless the circumstances make it clear that the
1073 gift is not motivated by the friendship and that the gift is
1074 intended to substantially influence the recipient's official
1075 activities.

1076 (e) A person who violates this section shall be subject
1077 to the following penalties:

1078 (1) For a first offense, a civil penalty of no more
1079 than two times the value of the gift. In lieu of a civil
1080 penalty, the commission may issue a public reprimand for a
1081 first time violation if the commission determines the person
1082 did not know the value of the gift was more than one hundred
1083 dollars (\$100).

1084 (2) For a second offense, a civil penalty of three
1085 times the value of the gift.

1086 (3) For a third or subsequent offense, a civil penalty
1087 of five times the value of the gift and the commission shall
1088 promptly notify the Attorney General or the appropriate
1089 district attorney and provide all evidence obtained by, or in
1090 the possession of, the commission. In addition, the commission
1091 may notify the appropriate public servant or governmental body
1092 that has authority to discipline or remove the public servant



1093 from office or employment.

1094 (f) The commission shall adopt rules to do both of the
1095 following:

1096 (1) Provide guidance on what constitutes hospitality
1097 for purposes of this section.

1098 (2) Allow for, but not require, pre-certification of
1099 events and activities described in subsections (b) and (c).

1100 §36-25B-43 Solicitation of Subordinates Prohibited

1101 Other than in the ordinary course of business, a
1102 supervisor of any governmental body may not solicit a gift
1103 from a subordinate.

1104 §36-25B-44 Charitable Fundraising

1105 Nothing in this article prohibits a public servant or
1106 his or her family member, regardless of whether he or she
1107 serves on the board of directors of the nonprofit entity, from
1108 conducting fundraising activities for a nonprofit entity,
1109 which may include soliciting monetary donations or other items
1110 from prohibited sources, provided, (i) the public servant is
1111 not acting in his or her official capacity, (ii) the public
1112 servant or a person closely associated with the public servant
1113 will not receive any personal financial benefit from the
1114 fundraising activities, and (iii) no public resources are used
1115 to conduct the fundraising activities, except as authorized by
1116 law or agency policy.

1117 §36-25B-45 Outside Employment

1118 Nothing in this article prohibits or restricts an
1119 individual appointed or elected to public office, once taking
1120 office, from continuing to engage in outside employment in his



1121 or her profession or skill. The mere fact that a public
1122 official's compensation in his or her outside employment
1123 increases while the public official is in office does not
1124 create a presumption that the increase is related to or on
1125 account of his or her official office or position.

1126 §36-25B-46 Elected Officials Prohibited from Lobbying

1127 (a) (1) A public official elected or appointed to a
1128 state office or a member of the Legislature, while holding
1129 office, may not serve as a lobbyist before any governmental
1130 body.

1131 (2) Nothing in this subsection shall be construed to
1132 prohibit a public official from engaging, while in office, in
1133 outside employment in his or her profession or field of
1134 expertise, including representing a client before a
1135 governmental body of which the public official is not a
1136 member, provided such engagement is not related to his or her
1137 official duties.

1138 (3) This subsection shall not be construed to prohibit
1139 a public official elected or appointed to a state office or a
1140 member of the Legislature from performing his or her official
1141 duties or responsibilities.

1142 (b) (1) A public official elected or appointed to a
1143 county or municipal office, while holding office, may not
1144 serve as a lobbyist before any governmental body within the
1145 geographical jurisdiction of the county or municipal office
1146 for which the public official is serving.

1147 (2) Nothing in this subsection shall be construed to
1148 prohibit a public official from engaging, while in office, in



1149 outside employment in his or her profession or field of
1150 expertise, including representing a client before a
1151 governmental body of which the public official is not a
1152 member, provided such engagement is not related to his or her
1153 official duties.

1154 (3) This subsection shall not be construed to prohibit
1155 a public official elected or appointed to a county or
1156 municipal office from performing his or her official duties or
1157 responsibilities.

1158 (c) (1) A public official who violates this section
1159 shall be subject to a civil penalty up to or commensurate with
1160 the economic gain to the public official.

1161 (2) For a second or subsequent offense, in addition to
1162 the penalty in subdivision (1), the commission shall promptly
1163 notify the Attorney General or the appropriate district
1164 attorney and provide all evidence obtained by, or in the
1165 possession of, the commission. In addition, the commission may
1166 notify the appropriate public servant or governmental body who
1167 has authority to discipline or remove the public servant from
1168 office or employment.

1169 §36-25B-47 Revolving Door Prohibitions

1170 (a) An appointed public official, for a period of two
1171 years after leaving service, may not serve as a lobbyist
1172 before the governmental body for which he or she had served.

1173 (b) An elected public official, for a period of two
1174 years after leaving service or the expiration of the term to
1175 which he or she was elected, whichever is longer, may not
1176 serve as a lobbyist before the governmental body for which he



1177 or she had served.

