

1 SB207
2 94366-1
3 By Senators Orr, Erwin, and Butler
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 03-FEB-09

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8 SYNOPSIS: Under existing law, a political action
9 committee may make a contribution to another
10 political action committee.

11 This bill would prohibit transfers between
12 political action committees, but would continue to
13 allow a political action committee that is not a
14 principal campaign committee to make a contribution
15 to a principal campaign committee.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 To amend Sections 17-5-7 and 17-5-15, Code of
22 Alabama 1975, relating to campaign contributions, to prohibit
23 certain transfers between political action committees.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 Section 2. Sections 17-5-7 and 17-5-15, Code of
2 Alabama 1975, are amended to read as follows:

3 "§17-5-7.

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

10 "(1) Necessary and ordinary expenditures of the
11 campaign.

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

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

26 "~~(4) Transfers to another political committee as~~
27 ~~defined in this chapter.~~

1 "~~(5)~~(4) Inaugural or transitional expenses.

2 "(b) Notwithstanding any other provision of law,
3 including, but not limited to, Section 13A-10-61, a candidate,
4 public official, or principal campaign committee may only
5 accept, solicit, or receive contributions:

6 "(1) To influence the outcome of an election.

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

22 "(3) For a period of 120 days after the election in
23 which the person was a candidate, but only to the extent of
24 any campaign debt of the candidate or principal campaign
25 committee of the candidate as indicated on the campaign
26 financial disclosure form or to the extent of reaching the

1 threshold that is required for qualification as a candidate
2 for the office which he or she currently holds, or both.

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

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

11 "(1) As a bribe, as defined by Sections 13A-10-60 to
12 13A-10-63, inclusive.

13 "(2) For the intention of corruptly influencing the
14 official actions of the public official or candidate for
15 public office.

16 "§17-5-15.

17 "(a) It shall be unlawful for any person to make a
18 contribution in the name of another person, or knowingly
19 permit his or her name to be used to effect such a
20 contribution made by one person in the name of another person,
21 or for any candidate, principal campaign committee, or
22 political action committee to knowingly accept a contribution
23 made by one person in the name of another person; ~~provided,~~
24 ~~however, that nothing in this chapter would prohibit any~~
25 ~~person from soliciting and receiving contributions from other~~
26 ~~persons for the purpose of making expenditures to a candidate,~~
27 ~~political campaign committee, political action committee, or~~

1 ~~elected state or local official required to file reports~~
2 ~~pursuant to Section 17-5-8.~~

3 "(b) It shall be unlawful for any political action
4 committee, including a principal campaign committee, to make a
5 contribution to any other political action committee.
6 Notwithstanding the foregoing, a political action committee
7 that is not a principal campaign committee may make a
8 contribution to a principal campaign committee."

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