

1 HB365
2 207804-1
3 By Representative Sorrell
4 RFD: Ethics and Campaign Finance
5 First Read: 09-FEB-21

SYNOPSIS: Under existing law, a candidate, public official, or principal campaign committee may accept, solicit, or receive campaign contributions for a period of 120 days following an election for the purpose of paying down campaign debt.

This bill would require a candidate, public official, or principal campaign committee who accepts, solicits, or receives campaign contributions during the 120-day period after the election in order to pay down campaign debt to report the campaign debt to the appropriate filing official and would prohibit a candidate from accepting contributions that exceed the amount reported.

This bill would create the Campaign Debt Clarification Act.

A BILL
TO BE ENTITLED
AN ACT

1
2 Relating to campaign finance; to amend Sections
3 17-5-2, 17-5-7, 17-5-8, and 17-5-9, Code of Alabama 1975; to
4 create the Campaign Debt Clarification Act; to require a
5 candidate, public official, or principal campaign committee
6 who accepts, solicits, or receives campaign contributions to
7 pay down campaign debt during the 120-day period after the
8 election to report the campaign debt to the appropriate filing
9 official; and to limit a candidate, public official, or
10 principal campaign committee from accepting, soliciting, or
11 receiving campaign contributions in excess of the amount of
12 campaign debt reported.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. This act shall be known and may be cited
15 as the Campaign Debt Clarification Act.

16 Section 2. Sections 17-5-2, 17-5-7, 17-5-8, and
17 17-5-9, Code of Alabama 1975, are amended to read as follows:

18 "§17-5-2.

19 "(a) For purposes of this chapter, the following
20 terms shall have the following meanings:

21 "(1) CANDIDATE. An individual who has done any of
22 the following:

23 "a. Taken the action necessary under the laws of the
24 state to qualify himself or herself for nomination or for
25 election to any state office or local office or in the case of
26 an independent seeking ballot access, on the date when he or
27 she files a petition with the judge of probate in the case of

1 county offices, with the appropriate qualifying municipal
2 official in the case of municipal offices, or the Secretary of
3 State in all other cases.

4 "b. Received contributions or made expenditures in
5 excess of one thousand dollars (\$1,000), or given his or her
6 consent for any other person or persons to receive
7 contributions or make expenditures in excess of one thousand
8 dollars (\$1,000), with a view to bringing about his or her
9 nomination or election to any state office or local office.

10 "(2) COMMISSION. The State Ethics Commission created
11 pursuant to Section 36-25-3.

12 "(3) CONTRIBUTION.

13 "a. Any of the following shall be considered a
14 contribution:

15 "1. A gift, subscription, loan, advance, deposit of
16 money or anything of value, a payment, a forgiveness of a
17 loan, or payment of a third party, made for the purpose of
18 influencing the result of an election.

19 "2. A contract or agreement to make a gift,
20 subscription, loan, advance, or deposit of money or anything
21 of value for the purpose of influencing the result of an
22 election.

23 "3. Any transfer of anything of value received by a
24 political committee from another political committee,
25 political party, or other source.

26 "4. The payment of compensation by any person for
27 the personal services or expenses of any other person if the

1 services are rendered or expenses incurred on behalf of a
2 candidate, political committee, or political party without
3 payment of full and adequate compensation by the candidate,
4 political committee, or political party. Provided, however,
5 that the payment of compensation by a corporation for the
6 purpose of establishing, administering, or soliciting
7 voluntary contributions to a separate, segregated fund as
8 permitted in this chapter, shall not constitute a
9 contribution.

10 "b. The term "contribution" does not include:

11 "1. The value of services provided without
12 compensation by individuals who volunteer a portion or all of
13 their time on behalf of a candidate or political committee.

14 "2. The use of real or personal property and the
15 cost of invitations, food, or beverages, voluntarily provided
16 by an individual to a candidate or political committee in
17 rendering voluntary personal services on the individual's
18 residential or business premises for election-related
19 activities.

20 "3. The sale of any food or beverage by a vendor for
21 use in an election campaign at a charge to a candidate or
22 political committee less than the normal comparable charge, if
23 the charge to the political committee for use in an election
24 campaign is at least equal to the cost of the food or beverage
25 to the vendor.