1178 (c) A public employee or an individual who works for a
1179 governmental body pursuant to a consulting agreement, agency
1180 transfer, loan, or similar arrangement, for a period of two
1181 years after leaving the employment or other arrangement, may
1182 not serve as a lobbyist before the governmental body for which
1183 he or she had worked.

1184 (d) A public servant who has authority over
1185 procurements or who recommends or materially influences the
1186 approval of grants, awards, or contracts for goods or
1187 services, for a period of two years after leaving service or
1188 employment, may not:

1189 (1) Enter into, solicit, or negotiate a grant, award,
1190 or contract for goods or services with the governmental body
1191 for which he or she had served or worked; and

1192 (2) Accept employment or enter into a consulting
1193 agreement with a business that received a grant, award, or
1194 contract for goods or services with the governmental body for
1195 which he or she had served or worked within the preceding two
1196 years, if the public servant actually recommended or
1197 materially influenced the approval of the grant, award, or
1198 contract.

1199 (e) A public servant who personally participates in the
1200 direct regulation, audit, or investigation of a business, for
1201 a period of two years after leaving service or employment, may
1202 not solicit or accept employment or enter into a consulting
1203 agreement with that business.

1204 (f) Nothing in this section shall limit or prohibit any



1205 of the following:

1206 (1) A former public employee from resuming employment
1207 with his or her former employer, unless otherwise restricted
1208 or prohibited by law.

1209 (2) A former public employee from entering into a
1210 consulting agreement with his or her former employer to
1211 personally provide consulting services, unless otherwise
1212 restricted or prohibited by law.

1213 (3) A public official or public employee from accepting
1214 employment with another governmental body or another
1215 department within the same governmental body and from
1216 representing the interests of his or her public employer
1217 before the governmental body for which he or she had served.

1218 (g) (1) A public servant or former public servant who
1219 violates this section shall immediately cease from engaging in
1220 the prohibited activity and shall be subject to a civil
1221 penalty up to or commensurate with the economic gain to the
1222 public servant.

1223 (2) For a second or subsequent offense, in addition to
1224 the penalty in subdivision (1), the commission shall promptly
1225 notify the Attorney General or the appropriate district
1226 attorney and provide all evidence obtained by, or in the
1227 possession of, the commission. In addition, the commission may
1228 notify the appropriate public servant or governmental body who
1229 has authority to discipline or remove the public servant from
1230 office or employment.

1231 §36-25B-48 Floor Privileges

1232 No former member of the House of Representatives or the



1233 Senate of the State of Alabama shall be extended floor
1234 privileges of either body in a lobbying capacity.

1235 §36-25B-49 Contingency Fee Lobbying Prohibited

1236 A principal or lobbyist may not accept compensation
1237 for, or enter into a contract to provide, lobbying services
1238 which is contingent upon the passage or defeat of any
1239 legislative action.

1240 Article 4. Registration and Reporting Requirements

1241 §36-25B-60 Lobbyist Registration and Termination

1242 (a) Every lobbyist shall register by filing a form
1243 prescribed by the commission no later than January 31 of each
1244 year or within 10 days after the first undertaking requiring
1245 such registration. Each lobbyist shall pay an annual fee of
1246 two hundred dollars (\$200) on or before January 31 of each
1247 year or within 10 days of the first undertaking requiring
1248 registration.

1249 (b) The registration shall be in writing and shall
1250 contain the following:

1251 (1) The registrant's full name and business address.

1252 (2) The full name and address of each of the
1253 registrant's principal or principals.

1254 (3) A statement signed by each principal that he or she
1255 has read the registration, knows its contents, and has
1256 authorized the registrant to be a lobbyist on his or her
1257 behalf as specified therein, and that no compensation will be
1258 paid to the registrant contingent upon passage or defeat of
1259 any legislative measure. If the principal is an entity, the
1260 statement must be signed by the individual within the



1261 principal who directs the activities of the lobbyist.

1262 (4) Either of the following:

1263 a. A list of each governmental body with whom he or she
1264 engages or intends to engage in lobbying. For purposes of this
1265 subdivision, each executive branch agency, department, board,
1266 or commission shall be considered a separate entity and the
1267 Legislature and each local legislative body shall be
1268 considered a separate entity.

1269 b. An acknowledgment that the lobbyist is not limiting
1270 his or her ability to engage in lobbying before any specific
1271 governmental body.

1272 (c) A registrant shall file a supplemental registration
1273 indicating any substantial change or changes in the
1274 information contained in the prior registration within 10 days
1275 after the date of the change.

1276 (d) (1) A lobbyist who ceases to engage in activities
1277 requiring registration shall file a written, verified
1278 statement with the commission, on a form prescribed by the
1279 commission by rule, acknowledging the termination of
1280 activities. The notice shall be effective immediately.

