

Alabama Ethics Commission's Objections to HB 227
March 18, 2024

In 2010, the Alabama Legislature passed significant ethics reform that was hailed as making Alabama “the new standard for ethical government in the United States.” Time has proven that statement to be correct. The current Ethics Act in Alabama is consistent with most states around the country and is in line with the national standard for the principles of ethics.

In 2018, the Legislature established a Revision Commission composed of twenty-two stakeholders with different perspectives to study, collaborate, and make recommendations about any perceived areas of reform or clarification of the Ethics Act. The Revision Commission specifically stated that there was no express desire to pursue a re-write of the Ethics Act. The Ethics Act, as it currently exists, works. HB 227, however, ignores the recommendations of the Revision Commission and pursues a complete re-write that would set Alabama behind the rest of the country.

HB 227 is a blatant attempt to water down the Ethics Act, and it will enable corruption in the state of Alabama. HB 227 hides under the guise of seeking “clarity.” However, it provides no such thing. The House sponsor, Rep. Matt Simpson, says that he wants people to know “where the lines are,” but he effectively removed the “lines” altogether. For example, HB 227 creates a “Gift Ban” that would be essentially meaningless. To the extent there is “disclosure,” it is a farce that only applies to very specific types of gifts. Here are just a few scenarios of possible corruption that would be entirely legal and free from any disclosure requirements if HB 227 were to pass:

1. A lobbyist could give anything to a domestic partner, fiancé, adult child, parent, etc. of a legislator without limitation or disclosure, **even during session.**
2. A lobbyist can claim to be a “friend” of a public servant and then **give unlimited gifts without disclosure, even during session**, unless someone can prove that the gift is NOT motivated by friendship AND that it is intended to substantially influence the recipient’s official activities.
 - a. HB 227 specifically removed the factors for determining whether a gift was given out of a genuine “friendship” and would presume that any gift that is claimed to have been made out of “friendship” is permissible and not required to be disclosed.
3. An employee of a prohibited source **can gift any amount to a legislator, even during session**, or to any other public servant without violating the gift ban if they are not a person signing on behalf of a principal and directing the activities of a lobbyist. **These gifts do not have to be disclosed.**

Last session, the Legislature approved disclosure requirements that will be completely erased by HB227. The accused will lose the right, prior to indictment, to be informed of the potential charges, to present evidence, and to get discovery or exculpatory evidence in the investigation .

HB 227 is a terrible “Ethics” law. It eliminates a neutral and detached independent ethics agency for reviewing allegations of a use of office for personal gain or corrupt influence, and it exposes all investigations to the pressure and influence of politics. It subjects the director of the Commission to removal based on the recommendation of the Attorney General, a regulated position. This bill permits public servants to use their positions in all the ways the citizens of Alabama don’t want them to. It will send Alabama backwards and set us behind the ethical standards of the rest of the nation and to the bottom of yet another list: ethics regulation and enforcement. The people of Alabama deserve better. They deserve to have “public confidence in the integrity of government” instead of worrying about who is influencing public servants by giving gifts that HB 227 makes legal. Making gift-giving easier and corruption harder to prove doesn’t provide “clarity,” isn’t ethics “reform,” and doesn’t serve the people of Alabama. The only people who would benefit from HB 227 are those who seek to use their public positions for their own benefit.