

SPONSOR: Roeber

This bill prohibits the contribution or expenditure of public funds by any officer, board member, director, employee, or agent of any political subdivision to advocate, support, or oppose any ballot measure, any measure proposed or pending before the General Assembly, or candidate for public office.

The bill does not prohibit these individuals from making public appearances or from issuing press releases concerning any such ballot measure or any measure proposed or pending before the General Assembly as long as they do not act in an official capacity.

If a contribution or expenditure of public funds to any person results in the use of any part of such funds to advocate, support, or oppose any ballot measure, any measure proposed or pending before the General Assembly, or candidate for public office, the contribution or expenditure is in violation of the bill.

Any resident of a political subdivision who wishes to challenge a contribution or expenditure of public funds may bring an action in any circuit court of the political subdivision in which any alleged violation occurred. The political subdivision and the officer, board member, director, employee, or agent who allegedly violated this section shall be named as party defendants. The petition shall set forth the contribution, expenditure, or contribution and expenditure at issue and the facts that gave rise to a violation and shall pray leave to produce such proof. The court shall consider the petition and evidence, hear arguments, and in its decision determine whether a violation of this section occurred. If the court decides the contribution or expenditure of public funds was a violation:

(1) The political subdivision shall be subject to a civil penalty in an amount 10 times the amount of the contribution or expenditure or \$1,000, whichever is greater;

(2) The officer, board member, director, employee, or agent shall be subject to a civil penalty in an amount 10 times the amount of the contribution or expenditure or \$1,000, whichever is greater;

(3) The court shall order payment by the political subdivision of all the plaintiff's costs and attorney fees; and

(4) The court shall enjoin the political subdivision from such actions in the future and order a bond posted of at least \$100,000

to ensure compliance.