

OFFICE OF THE ATTORNEY GENERAL



Dec. of State
80-00083

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STATE OF ALABAMA

NOV 21 1979

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Honorable Don Siegelman
Secretary of State
State Capitol
Montgomery, Alabama 36130

Secretary of State-Elections-
Corrupt Practices Act

Discussion of Corrupt Practices
Act filing requirements for
various candidates.

Dear Mr. Siegelman:

You have requested an opinion as to the proper classification of candidates for State House of Representatives, State Senate and delegate to national convention for the purpose of determining where a candidate must file information required by the State Corrupt Practices Act. Section 17-22-5, Code of Alabama 1975, requires certain candidates to file a statement designating his campaign committee and Section 17-22-9 and Section 17-22-10, Code of Alabama 1975 require certain candidates to file campaign disclosure statements.

Section 17-22-5 specifically provides that each candidate for State Senate shall file his designation of committee with the Judge of Probate of each county within his senatorial district. That section provides that candidates for the State House of Representatives shall file with the Judge of Probate of the county since at the time of the law's first enactment, house districts were single county districts. However, the law further provides that candidates for a circuit or district office shall file with the Judge of Probate of each county within the circuit or district and it is my opinion that those candidates for

Honorable Don Siegelman
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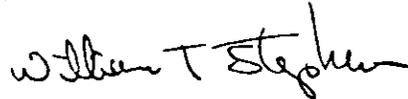
State House of Representatives from multi-county districts are candidates for a circuit or district office and are, thus, required to file their designation of campaign committee with the Judge of Probate of each county within their house district.

Section 17-22-9 specifically provides that the campaign committees for candidates for State Senate or State House of Representatives must file the campaign disclosure statement with the Judge of Probate of the county in which the candidate resides.

With respect to the candidates for delegate to the national conventions, this office ruled in an opinion dated February 23, 1976 to the Honorable Calvin M. Whitesell that federal election law preempts state law with respect to these candidates and, consequently, delegate candidates are not required to file pursuant to the Alabama Corrupt Practices Act.

Sincerely,

CHARLES A. GRADDICK
Attorney General
By-



WILLIAM T. STEPHENS
Assistant Attorney General

WTS:bb

February 23, 1976



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Calvin M. Whitesell, Esq.
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Released 2-24-76

Campaign-Elections

Federal election campaign finance
law preempts state law for
federal election campaigns.

Dear Mr. Whitesell:

In your recent letter you requested an opinion,

"...as to whether or not a presidential candidate may have a slate of delegates pledged in the candidate's behalf and have the campaign expenses of such delegates paid for by the presidential campaign committee without the necessity of complying with the election laws relating to such by the State of Alabama."

It is my opinion that the Federal Election Campaign Act of 1971, as amended, preempts state law with respect to campaigns for election to federal office, including campaigns for the election of delegates to a national nominating convention. The Federal Election Campaign Act Amendments of 1974 amended Section 403 of the Federal Election Campaign Act of 1971 to provide as follows:

Calvin M. Whitesell, Esq.
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"EFFECT ON STATE LAW

"SEC. 403. The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office."

Also, Section 104(a) of the Federal Election Campaign Act Amendments of 1974 provides:

"SEC. 104. (a) The provisions of chapter 29 of title 18, United States Code, relating to elections and political activities, supersede and preempt any provision of State law with respect to election to Federal office."

Consequently, it is not necessary for a presidential candidate to comply with the state election laws of the State of Alabama.

Sincerely,

WILLIAM J. BAXLEY
Attorney General,
By-

WILLIAM T. STEPHENS
Assistant Attorney General

WTS:bb