



**House Ethics and Campaign Finance Reported
Substitute for HB227**

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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



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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



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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,



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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



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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 use or disclosure of information under
121 subdivision (a)(3) was, at the time of use or disclosure,
122 publicly known or readily available to the general public
123 through the public servant's governmental body or any other
124 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 dollars (\$1,000), the Attorney
128 General or applicable district attorney may refer the matter
129 to the State Ethics Commission for a determination by the
130 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 ten thousand dollars (\$10,000).

136 (3) A public servant who violates this section, upon
137 conviction, is guilty of a Class C felony when the pecuniary
138 benefit to the public servant or other person is equal to or
139 exceeds ten thousand dollars (\$10,000), but less than one
140 hundred thousand dollars (\$100,000).



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141 (4) A public servant who violates this section, upon
142 conviction, is guilty of a Class B felony when the pecuniary
143 benefit to the public servant or other person is equal to or
144 exceeds one hundred thousand dollars (\$100,000).

145 Section 3. Section 13A-10-62, which specifies the crime
146 of failing to disclose a conflict of interest, and Section
147 13A-10-82, which specifies the crime of misuse of public
148 information, are repealed.

149 Section 4. Section 36-15-1.2 is added to the Code of
150 Alabama 1975, to read as follows:

151 §36-15-1.2

152 (a) Upon the request of any public servant, as that
153 term is defined in Section 13A-10-60, or upon his or her own
154 volition, the Attorney General shall give his or her opinion,
155 in writing, on any question of law under Section 13A-10-61.1
156 as it relates to any proposed conduct or activity as presented
157 in the request or opinion, whether based on real or
158 hypothetical circumstances.

159 (b) The Attorney General shall establish and publish on
160 its website guidelines on how to submit a request for an
161 opinion under this section.

162 (c) The provisions of Section 36-15-19 shall apply to
163 an opinion issued pursuant to this section.

164 Section 5. Chapter 25 of Title 36, Code of Alabama
165 1975, which sets forth the ethics laws for public officials
166 and public employees, is repealed.

167 Section 6. A violation or offense of Chapter 25 of
168 Title 36, Code of Alabama 1975, committed prior to June 1,



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169 2025, is not affected by the repeal of Chapter 25, and any
170 prosecution or proceeding before the State Ethics Commission
171 for any violation or offense in Chapter 25 pending on June 1,
172 2025, shall proceed as if the chapter was not repealed.

173 Section 7. Chapter 25B is added to Title 36, Code of
174 Alabama 1975, to read as follows:

175 Article 1. General Provisions

176 §36-25B-1 Short Title

177 This chapter shall be known and may be cited as the
178 Alabama Ethics Act.

179 §36-25B-2 Definitions

180 Whenever used in this chapter, the following terms have
181 the following meanings:

182 (1) AGENCY HEAD. The director or chief administrative
183 officer of a governmental body.

184 (2) ASSOCIATED BUSINESS. A business of which a public
185 servant or his or her family member is an officer, director,
186 manager of a limited liability company, employee, or an owner
187 or holder of more than five percent of the fair market value
188 of the business.

189 (3) BUSINESS. Any corporation, partnership,
190 proprietorship, firm, enterprise, franchise, self-employed
191 individual, or other business entity.

192 (4) CANDIDATE. The term as defined in Section 17-5-2.

193 (5) COMMISSION. The State Ethics Commission.

194 (6) CONFLICT OF INTEREST. A substantial financial
195 interest that materially and uniquely affects a public servant
196 or a person closely associated with a public servant in a



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197 manner different from the manner in which the financial
198 interest affects other members of the class to which that
199 public servant or person closely associated with a public
200 servant belongs.

201 (7) DAY. Calendar day.

202 (8) DEPENDENT. An individual claimed as a dependent for
203 income tax purposes.

204 (9) DIRECTOR. The Executive Director of the commission.

205 (10) ECONOMIC DEVELOPMENT PROFESSIONAL. a. An
206 individual seeking to advance specific, good faith economic
207 development or trade promotion projects or related objectives
208 for a business; a chamber of commerce or similar nonprofit
209 economic development organization in this state; a city, a
210 county, a political subdivision of the state; or a
211 governmental corporation or authority.

212 b. The term does not include elected officials,
213 legislators, or any former legislator within two years of the
214 end of the term for which he or she was elected.

215 (11) ENTITY. A business, union, association, committee,
216 club, organization, or other legal entity.

217 (12) FAMILY MEMBER. The spouse or a dependent.

218 (13) GIFT. Any single item or thing with a value
219 greater than one hundred dollars (\$100), or any number of
220 items or things with a cumulative or aggregate value exceeding
221 five hundred dollars (\$500) within a 12-month period, other
222 than any of the following:

223 a. A lawful campaign contribution or a contribution to
224 an inaugural or transition committee that is established by or



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225 on behalf of a public official elected or appointed to a
226 public office.

227 b. Any campaign advice or other support that is not
228 considered a contribution under the Fair Campaign Practices
229 Act, Chapter 5 of Title 17.

230 c. Any financial transaction entered into in the
231 ordinary course of business on terms generally available to
232 similarly situated members of the public.

233 d. Anything paid for by a governmental body or an
234 entity created by a governmental body to support the
235 governmental body or secured by a governmental body under
236 contract, except for tickets to a sporting event offered by an
237 educational institution to any person other than faculty,
238 staff, or administration of the institution.

239 e. Anything provided by an association or organization
240 to which the state or a local government pays dues.

241 f. Compensation or benefits earned or received from an
242 associated business, from a client or prospective employer, or
243 from a vendor of an associated business, unless the
244 circumstances make it clear that the purpose of the
245 compensation or benefit is to substantially influence the
246 public servant.

247 g. Flowers and items with little intrinsic value which
248 are intended solely for presentations, such as plaques,
249 certificates, and trophies, and promotional items commonly
250 distributed to the general public.

251 h. Anything provided through inheritance.

252 (14) GOVERNMENTAL BODY. a. Any department, agency,



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253 office, commission, board, or other political subdivision at
254 the state or local level in the executive, legislative, or
255 judicial branch. The term includes local boards of education,
256 public institutions of higher education, regulatory bodies,
257 the Legislature, local legislative bodies, and public or
258 private corporations or authorities established pursuant to
259 state law for the purpose of carrying out a specific
260 governmental function.

261 b. For purposes of lobbyist registrations, each
262 governmental body shall be considered a separate entity, as
263 described in Section 36-25B-60(b)6.a.

264 (15) LEGISLATIVE CAUCUS. A legislative caucus
265 registered pursuant to Section 17-5-5.1.

266 (16) LEGISLATURE. Includes both the Senate of Alabama
267 and the House of Representatives of Alabama, and unless
268 expressly specified otherwise, any committee or subcommittee
269 thereof.

270 (17) LOBBY or LOBBYING. a. Any act to influence or
271 attempt to influence:

272 1. Any legislative action, including executive
273 amendment, veto, or approval of legislation;

274 2. Any rulemaking action; or

275 3. The awarding of a grant or contract with any
276 governmental body.

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

278 1. Providing public testimony before a governmental
279 body or as part of an administrative proceeding.

280 2. Carrying out ongoing negotiations following the



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281 award of a bid or contract.

282 3. Rendering legal services in a legal matter before a
283 governmental body.

284 4. Responding to a request from a public servant or
285 governmental body for information.

286 5. Providing professional services in drafting bills,
287 advising clients, and rendering opinions as to the
288 construction and effect of proposed or pending legislation,
289 executive action, or rules.

290 (18) LOBBYIST. a. An individual who is engaged in
291 lobbying and receives compensation or reimbursement for such
292 engagement. In the case of an individual who is an officer,
293 director, manager of a limited liability company, employee, or
294 an owner or holder of more than five percent of the fair
295 market value of a business, the term only applies to that
296 individual if he or she engages in lobbying for the entity as
297 a regular and usual part of the individual's activities on
298 behalf of the entity.

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

300 1. A reporter or editor while pursuing normal
301 reportorial and editorial duties.

302 2. A public servant who lobbies as part of his or her
303 official duties.

304 3. An individual seeking a contract or grant at the
305 county or municipal level of government.

306 4. An individual acting as an economic development
307 professional who is not otherwise required to register as a
308 lobbyist, unless and until he or she seeks incentives through



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309 legislative action in the Legislature that are above and
310 beyond, or in addition to, the then current statutory or
311 constitutional authorization.

312 5. Any citizen not lobbying for compensation who is
313 merely exercising his or her constitutional right to
314 communicate with a governmental body.

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

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

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

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

327 (21) PERSON. An individual or entity.

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

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

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

333 b. If the principal is an entity or governmental body,
334 the primary individual who directs the activities of the
335 lobbyist and is designated to sign the lobbyist registration
336 form under Section 36-25B-60(b)(4).



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

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

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

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

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

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

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

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

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

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

364 3. An employee who is not paid in whole or in part from



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365 state, county, or municipal funds.