1281 (2) An individual who files a notice of termination
1282 pursuant to this section shall file the reports required
1283 pursuant to Section 36-25B-61 for any reporting period during
1284 which he or she was registered.

1285 §36-25B-61 Prohibited Source Reporting

1286 (a) A prohibited source shall report on a form
1287 prescribed by the commission by rule:

1288 (1) The payment or reimbursement of registration and



1289 travel expenses as permitted under Section 36-25B-42(b) (1) and
1290 (b) (3); and

1291 (2) The provision of food, beverages, and hospitality
1292 as permitted under Section 36-25B-42(c).

1293 (b) (1) For purposes of reporting of events described in
1294 subdivision (a) (1), the report must disclose a description of
1295 the event, the date or dates of the event, the monetary value
1296 received by each public servant and his or her family members,
1297 and the identity of the public servants and family members who
1298 attended the event.

1299 (2) For purposes of reporting of events described in
1300 subdivision (a) (2), the report must include a description of
1301 the event, the date of the event, and a list of the public
1302 servants invited to the event.

1303 (c) Nothing in this section shall require an entity
1304 whose officers or employees or their family members serve as
1305 public servants under this chapter to report any expenditures
1306 or reimbursements paid to the officers and employees for the
1307 performance of their duties for the entity.

1308 (d) The report shall cover activity during a
1309 three-month period and shall be filed no later than January
1310 31, April 30, July 31, and October 31 for activity during the
1311 preceding calendar quarter.

1312 (e) (1) A prohibited source other than a lobbyist or
1313 principal shall file a report only if the prohibited source
1314 conducts activity that must be reported pursuant to this
1315 section.

1316 (2) A lobbyist or principal shall file a report each



1317 quarter, regardless of whether any reportable activity was
1318 conducted during the preceding quarter.

1319 (f) If a prohibited source files a report required
1320 under this section after the reporting deadline, the
1321 prohibited source shall pay a late fee, as prescribed by rule
1322 of the commission, but not to exceed one hundred fifty dollars
1323 (\$150).

1324 (g) A report required to be filed under this section
1325 which is more than three months past due shall be deemed a
1326 failure to file a report. The commission may impose a fine for
1327 failure to report as follows:

1328 (1) For a first offense, three hundred dollars (\$300).

1329 (2) For a second offense, six hundred dollars (\$600).

1330 (3) For a third or subsequent offense, one thousand two
1331 hundred dollars (\$1,200).

1332 §36-25B-62 Statement of Economic Interests

1333 (a) No later than April 30 of each year, the following
1334 public servants shall file with the commission a statement of
1335 economic interests covering the period of the preceding
1336 calendar year:

1337 (1) All elected public officials.

1338 (2) Each appointed member of a board, commission, or
1339 authority having statewide jurisdiction other than boards,
1340 commissions, and authorities that solely act in an advisory
1341 capacity.

1342 (3) Each employee of the Legislature, the Legislative
1343 Services Agency, and the Department of Examiners of Public
1344 Accounts, other than those who have a purely administrative or



1345 maintenance role.

1346 (4) All executive staff of the Governor.

1347 (5) The commissioners and all employees of the
1348 commission.

1349 (6) The agency head of each governmental body, if paid
1350 in whole or in part from state, county, or municipal funds.

1351 (7) The general counsel or lead attorney of each
1352 governmental body.

1353 (8) Each public employee holding a position described
1354 in Section 36-26-10(b)(10).

1355 (9) Each public servant with power to grant or deny
1356 land development permits.

1357 (10) Each appointed member of a local board,
1358 commission, or authority, if paid in whole or in part from
1359 state, county, or municipal funds, who receives compensation,
1360 other than travel expenses or a per diem, for his or her
1361 service on the board, commission, or authority.

1362 (11) All city and county school principals,
1363 superintendents, and school board members.

1364 (12) The superintendent or chief executive officer and
1365 members of the board of directors or board of trustees of all
1366 state public K-12 schools.

1367 (13) Chief and assistant county building inspectors.

1368 (14) Any individual otherwise required by law to file a
1369 statement of economic interests.

1370 (15) All public servants listed with the commission as
1371 provided in subsection (b).

1372 (b) The agency head of each governing body, if paid in



1373 whole or in part from state, county, or municipal funds, shall
1374 provide annually to the commission, within a time frame
1375 determined by rule of the commission, a list of each public
1376 servant within the governing body who has independent
1377 authority to perform any of the following duties, regardless
1378 of whether the public servant actually performs such duties:

1379 (1) Makes discretionary decisions to expend public
1380 funds in excess of ten thousand dollars (\$10,000) in a fiscal
1381 year.

