

1 SB136  
2 132827-3  
3 By Senator Orr  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 01-MAR-11

1 SB136

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4 ENROLLED, An Act,

5 To amend Section 17-5-8, Code of Alabama 1975,  
6 relating to the filing of campaign finance disclosure reports;  
7 to require the filing of campaign reports at more frequent  
8 intervals for the 2012 and 2014 election cycles; to subject  
9 Section 527 political organizations that contribute to a state  
10 or local election or campaign to file campaign finance  
11 disclosure reports; to provide for the filing of large  
12 contributions in addition to other filings; to require  
13 electronic reporting beginning with the 2014 election cycle,  
14 with limited exceptions; commencing with the 2014 election  
15 cycle, to require the Secretary of State to establish and  
16 maintain an electronic searchable public database of all  
17 campaign contributions and expenditures required to be filed  
18 with the Secretary of State; and to allow the Secretary of  
19 State to promulgate rules for implementing and administering  
20 the act.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 17-5-8 of the Code of Alabama  
23 1975, is amended to read as follows:

24 "§17-5-8.

1           "(a) Each principal campaign committee or political  
2 action committee shall file with the Secretary of State or  
3 judge of probate, as designated in Section 17-5-9, reports of  
4 contributions and expenditures at the following times once a  
5 principal campaign committee files its statement under Section  
6 17-5-4 or a political action committee files its statement of  
7 organization under Section 17-5-5:

8           "(1) Beginning with the 2012 election cycle,  
9 regardless of whether the candidate has opposition in any  
10 election, on the last day of each month beginning 12 months  
11 before the date of any primary, special, runoff, or general  
12 election for which a political action committee or principal  
13 campaign committee receives contributions or makes  
14 expenditures with a view toward influencing such election's  
15 result. Beginning with the month preceding the month in which  
16 the election is held, each report shall be required as  
17 provided in subdivisions (2) and (3).

18           "(2) With regard to a primary, special, runoff, or  
19 general election, a report shall be required weekly on the  
20 Friday of each week before the election.

21           "(3)a. In addition to the reporting dates specified  
22 in subdivisions (1) and (2), reports required to be filed with  
23 the Secretary of State shall be filed with the Secretary of  
24 State on the eighth, seventh, sixth, fifth, fourth, third, and  
25 second day preceding a legislative, state school board or

1 other statewide primary, special, runoff, or general election,  
2 and by 12:01 a.m. on the day preceding a legislative, state  
3 school board, or statewide, primary, special, runoff, or  
4 general election if any principal campaign committee or  
5 political action committee receives or spends in the aggregate  
6 five thousand dollars (\$5,000) or more on any day with a view  
7 toward influencing an election's results. Principal campaign  
8 committees and political action committees that are exempt  
9 from electronic filing and principal campaign committees and  
10 political action committees required to make daily reports  
11 pursuant to this subdivision for the 2012 election cycle may  
12 file reports by facsimile (FAX) transmission provided they  
13 keep proper documentation in their office.

14 "b. Electronic filing on the Secretary of State's  
15 website may be implemented sooner than the 2014 election cycle  
16 as an alternative method of reporting; however, electronic  
17 filing shall be required beginning with the 2014 election  
18 cycle. Electronic filings shall be available to the public on  
19 a searchable database maintained on the Secretary of State's  
20 website.

21 "(b) Each principal campaign committee, political  
22 action committee, and elected state and local official covered  
23 under the provisions of this chapter, shall annually file with  
24 the Secretary of State or judge of probate, as designated in  
25 Section 17-5-9, reports of contributions and expenditures made

1 during that year. The annual reports required under this  
2 subsection shall be made on or before January 31 of the  
3 succeeding year.

4 "(c) Each report under this section shall disclose:

5 "(1) The amount of cash or other assets on hand at  
6 the beginning of the reporting period and forward until the  
7 end of that reporting period and disbursements made from same.

8 "(2) The identification of each person who has made  
9 contributions to such committee or candidate within the  
10 calendar year in an aggregate amount greater than one hundred  
11 dollars (\$100), together with the amount and date of all such  
12 contributions; provided, however, in the case of a political  
13 action committee identification shall mean the name and city  
14 of residence of each person who has made contributions within  
15 the calendar year in an aggregate amount greater than one  
16 hundred dollars (\$100).

17 "(3) The total amount of other contributions  
18 received during the calendar year but not reported under  
19 subdivision (c) (2) of this section.

20 "(4) Each loan to or from any person within the  
21 calendar year in an aggregate amount greater than one hundred  
22 dollars (\$100), together with the identification of the  
23 lender, the identification of the endorsers, or guarantors, if  
24 any, and the date and amount of such loans.

1           "(5) The total amount of receipts from any other  
2 source during such calendar year.