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

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

373 b. The term does not include:

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

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

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

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

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

388 §36-25B-3 Construction of Chapter In Pari Materia

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

392 §36-25B-4 Applicability of Chapter to Other Laws



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393 Nothing in this chapter shall affect any other law that
394 requires or exempts a person from complying with any provision
395 of Chapter 25 of this title or the ethics laws of the state.
396 Any reference to Chapter 25 of this title shall be considered
397 a reference to this chapter.

398 §36-25B-5 Conducting Political Activity Allowed

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

406 §36-25B-6 College and University Technology Transfer

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

415 §36-25B-7 Additional Discipline

416 Nothing in this chapter limits:

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

420 (2) The powers of a governmental body to discipline its



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421 respective public officials or public employees.

422 §36-25B-8 Whistleblower Protections

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

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

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

444 (c) Nothing in this chapter shall be construed in any
445 manner to prevent or prohibit or otherwise limit a supervisor
446 from disciplining, discharging, transferring, or otherwise
447 affecting the terms and conditions of a public servant's
448 employment so long as the disciplinary action does not result



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449 from, or is in no other manner connected with, the public
450 servant's good faith filing of a complaint with the
451 commission, giving truthful statements, or truthfully
452 testifying in an investigation conducted by the commission.

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

463 Article 2. State Ethics Commission

464 §36-25B-20 Commission Established; Membership

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

468 (b) Members of the commission shall be composed of five
469 individuals who shall be appointed on a rotating basis by the
470 following public officials in the following repeating order:
471 The Governor, the President of the Senate, and the Speaker of
472 the House of Representatives. Appointments shall be subject to
473 Senate confirmation.

474 (c) (1) Commissioners shall serve for a term of five
475 years with a term beginning on September 1 of the year
476 appointed and ending on August 31 of the fifth year of that



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477 term. Appointed individuals shall assume their duties on
478 September 1 or immediately thereafter if appointed after the
479 start of the term, even if not yet confirmed by the Senate. If
480 a newly appointed commissioner is not confirmed during the
481 first regular session of the Legislature in which confirmation
482 may occur, the appropriate appointing authority shall appoint
483 another individual who shall immediately begin serving and be
484 subject to Senate confirmation no later than the next regular
485 legislative session.

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

488 (3)a. The commission membership shall be inclusive so
489 that diversity of gender, race, and geographical areas is
490 reflective of the makeup of this state. One commissioner shall
491 be licensed to practice law in this state and be a member in
492 good standing of the Alabama State Bar Association, and one
493 commissioner shall be a former elected public official who
494 served at least two terms in public office. Each commissioner
495 must be a resident of this state and of high moral character
496 and ability.

497 b. The following individuals are not eligible to be
498 appointed or serve as commissioners:

- 499 1. A public servant.
- 500 2. A candidate.
- 501 3. A lobbyist or a principal.
- 502 4. A former employee of the commission.

503 (d) If at any time there is a vacancy in the membership
504 of the commission, a successor commissioner shall be appointed



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505 by the original appointing authority to serve for the
506 unexpired term and shall be subject to Senate confirmation as
507 further provided in this section. A commissioner may not be
508 reappointed to succeed himself or herself unless the prior
509 service was for less than a full term. A vacancy in the
510 membership of the commission does not impair the right of the
511 remaining commissioners to exercise all the powers of the
512 commissioners as a whole.

513 (e) Commissioners shall elect one member to serve as
514 chair of the commission and one member to serve as vice chair.
515 The vice chair shall act as chair in the absence or disability
516 of the chair or in the event of a vacancy in that office.

517 (f) Three commissioners shall constitute a quorum. No
518 official action may be taken by the commissioners in the
519 absence of a quorum.

520 (g) The commissioners, while conducting official
521 business, shall be entitled to receive compensation at the
522 rate of two hundred fifty dollars (\$250) per day, and each
523 commissioner, when approved by the chair, shall be paid his or
524 her travel expenses incurred in the performance of his or her
525 duties as a commissioner as other state employees and
526 officials are paid. If for any reason a commissioner wishes
527 not to claim and accept the compensation or travel expenses,
528 the commissioner shall inform the director, in writing, of the
529 refusal. The commissioner, at any time during his or her term,
530 may begin accepting compensation or travel expenses; however,
531 the commissioner's refusal for any covered period shall act as
532 an irrevocable waiver for that period.



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533 §36-25B-21 Director and Other Employees of Commission

534 (a) (1) The commissioners shall appoint a full-time
535 director who shall serve at the pleasure of the commissioners.
536 The director shall be subject to confirmation by the Senate
537 during the first regular session of the Legislature in which
538 confirmation may occur, however this does not affect the right
539 or authority of the director to act pending confirmation or
540 rejection. If the director is not confirmed during the
541 applicable legislative session, his or her service shall be
542 terminated not more than 30 days after the applicable
543 legislative session adjourns sine die and the commissioners
544 shall immediately appoint another individual who shall
545 immediately begin serving. The new director shall be subject
546 to Senate confirmation no later than the next regular
547 legislative session. No appointee whose confirmation is
548 rejected by the Senate may be reappointed.

549 (2) Beginning June 1, 2025, the director shall serve
550 for a term of five years and until a qualified successor is
551 appointed. The director may be appointed for more than one
552 term, provided he or she is reconfirmed by the Senate as
553 described in subdivision (1).

554 (3) If the Attorney General, after conducting an
555 investigation, recommends to the Legislative Council that the
556 director be removed for a cause described in Section 173 of
557 the Constitution of Alabama of 2022, the director shall be
558 removed if affirmed by a majority vote of the council members
559 from the Senate and a majority vote of the council members
560 from the House of Representatives.



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561 (4) The compensation of the director shall be fixed by
562 the commissioners, payable as the salaries of other state
563 employees.

564 (5) Under the direction and supervision of the
565 commissioners, the director shall be responsible for the
566 administrative operations of the commission and shall
567 administer this chapter in accordance with this chapter and
568 rules and commission policies adopted thereunder.

569 (b) The director shall employ other employees of the
570 commission as needed, including investigators, as necessary to
571 conduct investigations under this chapter. All employees of
572 the commission, except the director, shall be employed subject
573 to the state Merit System, and their compensation shall be
574 prescribed pursuant to that law. The employment of attorneys
575 shall be subject to subsection (e).

576 (c) The investigators shall be and are constituted law
577 enforcement officers of the State of Alabama with full and
578 unlimited police power and jurisdiction to enforce the laws of
579 this state pertaining to the operation and administration of
580 this chapter. Investigators shall be certified by the Alabama
581 Peace Officers' Standards and Training Commission.
582 Notwithstanding the foregoing, investigators shall only
583 exercise their power of arrest as granted under this chapter
584 pursuant to an order issued by a court of competent
585 jurisdiction.

586 (d) The director may appoint certified court reporters
587 to take and transcribe the testimony in any hearing or
588 investigation before the commission or before any individual



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589 authorized by the commission, or as required under Section
590 36-25B-85. The reporters are not full-time employees of the
591 commission, are not subject to the state Merit System, and may
592 not participate in the Employees' Retirement System of
593 Alabama.

594 (e) The director may employ an individual as general
595 counsel and other competent attorneys as legal counsel for the
596 commission. Each attorney so appointed shall be licensed to
597 practice law in this state and be a member in good standing of
598 the Alabama State Bar Association.

599 (f) The director, commissioners, and all employees of
600 the commission may not engage in partisan political activity,
601 including making any campaign contribution, at the state,
602 county, and local level, and may not make any public statement
603 for a period of 120 days before an election about a candidate,
604 regardless of whether or not a candidate has a matter pending
605 before the commission, other than a comment directly relating
606 to the final disposition of the matter. This subsection shall
607 in no way limit or restrict an individual's ability to vote in
608 any election.

609 §36-25B-22 General Duties of Commission

610 The commission shall do all of the following:

611 (1) Inform and train public servants, candidates, and
612 lobbyists of the ethics standards, reporting deadlines, and
613 other requirements set forth in this chapter through regularly
614 conducted and readily available educational programs and
615 assist them in understanding and complying with those
616 standards and requirements.



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617 (2) Prescribe forms for reports and statements that are
618 required to be filed under this chapter, establish guidelines
619 and requirements for filing the reports and statements, and
620 make the forms, guidelines, and requirements available for
621 public servants, lobbyists, principals, prohibited sources,
622 and any other person as needed or required.

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

627 (4) Examine all reports and statements filed with the
628 commission and identify any discernible errors, omissions, or
629 other violations of the filing requirements established
630 pursuant to this chapter.

631 (5) Provide public access to copies of all reports and
632 statements filed with the commission pursuant to this chapter,
633 including publicly posting the reports and statements,
634 excluding information specifically required to be redacted
635 pursuant to this chapter.

636 (6) Maintain an official website that contains
637 information as required pursuant to this chapter and other
638 information as necessary to assist public servants, lobbyists,
639 principals, prohibited sources, and other entities to comply
640 with the requirements of this chapter while promoting
641 transparency and public trust. Information posted on the
642 commission's website shall be readily searchable and
643 accessible to the public.

