

1 SB112  
2 115527-1  
3 By Senators Orr, Sanford and Butler  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, the filing of campaign  
9 finance disclosures is accomplished through the  
10 filing of paper documents.

11 This bill would provide an additional  
12 procedure for the electronic filing of campaign  
13 finance disclosure reports in a computer format for  
14 contributions or expenditures of a certain amount  
15 and would provide for a phase-in period.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
20

21 To amend Sections 17-5-8 and 17-5-9, Code of Alabama  
22 1975, as amended by Act No. 2009-751, 2009 Regular Session  
23 (Acts 2009, p. 2273), relating to the filing of campaign  
24 finance disclosure reports, to provide an additional procedure  
25 for the electronic filing of campaign finance disclosure  
26 reports in a computer format for contributions or expenditures  
27 of a certain amount and provide for a phase-in period.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 17-5-8 and 17-5-9, Code of  
3 Alabama 1975, as amended by Act No. 2009-751, 2009 Regular  
4 Session (Acts 2009, p. 2273), are amended to read as follows:

5 "§17-5-8.

6 "(a) Each principal campaign committee or political  
7 action committee shall file with the Secretary of State or  
8 judge of probate, as designated in Section 17-5-9, reports of  
9 contributions and expenditures at the following times in any  
10 year in which an election is held:

11 "(1) Regardless of whether the candidate has  
12 opposition in any election, between 50 and 45 days before and  
13 between 10 and five days before the date of any primary,  
14 special, runoff, or general election for which a political  
15 action committee or principal campaign committee receives  
16 contributions or makes expenditures with a view toward  
17 influencing such election's result.

18 "(2) Provided, however, that with regard to a runoff  
19 election a report shall not be required except between five  
20 and 10 days before the runoff election.

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  
26 during that year. The annual reports required under this

1 subsection shall be made on or before January 31 of the  
2 succeeding year.

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

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

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

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

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

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

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

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

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

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

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

22           "(d) ~~Each~~ Except as provided in subsection (e), each  
23 report required by this section shall be signed and filed by  
24 the elected official or on behalf of the political action  
25 committee by its chair or treasurer and, if filed on behalf of  
26 a principal campaign committee, by the candidate represented  
27 by such committee. There shall be attached to each such report

1 an affidavit subscribed and sworn to by the official or chair  
2 or treasurer and, if filed by a principal campaign committee,  
3 the candidate represented by such committee, setting forth in  
4 substance that such report is to the best of his or her  
5 knowledge and belief in all respects true and complete, and,  
6 if made by a candidate, that he or she has not received any  
7 contributions or made any expenditures which are not set forth  
8 and covered by such report.

9 "(e) Each campaign finance report required by this  
10 section which reports contributions or expenditures in an  
11 amount greater than twenty-five thousand dollars (\$25,000)  
12 shall also be submitted electronically over the Internet by a  
13 computer file containing the reporting information in a format  
14 and medium to be prescribed by the Secretary of State. The  
15 Secretary of State shall provide without charge any software  
16 necessary to comply with the electronic reporting requirement.  
17 The electronic filing requirement is voluntary for four years  
18 after the effective date of the act adding this subsection and  
19 shall be mandatory after that date. The Secretary of State  
20 shall promulgate such rules as are necessary to ensure  
21 security, protection of data, and validation of the  
22 information in the electronic reports.

23 "§17-5-9.

24 "(a) All statements and reports, including  
25 amendments, required of principal campaign committees under  
26 the provisions of this chapter shall be filed with the  
27 Secretary of State in the case of candidates for state office

1 or state elected officials, and in the case of candidates for  
2 local office or local elected officials, with the judge of  
3 probate of the county in which the office is sought.

4 "(b) Political action committees, which seek to  
5 influence an election for local office or to influence a  
6 proposition regarding a single county, shall file all reports  
7 and statements, including amendments, with the judge of  
8 probate of the county affected. All other political action  
9 committees, except as provided in subsection (a) above, shall  
10 file reports and statements with the Secretary of State.

11 "(c) In addition to the filing of statements and  
12 reports under the provisions of this chapter, campaign  
13 contributions and expenditures in an amount greater than  
14 twenty-five thousand dollars (\$25,000) shall be submitted over  
15 the Internet by computer file containing the reporting  
16 information in a format and medium to be prescribed by the  
17 Secretary of State. The electronic filing requirement is  
18 voluntary for four years after the effective date of the act  
19 adding this subsection and shall be mandatory after that date.  
20 The Secretary of State shall provide without charge any  
21 software necessary to comply with the electronic reporting  
22 requirement. No supporting documentation is to be attached to  
23 the electronic report."

24 Section 2. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.