

1 HB207  
2 135750-1  
3 By Representative Coleman  
4 RFD: Ethics and Campaign Finance  
5 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would limit contributions made to  
9 candidates for office from individuals,  
10 corporations, business groups, unions, political  
11 parties, or other legally recognized entity to \$500  
12 per election that the candidate's name is on the  
13 ballot.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 To amend Section 2 of Act 2011-697, now appearing as  
20 Section 17-5-8 of the Code of Alabama 1975, relating to  
21 reporting of contributions and expenditures by candidates,  
22 committees, and officials; to limit contributions made to  
23 candidates for office from individuals, corporations, business  
24 groups, unions, political parties, or other legally recognized  
25 entity to \$500 per election that the candidate's name is on  
26 the ballot.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 2 of Act 2011-697, now appearing  
2           as Section 17-5-8 of the Code of Alabama 1975, is hereby  
3           amended to read as follows:

4           "§17-5-8.

5           "(a) Each principal campaign committee or political  
6           action committee shall file with the Secretary of State or  
7           judge of probate, as designated in Section 17-5-9, reports of  
8           contributions and expenditures at the following times once a  
9           principal campaign committee files its statement under Section  
10          17-5-4 or a political action committee files its statement of  
11          organization under Section 17-5-5:

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

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

25          "(3)a. In addition to the reporting dates specified  
26          in subdivisions (1) and (2), reports required to be filed with  
27          the Secretary of State shall be filed with the Secretary of

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

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

23 "(b) Each principal campaign committee, political  
24 action committee, and elected state and local official covered  
25 under the provisions of this chapter, shall annually file with  
26 the Secretary of State or judge of probate, as designated in  
27 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 endorers, or guarantors, if  
24 any, and the date and amount of such loans.

25 "(5) The total amount of receipts from any other  
26 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  
26 political action committee by its chair or treasurer and, if  
27 filed on behalf of a principal campaign committee, by the

1 candidate represented by such committee. There shall be  
2 attached to each such report an affidavit subscribed and sworn  
3 to by the official or chair or treasurer and, if filed by a  
4 principal campaign committee, the candidate represented by  
5 such committee, setting forth in substance that such report is  
6 to the best of his or her knowledge and belief in all respects  
7 true and complete, and, if made by a candidate, that he or she  
8 has not received any contributions or made any expenditures  
9 which are not set forth and covered by such 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 ten thousand dollars (\$10,000) or  
27 less per election cycle.

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

19           "(j) Notwithstanding the disclosure requirements of  
20       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.

26           "(k) The corporate contribution limits contained in  
27       Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall not



1       apply in any respect to an electioneering communication;  
2       provided, however, the corporate contribution limits contained  
3       in Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall  
4       continue in force and effect for contributions by corporations  
5       to principal campaign committees, political committees, and to  
6       political parties.

7               "(1) Notwithstanding any other provisions of law,  
8       contributions to candidates for public office from  
9       individuals, corporations, or business groups, unions,  
10      political parties, or any other legally recognized entity  
11      shall not exceed five hundred dollars (\$500) per election that  
12      the candidate's name is on the ballot."

13              Section 2. This act shall become effective  
14      immediately following its passage and approval by the  
15      Governor, or its otherwise becoming law.