

1 HB328  
2 208900-1  
3 By Representative Sells  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 04-FEB-21

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

This bill would authorize the Secretary of State or judge of probate, as appropriate, to disqualify the individual from appearing on the ballot if he or she determines the individual failed to timely file the statement appointing his or her principal campaign committee.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL  
TO BE ENTITLED  
AN ACT

1           Relating to campaign finance; to amend Section  
2 17-5-4, Code of Alabama 1975; to disqualify from appearing on  
3 the ballot an individual who fails to timely file a statement  
4 appointing his or her principal campaign committee; and to  
5 make nonsubstantive, technical revisions to update the  
6 existing code language to current style.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8           Section 1. Section 17-5-4, Code of Alabama 1975, is  
9 amended to read as follows:

10           "§17-5-4.

11           "(a) For purposes of this section, the following  
12 terms have the following meanings:

13           "(1) ELECTION OFFICIAL. If different from the filing  
14 official, the entity by which the filing official certifies a  
15 list of candidates.

16           "(2) FILING OFFICIAL. The entity with whom the  
17 candidate qualifies by filing a declaration of candidacy or  
18 petition to appear on the ballot.

19           ~~(a)~~ (b) (1) Within Not more than five days after any  
20 ~~person becomes a candidate for office, such person~~ individual  
21 becomes a candidate, the individual shall file with the  
22 Secretary of State or judge of probate, as provided in Section  
23 17-5-9, a statement showing the name of not less than two nor  
24 more than five ~~persons~~ individuals elected to serve as the  
25 principal campaign committee for ~~such~~ the candidate, together  
26 with a written acceptance or consent by ~~such~~ the committee,  
27 but any candidate may declare himself or herself as the ~~person~~

1 individual chosen to serve as the principal campaign  
2 committee, in which case ~~such~~ the candidate shall perform the  
3 duties of chair and treasurer of ~~such~~ the committee prescribed  
4 by this chapter.

5 "(2) Each filing official who receives a declaration  
6 of candidacy or petition to appear on the ballot for election  
7 from a candidate, not more than five days of the receipt,  
8 shall notify the election official, if different from the  
9 filing official, of the name of the candidate and the date on  
10 which the individual filed the appropriate declaration or  
11 petition with the filing official.

12 "(3) The filing official, immediately upon the  
13 expiration of the five-day period following receipt of the  
14 declaration or petition, or upon otherwise learning that an  
15 individual has received contributions or made expenditures in  
16 an amount to qualify the individual as a candidate, shall  
17 determine whether the candidate has filed his or her statement  
18 appointing his or her principal campaign committee in  
19 compliance with subdivision (1), and the filing official shall  
20 notify the election official whether the candidate has filed a  
21 statement appointing his or her principal campaign committee  
22 in compliance with subdivision (1).

23 "(4) An election official who has been notified that  
24 a candidate has not filed a statement appointing his or her  
25 principal campaign committee in accordance with subdivision  
26 (1) shall immediately disqualify the candidate in that  
27 election, and his or her name shall not appear on the ballot.

1           "~~(b)~~ (c) If any vacancies on a principal campaign  
2 committee are created occur by reason of death, or  
3 resignation, or any other cause, ~~such the~~ candidate may fill  
4 ~~such the~~ vacancy, or the remaining members shall discharge and  
5 complete the duties required of ~~such the~~ committee as if ~~such~~  
6 the vacancy had not ~~been created~~ occurred. The principal  
7 campaign committee, or its treasurer, shall have exclusive  
8 custody of all monies ~~moneys~~ contributed, donated, subscribed,  
9 or in any manner furnished to or for the candidate represented  
10 by ~~such the~~ committee, and shall account for and disburse the  
11 same.

12           "~~(c)~~ (d) If a candidate serves as his or her own  
13 principal campaign committee, he or she shall designate ~~a~~  
14 ~~person~~ an individual responsible for dissolving that principal  
15 campaign committee in the event of death or incapacity by  
16 filing a statement of dissolution and filing a termination  
17 report. If the designated ~~person~~ individual is unable to serve  
18 in this capacity at the time of death or incapacity, the  
19 principal campaign committee shall be dissolved by the  
20 candidate's personal representative as appointed by the judge  
21 of probate. All funds held by the principal campaign committee  
22 at the time of death or incapacity shall be disposed of in a  
23 manner provided in Section 17-5-7.

24           "~~(d)~~ (e) No candidate shall expend any money in aid  
25 of his or her nomination or election except by contributing to  
26 the principal campaign committee designated by the candidate."

1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.