644 (7) Accept and investigate written complaints made to



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645 the commission alleging violations of this chapter, as further
646 provided in Section 36-25B-81.

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

650 (9) Upon completion of an investigation and a hearing
651 by the commission, make determinations whether violations of
652 this chapter have occurred and impose civil penalties and
653 restitution, if appropriate, issue private warnings or public
654 reprimands, or enter into consent decrees, as further provided
655 in this chapter.

656 (10) Report suspected criminal violations to the
657 Attorney General or the appropriate district attorney, as
658 applicable, for further investigation and potential
659 prosecution.

660 (11) When in the commission's opinion a thorough audit
661 of a governmental body should be conducted in order to
662 determine whether this chapter has been violated, request the
663 Department of Examiners of Public Accounts to have an audit
664 made and a report filed with the commission. The Department of
665 Examiners of Public Accounts, upon receipt of the directive,
666 shall comply therewith.

667 (12) At the close of each fiscal year, or as soon
668 thereafter as practicable, report to the Legislature and the
669 Governor concerning all official actions the commission has
670 taken, the name, salary, and duties of the director, the names
671 and duties of all individuals in its employ, the money it has
672 disbursed, other relevant matters within its jurisdiction, and



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673 such recommendations for legislation as the commission deems
674 appropriate. The commission shall post the report on the
675 commission's website.

676 (13) Adopt rules pursuant to the Alabama Administrative
677 Procedures Act, as needed or required, to implement this
678 chapter.

679 §36-25B-23 Commission's Duties under the Fair Campaign
680 Practices Act

681 In addition to the duties set forth in Section
682 36-25B-22, the commission shall coordinate with the Secretary
683 of State to implement the reporting requirements of the
684 Alabama Fair Campaign Practices Act, Chapter 5 of Title 17,
685 and shall do all of the following:

686 (1) Review and approve all forms created by the
687 Secretary of State which are required by the Fair Campaign
688 Practices Act prior to use and publication by the Secretary of
689 State.

690 (2) Recommend accounting methods for candidates,
691 principal campaign committees, and political action committees
692 in connection with reports and filings required by the Fair
693 Campaign Practices Act.

694 (3) Review and approve a retention policy created by
695 the Secretary of State for all reports, filings, and
696 underlying documentation required by the Fair Campaign
697 Practices Act prior to use and publication by the Secretary of
698 State.

699 (4) Review and approve a manual created by the
700 Secretary of State for all candidates, principal campaign



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701 committees, and political action committees describing the
702 requirements of the Fair Campaign Practices Act prior to use
703 and publication by the Secretary of State.

704 (5) Upon written request, provide advice or opinions
705 concerning proposed future conduct or action as it relates to
706 the Fair Campaign Practices Act in the form of either formal
707 or informal opinions, as further provided in Section
708 38-25B-27.

709 (6) Conduct audits of any filings required under the
710 Fair Campaign Practices Act if evidence exists that an audit
711 is warranted because of the filing of a complaint pursuant to
712 Section 36-25B-81 or if there exists a material discrepancy,
713 error, omission, or conflict on the face of any filing
714 required by the Fair Campaign Practices Act.

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

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

721 (9) Upon completion of an investigation and hearing,
722 make determinations whether probable cause exists that a
723 criminal violation of the Fair Campaign Practices Act has
724 likely occurred and if appropriate, refer the determination
725 and all evidence and necessary information to the Attorney
726 General or appropriate district attorney for further
727 investigation and potential prosecution.

728 (10) Upon completion of an investigation and a hearing,



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729 if applicable, in which the commission conducts an
730 administrative review of the assessment of civil penalties
731 under Section 17-5-19.2, affirm, set aside, or reduce civil
732 penalties as provided in Section 17-5-19.2.

733 §36-25B-24 Commission Funding

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

737 (b) Notwithstanding any other provision of law to the
738 contrary, the annual appropriation to the commission in the
739 State General Fund Appropriations Act shall not be less than
740 one-tenth of one percent of the total State General Fund
741 amount appropriated in the State General Fund Appropriations
742 Act unless a lower appropriation amount is expressly approved
743 by two-thirds of the membership of the House of
744 Representatives and two-thirds of the membership of the
745 Senate.

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

749 (d) All monies collected as reasonable payment of costs
750 for copying, reproductions, publications, and lists shall be
751 deemed a refund against disbursement and shall be deposited
752 into the appropriate fund account for the use of the
753 commission.

754 §36-25B-25 Training

755 (a) The commission shall conduct regularly scheduled
756 training programs on the requirements and restrictions of this



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757 chapter as they specifically apply to public servants,
758 lobbyists, prohibited sources, and other individuals and
759 entities subject to this chapter. The commission shall
760 establish a schedule for training programs that provides:

761 (1) For members of the Legislature, in-person training
762 not more than 65 days after the start of each quadrennium at a
763 time agreeable to the director and the Legislative Council,
764 and for any member whose service begins at a different time,
765 in-person or online training not more than 60 days after being
766 sworn into office.

767 (2) For statewide constitutional officers, cabinet
768 members, and executive staff, as determined by the Governor,
769 in-person training not more than 30 days after the Governor
770 has been sworn into office at a time determined by the
771 Governor, and for any individual whose service begins at a
772 different time, in-person or online training not more than 60
773 days after beginning service.

774 (3) For municipal mayors, council members and
775 commissioners, county commissioners, and members of any local
776 board of education, in-person or online training not more than
777 60 days after the beginning of the term of office at times
778 agreeable to the director and the Alabama League of
779 Municipalities, the Association of County Commissions of
780 Alabama, and the Alabama Association of School Boards, and for
781 any such official 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 (4) For other public servants who are required to



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785 complete a statement of economic interests under Section
786 36-25B-62, in-person or online training not more than 90 days
787 after commencing public service.

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

791 (b) (1) The director, in consultation with the legal
792 counsel or agency head of the applicable governmental body,
793 shall determine the subject matter to be covered in the
794 training programs which shall be customized to address the
795 relevant requirements, prohibitions, and restrictions as they
796 apply to the various individuals listed in subsection (a). At
797 a minimum, training shall include a review of the current law
798 and formal advisory opinions and a discussion of relevant
799 cases or scenarios.

800 (2) Faculty for the training programs may include the
801 staff of the commission, members of the faculties of the
802 various law schools in the state, members of the press and
803 media, and other individuals deemed appropriate by the
804 director.

805 (c) The director, by rule, shall determine the digital
806 format of online training programs and for live, online
807 training, the scheduled dates of the actual training. Evidence
808 of completion of online training may be provided to the
809 commission via an electronic reporting system provided on the
810 commission's website.

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



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813 (e) The training for county commissioners required by
814 subdivision (a) (3) may be satisfied by the successful
815 completion of the 10-hour course on ethical requirements of
816 public officials provided by the Alabama Local Government
817 Training Institute established pursuant to Article 2 of
818 Chapter 3 of Title 11. The Alabama Local Government Training
819 Institute shall provide in writing to the commission quarterly
820 the names of those county commissioners completing the
821 institute's program.

822 (f) Attendance at any session of the training program
823 shall be mandatory, except in the event the individual
824 verifies he or she, in good faith, cannot or could not attend
825 the training program. Any individual who fails to attend
826 mandatory training or attend a mandatory makeup training
827 session may be subject to a penalty.

828 (g) This section shall not preclude the commission from
829 enforcing this chapter, including imposing penalties, against
830 any individual subject to this chapter prior to the individual
831 attending a mandatory training program.

832 §36-25B-26 Commission Website

833 The commission shall provide on its official website
834 all of the following:

835 (1) A system for electronic filing of all statements,
836 reports, registrations, and notices required by this chapter.
837 The website shall include guidance on filing statements,
838 reports, registrations, and notices, including reporting
839 schedules.

840 (2) A readily searchable electronic database accessible



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841 to the public which provides for search and retrieval of:

842 a. All statements, registrations, reports, and other
843 filings required by this chapter excluding information
844 required to be redacted, searchable by the name of the filing
845 party to which the filings pertain;

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

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

852 d. Formal advisory opinions and the core principles of
853 informal advisory opinions, as further provided in Section
854 36-25B-27.

855 §36-25B-27 Advisory Opinions

856 (a) (1) The commission shall issue formal advisory
857 opinions, when requested, on the requirements of this chapter
858 or the Fair Campaign Practices Act based on real or
859 hypothetical sets of circumstances. Any person may submit a
860 written request to the commission for a formal advisory
861 opinion in a form prescribed by the commission. The director
862 shall complete and publish a draft formal advisory opinion,
863 and the draft must be published on the commission's website
864 not less than seven days before the commissioners meet to take
865 official action on the draft formal opinion. Any person may
866 submit comments to the commission on the draft. All comments
867 received more than 24 hours in advance of the meeting of the
868 commissioners shall be distributed to the commissioners before



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869 the meeting.

870 (2) Before taking effect, a formal advisory opinion
871 must be adopted by a majority vote of the commissioners
872 present at the official meeting of the commissioners. Once
873 adopted, the formal advisory opinion shall be promptly
874 published on the commission's website.

