

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

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.

9
10 A BILL

11 TO BE ENTITLED

12 AN ACT

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

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§17-5-8.

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

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

"(2) ~~Provided, however, that with~~ With regard to a 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 filings 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 (q). 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.