26 "4. Any unreimbursed payment for travel expenses
27 made by an individual who, on his or her own behalf,

1 volunteers personal services to a candidate or political
2 committee.

3 "5. The payment by a state or local committee of a
4 political party of the cost of preparation, display, or
5 mailing or other distribution incurred by the committee with
6 respect to a printed slate card or sample ballot, or other
7 printed listing of two or more candidates for any public
8 office for which an election is held in the state, except that
9 this subparagraph shall not apply in the case of costs
10 incurred by the committee with respect to a display of the
11 listing made on broadcasting stations, or in newspapers,
12 magazines, or other similar types of general public political
13 advertising.

14 "6. The value or cost of polling data and voter
15 preference data and information if provided to a candidate or
16 political committee, unless the information was compiled with
17 the advance knowledge of and approval of the candidate or the
18 political committee.

19 "c. For purposes of reporting contributions as
20 required by this chapter, the date of receipt of a
21 contribution shall be the first date the recipient of the
22 contribution is able to make use of the contribution. In the
23 case of a contribution in the form of a check, the date of
24 receipt is the earlier of either of the following:

25 "1. Ten days from the date that the check came
26 within the recipient's control.

1 "2. The date that the check was deposited into the
2 recipient's account.

3 "(4) DESIGNATED FILING AGENT. An individual
4 appointed and authorized as attorney in fact to electronically
5 submit any report or other filing required by this chapter on
6 behalf of a candidate, his or her principal campaign
7 committee, or a political action committee.

8 "(5) ELECTION. Unless otherwise specified, any
9 general, special, primary, or runoff election, or any
10 convention or caucus of a political party held to nominate a
11 candidate, or any election at which a constitutional amendment
12 or other proposition is submitted to the popular vote.

13 "(6) ELECTIONEERING COMMUNICATION. Any communication
14 disseminated through any federally regulated broadcast media,
15 any mailing, or other distribution, electronic communication,
16 phone bank, or publication which (i) contains the name or
17 image of a candidate; (ii) is made within 120 days of an
18 election in which the candidate will appear on the ballot;
19 (iii) the only reasonable conclusion to be drawn from the
20 presentation and content of the communication is that it is
21 intended to influence the outcome of an election; and (iv)
22 entails an expenditure in excess of one thousand dollars
23 (\$1,000).

24 "(7) EXPENDITURE.

25 "a. The following shall be considered expenditures:

1 "1. A purchase, payment, distribution, loan,
2 advance, deposit, or gift of money or anything of value made
3 for the purpose of influencing the result of an election.

4 "2. A contract or agreement to make any purchase,
5 payment, distribution, loan, advance, deposit, or gift of
6 money or anything of value, for the purpose of influencing the
7 result of an election.

8 "3. The transfer, gift, or contribution of funds of
9 a political committee to another political committee.

10 "4. The payment of any qualifying fee or other cost
11 associated with qualifying to run for office.

12 "b. The term "expenditure" does not include:

13 "1. Any news story, commentary, or editorial
14 prepared by and distributed through the facilities of any
15 broadcasting station, newspaper, magazine, or other periodical
16 publication, unless the facilities are owned or controlled by
17 any political party or political committee.

18 "2. Nonpartisan activity designed to encourage
19 individuals to register to vote, or to vote.

20 "3. Any communication by any membership organization
21 to its members or by a corporation to its stockholders and
22 employees if the membership organization or corporation is not
23 organized primarily for the purpose of influencing the result
24 of an election.

25 "4. The use of real or personal property and the
26 cost of invitations, food, or beverages, voluntarily provided
27 by an individual in rendering voluntary personal services on

1 the individual's residential or business premises for
2 election-related activities.

3 "5. Any unreimbursed payment for travel expenses
4 made by an individual who, on his or her own behalf,
5 volunteers personal services to a candidate or political
6 committee.

7 "6. Any communication by any person which is not
8 made for the purposes of influencing the result of an
9 election.