1382 (2) Awards or recommends contracts for goods or
1383 services.

1384 (3) Awards or recommends economic incentives.

1385 (c) Notwithstanding subsection (d), a coach of an
1386 athletic team of any four-year public institution of higher
1387 education that receives state funds shall not be required to
1388 include any income, donations, gifts, or benefits on his or
1389 her statement of economic interests if the income, donations,
1390 gifts, or benefits are a condition of the employment contract.

1391 (d) The statement shall be made on a form made
1392 available by the commission and shall contain the following
1393 information:

1394 (1) The name, occupation, and residential address of
1395 the filing party; the name and occupation of each family
1396 member of the filing party; and the name of each associated
1397 business of the filing party.

1398 (2) The source and amount of income directly accrued by
1399 the filing party and by his or her spouse, other than income
1400 earned from serving in public employment, listed in the



1401 following categorical amounts:

1402 a. Less than one thousand dollars (\$1,000).

1403 b. At least one thousand dollars (\$1,000) and less than
1404 ten thousand dollars (\$10,000).

1405 c. At least ten thousand dollars (\$10,000) and less
1406 than fifty thousand dollars (\$50,000).

1407 d. At least fifty thousand dollars (\$50,000) and less
1408 than one hundred fifty thousand dollars (\$150,000).

1409 e. At least one hundred fifty thousand dollars
1410 (\$150,000) and less than two hundred fifty thousand dollars
1411 (\$250,000).

1412 f. At least two hundred fifty thousand dollars
1413 (\$250,000) or more.

1414 (3) The identity and value of real property, other than
1415 his or her primary residence, owned by the filing party or by
1416 his or her spouse.

1417 (4)a. Except as provided in paragraph b., a listing of
1418 indebtedness by the filing party or his or her spouse showing
1419 types and number of each as follows: Banks, savings and loan
1420 associations, insurance companies, mortgage firms,
1421 stockbrokers and brokerages or bond firms; and the
1422 indebtedness to combined organizations in the following
1423 categorical amounts:

1424 1. Less than twenty-five thousand dollars (\$25,000).

1425 2. Twenty-five thousand dollars (\$25,000) and less than
1426 fifty thousand dollars (\$50,000).

1427 3. Fifty thousand dollars (\$50,000) and less than one
1428 hundred thousand dollars (\$100,000).



1429 4. One hundred thousand dollars (\$100,000) and less
1430 than one hundred fifty thousand dollars (\$150,000).

1431 5. One hundred fifty thousand dollars (\$150,000) and
1432 less than two hundred fifty thousand dollars (\$250,000).

1433 6. Two hundred fifty thousand dollars (\$250,000) or
1434 more.

1435 b. Mortgage debt on a primary residence and student
1436 loans of the filing party or his or her spouse need not be
1437 disclosed.

1438 (e) Before publishing a statement of economic interest
1439 on the commission's website, the commission shall redact the
1440 names of all family members and the residential address of the
1441 filing party.

1442 (f) If the information required under this section is
1443 not filed as required, the commission shall notify the filing
1444 party as to his or her failure to so file, and the filing
1445 party shall have 20 days to file the report after receipt of
1446 the notification. After the 20-day period lapses, the
1447 commission may assess a fine of twenty dollars (\$20) per day,
1448 not to exceed one thousand dollars (\$1,000), for failure to
1449 file timely.

1450 (g) (1) Upon petition, the commission shall waive the
1451 filing requirement of this section if the filing party is
1452 deceased or if the filing party was considered a public
1453 servant and was subject to this chapter for a period of no
1454 more than 30 days during the previous calendar year and as of
1455 January 1 of the reporting year, has not been a public
1456 servant.



1457 (2) Upon petition, the commission may waive the filing
1458 requirement of this section if the filing party is incapable
1459 of filing due to infirmity or due to active service in the
1460 military.

1461 (h) A filing party who unintentionally neglects to
1462 include any information relating to the financial disclosure
1463 filing requirements of this section shall have 90 days to file
1464 an amended statement of economic interests without penalty.

1465 §36-25B-63 Candidates Statement of Economic Interests

1466 (a) Not more than five days after a candidate files his
1467 or her qualifying papers with the appropriate election
1468 official or in the case of an independent candidate not more
1469 than five days after the date the individual complies with the
1470 requirements of Section 17-9-3, the candidate shall file with
1471 the commission a statement of economic interests covering the
1472 most recent calendar year for which public servants were
1473 required to file pursuant to Section 36-25B-62. The
1474 commission, for good cause shown, may allow the candidate an
1475 additional five days to file the statement of economic
1476 interests.

1477 (b) (1) Each election official who receives a
1478 declaration of candidacy or petition to appear on the ballot
1479 for election from a candidate, within five days of the
1480 receipt, shall notify the commission of the name of the
1481 candidate and the date on which the individual became a
1482 candidate.