875 (3) The person at whose request the opinion was issued
876 or any person in similar circumstances who may be affected by
877 the formal advisory opinion may petition for reconsideration
878 of a formal advisory opinion by submitting a written request
879 in a form prescribed by the commission received no more than
880 30 days after the date the commissioners voted to approve the
881 formal advisory opinion.

882 (4) A formal advisory opinion shall protect the person
883 at whose request the opinion was issued and any other person
884 reasonably relying in good faith on the advisory opinion in a
885 materially like circumstance from liability to the state, a
886 county, or a municipal subdivision of the state because of any
887 action performed or action refrained from in reliance on the
888 advisory opinion.

889 (5) Except as provided in subdivision (6), formal
890 advisory opinions shall be deemed valid until expressly
891 overruled or altered by the commission or a court of competent
892 jurisdiction.

893 (6)a. On and after December 1, 2025, any formal
894 advisory opinion issued before June 1, 2025, is void unless an
895 individual has requested the continuance of an advisory
896 opinion and the commission has affirmatively decided to uphold



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897 that opinion. Any action or course of action taken prior to
898 December 1, 2025 that is in reliance on an advisory opinion
899 issued by the commission prior to June 1, 2025, shall protect
900 the person relying on the advisory opinion in accordance with
901 this section.

902 b. Paragraph a. does not apply to or have any impact on
903 advisory opinions or portions of advisory opinions pertaining
904 to the laws and requirements of the Fair Campaign Practices
905 Act.

906 (b) (1) Upon receiving a written request, the director
907 or general counsel of the commission may issue an informal
908 advisory opinion on the requirements of this chapter or the
909 Fair Campaign Practices Act based on a real or hypothetical
910 set of circumstances.

911 (2) An informal advisory opinion is prospective and
912 shall be based on the facts presented, but does not have the
913 force and effect of a formal advisory opinion, nor does an
914 informal advisory opinion provide legal immunity to the
915 requesting person. However, there shall be a rebuttable
916 presumption that a requesting person who acts in conformance
917 with an informal advisory opinion intended to comply with this
918 chapter or the Fair Campaign Practices Act and at a minimum,
919 shall be a mitigating factor.

920 (3) Except as provided in subdivision (4), the
921 commissioners, director, and employees of the commission shall
922 keep confidential the existence of an informal advisory
923 opinion and the opinion itself along with the underlying
924 request, unless expressly waived by the person requesting the



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925 opinion.

926 (4) Not later than 30 days after each calendar quarter,
927 the commission shall summarize and publish on its website in a
928 readily searchable manner the core principles articulated by
929 the commission in the informal advisory opinions issued during
930 the previous calendar year. These principles shall be written
931 in a manner that does not reveal the identity of the requester
932 and any other person mentioned in the informal advisory
933 opinion and that does not allow members of the public to
934 otherwise ascertain the identities of these persons.

935 (c) The commission's decision not to issue a formal or
936 informal advisory opinion does not create any presumption as
937 to whether the action upon which the request for an advisory
938 opinion was based does or does not violate this chapter or the
939 Fair Campaign Practices Act.

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

944 Article 3. Restricted and Prohibited Acts

945 §36-25B-40 Conflict of Interest

946 (a) Consistent with the Constitution of Alabama of
947 2022, a member of the Legislature may not sponsor or vote on
948 any legislation when the member knows or reasonably should
949 know that:

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

951 (2) By sponsoring or voting on the legislation, he or
952 she would materially and uniquely benefit a business client



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953 and increase his or her economic value to the client.

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

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

962 (2) For a second or subsequent offense, in addition to
963 the penalty in subdivision (1), the commission shall promptly
964 notify the Attorney General or the appropriate district
965 attorney and provide all evidence obtained by, or in the
966 possession of, the commission. In addition, the commission may
967 notify the appropriate public servant or governmental body who
968 has authority to discipline or remove the public servant from
969 office or employment.

970 §36-25B-41 Steering Contracts or Business Prohibited

971 (a) A public servant may not approve, direct, vote for,
972 or otherwise influence or attempt to influence any official
973 action of the public servant's governmental body to direct or
974 steer contracts, grants, awards, or financial business from
975 the public servant's governmental body to any person if the
976 public servant knows or should know that the contract, grant,
977 award, or financial business would directly benefit the public
978 servant, an associated business of the public servant, or any
979 family member of the public servant. For purposes of this
980 section only, "family member" means a child, parent, sibling,



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981 grandchild, grandparent, aunt, uncle, niece, nephew, cousin,
982 or spouse, or the child, parent, or sibling of the spouse.

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

988 (2) For a second or subsequent offense, in addition to
989 the penalty in subdivision (1), the commission shall promptly
990 notify the Attorney General or the appropriate district
991 attorney and provide all evidence obtained by, or in the
992 possession of, the commission. In addition, the commission may
993 notify the appropriate public servant or governmental body who
994 has authority to discipline or remove the public servant from
995 office or employment.

996 §36-25B-42 Gift Ban

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

1000 (2) Any person who knows or should know that he or she
1001 is a prohibited source may not offer or provide a gift to a
1002 public servant or any person closely associated with a public
1003 servant.

1004 (b) Notwithstanding subsection (a), a prohibited source
1005 may make payment of or reimbursement for actual and necessary
1006 registration and travel expenses, including reasonable food,
1007 beverages, hospitality, and lodging expenses incurred by
1008 attendance by a public servant and his or her family members



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1009 at:

1010 (1) An educational function of which the prohibited
1011 source is a sponsor, provided the expenses are reported to the
1012 commission in accordance with Section 36-25B-61. For purposes
1013 of this subdivision, "educational function" means a meeting,
1014 event, or activity that is organized around a formal program
1015 or agenda of educational or informational speeches, debates,
1016 panel discussions, or other presentations concerning matters
1017 within the scope of the participant's official duties or other
1018 matters of public policy.

1019 (2) An economic development function of which the
1020 prohibited source is a sponsor. For purposes of this
1021 subdivision, "economic development function" means any
1022 function reasonably and directly related to the advancement of
1023 a specific, good-faith economic development or trade promotion
1024 project or objective.

1025 (3) Any event of which a prohibited source is a sponsor
1026 where the public servant's attendance at the event is
1027 appropriate to the performance of his or her official duties
1028 or representative function, provided the expenses are reported
1029 to the commission in accordance with Section 36-25B-61.

1030 (c) Notwithstanding subsection (a), food, beverages,
1031 and hospitality may be provided by a prohibited source and
1032 accepted by a public servant and his or her family members in
1033 the following conditions, provided the event details are
1034 reported to the commission in accordance with Section
1035 36-25B-61:

1036 (1) At a reception or similar event other than in the



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1037 form of a seated meal, at which it is reasonably expected that
1038 more than 25 individuals will attend.

1039 (2) At a seated meal of mutual interest to a number of
1040 parties at which it is reasonably expected that more than 12
1041 individuals will attend and that individuals with a diversity
1042 of views or interests will be present.

1043 (3) At an event where all members of the Legislature, a
1044 local legislative body, a legislative caucus registered under
1045 Chapter 5 of Title 17, or a legislative committee are invited
1046 or are eligible to register for the event.

1047 (d) It is not a violation of this section in either of
1048 the following circumstances:

1049 (1) The gift is offered or provided as the result of a
1050 familial relationship, unless the circumstances make it clear
1051 that the gift is not motivated by the familial relationship
1052 and that the gift is intended to substantially influence the
1053 recipient's official activities.

1054 (2) The gift is offered or provided as the result of a
1055 friendship, unless the circumstances make it clear that the
1056 gift is not motivated by the friendship and that the gift is
1057 intended to substantially influence the recipient's official
1058 activities.

1059 (e) A person who violates this section shall be subject
1060 to the following penalties:

1061 (1) For a first offense, a civil penalty of no more
1062 than two times the value of the gift. In lieu of a civil
1063 penalty, the commission may issue a public reprimand for a
1064 first time violation if the commission determines the person



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1065 did not know the value of the gift was more than one hundred
1066 dollars (\$100).

1067 (2) For a second offense, a civil penalty of three
1068 times the value of the gift.

1069 (3) For a third or subsequent offense, a civil penalty
1070 of five times the value of the gift and the commission shall
1071 promptly notify the Attorney General or the appropriate
1072 district attorney and provide all evidence obtained by, or in
1073 the possession of, the commission. In addition, the commission
1074 may notify the appropriate public servant or governmental body
1075 that has authority to discipline or remove the public servant
1076 from office or employment.

1077 (f) The commission shall adopt rules to do both of the
1078 following:

1079 (1) Provide guidance on what constitutes hospitality
1080 for purposes of this section.

1081 (2) Allow for, but not require, pre-certification of
1082 events and activities described in subsections (b) and (c).

1083 §36-25B-43 Solicitation of Subordinates Prohibited
1084 Other than in the ordinary course of business, a
1085 supervisor of any governmental body may not solicit a gift
1086 from a subordinate.

