

1 HB213
2 197082-2
3 By Representative Givan
4 RFD: Ethics and Campaign Finance
5 First Read: 19-MAR-19

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ENROLLED, An Act,

Relating to campaign finance; to amend Section 17-5-8, Code of Alabama 1975, to provide further for the reporting of contributions and expenditures on the day preceding an election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-5-8.

"(a) The treasurer, designated filing agent, or candidate, shall file with the Secretary of State or judge of probate, as designated in Section 17-5-9, periodic reports of contributions and expenditures at the following times once a principal campaign committee files its statement under Section 17-5-4 or a political action committee files its statement of organization under Section 17-5-5:

~~"(1) Beginning after the 2012 election cycle,~~
~~regardless~~ Regardless of whether a candidate has opposition in any election, monthly reports not later than the second business day of the subsequent month, beginning 12 months before the date of any primary, special, runoff, or general election for which a political action committee or principal campaign committee receives contributions or makes expenditures with a view toward influencing such election's

1 result. A monthly report shall include all reportable
2 transactions for the previous full month period. Reports shall
3 be required as provided in subdivisions (2) and (3).

4 "(2) With regard to a primary, special, runoff, or
5 general election, a report shall be required weekly on the
6 Monday of the succeeding week for each of the four weeks
7 before the election that includes all reportable activities
8 for the previous week.

9 "(3) ~~a.~~ In addition to the reporting dates specified
10 in subdivisions (1) and (2), reports required to be filed with
11 the Secretary of State shall be filed ~~with the Secretary of~~
12 ~~State~~ on the eighth, seventh, sixth, fifth, fourth, ~~third, and~~
13 ~~second and third, and second~~ day preceding a legislative,
14 state school board, or other statewide primary, special,
15 runoff, or general election, and ~~by 12:01 p.m. on the~~ by 11:59
16 p.m. on the second day preceding a legislative, state school
17 board, or statewide, primary, special, runoff, or general
18 election if any principal campaign committee or political
19 action committee receives or spends in the aggregate five
20 thousand dollars (\$5,000) or more on that day with a view
21 toward influencing an election's results. If a daily report is
22 required pursuant to this subdivision, the report shall
23 include all reportable activity occurring on the day of the
24 report as well as all reportable activity that has occurred on
25 each day since the most recent prior report. ~~Principal~~

1 ~~campaign committees and political action committees that are~~
2 ~~exempt from electronic filing and principal campaign~~
3 ~~committees and political action committees required to make~~
4 ~~daily reports pursuant to this subdivision for the 2012~~
5 ~~election cycle may file reports by facsimile (FAX)~~
6 ~~transmission provided they keep proper documentation in their~~
7 ~~office.~~

8 ~~"b. Electronic filing on the Secretary of State's~~
9 ~~website may be implemented sooner than the 2014 election cycle~~
10 ~~as an alternative method of reporting; however, electronic~~
11 ~~filing shall be required beginning with the 2014 election~~
12 ~~cycle. Electronic filings shall be available to the public on~~
13 ~~a searchable database maintained on the Secretary of State's~~
14 ~~website.~~

15 "(b) Except as provided in subsection ~~(*)~~(h), each
16 principal campaign committee, political action committee, and
17 elected state and local official covered under the provisions
18 of this chapter who has not closed his or her principal
19 campaign committee, shall annually file with the Secretary of
20 State or judge of probate, as designated in Section 17-5-9,
21 reports of contributions and expenditures made during that
22 year. No annual report is required to be filed by a person who
23 holds office because he or she was appointed to serve the
24 remainder of a term vacated by another person, until the
25 person serving has created a principal campaign committee. The

1 annual reports required under this subsection shall be made on
2 or before January 31 of the 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.

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

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

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

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

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

24 "(d) Each report required by this section shall be
25 signed and filed by the elected official or on behalf of the

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

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

21 ~~"(f) In the 2012 election cycle the provisions for~~
22 ~~the time of filing contained in subsection (a) shall apply to~~
23 ~~the paper or facsimile (FAX) filings for any legislative,~~
24 ~~state school board, or statewide primary, special, runoff, or~~
25 ~~general election.~~

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

5 "~~(h)~~(e) In connection with any electioneering
6 communication paid for by a person, nonprofit corporation,
7 entity, principal campaign committee, or other political
8 committee or entity, the payor shall disclose its
9 contributions and expenditures in accordance with this
10 section. The disclosure shall be made in the same form and at
11 the same time as is required of political action committees in
12 this section; provided, however, no duplicate reporting shall
13 be required by a political committee.

14 "~~(i)~~(f) Notwithstanding any disclosure requirements
15 of subsection ~~(h)~~(e), churches are exempt from the
16 requirements of this section unless the church's expenditures
17 are used to influence the outcome of an election. Nothing
18 herein shall require a church to disclose the identities,
19 donations, or contributions of members of the church. As used
20 in this section, the term church is defined in accordance with
21 and recognized by Internal Revenue Service guidelines and
22 regulations.

23 "~~(j)~~(g) Notwithstanding the disclosure requirements
24 of this section, the provisions of this section shall not be
25 interpreted to nor shall they require any disclosure for

1 expenses incurred for any electioneering communication used by
2 any membership or trade organization to communicate with or
3 inform its members, its members' families, or its members'
4 employees or for any electioneering communication by a
5 business entity of any type to its employees or stockholders
6 or their families.

7 ~~"(k) (h)~~ Each report required by this section shall
8 include all reportable transactions occurring since the most
9 recent prior report; however, duplicate reporting is not
10 required by this section. A political action committee or
11 principal campaign committee that is required to file a daily
12 report is not required to also file a weekly report for the
13 week preceding an election specified in subdivision (3) of
14 subsection (a); a committee required to file a weekly report
15 is not required to also file a monthly report in the month in
16 which the election is held; and a committee required to file a
17 monthly report is not required to also file an annual report
18 in the year in which the election is held. The monetary
19 balance in a report of each committee shall begin at the
20 monetary amount appearing in the most recent prior report.

21 "(i) (1) Except as provided in subdivision (2), all
22 filings made pursuant to this section shall be made
23 electronically. Electronic filings shall be available to the
24 public on a searchable database maintained on the Secretary of
25 State's website.

1 "(2) For any campaign, principal campaign committee,
2 or political action committee receiving five thousand dollars
3 (\$5,000) or less per election cycle, filings made pursuant to
4 this section may be made electronically or by paper or
5 facsimile.

6 "~~(i)~~ (j) The Secretary of State may ~~promulgate~~
7 ~~administrative~~ adopt rules pursuant to the Alabama
8 Administrative Procedure Act as are necessary to implement and
9 administer ~~the changes made to this section by Act 2012-477~~
10 this section.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 23-MAY-19.

Jeff Woodard
Clerk

Senate	30-MAY-19	Amended and Passed
House	30-MAY-19	Concurred in Senate Amendment