1483 (2) The commission, within five business days of
1484 receipt of such notification, shall notify the election



1485 official whether the candidate has complied with subdivision
1486 (1).

1487 (c) (1) In addition to filing a statement of economic
1488 interests pursuant to subsection (a), an individual who
1489 remains qualified as a candidate on April 30 following the
1490 date he or she initially qualified shall file a new statement
1491 of economic interests by April 30 covering the period of the
1492 previous calendar year.

1493 (2) Notwithstanding subdivision (1), for any calendar
1494 year for which the commission has a candidate's current
1495 statement of economic interests on file, no additional filing
1496 for that calendar year is required.

1497 (d) If a candidate does not submit a statement of
1498 economic interests under subsection (a) and, if applicable
1499 subsection (c) by the prescribed deadline, the name of the
1500 individual shall not appear on the ballot and the candidate
1501 shall be deemed not qualified as a candidate in that election
1502 cycle.

1503 (e) If a candidate is deemed not qualified, the
1504 appropriate election official shall remove the name of the
1505 candidate from the ballot.

1506 Article 5. Enforcement

1507 §36-25B-80 Enforcement Generally

1508 The commission may not impose any civil penalty, order
1509 restitution, issue a public reprimand, or enter into a consent
1510 decree unless the commissioners determine a violation has
1511 occurred and approve the penalty, restitution, public
1512 reprimand, or consent decree in accordance with this article.



1513 §36-25B-81 Complaints

1514 (a) The commission shall establish procedures for the
1515 acceptance and investigation of complaints alleging violations
1516 of this chapter or the Fair Campaign Practices Act and shall
1517 publish the procedures and requirements for submitting
1518 complaints, along with the complaint form, on the commission's
1519 website.

1520 (b) Complaints must be in writing, set forth in detail
1521 the specific charges against a respondent and the factual
1522 allegations that support the charges, and signed by the
1523 complainant in order to be considered by the commission.

1524 (c) (1) Upon receiving a complaint or a report filed
1525 pursuant to Section 36-25B-83, and upon verifying the identity
1526 of the complainant and that the complaint contains credible
1527 and verifiable information supporting the allegations, the
1528 director shall notify the respondent of the alleged violation
1529 or violations together with a short and plain statement of the
1530 matters asserted and the provisions of this chapter or the
1531 Fair Campaign Practices Act alleged to have been violated.

1532 (2) The notice shall provide the respondent with an
1533 opportunity to respond to the commission in writing in a
1534 timely manner but in no event less than 10 days. Notice shall
1535 be provided by personal service or by certified mail, return
1536 receipt requested. The director shall delay further
1537 consideration of the complaint until he or she has received a
1538 response or the 10-day period has lapsed, whichever occurs
1539 first. The director shall consider the response in making his
1540 or her determination and include the response as part of the



1541 written record of the complaint.

1542 (d) (1) If the director determines that the complaint
1543 does not provide sufficient grounds to indicate that a
1544 violation has occurred, the complaint shall be dismissed, but
1545 the action must be reported to the commissioners along with a
1546 written record of the director's reasoning.

1547 (2) If the director determines there are sufficient
1548 grounds to believe that a violation may have occurred, the
1549 director shall notify the respondent, as required in Section
1550 36-25B-84(b), and notify the commissioners of the intent to
1551 conduct a full investigation along with a written record of
1552 the director's reasoning.

1553 (e) A complainant may not file a complaint on behalf of
1554 any other individual.

1555 §36-25B-82 Confidentiality of Complaints

1556 (a) Except as provided in Section 36-25B-81(c) and
1557 Section 36-25B-84(d) (3), the commissioners, director, and
1558 employees of the commission shall keep confidential the
1559 existence of any complaint and any information relating to the
1560 complaint, including relevant information and documents and
1561 the identity of the complainant, until the final disposition
1562 of the matter. In no event may a complaint or any part of the
1563 record be made public or available on the commission's website
1564 if the complaint is dismissed or, after an investigation, the
1565 commission determines no violation occurred.

1566 (b) This section does not prohibit a complainant or
1567 respondent from disclosing information relating to a complaint
1568 submitted to the commission, and the fact that an individual



1569 who is not a commissioner, director, or commission employee
1570 discloses information relating to a complaint does not grant
1571 the commissioners, director, or commission employees the
1572 authority to discuss or disclose the existence of a complaint
1573 or any information relating to the complaint.

1574 §36-25B-83 Agency Heads Required to Report Violations

1575 The agency head of every governmental body shall file a
1576 report with the commission on any matter that comes to his or
1577 her attention in his or her official capacity that, after an
1578 appropriate investigation based on credible and verifiable
1579 information supporting the allegations, may constitute a
1580 violation of this chapter within 10 days of completing the
1581 investigation.

