

1 HB545  
2 137079-1  
3 By Representative Davis  
4 RFD: Ethics and Campaign Finance  
5 First Read: 14-MAR-12

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8 SYNOPSIS: Under existing law, each principal campaign  
9 committee or political action committee must file  
10 reports of contributions and expenditures. Each  
11 report must be signed and filed by the elected  
12 official or on behalf of the political action  
13 committee by its chair or treasurer. The report  
14 must also be accompanied by an affidavit subscribed  
15 and sworn to by the elected official, or chair or  
16 treasurer and, if filed by a principal campaign  
17 committee, the candidate representing the  
18 committee.

19 This bill would remove the requirement that  
20 the report be accompanied by an affidavit.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 To amend Section 17-5-8, Code of Alabama 1975, as  
27 amended by Act 2011-697, 2011 Regular Session, to remove the

1 requirement that a report of contributions and expenditures  
2 must be accompanied by a subscribed and sworn to affidavit.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-5-8, Code of Alabama 1975, as  
5 amended by Act 2011-697, 2011 Regular Session, is amended to  
6 read as follows:

7 "§17-5-8.

8 "(a) Each principal campaign committee or political  
9 action committee shall file with the Secretary of State or  
10 judge of probate, as designated in Section 17-5-9, reports of  
11 contributions and expenditures at the following times once a  
12 principal campaign committee files its statement under Section  
13 17-5-4 or a political action committee files its statement of  
14 organization under Section 17-5-5:

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

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

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

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

26           "(b) Each principal campaign committee, political  
27 action committee, and elected state and local official covered

1 under the provisions of this chapter, shall annually file with  
2 the Secretary of State or judge of probate, as designated in  
3 Section 17-5-9, reports of contributions and expenditures made  
4 during that year. The annual reports required under this  
5 subsection shall be made on or before January 31 of the  
6 succeeding year.

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

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

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

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

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

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

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

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

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

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

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

26           "(d) Each report required by this section shall be  
27 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.

26 "(g) Electronic filing of reports shall not apply to  
27 any campaign, principal campaign committee, or political

1 action committee receiving ten thousand dollars (\$10,000) or  
2 less per election cycle.

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

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

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



1           "(k) The corporate contribution limits contained in  
2 Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall not  
3 apply in any respect to an electioneering communication;  
4 provided, however, the corporate contribution limits contained  
5 in Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall  
6 continue in force and effect for contributions by corporations  
7 to principal campaign committees, political committees, and to  
8 political parties."

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