

1 HB154  
2 208743-5  
3 By Representative Whitt  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 02-FEB-21  
6 PFD: 01/26/2021

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, principal campaign  
9 committees and political action committees must  
10 periodically file campaign finance reports and  
11 statements with the Secretary of State, except  
12 candidates for municipal office must file campaign  
13 finance reports and statements with the appropriate  
14 judge of probate. These statements must be filed  
15 electronically, except a committee receiving \$5,000  
16 or less per election cycle may file by paper or  
17 facsimile.

18 Also under existing law, the Secretary of  
19 State or the judge of probate may levy civil  
20 penalties against a person who files a materially  
21 inaccurate campaign finance report.

22 This bill would require all campaign finance  
23 reports and statements to be filed electronically,  
24 without exception.

25 This bill would require all campaign finance  
26 reports and statements, including reports and

1 statements for a candidate running for municipal  
2 office, to be filed with the Secretary of State.

3 This bill would also make nonsubstantive,  
4 technical revisions to update the existing code  
5 language to current style.

6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to campaign finance statements and reports;  
12 to amend Sections 17-5-4, 17-5-5, 17-5-8, 17-5-9, 17-5-10,  
13 17-5-11, 17-5-19.1, and 17-5-19.2, Code of Alabama 1975; to  
14 require all campaign finance reports and statements to be  
15 filed electronically and filed with the Secretary of State;  
16 and to make nonsubstantive, technical revisions to update  
17 existing code language to current style.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 17-5-4, 17-5-5, 17-5-8, 17-5-9,  
20 17-5-10, 17-5-11, 17-5-19.1, and 17-5-19.2, Code of Alabama  
21 1975, are amended to read as follows:

22 "§17-5-4.

23 "(a) Within five days after any person becomes a  
24 candidate for office, ~~such~~ the person shall file with the  
25 Secretary of State ~~or judge of probate, as provided in Section~~  
26 ~~17-5-9,~~ a statement showing the name of not less than two nor  
27 more than five persons elected to serve as the principal

1 campaign committee for ~~such~~ the candidate, together with a  
2 written acceptance or consent by ~~such~~ the committee, but any  
3 candidate may declare himself or herself as the person chosen  
4 to serve as the principal campaign committee, in which case  
5 ~~such~~ the candidate shall perform the duties of chair and  
6 treasurer of ~~such~~ the committee ~~prescribed by this chapter.~~

7 "(b) If any ~~vacancies are~~ vacancy is created by  
8 death, ~~or~~ resignation, ~~or~~ any other cause, ~~such~~ the candidate  
9 may fill ~~such~~ the vacancy, ~~or~~ the remaining members shall  
10 discharge and complete the duties required of ~~such~~ the  
11 committee as if ~~such~~ the vacancy had not been created. The  
12 principal campaign committee, or its treasurer, shall have  
13 exclusive custody of all ~~moneys~~ monies contributed, donated,  
14 subscribed, or in any manner furnished to or for the candidate  
15 represented by ~~such~~ the committee, and shall account for and  
16 disburse the same.

17 "(c) If a candidate serves as his or her own  
18 principal campaign committee, he or she shall designate a  
19 person responsible for dissolving that principal campaign  
20 committee in the event of death or incapacity by filing a  
21 statement of dissolution and filing a termination report. If  
22 the designated person is unable to serve in this capacity at  
23 the time of death or incapacity, the principal campaign  
24 committee shall be dissolved by the candidate's personal  
25 representative as appointed by the judge of probate. All funds  
26 held by the principal campaign committee at the time of death  
27 shall be disposed of in a manner provided in Section 17-5-7.

1           "(d) No candidate shall expend any money in aid of  
2 his or her nomination or election except by contributing to  
3 the principal campaign committee designated by the candidate.

4           "§17-5-5.

5           "(a) The treasurer or designated filing agent of  
6 each political action committee ~~which~~ that anticipates either  
7 receiving contributions or making expenditures during the  
8 calendar year in an aggregate amount exceeding one thousand  
9 dollars (\$1,000) shall file with the Secretary of State ~~or the~~  
10 ~~judge of probate as herein provided in Section 17-5-9,~~ a  
11 statement of organization, within 10 days after its  
12 organization or, ~~if later~~ within 10 days after the date on  
13 which it has information ~~which~~ that causes the committee to  
14 anticipate it will receive contributions or make expenditures  
15 in an aggregate amount in excess of one thousand dollars  
16 (\$1,000).