1087 §36-25B-44 Charitable Fundraising

1088 Nothing in this article prohibits a public servant or
1089 his or her family member, regardless of whether he or she
1090 serves on the board of directors of the nonprofit entity, from
1091 conducting fundraising activities for a nonprofit entity,
1092 which may include soliciting monetary donations or other items



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1093 from prohibited sources, provided, (i) the public servant is
1094 not acting in his or her official capacity, (ii) the public
1095 servant or a person closely associated with the public servant
1096 will not receive any personal financial benefit from the
1097 fundraising activities, and (iii) no public resources are used
1098 to conduct the fundraising activities, except as authorized by
1099 law or agency policy.

1100 §36-25B-45 Outside Employment

1101 Nothing in this article prohibits or restricts an
1102 individual appointed or elected to public office, once taking
1103 office, from continuing to engage in outside employment in his
1104 or her profession or skill. The mere fact that a public
1105 official's compensation in his or her outside employment
1106 increases while the public official is in office does not
1107 create a presumption that the increase is related to or on
1108 account of his or her official office or position.

1109 §36-25B-46 Elected Officials Prohibited from Lobbying

1110 (a) (1) A public official elected or appointed to a
1111 state office or a member of the Legislature, while holding
1112 office, may not serve as a lobbyist before any governmental
1113 body.

1114 (2) Nothing in this subsection shall be construed to
1115 prohibit a public official from engaging, while in office, in
1116 outside employment in his or her profession or field of
1117 expertise, including representing a client before a
1118 governmental body of which the public official is not a
1119 member, provided such engagement is not related to his or her
1120 official duties.



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1121 (3) This subsection shall not be construed to prohibit
1122 a public official elected or appointed to a state office or a
1123 member of the Legislature from performing his or her official
1124 duties or responsibilities.

1125 (b) (1) A public official elected or appointed to a
1126 county or municipal office, while holding office, may not
1127 serve as a lobbyist before any governmental body within the
1128 geographical jurisdiction of the county or municipal office
1129 for which the public official is serving.

1130 (2) Nothing in this subsection shall be construed to
1131 prohibit a public official from engaging, while in office, in
1132 outside employment in his or her profession or field of
1133 expertise, including representing a client before a
1134 governmental body of which the public official is not a
1135 member, provided such engagement is not related to his or her
1136 official duties.

1137 (3) This subsection shall not be construed to prohibit
1138 a public official elected or appointed to a county or
1139 municipal office from performing his or her official duties or
1140 responsibilities.

1141 (c) (1) A public official who violates this section
1142 shall be subject to a civil penalty up to or commensurate with
1143 the economic gain to the public official.

1144 (2) For a second or subsequent offense, in addition to
1145 the penalty in subdivision (1), the commission shall promptly
1146 notify the Attorney General or the appropriate district
1147 attorney and provide all evidence obtained by, or in the
1148 possession of, the commission. In addition, the commission may



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1149 notify the appropriate public servant or governmental body who
1150 has authority to discipline or remove the public servant from
1151 office or employment.

1152 §36-25B-47 Revolving Door Prohibitions

1153 (a) An appointed public official, for a period of two
1154 years after leaving service, may not serve as a lobbyist
1155 before the governmental body for which he or she had served.

1156 (b) An elected public official, for a period of two
1157 years after leaving service or the expiration of the term to
1158 which he or she was elected, whichever is longer, may not
1159 serve as a lobbyist before the governmental body for which he
1160 or she had served.

1161 (c) A public employee or an individual who works for a
1162 governmental body pursuant to a consulting agreement, agency
1163 transfer, loan, or similar arrangement, for a period of two
1164 years after leaving the employment or other arrangement, may
1165 not serve as a lobbyist before the governmental body for which
1166 he or she had worked.

1167 (d) A public servant who has authority over
1168 procurements or who recommends or materially influences the
1169 approval of grants, awards, or contracts for goods or
1170 services, for a period of two years after leaving service or
1171 employment, may not:

1172 (1) Enter into, solicit, or negotiate a grant, award,
1173 or contract for goods or services with the governmental body
1174 for which he or she had served or worked; and

1175 (2) Accept employment or enter into a consulting
1176 agreement with a business that received a grant, award, or



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1177 contract for goods or services with the governmental body for
1178 which he or she had served or worked within the preceding two
1179 years, if the public servant actually recommended or
1180 materially influenced the approval of the grant, award, or
1181 contract.

1182 (e) A public servant who personally participates in the
1183 direct regulation, audit, or investigation of a business, for
1184 a period of two years after leaving service or employment, may
1185 not solicit or accept employment or enter into a consulting
1186 agreement with that business.

1187 (f) Nothing in this section shall limit or prohibit any
1188 of the following:

1189 (1) A former public employee from resuming employment
1190 with his or her former employer, unless otherwise restricted
1191 or prohibited by law.

1192 (2) A former public employee from entering into a
1193 consulting agreement with his or her former employer to
1194 personally provide consulting services, unless otherwise
1195 restricted or prohibited by law.

1196 (3) A public official or public employee from accepting
1197 employment with another governmental body or another
1198 department within the same governmental body and from
1199 representing the interests of his or her public employer
1200 before the governmental body for which he or she had served.

1201 (g) (1) A public servant or former public servant who
1202 violates this section shall immediately cease from engaging in
1203 the prohibited activity and shall be subject to a civil
1204 penalty up to or commensurate with the economic gain to the



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1205 public servant.

1206 (2) For a second or subsequent offense, in addition to
1207 the penalty in subdivision (1), the commission shall promptly
1208 notify the Attorney General or the appropriate district
1209 attorney and provide all evidence obtained by, or in the
1210 possession of, the commission. In addition, the commission may
1211 notify the appropriate public servant or governmental body who
1212 has authority to discipline or remove the public servant from
1213 office or employment.

1214 §36-25B-48 Floor Privileges

1215 No former member of the House of Representatives or the
1216 Senate of the State of Alabama shall be extended floor
1217 privileges of either body in a lobbying capacity.

1218 §36-25B-49 Contingency Fee Lobbying Prohibited

1219 A principal or lobbyist may not accept compensation
1220 for, or enter into a contract to provide, lobbying services
1221 which is contingent upon the passage or defeat of any
1222 legislative action.

1223 Article 4. Registration and Reporting Requirements

1224 §36-25B-60 Lobbyist Registration and Termination

1225 (a) Every lobbyist shall register by filing a form
1226 prescribed by the commission no later than January 31 of each
1227 year or within 10 days after the first undertaking requiring
1228 such registration. Each lobbyist shall pay an annual fee of
1229 two hundred dollars (\$200) on or before January 31 of each
1230 year or within 10 days of the first undertaking requiring
1231 registration.

1232 (b) The registration shall be in writing and shall



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1233 contain the following:

1234 (1) The registrant's full name and business address.

1235 (2) The full name and address of each of the
1236 registrant's principal or principals.

1237 (3) A statement signed by each principal that he or she
1238 has read the registration, knows its contents, and has
1239 authorized the registrant to be a lobbyist on his or her
1240 behalf as specified therein, and that no compensation will be
1241 paid to the registrant contingent upon passage or defeat of
1242 any legislative measure. If the principal is an entity, the
1243 statement must be signed by the individual within the
1244 principal who directs the activities of the lobbyist.

1245 (4) Either of the following:

1246 a. A list of each governmental body with whom he or she
1247 engages or intends to engage in lobbying. For purposes of this
1248 subdivision, each executive branch agency, department, board,
1249 or commission shall be considered a separate entity and the
1250 Legislature and each local legislative body shall be
1251 considered a separate entity.

1252 b. An acknowledgment that the lobbyist is not limiting
1253 his or her ability to engage in lobbying before any specific
1254 governmental body.

1255 (c) A registrant shall file a supplemental registration
1256 indicating any substantial change or changes in the
1257 information contained in the prior registration within 10 days
1258 after the date of the change.

1259 (d) (1) A lobbyist who ceases to engage in activities
1260 requiring registration shall file a written, verified



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1261 statement with the commission, on a form prescribed by the
1262 commission by rule, acknowledging the termination of
1263 activities. The notice shall be effective immediately.

1264 (2) An individual who files a notice of termination
1265 pursuant to this section shall file the reports required
1266 pursuant to Section 36-25B-61 for any reporting period during
1267 which he or she was registered.

1268 §36-25B-61 Prohibited Source Reporting

1269 (a) A prohibited source shall report on a form
1270 prescribed by the commission by rule:

1271 (1) The payment or reimbursement of registration and
1272 travel expenses as permitted under Section 36-25B-42(b)(1) and
1273 (b)(3); and

1274 (2) The provision of food, beverages, and hospitality
1275 as permitted under Section 36-25B-42(c).

1276 (b)(1) For purposes of reporting of events described in
1277 subdivision (a)(1), the report must disclose a description of
1278 the event, the date or dates of the event, the monetary value
1279 received by each public servant and his or her family members,
1280 and the identity of the public servants and family members who
1281 attended the event.

1282 (2) For purposes of reporting of events described in
1283 subdivision (a)(2), the report must include a description of
1284 the event, the date of the event, and a list of the public
1285 servants invited to the event.

