

1 SB136  
2 126406-2  
3 By Senator Orr  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 01-MAR-11

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8 SYNOPSIS: Under existing law, the filing of campaign  
9 finance disclosures is accomplished through the  
10 filing of paper documents at specified times.

11 Effective with the 2014 election cycle, this  
12 bill would require an electronic report be filed at  
13 more frequent intervals before the election. The  
14 bill would require monthly and weekly reporting,  
15 and daily reporting of certain cumulative amounts  
16 of contributions. The bill would require the  
17 electronic reporting of all single contributions of  
18 \$20,000, or more not otherwise periodically  
19 reported. The bill would require more frequent  
20 paper filings for statewide elections in 2012.

21 This bill, commencing with the 2014 election  
22 cycle, would require the electronic filing of  
23 campaign reports, with limited exceptions, and  
24 would require the Secretary of State to maintain an  
25 electronic searchable public database of all  
26 campaign contributions and expenditures required to  
27 be filed with the Secretary of State. The bill

1           would authorize the Secretary of State to  
2           promulgate necessary rules to implement and  
3           administer this act.

4           This bill would provide for a supplemental  
5           appropriation from the State General Fund for the  
6           2011-2012 fiscal year of \$2,000,000 to the  
7           Secretary of State to implement and administer the  
8           requirements of this act.

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10                           A BILL  
11                           TO BE ENTITLED  
12                           AN ACT

13  
14           To amend Section 17-5-8, Code of Alabama 1975,  
15   relating to the filing of campaign finance disclosure reports;  
16   to require the filing of campaign reports at more frequent  
17   intervals for the 2012 and 2014 election cycles; to provide  
18   for the filing of large contributions in addition to other  
19   filings; to require electronic reporting beginning with the  
20   2014 election cycle, with limited exceptions; commencing with  
21   the 2014 election cycle, to require the Secretary of State to  
22   establish and maintain an electronic searchable public  
23   database of all campaign contributions and expenditures  
24   required to be filed with the Secretary of State; to allow the  
25   Secretary of State to promulgate rules for implementing and  
26   administering the act; and to provide for a supplemental

1 appropriation of \$2,000,000 from the State General Fund to the  
2 Secretary of State for fiscal year 2011-2012.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§17-5-8.

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

15 "(1) ~~Regardless~~ Beginning with the 2012 election  
16 cycle, regardless of whether the candidate has opposition in  
17 any election, ~~between 50 and 45 days before and between 10 and~~  
18 ~~five days~~ on the last day of each month beginning 12 months  
19 before the date of any primary, special, runoff, or general  
20 election for which a political action committee or principal  
21 campaign committee receives contributions or makes  
22 expenditures with a view toward influencing such election's  
23 result. Beginning with the month preceding the month in which  
24 the election is held each report shall be required as provided  
25 in subdivisions (2) and (3).

26 "(2) ~~Provided, however, that with~~ With regard to a  
27 runoff election, a report shall ~~not~~ be required ~~except between~~

1 ~~five and 10 days~~ weekly on the Friday of each week before the  
2 runoff election.

3 "(3)a. In addition to the reporting dates specified  
4 in subdivisions (1) and (2), reports required to be filed with  
5 the Secretary of State shall be filed with the Secretary of  
6 State on the eighth, seventh, sixth, fifth, fourth, third,  
7 second, and the day preceding a statewide general election,  
8 runoff election, and any special statewide election if any  
9 principal campaign committee or political action committee  
10 receives or spends in the aggregate five thousand dollars  
11 (\$5,000) or more on any day with a view toward influencing an  
12 election's results.

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

20 "(b) Each principal campaign committee, political  
21 action committee, and elected state and local official covered  
22 under the provisions of this chapter, shall annually file with  
23 the Secretary of State or judge of probate, as designated in  
24 Section 17-5-9, reports of contributions and expenditures made  
25 during that year. The annual reports required under this  
26 subsection shall be made on or before January 31 of the  
27 succeeding year.

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

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

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

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

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

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

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

26           "(7) The identification of each person to whom  
27 expenditures have been made by or on behalf of such committee

1 or elected official within the calendar year in an aggregate  
2 amount greater than one hundred dollars (\$100), the amount,  
3 date, and purpose of each such expenditure, and, if  
4 applicable, the designation of each constitutional amendment  
5 or other proposition with respect to which an expenditure was  
6 made.

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

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

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

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

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

6 "(e) Commencing with the 2014 election cycle  
7 electronic filing of contributions and expenditures shall be  
8 mandatory, except as provided in subsection (g). The Secretary  
9 of State may provide electronic reporting sooner than the 2014  
10 election cycle. Electronic filing shall satisfy any filing  
11 requirements of this chapter and no paper filing is required  
12 for any report filed electronically.

13 "(f) In the 2012 election cycle the provisions for  
14 the time of filing contained in subsection (a) shall apply to  
15 the paper filings for statewide elections.

16 "(g) Electronic filing of reports shall not apply to  
17 any campaign receiving ten thousand dollars (\$10,000) or less  
18 per election cycle."

19 Section 2. (a) Commencing with the 2014 election  
20 cycle, all statements, reports of contributions and  
21 expenditures, and other filing required to be filed pursuant  
22 to Chapter 5, Title 17, Code of Alabama 1975, shall be  
23 submitted electronically over the Internet by a computer file  
24 containing the report information in a format and medium to be  
25 prescribed by the Secretary of State.

26 (b) Commencing with the 2014 election cycle, the  
27 Secretary of State shall implement and maintain an electronic

1 database accessible by the public through the Secretary of  
2 State's website which provides the capability of search and  
3 retrieval of all statements, reports, and other filings  
4 required to be filed with the Secretary of State pursuant to  
5 this chapter. The searchable database shall provide the  
6 ability to search by a recipient's name, a contributor's name,  
7 a contributor's or recipient's zip code, and dates of  
8 contributions.

9 (c) Unless otherwise included in a report made  
10 pursuant to subsection (a) of Section 17-5-8, Code of Alabama  
11 1975, the principal campaign committee or political action  
12 committee shall file a report disclosing the receipt of any  
13 single contribution of twenty thousand dollars (\$20,000) or  
14 more. These reports shall disclose the same information  
15 required by Section 17-5-8, Code of Alabama 1975, and shall be  
16 filed within two business days of receipt of the contribution,  
17 and beginning with the 2014 election cycle these reports shall  
18 be filed electronically.

19 Section 3. The Secretary of State may promulgate  
20 such administrative rules pursuant to the Alabama  
21 Administrative Procedure Act as are necessary to implement and  
22 administer this act.

23 Section 4. In addition to any other appropriation by  
24 law, the supplemental amount of two million dollars  
25 (\$2,000,000) is appropriated from the State General Fund to  
26 the Secretary of State for fiscal year 2011-2012 in order to  
27 implement and administer this act.

1                   Section 5. This act shall become effective on the  
2   first day of the third month following its passage and  
3   approval by the Governor, or its otherwise becoming law.