17           "(b) The statement of organization shall include all  
18 of the following:

19           "(1) The name and complete address of the committee.

20           "(2) The identification of affiliated or connected  
21 organizations, if any.

22           "(3) The purposes of the committee.

23           "(4) The identification of the chair and treasurer.

24           "(5) The identification of principal officers,  
25 including members of any finance committee.

26           "(6) A description of the constitutional amendments  
27 or other propositions, if any, that the committee is

1 supporting or opposing, and the identity, if known, of any  
2 candidate or elected official that the committee is supporting  
3 or opposing.

4 "(7) A statement whether the committee is a  
5 continuing one, and if not, the expected termination or  
6 dissolution date.

7 "(8) The disposition of residual funds which will be  
8 made in the event of dissolution.

9 "(c) Whenever there is any material change in  
10 information previously submitted in a statement of  
11 organization, except for the information described in  
12 subdivision (b) (6) ~~above~~, the treasurer or designated filing  
13 agent of the political action committee shall report the  
14 change to the Secretary of State ~~or judge of probate as~~  
15 ~~provided in Section 17-5-9~~, within 10 days following the  
16 change.

17 "(d) Any political action committee or any principal  
18 campaign committee after having filed its initial statement of  
19 organization shall continue in existence until terminated or  
20 dissolved as provided herein. When any political action  
21 committee determines it will no longer receive contributions  
22 or make expenditures during any calendar year in an aggregate  
23 amount exceeding one thousand dollars (\$1,000), or when any  
24 candidate through his or her principal campaign committee  
25 determines that he or she will not receive contributions or  
26 make expenditures in the amounts specified in Section 17-5-2,  
27 the treasurer, designated filing agent, or candidate of ~~such~~

1 the political committee shall so notify the Secretary of State  
2 ~~or judge of probate, as designated in Section 17-5-9,~~ of the  
3 termination or dissolution of ~~such~~ the political committee and  
4 shall file a termination report in the same format as that  
5 required by subsection (b) of Section 17-5-8. The Secretary of  
6 State ~~shall have the authority to~~ may dissolve or terminate  
7 any political action committee that has maintained a zero  
8 balance for one calendar year after providing a 90-day notice  
9 of intent to do so by certified mail with return receipt.

10 "§17-5-8.

11 "(a) All filings to the Secretary of State under  
12 this section shall be made electronically. Electronic filings  
13 shall be available to the public on a searchable database  
14 maintained on the Secretary of State's public website.

15 "(b) The treasurer, designated filing agent, or  
16 candidate~~,~~ shall file with the Secretary of State ~~or judge of~~  
17 ~~probate, as designated in Section 17-5-9,~~ periodic reports of  
18 contributions and expenditures at the following times once a  
19 principal campaign committee files its statement under Section  
20 17-5-4 or a political action committee files its statement of  
21 organization under Section 17-5-5:

22 "~~(1) Beginning after the 2012 election cycle,~~  
23 ~~regardless~~ Regardless of whether a candidate has opposition in  
24 any election, monthly reports not later than the second  
25 business day of the subsequent month, beginning 12 months  
26 before the date of any primary, special, runoff, or general  
27 election for which a political action committee or principal

1 campaign committee receives contributions or makes  
2 expenditures with a view toward influencing such election's  
3 result. A monthly report shall include all reportable  
4 transactions for the previous full month period. Reports shall  
5 be required as provided in subdivisions (2) and (3).

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

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



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

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

14 "~~(b)(c)~~ Except as provided in subsection ~~(k)(i)~~,  
15 each principal campaign committee, political action committee,  
16 and elected state and local official covered under the  
17 provisions of this chapter who has not closed his or her  
18 principal campaign committee, shall file annually ~~file~~ with  
19 the Secretary of State ~~or judge of probate, as designated in~~  
20 ~~Section 17-5-9,~~ reports of contributions and expenditures made  
21 during that year. No annual report is required to be filed by  
22 a person who holds office because he or she was appointed to  
23 serve the remainder of a term vacated by another person, until  
24 the person serving has created a principal campaign committee.  
25 The annual reports required under this subsection shall be  
26 made on or before January 31 of the succeeding year.

1           "~~(c)~~(d) Each report under this section shall  
2 disclose:

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

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

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

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

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

25           "(6) The grand total of all receipts by or for ~~such~~  
26 the 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~~ the  
3 committee or elected official within the calendar year in an  
4 aggregate amount greater than one hundred dollars (\$100), the  
5 amount, 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~~ or 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~~ the expenditure.

