

1 SB497
2 140542-1
3 By Senators Orr and Brooks
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 10-APR-12

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8 SYNOPSIS: This bill would amend campaign finance
9 reporting requirements to eliminate duplicate or
10 multiple filings for certain time periods
11 previously reported; would provide that monthly and
12 weekly reports include activity for the full prior
13 month or week; would provide that required daily
14 reports would include the reporting day and all
15 days not previously reported; and would provide
16 that all required periodic reports include all
17 information for the time periods not previously
18 reported.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 17-5-8, Code of Alabama 1975, as
25 amended by Act 2011-687, 2011 Regular Session (Acts 2011, p.
26 2071), relating to the periodic filing of campaign finance

1 disclosure reports; to eliminate duplicative and multiple
2 filings of the same information covered in certain prior
3 reports; to specify that daily reports would include all
4 activity occurring since the most recent prior report; to
5 specify that weekly and monthly filing requirements shall
6 cover the entire preceding week or month; and to provide that
7 the monetary balance of each committee reporting shall begin
8 at the same monetary balance reported in the most recent prior
9 report.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 17-5-8 of the Code of Alabama
12 1975, as amended by Act 2011-687, 2011 Regular Session (Acts
13 2011, p. 2071), is amended to read as follows:

14 "§17-5-8.

15 "(a) Each principal campaign committee or political
16 action committee shall file with the Secretary of State or
17 judge of probate, as designated in Section 17-5-9, periodic
18 reports of contributions and expenditures at the following
19 times once a principal campaign committee files its statement
20 under Section 17-5-4 or a political action committee files its
21 statement of organization under Section 17-5-5:

22 "(1) Beginning ~~with~~ after the 2012 election cycle,
23 regardless of whether ~~the~~ a candidate has opposition in any
24 election, ~~on the last day of each month~~ monthly reports not
25 later than the second business day of the subsequent month,
26 beginning 12 months before the date of any primary, special,

1 runoff, or general election for which a political action
2 committee or principal campaign committee receives
3 contributions or makes expenditures with a view toward
4 influencing such election's result. A monthly report shall
5 include all reportable transactions for the previous full
6 month period. ~~Beginning with the month preceding the month in~~
7 ~~which the election is held, each report~~ Reports shall be
8 required as provided in subdivisions (2) and (3).

9 "(2) With regard to a primary, special, runoff, or
10 general election, a report shall be required weekly on the
11 ~~Friday~~ Monday of the succeeding week for each week of the four
12 weeks before the election that includes all reportable
13 activities for the previous week.

14 "(3)a. In addition to the reporting dates specified
15 in subdivisions (1) and (2), reports required to be filed with
16 the Secretary of State shall be filed with the Secretary of
17 State on the eighth, seventh, sixth, fifth, fourth, third, and
18 second day preceding a legislative, state school board or
19 other statewide primary, special, runoff, or general election,
20 and by 12:01 a.m. on the day preceding a legislative, state
21 school board, or statewide, primary, special, runoff, or
22 general election if any principal campaign committee or
23 political action committee receives or spends in the aggregate
24 five thousand dollars (\$5,000) or more on any day with a view
25 toward influencing an election's results. If a daily report is
26 required pursuant to this subdivision, the report shall

1 include all reportable activity occurring on the day of the
2 report as well as all reportable activity that has occurred on
3 each day since the most recent prior report. Principal
4 campaign committees and political action committees that are
5 exempt from electronic filing and principal campaign
6 committees and political action committees required to make
7 daily reports pursuant to this subdivision for the 2012
8 election cycle may file reports by facsimile (FAX)
9 transmission provided they keep proper documentation in their
10 office.

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

18 "(b) ~~Each~~ Except as provided in subsection (1), each
19 principal campaign committee, political action committee, and
20 elected state and local official covered under the provisions
21 of this chapter, shall annually file with the Secretary of
22 State or judge of probate, as designated in Section 17-5-9,
23 reports of contributions and expenditures made during that
24 year. The annual reports required under this subsection shall
25 be made on or before January 31 of the succeeding year.

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

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

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

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

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

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

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

25 "(7) The identification of each person to whom
26 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

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

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

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

21 "(g) Electronic filing of reports shall not apply to
22 any campaign, principal campaign committee, or political
23 action committee receiving ten thousand dollars (\$10,000) or
24 less per election cycle.

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

17 "(j) Notwithstanding the disclosure requirements of
18 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.

24 "(k) The corporate contribution limits contained in
25 Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall not
26 apply in any respect to an electioneering communication;

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

6 "(1) Each report required by this section shall
7 include all reportable transactions occurring since the most
8 recent prior report; however, duplicate reporting is not
9 required by this section. A political action committee or
10 principal campaign committee that is required to file a daily
11 report is not required to also file a weekly report for the
12 week preceding an election specified in subdivision (3) of
13 subsection (a); a committee required to file a weekly report
14 is not required to also file a monthly report for the month in
15 which the election is held; and a committee required to file a
16 monthly report is not required to also file an annual report
17 for the year in which the election is held. The monetary
18 balance in a report of each committee shall begin at the
19 monetary amount appearing in the most recent prior report."

20 Section 2. The Secretary of State may promulgate
21 administrative rules pursuant to the Alabama Administrative
22 Procedure Act as are necessary to implement and administer
23 this act.

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