3           "(6) The grand total of all receipts by or for such  
4 committee during the calendar year.

5           "(7) The identification of each person to whom  
6 expenditures have been made by or on behalf of such committee  
7 or elected official within the calendar year in an aggregate  
8 amount greater than one hundred dollars (\$100), the amount,  
9 date, and purpose of each such expenditure, and, if  
10 applicable, the designation of each constitutional amendment  
11 or other proposition with respect to which an expenditure was  
12 made.

13           "(8) The identification of each person to whom an  
14 expenditure for personal services, salaries, and reimbursed  
15 expenses greater than one hundred dollars (\$100) has been  
16 made, and which is not otherwise reported or exempted from the  
17 provisions of this chapter, including the amount, date, and  
18 purpose of such expenditure.

19           "(9) The grand total of all expenditures made by  
20 such committee or elected official during the calendar year.

21           "(10) The amount and nature of debts and obligations  
22 owed by or to the committee or elected official, together with  
23 a statement as to the circumstances and conditions under which  
24 any such debt or obligation was extinguished and the  
25 consideration therefor.

1           "(d) Each report required by this section shall be  
2 signed and filed by the elected official or on behalf of the  
3 political action committee by its chair or treasurer and, if  
4 filed on behalf of a principal campaign committee, by the  
5 candidate represented by such committee. There shall be  
6 attached to each such report an affidavit subscribed and sworn  
7 to by the official or chair or treasurer and, if filed by a  
8 principal campaign committee, the candidate represented by  
9 such committee, setting forth in substance that such report is  
10 to the best of his or her knowledge and belief in all respects  
11 true and complete, and, if made by a candidate, that he or she  
12 has not received any contributions or made any expenditures  
13 which are not set forth and covered by such report.

14           "(e) Commencing with the 2014 election cycle,  
15 electronic filing of contributions and expenditures for any  
16 legislative, state school board, and statewide primary,  
17 special, runoff, or general election shall be mandatory,  
18 except as provided in subsection (g). The Secretary of State  
19 may provide electronic reporting sooner than the 2014 election  
20 cycle. Electronic filing shall satisfy any filing requirements  
21 of this chapter and no paper filing is required for any report  
22 filed electronically.

23           "(f) In the 2012 election cycle the provisions for  
24 the time of filing contained in subsection (a) shall apply to  
25 the paper or facsimile (FAX) filings for any legislative,

1 state school board, or statewide primary, special, runoff, or  
2 general election.

3 "(g) Electronic filing of reports shall not apply to  
4 any campaign, principal campaign committee, or political  
5 action committee receiving ten thousand dollars (\$10,000) or  
6 less per election cycle."

7 Section 2. (a) Commencing with the 2014 election  
8 cycle, all statements, reports of contributions, and  
9 expenditures, and other filings required to be filed pursuant  
10 to Chapter 5, Title 17, Code of Alabama 1975, shall be  
11 submitted electronically over the Internet by a computer file  
12 containing the report information in a format and medium to be  
13 prescribed by the Secretary of State.

14 (b) Commencing with the 2014 election cycle, the  
15 Secretary of State shall implement and maintain an electronic  
16 database accessible by the public through the Secretary of  
17 State's website which provides the capability of search and  
18 retrieval of all statements, reports, and other filings  
19 required to be filed with the Secretary of State pursuant to  
20 Chapter 5. The searchable database shall provide the ability  
21 to search by a recipient's name, a contributor's name, a  
22 contributor's or recipient's zip code, and dates of  
23 contributions.

24 (c) Unless otherwise included in a report made  
25 pursuant to subsection (a) of Section 17-5-8, Code of Alabama



1 1975, the principal campaign committee or political action  
2 committee shall file a report disclosing the receipt of any  
3 single contribution of twenty thousand dollars (\$20,000) or  
4 more. These reports shall disclose the same information  
5 required by Section 17-5-8, Code of Alabama 1975, and shall be  
6 filed within two business days of receipt of the contribution.  
7 Beginning with the 2014 election cycle these reports shall be  
8 filed electronically.

9 (d) Beginning with the 2012 election cycle, a  
10 principal campaign committee or political action committee  
11 shall close its books in order to complete its reports two  
12 days prior to the specified reporting dates.

13 Section 3. The Secretary of State may promulgate  
14 administrative rules pursuant to the Alabama Administrative  
15 Procedure Act as are necessary to implement and administer  
16 this act.

17 Section 4. This act shall become effective on the  
18 first day of the third month following its passage and  
19 approval by the Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB136

Senate 05-MAY-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 09-JUN-11

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris  
Secretary

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House of Representatives

Passed: 02-JUN-11, as amended

House of Representatives

Passed: 09-JUN-2011, as amended by Conference Committee Report.

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By: Senator Orr