1582 §36-25B-84 Investigations

1583 (a) Upon a preliminary finding by the director that a
1584 violation of this chapter or the Fair Campaign Practices Act
1585 may have occurred pursuant to Section 36-25B-81(d)(2), or if a
1586 matter is referred to the commission pursuant to Section
1587 13A-10-61.1(c)(1), the director and staff of the commission
1588 shall conduct a full investigation in accordance with this
1589 section.

1590 (b) Before initiating a full investigation, the
1591 director shall notify the respondent by personal service or by
1592 certified mail, return receipt requested, of the
1593 investigation, along with the violations alleged to have
1594 occurred and the written record of the director's reasoning
1595 pursuant to Section 36-25B-81.

1596 (c) In the course of an investigation, the director,



1597 upon an affirmative vote of at least four commissioners, may
1598 subpoena witnesses and compel their attendance and may also
1599 require the production of documents and other evidence. The
1600 commission shall give the respondent the opportunity to
1601 respond to the allegations by providing written statements,
1602 testimony to commission staff, and any additional evidence.
1603 Any additional relevant facts or evidence discovered by a
1604 commissioner or commission staff during the course of an
1605 investigation shall immediately be provided to the respondent.
1606 The respondent has the right to be represented by legal
1607 counsel throughout an investigation.

1608 (d) (1) Commission staff shall have no more than 180
1609 days to complete an investigation and compile a written
1610 record. The written record of the investigation shall include
1611 all evidence considered and a written statement of the
1612 director's assessment and recommendations. Findings of fact
1613 shall be based solely on the evidence in the record.

1614 (2) If the director determines no violation has
1615 occurred, the director shall dismiss the matter, but the
1616 action must be reported to the commissioners along with the
1617 written record described in subdivision (1). The director
1618 shall promptly notify the respondent of the determination
1619 along with a copy of the director's assessment. The commission
1620 may not reinstate an investigation based on the same facts
1621 alleged in the complaint or investigation.

1622 (3) If the director determines there is sufficient
1623 evidence to indicate that a violation occurred, the director
1624 shall make a recommendation of appropriate penalties and shall



1625 immediately notify the respondent of the director's findings
1626 and recommended penalties, a reference to the particular
1627 provision of this chapter or the Fair Campaign Practice Act
1628 which was violated, and a copy of the complaint, including the
1629 identity of the complainant, together with any statement,
1630 evidence, or information received from the complainant,
1631 witnesses, or other individuals or discovered in the course of
1632 the investigation.

1633 (4) Notice provided to the respondent pursuant to this
1634 subsection shall be by personal service or by certified mail,
1635 return receipt requested.

1636 (e) A respondent found by the director to have violated
1637 this chapter or the Fair Campaign Practices Act under
1638 subdivision (d) (3) shall have 21 days after receiving notice
1639 of a violation to request a contested case hearing before the
1640 commissioners. If at the end of the 21-day period the
1641 respondent does not request a hearing, the director shall
1642 notify and provide the commissioners with a written record
1643 along with the director's assessment and recommendations for
1644 penalties.

1645 (f) At the official meeting of the commissioners held
1646 after receiving notification under subsection (e), the
1647 commissioners shall:

1648 (1) Approve the director's assessment and
1649 recommendations for penalties;

1650 (2) Revise the assessment and penalties, in which case
1651 the respondent shall have an additional 21 days to request a
1652 contested case hearing;



1653 (3) Request a contested case hearing; or

1654 (4) Dismiss the matter.

1655 (g) Prior to an official meeting of the commissioners
1656 pursuant to subsection (f), the commissioners may not discuss
1657 any matter relating to a respondent's case with the director
1658 or with any other employee of the commission unless the
1659 respondent and his or her legal counsel are given the
1660 opportunity to also be present during any such discussion.

1661 §36-25B-85 Contested Case Hearings

1662 (a) (1) If a contested case hearing is requested, the
1663 commission shall set a hearing date of not less than 45 days
1664 after receiving the request and shall immediately provide
1665 notice to the respondent. Notice shall include the time and
1666 place of the hearing, all information in any form that arises
1667 out of or relates to the complaint, including but not limited
1668 to, all statements, evidence, testimony, and other information
1669 received from the complainant, witnesses, or other
1670 individuals, or discovered in the course of the investigation.
1671 The commission shall not discourage individuals with knowledge
1672 arising out of or relating to the complaint, including
1673 individuals who were interviewed by, or gave statements to,
1674 the commission, whether or not the statements were the basis
1675 of the commission's findings, from providing that information
1676 to the respondent or his or her legal counsel.

1677 (2) Upon the timely request of the respondent, the
1678 commission shall postpone the hearing for not less than 90
1679 days.

