

1 HB138
2 115309-1
3 By Representative Mask
4 RFD: Constitution and Elections
5 First Read: 12-JAN-10
6 PFD: 01/07/2010

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8 SYNOPSIS: Under existing law, a political committee
9 may make a contribution to another political
10 committee. A principal campaign committee is
11 included within the definition of a political
12 committee.

13 This bill would prohibit all transfers
14 between political committees, except it would
15 continue to allow a political committee that is not
16 a principal campaign committee to make a
17 contribution to a principal campaign committee.

18
19 A BILL

20 TO BE ENTITLED

21 AN ACT

22
23 To amend Sections 17-5-15 and 17-5-7, Code of
24 Alabama 1975, to prohibit campaign contributions between
25 political committees.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. This act shall be known and may be cited
2 as the Campaign Finance Transparency Act.

3 Section 2. Section 17-5-15, Code of Alabama 1975, is
4 amended to read as follows:

5 "§17-5-15.

6 (a) It shall be unlawful for any person to make a
7 contribution in the name of another person, or knowingly
8 permit his or her name to be used to effect such a
9 contribution made by one person in the name of another person,
10 or for any candidate, principal campaign committee, or
11 political action committee to knowingly accept a contribution
12 made by one person in the name of another person; ~~provided,~~
13 ~~however, that nothing in this chapter would prohibit any~~
14 ~~person from soliciting and receiving contributions from other~~
15 ~~persons for the purpose of making expenditures to a candidate,~~
16 ~~political campaign committee, political action committee, or~~
17 ~~elected state or local official required to file reports~~
18 ~~pursuant to Section 17-5-8.~~

19 (b) It shall be unlawful for any political
20 committee, including a principal campaign committee, to make a
21 contribution to any other political committee. Notwithstanding
22 the foregoing, any political committee that is not a principal
23 campaign committee may make a contribution to a principal
24 campaign committee.

25 Section 3. Section 17-5-7, Code of Alabama 1975, is
26 amended to read as follows:

27 "§17-5-7.

1 (a) A candidate, public official, or principal
2 campaign committee as defined in this chapter, may only use
3 campaign contributions, and any proceeds from investing the
4 contributions that are in excess of any amount necessary to
5 defray expenditures of the candidate, public official, or
6 principal campaign committee, for the following purposes:

7 (1) Necessary and ordinary expenditures of the
8 campaign.

9 (2) Expenditures that are reasonably related to
10 performing the duties of the office held. For purposes of this
11 section, expenditures that are reasonably related to
12 performing the duties of the office held do not include
13 personal and legislative living expenses, as defined in this
14 chapter.

15 (3) Donations to the State General Fund, the
16 Education Trust Fund, or equivalent county or municipal funds.
17 Donations to an organization to which a federal income tax
18 deduction is permitted under subparagraph (A) of paragraph (1)
19 of subsection (b) of Section 170 of the Internal Revenue Code
20 of 1986, as amended, or any other charitable, educational, or
21 eleemosynary cause of Section 501 of Title 26 of the U. S.
22 Code.

23 ~~(4) Transfers to another political committee as~~
24 ~~defined in this chapter.~~

25 (5) Inaugural or transitional expenses.

26 (b) Notwithstanding any other provision of law,
27 including, but not limited to, Section 13A-10-61, a candidate,

1 public official, or principal campaign committee may only
2 accept, solicit, or receive contributions:

3 (1) To influence the outcome of an election.

4 (2) For a period of 12 months before an election in
5 which the person intends to be a candidate. Provided, however,
6 candidates for state office and their principal campaign
7 committees may not accept, solicit, or receive contributions
8 during the period when the Legislature is convened in session.
9 For purposes of this section, the Legislature is convened in
10 session at any time from the opening day of the special or
11 regular session and continued through the day of adjournment
12 sine die for that session. However, this subdivision shall not
13 apply within 120 days of any primary, runoff, or general
14 election, and shall not apply to the candidates or their
15 principal campaign committees participating in any special
16 election as called by the Governor. This subdivision shall not
17 apply to a loan from a candidate to his or her own principal
18 campaign committee.

19 (3) For a period of 120 days after the election in
20 which the person was a candidate, but only to the extent of
21 any campaign debt of the candidate or principal campaign
22 committee of the candidate as indicated on the campaign
23 financial disclosure form or to the extent of reaching the
24 threshold that is required for qualification as a candidate
25 for the office which he or she currently holds, or both.

1 (4) For the purpose of paying all expenses
2 associated with an election challenge including, but not
3 limited to, quo warranto challenges.

4 (c) Notwithstanding any other provision of law,
5 including, but not limited to, Section 13A-10-61, a candidate,
6 public official, or principal campaign committee shall not
7 accept, solicit, or receive contributions for any of the
8 following reasons:

9 (1) As a bribe, as defined by Sections 13A-10-60 to
10 13A-10-63, inclusive.

11 (2) For the intention of corruptly influencing the
12 official actions of the public official or candidate for
13 public office.

14 Section 4. All laws or parts of laws which conflict
15 with the provisions of this act are hereby repealed.

16 Section 5. This act shall become effective
17 immediately upon its passage and approval by the Governor, or
18 upon its otherwise becoming a law.