

EXECUTIVE ORDER NUMBER 4

WHEREAS the People of Alabama, through their elected representatives in the State Legislature, have by law provided for the establishment of numerous executive departments, agencies, boards, commissions, offices, institutions, and other instrumentalities of State government (hereinafter "Executive Agencies"), each vested with specific powers, duties, and authority to administer and carry out certain executive functions of State government in the public interest;

WHEREAS generally, the public servants charged with the administration and management of these Executive Agencies are appointed officials;

WHEREAS it appears at present that more than one hundred of these appointed public servants are also registered lobbyists;

WHEREAS it is the declared policy of the State of Alabama that it is essential to the proper operation of democratic government that public servants be independent and impartial and that there be public confidence in the integrity of government (*see* § 36-25-2, Code of Alabama (1975));

WHEREAS, by definition, lobbyists are not independent and impartial; they represent the interests of their clients or employers in working to influence public policy, law, and governmental decision-making on behalf of their principals (*see* § 36-25-1(20)-(21) and § 36-25-1.1, Code of Alabama (1975)); thus the duty owed by a lobbyist is inherently at odds with the duty owed by a public servant;

WHEREAS the appointment of lobbyists to positions of authority in Executive Agencies raises conflicts of interest, both actual and perceived, and thereby undermines essential public trust and confidence in the integrity of government, even where the appointment may be legally permissible; and

WHEREAS, as Governor, I consider it my duty to take reasonable measures to preserve the independence and impartiality of the Executive Agencies of the State of Alabama and to promote public trust and confidence in the integrity of State government;

NOW, THEREFORE, I, Kay Ivey, Governor of the State of Alabama, by virtue of the authority vested in me by the Constitution and the laws of the State of Alabama, do hereby order and direct that neither the Governor nor any other public official or public employee of the Executive Branch of State government under the Governor's authority shall hereafter appoint a registered lobbyist to any Executive Agency, and any such appointment hereafter made in violation of this Executive Order shall be deemed null and void.

BE IT FURTHER ORDERED that no person appointed to and serving in a position within an Executive Agency under the Governor's authority shall hereafter register or act as a lobbyist, except on behalf of the Executive Agency, and any such person who registers or acts as a lobbyist in violation of this Executive Order shall be deemed to have forfeited and vacated his or her position with the Executive Agency.

BE IT FURTHER ORDERED that this Executive Order shall apply with respect to the governing boards of the State's four-year colleges and universities only upon the adoption of a

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resolution by the governing board of the institution expressing the board's intent to be subject hereto.

BE IT FURTHER ORDERED that a copy of this Executive Order shall be given widest possible distribution throughout the Executive Branch of State government.

BE IT FURTHER ORDERED that this Executive Order shall be effective immediately upon its execution and shall remain in effect, as amended from time to time, until rescinded by the Governor or superseded by law.

DONE AND ORDERED this 13th day of July, 2017.



Kay Ivey

Kay Ivey
Governor

Attested

J. H. Merrill

John H. Merrill
Secretary of State