10 "7. The payment by a state or local committee of a
11 political party of the cost of preparation, display, or
12 mailing or other distribution incurred by the committee with
13 respect to a printed slate card or sample ballot, or other
14 printed listing of two or more candidates for any public
15 office for which an election is held in the state, except that
16 this subparagraph shall not apply in the case of costs
17 incurred by the committee with respect to a display of the
18 listing made on broadcasting stations, or in newspapers,
19 magazines, or other similar types of general public political
20 advertising.

21 "c. For purposes of reporting expenditures as
22 required by this chapter, the date an expenditure is made is
23 the date the instrument authorizes the expenditure. In the
24 case of an expenditure made by check or electronic payment,
25 the date of expenditure is the date of the check or electronic
26 payment.

1 "(8) IDENTIFICATION. The full name and complete
2 address.

3 "(9) LOAN. A transfer of money, property, or
4 anything of value in consideration of a promise or obligation,
5 conditional or not, to repay in whole or part.

6 "(10) LOCAL OFFICE. Any office under the
7 constitution and laws of the state, except circuit, district,
8 or legislative offices, filled by election of the registered
9 voters of a single county or municipality, or by the voters of
10 a division contained within a county or municipality.

11 "(11) PERSON. An individual, partnership, committee,
12 association, corporation, labor organization, or any other
13 organization or group of persons.

14 "(12) PERSONAL AND LEGISLATIVE LIVING EXPENSES.
15 Household supplies, personal clothing, tuition payments,
16 mortgage, rent, or utility payments for a personal residence;
17 admission to an entertainment event or fees for a country club
18 or social club, unless tied to a specific campaign event or
19 functions involving constituents; and any other expense,
20 excluding food and beverages, that would exist irrespective of
21 the candidate's campaign or duties as a legislator. Personal
22 and legislative living expenses shall not include expenses for
23 food, beverages, travel, or communications incurred by the
24 legislator in the performance of the office held.

25 "(13) POLITICAL ACTION COMMITTEE. Any committee,
26 club, association, political party, or other group of one or
27 more persons, whether in-state or out-of-state, which receives

1 or anticipates receiving contributions and makes or
2 anticipates making expenditures to or on behalf of any Alabama
3 state or local elected official, proposition, candidate,
4 principal campaign committee or other political action
5 committee. For the purposes of this chapter, a person who
6 makes a political contribution shall not be considered a
7 political action committee by virtue of making such
8 contribution.

9 "(14) POLITICAL PARTY. A political party as defined
10 in Section 17-13-40.

11 "(15) PRINCIPAL CAMPAIGN COMMITTEE. The principal
12 campaign committee designated by a candidate under Section
13 17-5-4. A political action committee established primarily to
14 benefit an individual candidate or an individual elected
15 official shall be considered a principal campaign committee
16 for purposes of this chapter.

17 "(16) PROPOSITION. Any proposal for submission to
18 the general public for its approval or rejection, including
19 proposed as well as qualified ballot questions.

20 "(17) PUBLIC OFFICIAL. Any person elected to public
21 office, whether or not that person has taken office, by the
22 vote of the people at the state, county, or municipal level of
23 government or their instrumentalities, including governmental
24 corporations, and any person appointed to a position at the
25 state, county, or municipal level of government or their
26 instrumentalities, including governmental corporations. For
27 purposes of this chapter, a public official includes the

1 chairs and vice chairs or the equivalent offices of each state
2 political party as defined in Section 17-13-40.

3 "(18) QUALIFYING CAMPAIGN DEBT. Any debt or
4 obligation incurred by a candidate's principal campaign
5 committee, either before or after an election, that is related
6 to the candidate's campaign for the election of the candidate
7 or the winding down of the campaign after that election. The
8 term excludes the principal campaign committee's cash or other
9 assets on hand and any commitments or obligations of the
10 principal campaign committee for future goods or services
11 which may be cancelled, such as monthly contracts for goods or
12 services.

13 ~~"(18)~~ (19) STATE. The State of Alabama.

14 ~~"(19)~~ (20) STATE OFFICE. All offices under the
15 constitution and laws of the state filled by election of the
16 registered voters of the state or of any circuit or district
17 and shall include legislative offices.

18 "(b) The words and terms used in this chapter shall
19 have the same meanings respectively ascribed to them in
20 Section 36-25-1.

21 "§17-5-7.

