

1 SB445  
2 152065-1  
3 By Senator Taylor  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 16-APR-13

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8 SYNOPSIS: This bill would amend the Fair Campaign  
9 Practices Act. The bill would: Lower contribution  
10 threshold amounts; allow designated representatives  
11 to file reports; clarify that certain legislative  
12 caucuses are not covered by the act; clarify  
13 persons subject to violations of the act; change  
14 the legislative session prohibition on fundraising  
15 to apply to legislative and statewide candidates;  
16 clarify allowable spending amounts for dinners and  
17 functions; provide for refund and return of  
18 contributions; change deadlines for reports;  
19 provide further for municipal candidates; move  
20 certain provisions of Title 10A to Title 17;  
21 clarify and eliminate corporate contribution limits  
22 consistent with administrative procedure and  
23 certain legal interpretations of law; remove  
24 private foundation limits in the PAC to PAC ban;  
25 clarify responsible person in PAC to PAC ban; allow  
26 certain transfers between state and local political  
27 party organizations; transfer certain enforcement

1 provisions from Chapter 17 of Title 17 to Chapter 5  
2 of Title 17; provide further for venue of  
3 prosecutions; and provide further for regulation of  
4 legislative caucuses.

5  
6 A BILL  
7 TO BE ENTITLED  
8 AN ACT  
9

10 Relating to the Fair Campaign Practices Act; to  
11 amend Sections 17-5-2, 17-5-3, 17-5-4, 17-5-5, 17-5-7, 17-5-8,  
12 17-5-8.2, 17-5-9, 17-5-12, 17-5-14, 17-5-15, 17-5-15.1,  
13 17-5-16, and 17-5-19, Code of Alabama 1975, so as to lower  
14 contribution threshold amounts; allow designated  
15 representatives to file reports; clarify that certain  
16 legislative caucuses are not covered by the act; clarify  
17 persons subject to violations of the act; change the  
18 legislative session prohibition on fundraising to apply to  
19 legislative and statewide candidates; clarify allowable  
20 spending amounts for dinners and functions; provide for refund  
21 and return of contributions; change deadlines for reports;  
22 provide further for municipal candidates; clarify corporate  
23 contribution limits to be consistent with recent  
24 administrative procedure and certain legal interpretations of  
25 law; remove private foundation limits in the PAC to PAC ban;  
26 clarify responsible person in PAC to PAC ban; allow certain  
27 transfers between state and local party organizations;

1 transfer enforcement provisions from Chapter 17 of Title 17 to  
2 Chapter 5 of Title 17, Code of Alabama 1975; provide further  
3 for venue of prosecutions; to add Sections 17-5-5.1 and  
4 17-15-14.1 to the Code of Alabama 1975, to provide further for  
5 legislative caucuses and to move certain provisions relating  
6 to corporate contributions from Title 10A to Title 17; and to  
7 repeal Section 10A-21-1.01 to 10A-21-1.04, inclusive and  
8 Section 17-17-5, Code of Alabama 1975.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 17-5-2, 17-5-3, 17-5-4, 17-5-5,  
11 17-5-7, 17-5-8, 17-5-8.2, 17-5-9, 17-5-12, 17-5-14, 17-5-15,  
12 17-5-15.1, 17-5-16, and 17-5-19, Code of Alabama 1975, are  
13 amended to read as follows:

14 "§17-5-2.

15 "(a) For purposes of this chapter, the following  
16 terms shall have the following meanings:

17 "(1) CANDIDATE. An individual who has done any of  
18 the following:

19 "a. Taken the action necessary under the laws of the  
20 state to qualify himself or herself for nomination or for  
21 election to any state office or local office or in the case of  
22 an independent seeking ballot access, on the date when he or  
23 she files a petition with the judge of probate in the case of  
24 county offices, with the appropriate qualifying municipal  
25 official in the case of municipal offices, or the Secretary of  
26 State in all other cases.

