

1 HB90
2 78204-1
3 By Representatives Hinshaw, Guin, Grantland, Schmitz, Dunn,
4 Salaam, Melton, Martin, Thigpen, Newton (D), Buskey, Hurst,
5 Fite, Dukes, Coleman (L), Coleman (M), Knight, Graham, Moore,
6 Letson and Robinson (O)
7 RFD: Constitution and Elections
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8 SYNOPSIS: Under existing law, paid political
9 advertising must contain the identification of the
10 person, principal campaign committee, or other
11 political committee that paid for or otherwise
12 authorized the advertising.

13 This bill would provide that paid political
14 advertising made by or paid for by an organization
15 or entity, other than a principal campaign
16 committee, shall include the names of the source of
17 the funding of the organization or entity, with
18 certain exceptions for legally documented cases of
19 harassment.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 17-22A-12, Code of Alabama 1975,
26 relating to paid political advertising, to provide that a paid
27 political advertisement made by or paid for by an organization

1 or entity, other than a principal campaign committee, shall
2 disclose the names of the source of the funding of the
3 organization or entity; and to provide that certain
4 contributions would not be disclosed.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) The Legislature determines that there
7 is a compelling state and public interest in the disclosure of
8 funds used to advertise or otherwise influence public opinion
9 with regard to pending legislation. The Legislature further
10 finds that there is a compelling state and public interest in
11 order to prevent corruption or the appearance thereof, that
12 funds used to influence public opinion through advertising
13 should be disclosed. The Legislature further finds that these
14 compelling interests should be designed to protect the
15 public's right to know while protecting free speech of
16 individuals as guaranteed in the U.S. Constitution and the
17 Constitution of Alabama of 1901.

18 (b) The citizens of the State of Alabama do not have
19 sufficient means to know which individuals and groups finance
20 political issue advocacy advertisements. There is no legal
21 requirement for an individual or group to file contribution
22 and expenditure disclosure reports on monies spent to
23 influence public opinion regarding pending legislation.

24 (c) The Legislature finds and declares that there
25 must be a mechanism to verify that expenditures are
26 legitimately incurred by a particular person or group, such as
27 requiring proof of identification and signature. While the

1 Legislature recognizes the right to free speech, the
2 Legislature believes that Alabama voters have a right to know
3 who pays for the costs of political issue advocacy
4 advertisements.

5 Section 2. Section 17-22A-12, Code of Alabama 1975,
6 is amended to read as follows:

7 "§17-22A-12.

8 "(a) Any paid political advertisement appearing in
9 any print media or broadcast on any electronic media shall be
10 clearly identified or marked as a paid advertisement. It shall
11 be unlawful for any person, candidate, principal campaign
12 committee, or other political committee to broadcast, publish,
13 or circulate any campaign literature or political
14 advertisement, without a notice appearing on the face or front
15 page of any printed matter, or broadcast at the beginning or
16 end of a radio or television spot, stating that the
17 communication was a paid advertisement and giving the
18 identification of the person, principal campaign committee, or
19 other political committee that paid for or otherwise
20 authorized such communication. In addition to the foregoing,
21 any paid political advertisement made by or paid for by an
22 organization or entity, other than a principal campaign
23 committee, shall disclose the names of the persons who have
24 made contributions for the purpose of influencing the outcome
25 of an election or referendum or legislation to the
26 organization or entity making or paying for the paid
27 advertisement in accordance with Section 17-22A-8.

1 "(b) In addition to the disclosure requirements of
2 subsection (a), any person, organization, entity, or political
3 committee making expenditures for the purpose of influencing
4 the outcome of an election or referendum or legislation in
5 excess of five thousand dollars (\$5,000) in any calendar year
6 shall disclose the source of the funding of the expenditure.
7 The disclosure required by this subsection shall be reported
8 to the Secretary of State in the case of a proposed statewide
9 issue or measure or a candidate for state office or a state
10 elected official; or the judge of probate in the case of a
11 proposed local issue or measure or a candidate for local
12 office or local elected official. The person, organization,
13 entity, or political committee shall disclose the list of all
14 donors to the political committee. All disclosures shall be
15 made pursuant to Section 17-22A-8 in an election year and, in
16 a nonelection year, within 24 hours of the publication or
17 broadcasting of the paid political advertisement.

18 "(c) Notwithstanding any disclosure requirement of
19 this section, a person, organization, entity, or political
20 committee making expenditures for the purpose of influencing
21 the outcome of an election or referendum or legislation shall
22 not disclose contributions made by or to a church, to the
23 person, organization, entity, or political committee. As used
24 in this section, the term "church" is defined as an
25 established religious group or congregation of any
26 denomination formed for the purpose of holding regular
27 religious services or worship in a building or facility owned

1 or used by the group or congregation in accordance with and
2 recognized by Internal Revenue Service guidelines.

3 "(d) Notwithstanding the disclosure requirements of
4 subsection (b), any political committee may petition the
5 Secretary of State to withhold the list of all donors if a
6 sufficient legally documented case or cases of harassment, as
7 defined in Section 13A-11-8, are established and that fact is
8 attested to by the Attorney General. As used in this section,
9 the term "political advertisement" shall include any
10 advertisement that uses the name or photograph of a candidate
11 for public office or public official in providing information
12 on issues expected to be addressed by the candidate or public
13 official."

14 Section 3. The provisions of this act are severable.
15 If any part of this act is declared invalid or
16 unconstitutional, that declaration shall not affect the part
17 which remains.

18 Section 4. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.