22 "(a) Except as provided in subsection (d) and in
23 Section 17-5-7.1, a candidate, public official, or treasurer
24 of a principal campaign committee as defined in this chapter,
25 may only use campaign contributions, and any proceeds from
26 investing the contributions that are in excess of any amount
27 necessary to defray expenditures of the candidate, public

1 official, or principal campaign committee, for the following
2 purposes:

3 "(1) Necessary and ordinary expenditures of the
4 campaign.

5 "(2) Expenditures that are reasonably related to
6 performing the duties of the office held. For purposes of this
7 section, expenditures that are reasonably related to
8 performing the duties of the office held do not include
9 personal and legislative living expenses, as defined in this
10 chapter.

11 "(3) Donations to the State General Fund, the
12 Education Trust Fund, or equivalent county or municipal funds.

13 "(4) Donations to an organization to which a federal
14 income tax deduction is permitted under subparagraph (A) of
15 paragraph (1) of subsection (b) of Section 170 of the Internal
16 Revenue Code of 1986, as amended, or any other charitable,
17 educational, or eleemosynary cause of Section 501 of Title 26
18 of the U. S. Code.

19 "(5) Inaugural or transitional expenses.

20 "(6) Donations to a legislative caucus organization
21 registered under this chapter which does not operate as a
22 political action committee.

23 "(7) Legal fees and costs associated with any civil
24 action, criminal prosecution, or investigation related to
25 conduct reasonably related to performing the duties of the
26 office held.

1 "(b) Notwithstanding any other provision of law,
2 including, but not limited to, Section 13A-10-61, a candidate,
3 public official, or principal campaign committee may only
4 accept, solicit, or receive contributions:

5 "(1) To influence the outcome of an election.

6 "(2) For a period of 12 months before an election in
7 which the person intends to be a candidate. Provided, however,
8 candidates for legislative and statewide office and their
9 principal campaign committees may not accept, solicit, or
10 receive contributions during the period when the Legislature
11 is convened in session. For purposes of this section, the
12 Legislature is convened in session at any time from the
13 opening day of the special or regular session and continued
14 through the day of adjournment sine die for that session.
15 However, this subdivision shall not apply within 120 days of
16 any primary, runoff, or general election, and shall not apply
17 to the candidates or their principal campaign committees
18 participating in any special election as called by the
19 Governor. This subdivision shall not apply to a loan from a
20 candidate to his or her own principal campaign committee.

21 "(3) For a period of 120 days after the election in
22 which the person was a candidate, ~~but only to the extent of~~
23 ~~any campaign debt of the candidate or principal campaign~~
24 ~~committee of the candidate as indicated on the campaign~~
25 ~~financial disclosure form or to the extent of reaching the~~
26 ~~threshold that is required for qualification as a candidate~~
27 ~~for the office which he or she currently holds, or both~~

1 provided, the contributions may not exceed either or both of
2 the following:

3 "a. The amount of qualifying campaign debt of the
4 candidate's principal campaign committee, as disclosed in the
5 qualifying campaign debt disclosure form pursuant to
6 subsection (d) of Section 17-5-8.

7 "b. The amount necessary to reach the threshold that
8 is required for qualification as a candidate.

9 "(4) For the purpose of paying all expenses
10 associated with an election challenge including, but not
11 limited to, quo warranto challenges.

12 "(c) Notwithstanding any other provision of law,
13 including, but not limited to, Section 13A-10-61, a candidate,
14 public official, or principal campaign committee shall not
15 accept, solicit, or receive contributions for any of the
16 following reasons:

17 "(1) As a bribe, as defined by Sections 13A-10-60 to
18 13A-10-63, inclusive.

19 "(2) For the intention of corruptly influencing the
20 official actions of the public official or candidate for
21 public office.

22 "(d) Notwithstanding any other provision of law, a
23 principal campaign committee, during a two-year period
24 commencing on the day after each regularly scheduled general
25 election and ending on the day of the next regularly scheduled
26 general election, may pay qualifying fees to a political party
27 and in addition thereto, during that period, may expend up to

1 a cumulative total of five thousand dollars (\$5,000) of
2 campaign contributions, and any proceeds from investing the
3 contributions, for the following purposes:

4 "(1) Tickets for political party dinners or
5 functions.