1680 (b) Any additional relevant facts or evidence



1681 discovered by the director or employee of the commission or
1682 put in the possession of a commissioner after the conclusion
1683 of the investigation but before or during the hearing shall
1684 immediately be provided to the respondent.

1685 (c) The commissioners shall preside over any contested
1686 case hearing held pursuant to this section. The commission
1687 shall provide the respondent the opportunity to respond and
1688 present evidence and argument on all material issues involved,
1689 call witnesses, be represented by legal counsel at his or her
1690 own expense, and be present along with his or her legal
1691 counsel during all deliberations of the commissioners. If
1692 requested by the respondent, the proceedings shall be
1693 transcribed by the appointed court reporter and a copy of the
1694 transcribed proceedings shall be timely provided to the
1695 respondent at the respondent's expense.

1696 (d) Outside of an official hearing proceeding, if the
1697 director or any other employee of the commission is present in
1698 any commissioner deliberations on any matter relating to a
1699 respondent's case, the respondent and his or her legal counsel
1700 must be given the opportunity to also be present during the
1701 deliberation.

1702 (e) The record of a hearing shall include all evidence
1703 considered and a written statement of the findings of the
1704 commission members. Findings of fact shall be based solely on
1705 the evidence in the record. The respondent shall have the
1706 right to supplement the record of the hearing, including any
1707 transcript of the hearing and all statements, evidence,
1708 testimony, and other information that the respondent offered



1709 into evidence at the hearing, whether or not the commission
1710 accepted the information into evidence.

1711 (f) If the respondent does not request a hearing or
1712 does not participate in a hearing, the commissioners' decision
1713 is final, a penalty may be imposed, and the respondent, absent
1714 good cause shown, may not appeal the decision.

1715 §36-25B-86 Confidentiality of Investigations

1716 (a) Prior to the disposition of a matter, the
1717 commissioners, director, and employees of the commission shall
1718 keep confidential and may not publicly disclose information
1719 relating to an investigation, including the identity of the
1720 respondent. In no event may an investigation or any part of
1721 the record be made public or available on the commission's
1722 website if the case is dismissed under Section
1723 36-25B-84(d)(2).

1724 (b) This section does not prohibit a respondent or a
1725 witness or other individual from disclosing information
1726 relating to an investigation. The fact that an individual who
1727 is not a commissioner, director, or commission employee
1728 discloses information relating to an investigation does not
1729 grant the commissioners, director, or commission employees the
1730 authority to discuss or disclose the existence of the
1731 investigation or any information relating to the
1732 investigation.

1733 §36-25B-87 Criminal Referrals

1734 (a) If at any time during the course of reviewing a
1735 complaint or conducting an investigation, the director has
1736 reason to believe a criminal violation has been committed, the



1737 director or general counsel shall present the relevant and
1738 applicable evidence and other factors to the commissioners
1739 and, upon the affirmative vote of the majority of the
1740 commissioners, the director shall promptly notify the Attorney
1741 General or the appropriate district attorney and provide all
1742 evidence obtained by, or in the possession of, the commission.

1743 (b) The imposition of a penalty by the commission does
1744 not prohibit the Attorney General or a district attorney from
1745 pursuing criminal charges based on the same or related
1746 conduct.

1747 §36-25B-88 Penalties

1748 (a) Any person subject to this chapter who
1749 intentionally makes a false statement on any report,
1750 registration, or statement pursuant to this chapter is subject
1751 to a civil penalty not to exceed one thousand dollars
1752 (\$1,000).

1753 (b) Any individual who makes or transmits a complaint
1754 pursuant to this chapter which contains information or
1755 statements the individual knows to be false is subject to a
1756 civil penalty not to exceed one thousand dollars (\$1,000) and
1757 shall be liable for the actual legal expenses incurred by the
1758 respondent against whom the false report or complaint was
1759 filed.

1760 (c) Any individual who intentionally makes false
1761 statements to an employee of the commission or member of the
1762 commission pursuant to this chapter is subject to a civil
1763 penalty not to exceed one thousand dollars (\$1,000).

1764 (d) For a violation of this chapter, unless otherwise



1765 specified, the commission may:

1766 (1) Issue a private warning or public reprimand;

1767 (2) Enter into a consent decree;

1768 (3) Impose a civil penalty up to or commensurate with
1769 the economic gain to the violator; or

1770 (4) Order restitution, if applicable, up to or
1771 commensurate with the economic loss to a governmental body.

1772 (e) Restitution collected by the commission shall be
1773 paid to the governmental body suffering the economic loss.

1774 (f) The commission may not impose any civil penalty for
1775 a violation of Article 3 until receiving approval of the
1776 penalty by the Attorney General or appropriate district
1777 attorney.

1778 (g) If a person fails to pay any civil penalty or
1779 restitution, the commission may file an action to collect the
1780 penalty in a court of competent jurisdiction in Montgomery
1781 County. The person shall be responsible for paying all costs
1782 associated with the collection of the civil penalty or
1783 restitution.