1           "b. Received contributions or made expenditures in  
2           excess of one thousand dollars (\$1,000), or given his or her  
3           consent for any other person or persons to receive  
4           contributions or make expenditures in excess of one thousand  
5           dollars (\$1,000), with a view to bringing about his or her  
6           nomination or election to any state office or local office.  
7           ~~Notwithstanding the foregoing, no person shall be considered a~~  
8           ~~candidate within the meaning of this subdivision until the~~  
9           ~~time that he or she has either received contributions or made~~  
10          ~~expenditures as provided herein in the following amounts:~~

11           ~~"1. Twenty-five thousand dollars (\$25,000) or more,~~  
12           ~~with a view toward bringing about nomination or election to~~  
13           ~~any state office other than one filled by election of the~~  
14           ~~registered voters of any circuit or district within the state.~~

15           ~~"2. Five thousand dollars (\$5,000) or more, with a~~  
16           ~~view toward bringing about nomination or election to any state~~  
17           ~~office, excluding legislative office, filled by election of~~  
18           ~~the registered voters of any circuit or district.~~

19           ~~"3. Ten thousand dollars (\$10,000) or more, with a~~  
20           ~~view toward bringing about nomination or election to the~~  
21           ~~Alabama Senate and five thousand dollars (\$5,000) or more,~~  
22           ~~with a view toward bringing about nomination or election to~~  
23           ~~the Alabama House of Representatives.~~

24           ~~"4. One thousand dollars (\$1,000) or more, with a~~  
25           ~~view toward bringing about nomination or election to any local~~  
26           ~~office.~~

27           " (2) CONTRIBUTION.

1           "a. Any of the following shall be considered a  
2       contribution:

3           "1. A gift, subscription, loan, advance, deposit of  
4       money or anything of value, a payment, a forgiveness of a  
5       loan, or payment of a third party, made for the purpose of  
6       influencing the result of an election.

7           "2. A contract or agreement to make a gift,  
8       subscription, loan, advance, or deposit of money or anything  
9       of value for the purpose of influencing the result of an  
10      election.

11          "3. Any transfer of anything of value received by a  
12      political committee from another political committee,  
13      political party, or other source.

14          "4. The payment of compensation by any person for  
15      the personal services or expenses of any other person if the  
16      services are rendered or expenses incurred on behalf of a  
17      candidate, political committee, or political party without  
18      payment of full and adequate compensation by the candidate,  
19      political committee, or political party. Provided, however,  
20      that the payment of compensation by a corporation for the  
21      purpose of establishing, administering, or soliciting  
22      voluntary contributions to a separate, segregated fund as  
23      permitted by ~~Section 10-1-2~~ in this chapter, shall not  
24      constitute a contribution.

25          "b. The term "contribution" does not include:

1           "1. The value of services provided without  
2       compensation by individuals who volunteer a portion or all of  
3       their time on behalf of a candidate or political committee.

4           "2. The use of real or personal property and the  
5       cost of invitations, food, or beverages, voluntarily provided  
6       by an individual to a candidate or political committee in  
7       rendering voluntary personal services on the individual's  
8       residential or business premises for election-related  
9       activities.

10          "3. The sale of any food or beverage by a vendor for  
11       use in an election campaign at a charge to a candidate or  
12       political committee less than the normal comparable charge, if  
13       the charge to the political committee for use in an election  
14       campaign is at least equal to the cost of the food or beverage  
15       to the vendor.

16          "4. Any unreimbursed payment for travel expenses  
17       made by an individual who, on his or her own behalf,  
18       volunteers personal services to a candidate or political  
19       committee.

20          "5. The payment by a state or local committee of a  
21       political party of the cost of preparation, display, or  
22       mailing or other distribution incurred by the committee with  
23       respect to a printed slate card or sample ballot, or other  
24       printed listing of two or more candidates for any public  
25       office for which an election is held in the state, except that  
26       this subparagraph shall not apply in the case of costs  
27       incurred by the committee with respect to a display of the

1 listing made on broadcasting stations, or in newspapers,  
2 magazines, or other similar types of general public political  
3 advertising.

