



GOVERNOR'S OFFICE

FACT SHEET

ANTI-CORRUPTION REFORM PACKAGE

Restricting Political Activity on State Time

Background

- Currently, certain state employee organizations utilize state resources to collect money from their members for the express purpose of influencing political elections.
- This use of state resources for political purposes is inappropriate, wasteful, and does not build trust in state government.
- While the state has been deducting PAC contributions for certain organizations for years, the State Comptroller, after thorough legal analysis, recently concluded this practice is illegal. Specifically, it is unlawful to use state-owned property “for the promotion or advancement of the interest of any candidate for the nomination or election to any public office in the State of Alabama.”
- State law also states “[n]o person in the employment of the State of Alabama, a county, or a city whether classified or unclassified, shall use any state, county, or city funds, property, or time for any political activities.”
- Despite these statutes, a lawsuit has been filed against the state in an attempt to force the State Finance Department into collecting money for certain political action committees. This litigation is frivolous and will likely cost taxpayers thousands of dollars.

What will this bill do?

- This bill will clarify the law once and for all and prevent thousands of dollars in costly and unnecessary legal fees.
- This legislation will clarify that it is illegal for any person employed by the State, a county, a city, a local school board, or other government agency to use public resources for any political activity, including arranging for contributions—by salary deduction or otherwise—to a political action committee.
- In other words, it will be illegal for any public agency to collect money that will be used for political purposes.

Effective date

- This bill will be effective January 3, 2011.

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8 SYNOPSIS: Currently, there is no specific prohibition
9 against state and local public employees
10 contributing by salary deduction to a political
11 action committee.

12 This bill would specifically prohibit
13 persons employed by the state, a county, a city, a
14 local school board, or any other governmental
15 agency from using any state, county, city, school
16 board, or other governmental funds, property, or
17 time to arrange for contributions by salary
18 deduction, or otherwise, to a political action
19 committee.

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A BILL

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TO BE ENTITLED

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AN ACT

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To amend Section 17-17-5, Code of Alabama 1975,

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relating to prohibited political activities by state, county,

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and city employees; to further specifically prohibit employees

1 of the state, a county, a city, a local school board, or other
2 governmental agency from using any agency funds, property, or
3 time arranging for contributions by salary deduction, or
4 otherwise, to a political action committee.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 17-17-5, Code of Alabama 1975, is
7 amended to read as follows:

8 "§17-17-5.

9 "No person in the employment of the State of
10 Alabama, a county, ~~or~~ a city, a local school board, or any
11 other governmental agency, whether classified or unclassified,
12 shall use any state, county, ~~or~~ city, local school board, or
13 other governmental agency funds, property, or time, for any
14 political activities, including, but not limited to, activity
15 arranging for contributions by salary deduction, or otherwise,
16 to a political action committee. Any person who is in the
17 employment of the State of Alabama, a county, ~~or~~ a city, a
18 local school board, or any other governmental agency, shall be
19 on approved leave to engage in political action or the person
20 shall be on personal time before or after work and on
21 holidays. It shall be unlawful for any officer or employee to
22 solicit any type of political campaign contributions from
23 other employees who work for the officer or employee in a
24 subordinate capacity. It shall also be unlawful for any
25 officer or employee to coerce or attempt to coerce any
26 subordinate employee to work in any capacity in any political
27 campaign or cause. Any person who violates this section shall

1 be guilty of the crime of trading in public office and upon
2 conviction thereof, shall be fined or sentenced, or both, as
3 provided by Section 13A-10-63."

4 Section 2. All laws or parts of laws which conflict
5 with this act are repealed.

6 Section 3. This act shall become effective on
7 January 3, 2011.