1784 §36-25B-89 Reconsideration of Contested Case Hearings

1785 If the respondent discovers new evidence that comes to
1786 his or her knowledge after the final determination was made by
1787 the commissioners in a case hearing and that evidence would
1788 not have been discovered sooner through the exercise of due
1789 diligence, the respondent may petition the commission for
1790 reconsideration, regardless of whether the respondent had
1791 requested a contested case hearing. Upon receiving a petition,
1792 the commission shall stay any collection of any penalty



1793 pending a determination by the commissioners whether to
1794 reconsider the respondent's case. If the commissioners reject
1795 the respondent's petition, the respondent shall have the
1796 opportunity to file an appeal under Section 36-25B-90,
1797 regardless of whether the respondent had requested a contested
1798 case hearing.

1799 §36-25B-90 Appeals

1800 Within 30 days of a final order or decision of the
1801 commissioners in a contested case hearing imposing a penalty
1802 under this article or within 30 days of a rejection of a
1803 petition for reconsideration, any person aggrieved by the
1804 final order or decision may file a petition for appeal in a
1805 court of competent jurisdiction in Montgomery County.

1806 Section 8. The Code Commissioner shall conform
1807 references in the Code of Alabama 1975, to reflect the changes
1808 made by this act. Code changes, including the renumbering of
1809 references to Chapter 25, Title 36, to reflect the appropriate
1810 code sections in Chapter 25B, Title 36, as created by this
1811 act, shall be made at a time determined to be appropriate by
1812 the Code Commissioner.

1813 Section 9. Section 11-3-5, Code of Alabama 1975, is
1814 amended to read as follows:

1815 "§11-3-5

1816 (a) ~~Except where a contract for goods or services is~~
1817 ~~competitively bid regardless of whether bidding is required~~
1818 ~~under Alabama's competitive bid law, no member of any county~~
1819 ~~commission and no business with which any county commissioner~~
1820 ~~is associated shall~~ A county commissioner, family member of a



1821 county commissioner, or associated business of a county
1822 commissioner may not be a party to any contract for goods or
1823 services with the county commission on which he or she serves,
1824 unless the contract is competitively bid, regardless of
1825 whether bidding is required under the competitive bid laws of
1826 this state. ~~Except where a contract for goods or services is~~
1827 ~~competitively bid regardless of whether bidding is required~~
1828 ~~under Alabama's competitive bid law, no county commission~~
1829 ~~shall award any contract to a family member of a county~~
1830 ~~commissioner.~~ Under no circumstances shall a county
1831 commissioner participate in the bid preparation or review of a
1832 bid that is received from the county commissioner, ~~a business~~
1833 ~~with which he or she is associated, or~~ a family member of the
1834 county commissioner, or an associated business of the county
1835 commissioner, and a county commissioner shall not deliberate
1836 or vote on acceptance of a bid submitted by the county
1837 commissioner, ~~a business with which he or she is associated,~~
1838 ~~or~~ a family member of the county commissioner, or an
1839 associated business of the county commissioner.

1840 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a
1841 family member to do any work for the county; provided,
1842 however, the family member of a county commissioner may be
1843 employed by the county if the family member is hired pursuant
1844 to a county personnel policy that does not require a vote of
1845 the county commission or if the county commissioner does not
1846 participate in the hiring process through recommendation,
1847 deliberation, vote, or otherwise.

1848 (c) Any county commissioner in violation of this



1849 section shall be guilty of a Class A misdemeanor.

1850 ~~(d) In compliance with Section 36-25-11, any contract~~
1851 ~~executed with a member of the county commission or with a~~
1852 ~~business with which a county commissioner is associated shall~~
1853 ~~be filed with the Ethics Commission within 10 days after the~~
1854 ~~contract has been executed.~~

1855 (d) Any contract executed in violation of this section
1856 shall be void by operation of law and any ~~person~~ individual
1857 employed by the county in violation of this section shall
1858 forfeit his or her employment by operation of law.

1859 (e) For the purposes of this section, the ~~definition of~~
1860 ~~family member shall be the same as the definition in~~
1861 ~~subdivision (15) of Section 36-25-1 for the family member of a~~
1862 ~~public official~~ terms "family member" and "associated business"
1863 shall have the same meanings as defined in Section 36-25B-2."

1864 Section 10. Although this bill would have as its
1865 purpose or effect the requirement of a new or increased
1866 expenditure of local funds, the bill is excluded from further
1867 requirements and application under Section 111.05 of the
1868 Constitution of Alabama of 2022, because the bill defines a
1869 new crime or amends the definition of an existing crime.

1870 Section 11. This act shall become effective on June 1,
1871 2025.