

1 SB295
2 216047-4
3 By Senators Jones, Givhan, Scofield, Elliott and Whatley
4 RFD: Governmental Affairs
5 First Read: 03-MAR-22

SYNOPSIS: Under existing law, an individual seeking to run for office is required to file with the Secretary of State, within five days of becoming a candidate, a statement appointing his or her principal campaign committee.

This bill would require the certifying official or municipal city clerk, as appropriate, to disqualify the candidate from appearing on the ballot if he or she determines the candidate failed to timely file the statement appointing his or her principal campaign committee.

A BILL
TO BE ENTITLED
AN ACT

Relating to campaign finance; to amend Section 17-5-4, Code of Alabama 1975, as last amended by Act 2021-314 of the 2021 Regular Session, effective August 1, 2023; to disqualify from appearing on the ballot a candidate who fails

1 to timely file a statement appointing his or her principal
2 campaign committee.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-5-4, Code of Alabama 1975, as
5 last amended by Act 2021-314 of the 2021 Regular Session,
6 effective August 1, 2023, is amended to read as follows:

7 "§17-5-4.

8 "(a) (1) Within Not more than five days after any
9 ~~person becomes a candidate for office, the person~~ individual
10 becomes a candidate, he or she shall file with the Secretary
11 of State a statement showing the name of not less than two nor
12 more than five ~~persons~~ individuals elected to serve as the
13 principal campaign committee for the candidate, together with
14 a written acceptance or consent by the committee, but any
15 candidate may declare himself or herself as the ~~person~~
16 individual chosen to serve as the principal campaign
17 committee, in which case the candidate shall perform the
18 duties of chair and treasurer of the committee.

19 "(2) Notwithstanding subdivision (1), the certifying
20 party official for any candidate running for a statewide,
21 county, or legislative office, or the appropriate city clerk
22 for any candidate running for a municipal office, upon good
23 cause shown, may permit the candidate an additional five days
24 to file the statement appointing his or her principal campaign
25 committee.

26 "(3) The certifying party official for any candidate
27 running for a statewide, county, or legislative office, or the

1 appropriate city clerk for any candidate running for a
2 municipal office, shall immediately disqualify from that
3 election any candidate who has not filed a statement
4 appointing his or her principal campaign committee in
5 compliance with this subsection, and the candidate's name
6 shall not appear on the ballot.

7 "(4) In the case of independent candidates, the
8 certifying official shall immediately disqualify from that
9 election any candidate who has not filed a statement
10 appointing his or her principal campaign committee in
11 compliance with this subsection, and the candidate's name
12 shall not appear on the ballot.

13 "(b) If any vacancy is ~~created by~~ on a principal
14 campaign committee occurs by reason of death, resignation, or
15 any other cause, the candidate may fill the vacancy or the
16 remaining members shall discharge and complete the duties
17 required of the committee as if the vacancy had not ~~been~~
18 ~~created~~ occurred. The principal campaign committee, or its
19 treasurer, shall have exclusive custody of all monies
20 contributed, donated, subscribed, or in any manner furnished
21 to or for the candidate represented by the committee, and
22 shall account for and disburse the same.

23 "(c) If a candidate serves as his or her own
24 principal campaign committee, he or she shall designate a
25 person an individual responsible for dissolving that principal
26 campaign committee in the event of death or incapacity by
27 filing a statement of dissolution and filing a termination

1 report. If the designated ~~person~~ individual is unable to serve
2 in this capacity at the time of death or incapacity, the
3 principal campaign committee shall be dissolved by the
4 candidate's personal representative as appointed by the judge
5 of probate. All funds held by the principal campaign committee
6 at the time of death or incapacity shall be disposed of in a
7 manner provided in Section 17-5-7.

8 "(d) No candidate ~~shall~~ may expend any money in aid
9 of his or her nomination or election except by contributing to
10 the principal campaign committee designated by the candidate.

11 "(e) The Secretary of State may adopt rules to
12 implement this section."

13 Section 2. This act shall become effective on August
14 1, 2023, following its passage and approval by the Governor,
15 or its otherwise becoming law.