

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

1 SB497

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4 ENROLLED, An Act,

5 To amend Section 17-5-8, Code of Alabama 1975, as
6 amended by Act 2011-687, 2011 Regular Session (Acts 2011, p.
7 2071), relating to the periodic filing of campaign finance
8 disclosure reports; to eliminate duplicative and multiple
9 filings of the same information covered in certain prior
10 reports; to specify that daily reports would include all
11 activity occurring since the most recent prior report; to
12 specify that weekly and monthly filing requirements shall
13 cover the entire preceding week or month; and to provide that
14 the monetary balance of each committee reporting shall begin
15 at the same monetary balance reported in the most recent prior
16 report.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 17-5-8 of the Code of Alabama
19 1975, as amended by Act 2011-687, 2011 Regular Session (Acts
20 2011, p. 2071), is amended to read as follows:

21 "§17-5-8.

22 "(a) Each principal campaign committee or political
23 action committee shall file with the Secretary of State or
24 judge of probate, as designated in Section 17-5-9, periodic
25 reports of contributions and expenditures at the following

1 times once a principal campaign committee files its statement
2 under Section 17-5-4 or a political action committee files its
3 statement of organization under Section 17-5-5:

4 "(1) Beginning after the 2012 election cycle,
5 regardless of whether a candidate has opposition in any
6 election, monthly reports not later than the second business
7 day of the subsequent month, beginning 12 months before the
8 date of any primary, special, runoff, or general election for
9 which a political action committee or principal campaign
10 committee receives contributions or makes expenditures with a
11 view toward influencing such election's result. A monthly
12 report shall include all reportable transactions for the
13 previous full month period. Reports shall be required as
14 provided in subdivisions (2) and (3).

15 "(2) With regard to a primary, special, runoff, or
16 general election, a report shall be required weekly on the
17 Monday of the succeeding week for each of the four weeks
18 before the election that includes all reportable activities
19 for the previous week.

20 "(3)a. In addition to the reporting dates specified
21 in subdivisions (1) and (2), reports required to be filed with
22 the Secretary of State shall be filed with the Secretary of
23 State on the eighth, seventh, sixth, fifth, fourth, third, and
24 second day preceding a legislative, state school board or
25 other statewide primary, special, runoff, or general election,

1 and by 12:01 a.m. on the day preceding a legislative, state
2 school board, or statewide, primary, special, runoff, or
3 general election if any principal campaign committee or
4 political action committee receives or spends in the aggregate
5 five thousand dollars (\$5,000) or more on any day with a view
6 toward influencing an election's results. If a daily report is
7 required pursuant to this subdivision, the report shall
8 include all reportable activity occurring on the day of the
9 report as well as all reportable activity that has occurred on
10 each day since the most recent prior report. Principal
11 campaign committees and political action committees that are
12 exempt from electronic filing and principal campaign
13 committees and political action committees required to make
14 daily reports pursuant to this subdivision for the 2012
15 election cycle may file reports by facsimile (FAX)
16 transmission provided they keep proper documentation in their
17 office.

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

1 "(b) Except as provided in subsection (1), each
2 principal campaign committee, political action committee, and
3 elected state and local official covered under the provisions
4 of this chapter, shall annually file with the Secretary of
5 State or judge of probate, as designated in Section 17-5-9,
6 reports of contributions and expenditures made during that
7 year. The annual reports required under this subsection shall
8 be made on or before January 31 of the succeeding year.

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

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

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

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

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

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

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

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

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

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

1 "(10) The amount and nature of debts and obligations
2 owed by or to the committee or elected official, together with
3 a statement as to the circumstances and conditions under which
4 any such debt or obligation was extinguished and the
5 consideration therefor.

6 "(d) Each report required by this section shall be
7 signed and filed by the elected official or on behalf of the
8 political action committee by its chair or treasurer and, if
9 filed on behalf of a principal campaign committee, by the
10 candidate represented by such committee. There shall be
11 attached to each such report an affidavit subscribed and sworn
12 to by the official or chair or treasurer and, if filed by a
13 principal campaign committee, the candidate represented by
14 such committee, setting forth in substance that such report is
15 to the best of his or her knowledge and belief in all respects
16 true and complete, and, if made by a candidate, that he or she
17 has not received any contributions or made any expenditures
18 which are not set forth and covered by such report.

19 "(e) Commencing with the 2014 election cycle,
20 electronic filing of contributions and expenditures for any
21 legislative, state school board, and statewide primary,
22 special, runoff, or general election shall be mandatory,
23 except as provided in subsection (g). The Secretary of State
24 may provide electronic reporting sooner than the 2014 election
25 cycle. Electronic filing shall satisfy any filing requirements

1 of this chapter and no paper filing is required for any report
2 filed electronically.

3 "(f) In the 2012 election cycle the provisions for
4 the time of filing contained in subsection (a) shall apply to
5 the paper or facsimile (FAX) filings for any legislative,
6 state school board, or statewide primary, special, runoff, or
7 general election.

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

12 "(h) In connection with any electioneering
13 communication paid for by a person, nonprofit corporation,
14 entity, principal campaign committee, or other political
15 committee or entity, the payor shall disclose its
16 contributions and expenditures in accordance with this
17 section. The disclosure shall be made in the same form and at
18 the same time as is required of political action committees in
19 this section; provided, however, no duplicate reporting shall
20 be required by a political committee.

21 "(i) Notwithstanding any disclosure requirements of
22 subsection (h), churches are exempt from the requirements of
23 this section unless the church's expenditures are used to
24 influence the outcome of an election. Nothing herein shall
25 require a church to disclose the identities, donations, or

1 contributions of members of the church. As used in this
2 section, the term church is defined in accordance with and
3 recognized by Internal Revenue Service guidelines and
4 regulations.

5 "(j) Notwithstanding the disclosure requirements of
6 this section, the provisions of this section shall not be
7 interpreted to nor shall they require any disclosure for
8 expenses incurred for any electioneering communication used by
9 any membership or trade organization to communicate with or
10 inform its members, its members' families, or its members'
11 employees.

12 "(k) The corporate contribution limits contained in
13 Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall not
14 apply in any respect to an electioneering communication;
15 provided, however, the corporate contribution limits contained
16 in Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall
17 continue in force and effect for contributions by corporations
18 to principal campaign committees, political committees, and to
19 political parties.

20 "(l) Each report required by this section shall
21 include all reportable transactions occurring since the most
22 recent prior report; however, duplicate reporting is not
23 required by this section. A political action committee or
24 principal campaign committee that is required to file a daily
25 report is not required to also file a weekly report for the

1 week preceding an election specified in subdivision (3) of
2 subsection (a); a committee required to file a weekly report
3 is not required to also file a monthly report for the month in
4 which the election is held; and a committee required to file a
5 monthly report is not required to also file an annual report
6 for the year in which the election is held. The monetary
7 balance in a report of each committee shall begin at the
8 monetary amount appearing in the most recent prior report."

9 Section 2. The Secretary of State may promulgate
10 administrative rules pursuant to the Alabama Administrative
11 Procedure Act as are necessary to implement and administer
12 this act.

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

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

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Senate 26-APR-12

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I hereby certify that the within Act originated in and passed
the Senate.

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Patrick Harris
Secretary

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House of Representatives

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Passed: 10-MAY-12

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By: Senator Orr