1286 (c) Nothing in this section shall require an entity
1287 whose officers or employees or their family members serve as
1288 public servants under this chapter to report any expenditures



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1289 or reimbursements paid to the officers and employees for the
1290 performance of their duties for the entity.

1291 (d) The report shall cover activity during a
1292 three-month period and shall be filed no later than January
1293 31, April 30, July 31, and October 31 for activity during the
1294 preceding calendar quarter.

1295 (e) (1) A prohibited source other than a lobbyist or
1296 principal shall file a report only if the prohibited source
1297 conducts activity that must be reported pursuant to this
1298 section.

1299 (2) A lobbyist or principal shall file a report each
1300 quarter, regardless of whether any reportable activity was
1301 conducted during the preceding quarter.

1302 (f) If a prohibited source files a report required
1303 under this section after the reporting deadline, the
1304 prohibited source shall pay a late fee, as prescribed by rule
1305 of the commission, but not to exceed one hundred fifty dollars
1306 (\$150).

1307 (g) A report required to be filed under this section
1308 which is more than three months past due shall be deemed a
1309 failure to file a report. The commission may impose a fine for
1310 failure to report as follows:

1311 (1) For a first offense, three hundred dollars (\$300).

1312 (2) For a second offense, six hundred dollars (\$600).

1313 (3) For a third or subsequent offense, one thousand two
1314 hundred dollars (\$1,200).

1315 §36-25B-62 Statement of Economic Interests

1316 (a) No later than April 30 of each year, the following



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1317 public servants shall file with the commission a statement of
1318 economic interests covering the period of the preceding
1319 calendar year:

1320 (1) All elected public officials.

1321 (2) Each appointed member of a board, commission, or
1322 authority having statewide jurisdiction other than boards,
1323 commissions, and authorities that solely act in an advisory
1324 capacity.

1325 (3) Each employee of the Legislature, the Legislative
1326 Services Agency, and the Department of Examiners of Public
1327 Accounts, other than those who have a purely administrative or
1328 maintenance role.

1329 (4) All executive staff of the Governor.

1330 (5) The commissioners and all employees of the
1331 commission.

1332 (6) The agency head of each governmental body, if paid
1333 in whole or in part from state, county, or municipal funds.

1334 (7) The general counsel or lead attorney of each
1335 governmental body.

1336 (8) Each public employee holding a position described
1337 in Section 36-26-10(b)(10).

1338 (9) Each public servant with power to grant or deny
1339 land development permits.

1340 (10) Each appointed member of a local board,
1341 commission, or authority, if paid in whole or in part from
1342 state, county, or municipal funds, who receives compensation,
1343 other than travel expenses or a per diem, for his or her
1344 service on the board, commission, or authority.



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1345 (11) All city and county school principals,
1346 superintendents, and school board members.

1347 (12) The superintendent or chief executive officer and
1348 members of the board of directors or board of trustees of all
1349 state public K-12 schools.

1350 (13) Chief and assistant county building inspectors.

1351 (14) Any individual otherwise required by law to file a
1352 statement of economic interests.

1353 (15) All public servants listed with the commission as
1354 provided in subsection (b).

1355 (b) The agency head of each governing body, if paid in
1356 whole or in part from state, county, or municipal funds, shall
1357 provide annually to the commission, within a time frame
1358 determined by rule of the commission, a list of each public
1359 servant within the governing body who has independent
1360 authority to perform any of the following duties, regardless
1361 of whether the public servant actually performs such duties:

1362 (1) Makes discretionary decisions to expend public
1363 funds in excess of ten thousand dollars (\$10,000) in a fiscal
1364 year.

1365 (2) Awards or recommends contracts for goods or
1366 services.

1367 (3) Awards or recommends economic incentives.

1368 (c) Notwithstanding subsection (d), a coach of an
1369 athletic team of any four-year public institution of higher
1370 education that receives state funds shall not be required to
1371 include any income, donations, gifts, or benefits on his or
1372 her statement of economic interests if the income, donations,



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1373 gifts, or benefits are a condition of the employment contract.

1374 (d) The statement shall be made on a form made
1375 available by the commission and shall contain the following
1376 information:

1377 (1) The name, occupation, and residential address of
1378 the filing party; the name and occupation of each family
1379 member of the filing party; and the name of each associated
1380 business of the filing party.

1381 (2) The source and amount of income directly accrued by
1382 the filing party and by his or her spouse, other than income
1383 earned from serving in public employment, listed in the
1384 following categorical amounts:

1385 a. Less than one thousand dollars (\$1,000).

1386 b. At least one thousand dollars (\$1,000) and less than
1387 ten thousand dollars (\$10,000).

1388 c. At least ten thousand dollars (\$10,000) and less
1389 than fifty thousand dollars (\$50,000).

1390 d. At least fifty thousand dollars (\$50,000) and less
1391 than one hundred fifty thousand dollars (\$150,000).

1392 e. At least one hundred fifty thousand dollars
1393 (\$150,000) and less than two hundred fifty thousand dollars
1394 (\$250,000).

1395 f. At least two hundred fifty thousand dollars
1396 (\$250,000) or more.

1397 (3) The identity and value of real property, other than
1398 his or her primary residence, owned by the filing party or by
1399 his or her spouse.

1400 (4)a. Except as provided in paragraph b., a listing of



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1401 indebtedness by the filing party or his or her spouse showing
1402 types and number of each as follows: Banks, savings and loan
1403 associations, insurance companies, mortgage firms,
1404 stockbrokers and brokerages or bond firms; and the
1405 indebtedness to combined organizations in the following
1406 categorical amounts:

1407 1. Less than twenty-five thousand dollars (\$25,000).

1408 2. Twenty-five thousand dollars (\$25,000) and less than
1409 fifty thousand dollars (\$50,000).

1410 3. Fifty thousand dollars (\$50,000) and less than one
1411 hundred thousand dollars (\$100,000).

1412 4. One hundred thousand dollars (\$100,000) and less
1413 than one hundred fifty thousand dollars (\$150,000).

1414 5. One hundred fifty thousand dollars (\$150,000) and
1415 less than two hundred fifty thousand dollars (\$250,000).

1416 6. Two hundred fifty thousand dollars (\$250,000) or
1417 more.

1418 b. Mortgage debt on a primary residence and student
1419 loans of the filing party or his or her spouse need not be
1420 disclosed.

1421 (e) Before publishing a statement of economic interest
1422 on the commission's website, the commission shall redact the
1423 names of all family members and the residential address of the
1424 filing party.

1425 (f) If the information required under this section is
1426 not filed as required, the commission shall notify the filing
1427 party as to his or her failure to so file, and the filing
1428 party shall have 20 days to file the report after receipt of



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1429 the notification. After the 20-day period lapses, the
1430 commission may assess a fine of twenty dollars (\$20) per day,
1431 not to exceed one thousand dollars (\$1,000), for failure to
1432 file timely.

1433 (g) (1) Upon petition, the commission shall waive the
1434 filing requirement of this section if the filing party is
1435 deceased or if the filing party was considered a public
1436 servant and was subject to this chapter for a period of no
1437 more than 30 days during the previous calendar year and as of
1438 January 1 of the reporting year, has not been a public
1439 servant.

1440 (2) Upon petition, the commission may waive the filing
1441 requirement of this section if the filing party is incapable
1442 of filing due to infirmity or due to active service in the
1443 military.

1444 (h) A filing party who unintentionally neglects to
1445 include any information relating to the financial disclosure
1446 filing requirements of this section shall have 90 days to file
1447 an amended statement of economic interests without penalty.

1448 §36-25B-63 Candidates Statement of Economic Interests

1449 (a) Not more than five days after a candidate files his
1450 or her qualifying papers with the appropriate election
1451 official or in the case of an independent candidate not more
1452 than five days after the date the individual complies with the
1453 requirements of Section 17-9-3, the candidate shall file with
1454 the commission a statement of economic interests covering the
1455 most recent calendar year for which public servants were
1456 required to file pursuant to Section 36-25B-62. The



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1457 commission, for good cause shown, may allow the candidate an
1458 additional five days to file the statement of economic
1459 interests.

1460 (b) (1) Each election official who receives a
1461 declaration of candidacy or petition to appear on the ballot
1462 for election from a candidate, within five days of the
1463 receipt, shall notify the commission of the name of the
1464 candidate and the date on which the individual became a
1465 candidate.

1466 (2) The commission, within five business days of
1467 receipt of such notification, shall notify the election
1468 official whether the candidate has complied with subdivision
1469 (1).

1470 (c) (1) In addition to filing a statement of economic
1471 interests pursuant to subsection (a), an individual who
1472 remains qualified as a candidate on April 30 following the
1473 date he or she initially qualified shall file a new statement
1474 of economic interests by April 30 covering the period of the
1475 previous calendar year.

1476 (2) Notwithstanding subdivision (1), for any calendar
1477 year for which the commission has a candidate's current
1478 statement of economic interests on file, no additional filing
1479 for that calendar year is required.