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

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

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

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

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

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

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

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

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

19           "~~(j)~~(h) Notwithstanding the disclosure requirements  
20 of this section, ~~the provisions of~~ this section shall not be  
21 interpreted to nor shall they require any disclosure for  
22 expenses incurred for any electioneering communication used by  
23 any membership or trade organization to communicate with or  
24 inform its members, its members' families, or its members'  
25 employees or for any electioneering communication by a  
26 business entity of any type to its employees or stockholders  
27 or their families.

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

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

19           "§17-5-9.

20           "(a) All statements and reports, including  
21 amendments, required of principal campaign committees and  
22 political action committees under ~~the provisions of this~~  
23 chapter shall be filed electronically with the Secretary of  
24 State ~~in the case of candidates for state office or state~~  
25 ~~elected officials, and in the case of candidates for local~~  
26 ~~office or local elected officials, with the judge of probate~~

1 of the county in which the office is sought for the 2016  
2 election cycle.

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

10 ~~"(c) In the case of candidates for a municipal~~  
11 ~~office where the municipality is located in more than one~~  
12 ~~county, the statements and reports shall be filed in the~~  
13 ~~county where the city hall of the municipality is located. The~~  
14 ~~judge of probate of the county where the report is filed, if~~  
15 ~~the municipality is located in more than one county, shall~~  
16 ~~provide a copy of the report to the judge of probate of the~~  
17 ~~other county or counties where the municipality is located.~~

18 ~~"(d) For the 2014 and 2016 election cycles, all~~  
19 ~~principal campaign committees and political action committees~~  
20 ~~that file with the judge of probate, other than candidates for~~  
21 ~~municipal office, may choose instead to file electronically~~  
22 ~~with the Secretary of State pursuant to this chapter. Any such~~  
23 ~~principal campaign committee or political action committee~~  
24 ~~that chooses to file electronically with the Secretary of~~  
25 ~~State shall first provide notice to the appropriate judge of~~  
26 ~~probate, in a manner prescribed by the judge of probate,~~  
27 ~~indicating that choice and shall continue to file~~

1 ~~electronically with the Secretary of State until terminated or~~  
2 ~~dissolved pursuant to this chapter.~~

3 "~~(e)~~ (b) Commencing with the ~~2018~~ 2024 municipal  
4 election cycle, all principal campaign committees and  
5 political action committees that file with the judge of  
6 probate, ~~other than candidates for municipal office,~~ shall  
7 file electronically with the Secretary of State pursuant to  
8 this chapter.

9 "§17-5-10.

10 "(a) Each report or statement shall be preserved and  
11 a copy made available for public inspection by the Secretary  
12 of State ~~or judge of probate, whichever is applicable.~~

13 "(b) The date of filing of a report or statement  
14 filed pursuant to this chapter shall be deemed to be the date  
15 of receipt by the Secretary of State ~~or judge of probate, as~~  
16 ~~the case may be;~~ provided, that any report or statement filed  
17 by certified or registered mail shall be deemed to be filed in  
18 a timely fashion if the date of the United States postmark  
19 stamped on such report or statement is the required filing  
20 date, and if ~~such~~ the report or statement is properly  
21 addressed with postage prepaid.

22 "§17-5-11.

23 "The Secretary of State ~~and the judge of probate~~  
24 shall have the following duties:

25 "(1) To accept and file all reports and statements,  
26 including amendments, required by ~~the provisions of this~~  
27 chapter to be filed with them and to accept any information



1 voluntarily supplied that exceeds the requirements of this  
2 chapter.

3 "(2) To make each statement and report filed by any  
4 principal campaign committee or political action committee or  
5 elected official available for public inspection and copying  
6 during regular office hours, any ~~such~~ copying to be at the  
7 expense of the person requesting copies; except that any  
8 information copied from such reports or statements may not be  
9 sold or used by any political party, principal campaign  
10 committee, or political action committee for the purposes of  
11 soliciting contributions or for commercial purposes, without  
12 the express written permission of the candidate or the  
13 committee reporting such information.

14 "(3) To furnish any forms to be used in complying  
15 with ~~the provisions of~~ this chapter. The expenses incurred by  
16 the Secretary of State in furnishing forms, accepting  
17 statements and reports, filing statements and reports, and  
18 making ~~such~~ statements and reports available to the public  
19 shall be paid from ~~moneys~~ monies designated to the  
20 distribution of public documents.