6 "(2) State or local political party dues or similar
7 expenses incurred by independent or write-in candidates.

8 "§17-5-8.

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

17 "~~(1) Beginning after the 2012 election cycle,~~
18 ~~regardless~~ Regardless of whether a candidate has opposition in
19 any election, monthly reports not later than the second
20 business day of the subsequent month, beginning 12 months
21 before the date of any primary, special, runoff, or general
22 election for which a political action committee or principal
23 campaign committee receives contributions or makes
24 expenditures with a view toward influencing such election's
25 result. A monthly report shall include all reportable
26 transactions for the previous full month period. Reports shall
27 be required as provided in subdivisions (2) and (3).

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

6 "(3) ~~a.~~ In addition to the reporting dates specified
7 in subdivisions (1) and (2), ~~reports required to be filed with~~
8 ~~the Secretary of State shall be filed with the Secretary of~~
9 ~~State~~ reports shall be filed on the eighth, seventh, sixth,
10 fifth, fourth, third, and second day preceding a legislative,
11 state school board, or other statewide primary, special,
12 runoff, or general election, and by 12:01 p.m. on the day
13 preceding a legislative, state school board, or statewide,
14 primary, special, runoff, or general election if any principal
15 campaign committee or political action committee receives or
16 spends in the aggregate five thousand dollars (\$5,000) or more
17 on that day with a view toward influencing an election's
18 results. If a daily report is required pursuant to this
19 subdivision, the report shall include all reportable activity
20 occurring on the day of the report as well as all reportable
21 activity that has occurred on each day since the most recent
22 prior report. ~~Principal campaign committees and political~~
23 ~~action committees that are exempt from electronic filing and~~
24 ~~principal campaign committees and political action committees~~
25 ~~required to make daily reports pursuant to this subdivision~~
26 ~~for the 2012 election cycle may file reports by facsimile~~

1 ~~(FAX) transmission provided they keep proper documentation in~~
2 ~~their office.~~

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

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

23 "(c) Each report under ~~this section~~ subsections (a)
24 and (b) shall disclose:

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

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

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

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

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

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

22 "(7) The identification of each person to whom
23 expenditures have been made by or on behalf of such committee
24 or elected official within the calendar year in an aggregate
25 amount greater than one hundred dollars (\$100), the amount,
26 date, and purpose of each such expenditure, and, if
27 applicable, the designation of each constitutional amendment

1 or other proposition with respect to which an expenditure was
2 made.

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

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

11 ~~"(10) The amount and nature of debts and obligations
12 owed by or to the committee or elected official, together with
13 a statement as to the circumstances and conditions under which
14 any such debt or obligation was extinguished and the
15 consideration therefor.~~

16 "(d) (1) In addition to the mandatory reports under
17 subsections (a) and (b), any candidate, principal campaign
18 committee, or public official who accepts, solicits, or
19 receives contributions during the 120-day period after the
20 election, pursuant to paragraph a. of subdivision (3) of
21 subsection (b) of Section 17-5-7, shall file a qualifying
22 campaign debt disclosure form with the appropriate filing
23 official, as designated in subsection (a) of Section 17-5-9.
24 The report may be filed at any time during the 120-day period,
25 and if filed earlier than the last day of the 120-day period,
26 may be amended at any time during the 120-day period.

1 "(2) A candidate, principal campaign committee, or
2 public official is not required to file a qualifying campaign
3 debt disclosure form if the candidate, principal campaign
4 committee, or public official does not accept, solicit, or
5 receive contributions during the 120-day period after the
6 election, pursuant to paragraph a. of subdivision (3) of
7 subsection (b) of Section 17-5-7.

8 "(3) The report shall include an itemized list of
9 the amount and a description of qualifying campaign debt that
10 is outstanding or was outstanding at any time during the
11 120-day period, including the amount of qualifying campaign
12 debt that was reduced or defrayed during the 120-day period
13 and by what amount.