1480 (d) If a candidate does not submit a statement of
1481 economic interests under subsection (a) and, if applicable
1482 subsection (c) by the prescribed deadline, the name of the
1483 individual shall not appear on the ballot and the candidate
1484 shall be deemed not qualified as a candidate in that election



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1485 cycle.

1486 (e) If a candidate is deemed not qualified, the
1487 appropriate election official shall remove the name of the
1488 candidate from the ballot.

1489 Article 5. Enforcement

1490 §36-25B-80 Enforcement Generally

1491 The commission may not impose any civil penalty, order
1492 restitution, issue a public reprimand, or enter into a consent
1493 decree unless the commissioners determine a violation has
1494 occurred and approve the penalty, restitution, public
1495 reprimand, or consent decree in accordance with this article.

1496 §36-25B-81 Complaints

1497 (a) The commission shall establish procedures for the
1498 acceptance and investigation of complaints alleging violations
1499 of this chapter or the Fair Campaign Practices Act and shall
1500 publish the procedures and requirements for submitting
1501 complaints, along with the complaint form, on the commission's
1502 website.

1503 (b) Complaints must be in writing, set forth in detail
1504 the specific charges against a respondent and the factual
1505 allegations that support the charges, and signed by the
1506 complainant in order to be considered by the commission.

1507 (c) (1) Upon receiving a complaint or a report filed
1508 pursuant to Section 36-25B-83, and upon verifying the identity
1509 of the complainant and that the complaint contains credible
1510 and verifiable information supporting the allegations, the
1511 director shall notify the respondent of the alleged violation
1512 or violations together with a short and plain statement of the



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1513 matters asserted and the provisions of this chapter or the
1514 Fair Campaign Practices Act alleged to have been violated.

1515 (2) The notice shall provide the respondent with an
1516 opportunity to respond to the commission in writing in a
1517 timely manner but in no event less than 10 days. Notice shall
1518 be provided by personal service or by certified mail, return
1519 receipt requested. The director shall delay further
1520 consideration of the complaint until he or she has received a
1521 response or the 10-day period has lapsed, whichever occurs
1522 first. The director shall consider the response in making his
1523 or her determination and include the response as part of the
1524 written record of the complaint.

1525 (d) (1) If the director determines that the complaint
1526 does not provide sufficient grounds to indicate that a
1527 violation has occurred, the complaint shall be dismissed, but
1528 the action must be reported to the commissioners along with a
1529 written record of the director's reasoning.

1530 (2) If the director determines there are sufficient
1531 grounds to believe that a violation may have occurred, the
1532 director shall notify the respondent, as required in Section
1533 36-25B-84(b), and notify the commissioners of the intent to
1534 conduct a full investigation along with a written record of
1535 the director's reasoning.

1536 (e) A complainant may not file a complaint on behalf of
1537 any other individual.

1538 §36-25B-82 Confidentiality of Complaints

1539 (a) Except as provided in Section 36-25B-81(c) and
1540 Section 36-25B-84(d) (3), the commissioners, director, and



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1541 employees of the commission shall keep confidential the
1542 existence of any complaint and any information relating to the
1543 complaint, including relevant information and documents and
1544 the identity of the complainant, until the final disposition
1545 of the matter. In no event may a complaint or any part of the
1546 record be made public or available on the commission's website
1547 if the complaint is dismissed or, after an investigation, the
1548 commission determines no violation occurred.

1549 (b) This section does not prohibit a complainant or
1550 respondent from disclosing information relating to a complaint
1551 submitted to the commission, and the fact that an individual
1552 who is not a commissioner, director, or commission employee
1553 discloses information relating to a complaint does not grant
1554 the commissioners, director, or commission employees the
1555 authority to discuss or disclose the existence of a complaint
1556 or any information relating to the complaint.

1557 §36-25B-83 Agency Heads Required to Report Violations

1558 The agency head of every governmental body shall file a
1559 report with the commission on any matter that comes to his or
1560 her attention in his or her official capacity that, after an
1561 appropriate investigation based on credible and verifiable
1562 information supporting the allegations, may constitute a
1563 violation of this chapter within 10 days of completing the
1564 investigation.

1565 §36-25B-84 Investigations

1566 (a) Upon a preliminary finding by the director that a
1567 violation of this chapter or the Fair Campaign Practices Act
1568 may have occurred pursuant to Section 36-25B-81(d)(2), or if a



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1569 matter is referred to the commission pursuant to Section
1570 13A-10-61.1(c)(1), the director and staff of the commission
1571 shall conduct a full investigation in accordance with this
1572 section.

1573 (b) Before initiating a full investigation, the
1574 director shall notify the respondent by personal service or by
1575 certified mail, return receipt requested, of the
1576 investigation, along with the violations alleged to have
1577 occurred and the written record of the director's reasoning
1578 pursuant to Section 36-25B-81.

1579 (c) In the course of an investigation, the director,
1580 upon an affirmative vote of at least four commissioners, may
1581 subpoena witnesses and compel their attendance and may also
1582 require the production of documents and other evidence. The
1583 commission shall give the respondent the opportunity to
1584 respond to the allegations by providing written statements,
1585 testimony to commission staff, and any additional evidence.
1586 Any additional relevant facts or evidence discovered by a
1587 commissioner or commission staff during the course of an
1588 investigation shall immediately be provided to the respondent.
1589 The respondent has the right to be represented by legal
1590 counsel throughout an investigation.

1591 (d)(1) Commission staff shall have no more than 180
1592 days to complete an investigation and compile a written
1593 record. The written record of the investigation shall include
1594 all evidence considered and a written statement of the
1595 director's assessment and recommendations. Findings of fact
1596 shall be based solely on the evidence in the record.



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1597 (2) If the director determines no violation has
1598 occurred, the director shall dismiss the matter, but the
1599 action must be reported to the commissioners along with the
1600 written record described in subdivision (1). The director
1601 shall promptly notify the respondent of the determination
1602 along with a copy of the director's assessment. The commission
1603 may not reinstate an investigation based on the same facts
1604 alleged in the complaint or investigation.

1605 (3) If the director determines there is sufficient
1606 evidence to indicate that a violation occurred, the director
1607 shall make a recommendation of appropriate penalties and shall
1608 immediately notify the respondent of the director's findings
1609 and recommended penalties, a reference to the particular
1610 provision of this chapter or the Fair Campaign Practice Act
1611 which was violated, and a copy of the complaint, including the
1612 identity of the complainant, together with any statement,
1613 evidence, or information received from the complainant,
1614 witnesses, or other individuals or discovered in the course of
1615 the investigation.

1616 (4) Notice provided to the respondent pursuant to this
1617 subsection shall be by personal service or by certified mail,
1618 return receipt requested.

1619 (e) A respondent found by the director to have violated
1620 this chapter or the Fair Campaign Practices Act under
1621 subdivision (d) (3) shall have 21 days after receiving notice
1622 of a violation to request a contested case hearing before the
1623 commissioners. If at the end of the 21-day period the
1624 respondent does not request a hearing, the director shall



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1625 notify and provide the commissioners with a written record
1626 along with the director's assessment and recommendations for
1627 penalties.

1628 (f) At the official meeting of the commissioners held
1629 after receiving notification under subsection (e), the
1630 commissioners shall:

1631 (1) Approve the director's assessment and
1632 recommendations for penalties;

1633 (2) Revise the assessment and penalties, in which case
1634 the respondent shall have an additional 21 days to request a
1635 contested case hearing;

1636 (3) Request a contested case hearing; or

1637 (4) Dismiss the matter.

1638 (g) Prior to an official meeting of the commissioners
1639 pursuant to subsection (f), the commissioners may not discuss
1640 any matter relating to a respondent's case with the director
1641 or with any other employee of the commission unless the
1642 respondent and his or her legal counsel are given the
1643 opportunity to also be present during any such discussion.

1644 §36-25B-85 Contested Case Hearings

1645 (a) (1) If a contested case hearing is requested, the
1646 commission shall set a hearing date of not less than 45 days
1647 after receiving the request and shall immediately provide
1648 notice to the respondent. Notice shall include the time and
1649 place of the hearing, all information in any form that arises
1650 out of or relates to the complaint, including but not limited
1651 to, all statements, evidence, testimony, and other information
1652 received from the complainant, witnesses, or other



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1653 individuals, or discovered in the course of the investigation.
1654 The commission shall not discourage individuals with knowledge
1655 arising out of or relating to the complaint, including
1656 individuals who were interviewed by, or gave statements to,
1657 the commission, whether or not the statements were the basis
1658 of the commission's findings, from providing that information
1659 to the respondent or his or her legal counsel.

1660 (2) Upon the timely request of the respondent, the
1661 commission shall postpone the hearing for not less than 90
1662 days.

1663 (b) Any additional relevant facts or evidence
1664 discovered by the director or employee of the commission or
1665 put in the possession of a commissioner after the conclusion
1666 of the investigation but before or during the hearing shall
1667 immediately be provided to the respondent.