21 "§17-5-19.1.

22 "(a) ~~Commencing with the 2018 election cycle, the~~  
23 ~~appropriate election official, based on the location of filing~~  
24 ~~as required by Section 17-5-9, The Secretary of State shall~~  
25 ~~levy an administrative~~ a civil penalty against any person who  
26 fails to timely file a report required by this chapter and who  
27 does not remedy the filing of the report pursuant to

1 subsection (h). The State Ethics Commission ~~shall have the~~  
2 ~~authority to~~ may levy an administrative penalty against any  
3 person who files a materially inaccurate report required by  
4 this chapter and who does not remedy the filing of the report  
5 pursuant to subsection (g).

6 "(b) The schedule of civil penalties shall be as  
7 follows:

8 "(1) The lesser of three hundred dollars (\$300) or  
9 10 percent of the amount of contributions or expenditures not  
10 properly reported for a first offense in an election cycle.

11 "(2) The lesser of six hundred dollars (\$600) or 15  
12 percent of the amount of contributions or expenditures not  
13 properly reported for a second offense in an election cycle.

14 "(3) The lesser of one thousand two hundred dollars  
15 (\$1,200) or 20 percent of the amount of contributions or  
16 expenditures not properly reported for a third or subsequent  
17 offense in an election cycle.

18 "(c) A fourth failure to timely or accurately file a  
19 report in an election cycle shall create a rebuttable  
20 presumption of intent to violate the reporting requirements of  
21 this chapter. The Secretary of State ~~or judge of probate, as~~  
22 ~~appropriate based on the location of filing,~~ shall notify the  
23 Attorney General and the appropriate district attorney of all  
24 persons who violate the filing requirements four or more times  
25 in an election cycle.

26 "(d) Upon imposition of a civil penalty pursuant to  
27 this section, the ~~appropriate filing official~~ Secretary of

1 State shall send the person upon whom the penalty is being  
2 imposed proper notification by certified mail of the  
3 imposition of the penalty. If an electronic mail address is on  
4 file with the Secretary of State, the Secretary of State shall  
5 also provide ~~such~~ notification by electronic mail.

6 "(e) Civil penalties levied shall be paid to the  
7 ~~appropriate filing official~~ Secretary of State within 45 days  
8 of the finality of any review. The Secretary of State ~~or judge~~  
9 ~~of probate~~, through his or her attorney, may institute  
10 proceedings to recover any penalties ordered pursuant to this  
11 section that are not paid by, or on behalf of, the person  
12 against whom they are levied and may collect necessary fees  
13 and costs associated with the collection action.

14 "(f) All penalties collected by ~~a judge of probate~~  
15 ~~shall be distributed to that county's general fund, and all~~  
16 ~~penalties collected by~~ the Secretary of State shall be  
17 distributed to the State General Fund.

18 "(g) A person who voluntarily files an amended  
19 report to correct an error in an otherwise timely filed report  
20 without being prompted by ~~a filing official~~ the Secretary of  
21 State shall not have committed an offense or be subjected to a  
22 civil penalty under this section, so long as, in the case of a  
23 candidate, the corrected report is filed prior to the election  
24 at issue, and so long as, in the case of a political action  
25 committee, the corrected report is filed prior to the close of  
26 the calendar year.

1           "(h) Failure to file a timely report shall not be  
2 considered an offense or subjected to a civil penalty pursuant  
3 to subsection (a) so long as it is the first failure by that  
4 candidate or political action committee for the election cycle  
5 and the report is filed within 48 hours of the time it was  
6 due.

7           "(i) Any penalties assessed pursuant to this section  
8 may be paid with campaign funds.

9           "§17-5-19.2.

10           "(a) Any person upon whom a civil penalty has been  
11 imposed pursuant to Section 17-5-19.1 may seek a review of  
12 ~~such~~ the penalty by filing a written notice with the Secretary  
13 of State ~~or judge of probate~~ no later than 14 days after the  
14 date on which notification of the imposition of the penalty  
15 was mailed to the person's last known address in accordance  
16 with Section 17-5-19.1. The Secretary of State ~~or judge of~~  
17 ~~probate~~ shall refer ~~such~~ the review to the State Ethics  
18 Commission.

19           "(b) The commission may set aside or reduce a civil  
20 penalty upon a showing of good cause. The person seeking  
21 review shall bear the burden of proof."

22           Section 2. This act shall become effective August 1,  
23 2023, following its passage and approval by the Governor, or  
24 its otherwise becoming law.