14 "(4) Failure to disclose all qualifying campaign
15 debt in a report made under this subsection does not
16 constitute a violation, unless the contributions accepted or
17 received under paragraph a. of subdivision (3) of subsection
18 (b) of Section 17-5-7 exceed the amount of qualifying campaign
19 debt disclosed on the qualifying campaign debt disclosure form
20 and the excess amount is not returned to the contributor
21 within 10 days of receiving the excess amount.

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

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

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

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

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

26 ~~"(h) (f) In connection with any electioneering~~
27 ~~communication paid for by a person, nonprofit corporation,~~

1 entity, principal campaign committee, or other political
2 committee or entity, the payor shall disclose its
3 contributions and expenditures in accordance with this
4 section. The disclosure shall be made in the same form and at
5 the same time as is required of political action committees in
6 this section; provided, however, no duplicate reporting shall
7 be required by a political committee.

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

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

26 "~~(k)~~(i) Each report required by this section shall
27 include all reportable transactions occurring since the most

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

13 "(j)(1) Except as provided in subdivision (2), all
14 filings made pursuant to this section shall be made
15 electronically. Electronic filings shall be available to the
16 public on a searchable database maintained on the Secretary of
17 State's website.

18 "(2) Electronic filing of reports shall not apply to
19 any campaign, principal campaign committee, or political
20 action committee receiving five thousand dollars (\$5,000) or
21 less per election cycle.

22 "(l)(k) The Secretary of State may ~~promulgate~~
23 ~~administrative~~ adopt rules pursuant to the Alabama
24 Administrative Procedure Act as are necessary to implement and
25 administer ~~the changes made to this section by Act 2012-477~~
26 this section.

27 "§17-5-9.

1 "(a) All statements and reports,~~including~~
2 ~~amendments,~~ required of principal campaign committees and
3 political action committees under ~~the provisions of this~~
4 chapter shall be filed with the Secretary of State, ~~in the~~
5 ~~case of candidates for state office or state elected~~
6 ~~officials, and in the case of candidates for local office or~~
7 ~~local elected officials,~~ except any principal campaign
8 committee for a candidate running for a municipal office, or
9 any political action committee existing solely to influence
10 the election of a candidate or candidates in a single
11 municipality or to influence a proposition regarding a single
12 municipality, shall file with the judge of probate of the
13 county in which the ~~office is sought for the 2016 election~~
14 ~~cycle~~ municipality is located.

15 "~~(b) Political action committees, which seek to~~
16 ~~influence an election for local office or to influence a~~
17 ~~proposition regarding a single county, shall file all reports~~
18 ~~and statements, including amendments, with the judge of~~
19 ~~probate of the county affected. All other political action~~
20 ~~committees, except as provided in subsection (a) above, shall~~
21 ~~file reports and statements with the Secretary of State.~~

22 "~~(c)~~ (b) In the case of candidates for a municipal
23 office where the municipality is located in more than one
24 county, the statements and reports shall be filed in the
25 county where the city hall of the municipality is located. The
26 judge of probate of the county where the report is filed, if
27 the municipality is located in more than one county, shall

1 provide a copy of the report to the judge of probate of the
2 other county or counties where the municipality is located.

3 ~~"(d) For the 2014 and 2016 election cycles, all~~
4 ~~principal campaign committees and political action committees~~
5 ~~that file with the judge of probate, other than candidates for~~
6 ~~municipal office, may choose instead to file electronically~~
7 ~~with the Secretary of State pursuant to this chapter. Any such~~
8 ~~principal campaign committee or political action committee~~
9 ~~that chooses to file electronically with the Secretary of~~
10 ~~State shall first provide notice to the appropriate judge of~~
11 ~~probate, in a manner prescribed by the judge of probate,~~
12 ~~indicating that choice and shall continue to file~~
13 ~~electronically with the Secretary of State until terminated or~~
14 ~~dissolved pursuant to this chapter.~~

15 ~~"(e) Commencing with the 2018 election cycle, all~~
16 ~~principal campaign committees and political action committees~~
17 ~~that file with the judge of probate, other than candidates for~~
18 ~~municipal office, shall file electronically with the Secretary~~
19 ~~of State pursuant to this chapter."~~

20 Section 3. This act shall become effective on the
21 first day of the third month following its passage and
22 approval by the Governor, or its otherwise becoming law.