1668 (c) The commissioners shall preside over any contested
1669 case hearing held pursuant to this section. The commission
1670 shall provide the respondent the opportunity to respond and
1671 present evidence and argument on all material issues involved,
1672 call witnesses, be represented by legal counsel at his or her
1673 own expense, and be present along with his or her legal
1674 counsel during all deliberations of the commissioners. If
1675 requested by the respondent, the proceedings shall be
1676 transcribed by the appointed court reporter and a copy of the
1677 transcribed proceedings shall be timely provided to the
1678 respondent at the respondent's expense.

1679 (d) Outside of an official hearing proceeding, if the
1680 director or any other employee of the commission is present in



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1681 any commissioner deliberations on any matter relating to a
1682 respondent's case, the respondent and his or her legal counsel
1683 must be given the opportunity to also be present during the
1684 deliberation.

1685 (e) The record of a hearing shall include all evidence
1686 considered and a written statement of the findings of the
1687 commission members. Findings of fact shall be based solely on
1688 the evidence in the record. The respondent shall have the
1689 right to supplement the record of the hearing, including any
1690 transcript of the hearing and all statements, evidence,
1691 testimony, and other information that the respondent offered
1692 into evidence at the hearing, whether or not the commission
1693 accepted the information into evidence.

1694 (f) If the respondent does not request a hearing or
1695 does not participate in a hearing, the commissioners' decision
1696 is final, a penalty may be imposed, and the respondent, absent
1697 good cause shown, may not appeal the decision.

§36-25B-86 Confidentiality of Investigations

1699 (a) Prior to the disposition of a matter, the
1700 commissioners, director, and employees of the commission shall
1701 keep confidential and may not publicly disclose information
1702 relating to an investigation, including the identity of the
1703 respondent. In no event may an investigation or any part of
1704 the record be made public or available on the commission's
1705 website if the case is dismissed under Section
1706 36-25B-84(d) (2).

1707 (b) This section does not prohibit a respondent or a
1708 witness or other individual from disclosing information



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1709 relating to an investigation. The fact that an individual who
1710 is not a commissioner, director, or commission employee
1711 discloses information relating to an investigation does not
1712 grant the commissioners, director, or commission employees the
1713 authority to discuss or disclose the existence of the
1714 investigation or any information relating to the
1715 investigation.

1716 §36-25B-87 Criminal Referrals

1717 (a) If at any time during the course of reviewing a
1718 complaint or conducting an investigation, the director has
1719 reason to believe a criminal violation has been committed, the
1720 director or general counsel shall present the relevant and
1721 applicable evidence and other factors to the commissioners
1722 and, upon the affirmative vote of the majority of the
1723 commissioners, the director shall promptly notify the Attorney
1724 General or the appropriate district attorney and provide all
1725 evidence obtained by, or in the possession of, the commission.

1726 (b) The imposition of a penalty by the commission does
1727 not prohibit the Attorney General or a district attorney from
1728 pursuing criminal charges based on the same or related
1729 conduct.

1730 §36-25B-88 Penalties

1731 (a) Any person subject to this chapter who
1732 intentionally makes a false statement on any report,
1733 registration, or statement pursuant to this chapter is subject
1734 to a civil penalty not to exceed one thousand dollars
1735 (\$1,000).

1736 (b) Any individual who makes or transmits a complaint



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1737 pursuant to this chapter which contains information or
1738 statements the individual knows to be false is subject to a
1739 civil penalty not to exceed one thousand dollars (\$1,000) and
1740 shall be liable for the actual legal expenses incurred by the
1741 respondent against whom the false report or complaint was
1742 filed.

1743 (c) Any individual who intentionally makes false
1744 statements to an employee of the commission or member of the
1745 commission pursuant to this chapter is subject to a civil
1746 penalty not to exceed one thousand dollars (\$1,000).

1747 (d) For a violation of this chapter, unless otherwise
1748 specified, the commission may:

1749 (1) Issue a private warning or public reprimand;

1750 (2) Enter into a consent decree;

1751 (3) Impose a civil penalty up to or commensurate with
1752 the economic gain to the violator; or

1753 (4) Order restitution, if applicable, up to or
1754 commensurate with the economic loss to a governmental body.

1755 (e) Restitution collected by the commission shall be
1756 paid to the governmental body suffering the economic loss.

1757 (f) If a person fails to pay any civil penalty or
1758 restitution, the commission may file an action to collect the
1759 penalty in a court of competent jurisdiction in Montgomery
1760 County. The person shall be responsible for paying all costs
1761 associated with the collection of the civil penalty or
1762 restitution.

1763 §36-25B-89 Reconsideration of Contested Case Hearings

1764 If the respondent discovers new evidence that comes to



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1765 his or her knowledge after the final determination was made by
1766 the commissioners in a case hearing and that evidence would
1767 not have been discovered sooner through the exercise of due
1768 diligence, the respondent may petition the commission for
1769 reconsideration, regardless of whether the respondent had
1770 requested a contested case hearing. Upon receiving a petition,
1771 the commission shall stay any collection of any penalty
1772 pending a determination by the commissioners whether to
1773 reconsider the respondent's case. If the commissioners reject
1774 the respondent's petition, the respondent shall have the
1775 opportunity to file an appeal under Section 36-25B-90,
1776 regardless of whether the respondent had requested a contested
1777 case hearing.

1778 §36-25B-90 Appeals

1779 Within 30 days of a final order or decision of the
1780 commissioners in a contested case hearing imposing a penalty
1781 under this article or within 30 days of a rejection of a
1782 petition for reconsideration, any person aggrieved by the
1783 final order or decision may file a petition for appeal in a
1784 court of competent jurisdiction in Montgomery County.

1785 Section 8. The Code Commissioner shall conform
1786 references in the Code of Alabama 1975, to reflect the changes
1787 made by this act. Code changes, including the renumbering of
1788 references to Chapter 25, Title 36, to reflect the appropriate
1789 code sections in Chapter 25B, Title 36, as created by this
1790 act, shall be made at a time determined to be appropriate by
1791 the Code Commissioner.

1792 Section 9. Section 11-3-5, Code of Alabama 1975, is



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1793 amended to read as follows:

1794 "§11-3-5

1795 (a) ~~Except where a contract for goods or services is~~
1796 ~~competitively bid regardless of whether bidding is required~~
1797 ~~under Alabama's competitive bid law, no member of any county~~
1798 ~~commission and no business with which any county commissioner~~
1799 ~~is associated shall~~ A county commissioner, family member of a
1800 county commissioner, or associated business of a county
1801 commissioner may not be a party to any contract for goods or
1802 services with the county commission on which he or she serves,
1803 unless the contract is competitively bid, regardless of
1804 whether bidding is required under the competitive bid laws of
1805 this state. ~~Except where a contract for goods or services is~~
1806 ~~competitively bid regardless of whether bidding is required~~
1807 ~~under Alabama's competitive bid law, no county commission~~
1808 ~~shall award any contract to a family member of a county~~
1809 ~~commissioner.~~ Under no circumstances shall a county
1810 commissioner participate in the bid preparation or review of a
1811 bid that is received from the county commissioner, ~~a business~~
1812 ~~with which he or she is associated, or~~ a family member of the
1813 county commissioner, or an associated business of the county
1814 commissioner, and a county commissioner shall not deliberate
1815 or vote on acceptance of a bid submitted by the county
1816 commissioner, ~~a business with which he or she is associated,~~
1817 ~~or~~ a family member of the county commissioner, or an
1818 associated business of the county commissioner.

1819 (b) ~~No~~ A county commissioner ~~shall~~ may not employ a
1820 family member to do any work for the county; provided,



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1821 however, the family member of a county commissioner may be
1822 employed by the county if the family member is hired pursuant
1823 to a county personnel policy that does not require a vote of
1824 the county commission or if the county commissioner does not
1825 participate in the hiring process through recommendation,
1826 deliberation, vote, or otherwise.

1827 (c) Any county commissioner in violation of this
1828 section shall be guilty of a Class A misdemeanor.

1829 ~~(d) In compliance with Section 36-25-11, any contract~~
1830 ~~executed with a member of the county commission or with a~~
1831 ~~business with which a county commissioner is associated shall~~
1832 ~~be filed with the Ethics Commission within 10 days after the~~
1833 ~~contract has been executed.~~

1834 (d) Any contract executed in violation of this section
1835 shall be void by operation of law and any ~~person~~ individual
1836 employed by the county in violation of this section shall
1837 forfeit his or her employment by operation of law.

1838 (e) For the purposes of this section, the ~~definition of~~
1839 ~~family member shall be the same as the definition in~~
1840 ~~subdivision (15) of Section 36-25-1 for the family member of a~~
1841 ~~public official~~ terms "family member" and "associated business"
1842 shall have the same meanings as defined in Section 36-25B-2."

1843 Section 10. Although this bill would have as its
1844 purpose or effect the requirement of a new or increased
1845 expenditure of local funds, the bill is excluded from further
1846 requirements and application under Section 111.05 of the
1847 Constitution of Alabama of 2022, because the bill defines a
1848 new crime or amends the definition of an existing crime.



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1849 Section 11. This act shall become effective on June 1,
1850 2025.