4 "6. The value or cost of polling data and voter  
5 preference data and information if provided to a candidate or  
6 political committee, unless the information was compiled with  
7 the advance knowledge of and approval of the candidate or the  
8 political committee.

9 "(3) DESIGNATED REPRESENTATIVE. An individual  
10 appointed to execute, file, or electronically submit any  
11 report or other filing required by this chapter on behalf of a  
12 candidate, his or her principal campaign committee, or a  
13 political action committee. The execution or filing of a  
14 report required by this chapter by a designated representative  
15 shall be deemed equivalent to the filing required of the  
16 candidate, his or her principal campaign committee, or a  
17 political action committee.

18 "~~(3)~~ (4) ELECTION. Unless otherwise specified, any  
19 general, special, primary, or runoff election, or any  
20 convention or caucus of a political party held to nominate a  
21 candidate, or any election at which a constitutional amendment  
22 or other proposition is submitted to the popular vote.

23 "~~(4)~~ (5) ELECTIONEERING COMMUNICATION. Any  
24 communication disseminated through any federally regulated  
25 broadcast media, any mailing, or other distribution,  
26 electronic communication, phone bank, or publication which (i)  
27 contains the name or image of a candidate; (ii) is made within



1 120 days of an election in which the candidate will appear on  
2 the ballot; (iii) the only reasonable conclusion to be drawn  
3 from the presentation and content of the communication is that  
4 it is intended to influence the outcome of an election; and  
5 (iv) entails an expenditure in excess of one thousand dollars  
6 (\$1,000).

7 ~~"(5)"~~ (6) EXPENDITURE.

8 a. The following shall be considered expenditures:

9 1. A purchase, payment, distribution, loan, advance,  
10 deposit, or gift of money or anything of value made for the  
11 purpose of influencing the result of an election.

12 2. A contract or agreement to make any purchase,  
13 payment, distribution, loan, advance, deposit, or gift of  
14 money or anything of value, for the purpose of influencing the  
15 result of an election.

16 3. The transfer, gift, or contribution of funds of a  
17 political committee to another political committee.

18 b. The term "expenditure" does not include:

19 1. Any news story, commentary, or editorial prepared  
20 by and distributed through the facilities of any broadcasting  
21 station, newspaper, magazine, or other periodical publication,  
22 unless the facilities are owned or controlled by any political  
23 party or political committee.

24 2. Nonpartisan activity designed to encourage  
25 individuals to register to vote, or to vote.

26 3. Any communication by any membership organization  
27 to its members or by a corporation to its stockholders and

1 employees if the membership organization or corporation is not  
2 organized primarily for the purpose of influencing the result  
3 of an election.

4 4. The use of real or personal property and the cost  
5 of invitations, food, or beverages, voluntarily provided by an  
6 individual in rendering voluntary personal services on the  
7 individual's residential or business premises for  
8 election-related activities.

9 5. Any unreimbursed payment for travel expenses made  
10 by an individual who, on his or her own behalf, volunteers  
11 personal services to a candidate or political committee.

12 6. Any communication by any person which is not made  
13 for the purposes of influencing the result of an election.

14 7. The payment by a state or local committee of a  
15 political party of the cost of preparation, display, or  
16 mailing or other distribution incurred by the committee with  
17 respect to a printed slate card or sample ballot, or other  
18 printed listing of two or more candidates for any public  
19 office for which an election is held in the state, except that  
20 this subparagraph shall not apply in the case of costs  
21 incurred by the committee with respect to a display of the  
22 listing made on broadcasting stations, or in newspapers,  
23 magazines, or other similar types of general public political  
24 advertising.

25 ~~"(6) (7)~~ IDENTIFICATION. The full name and complete  
26 address.

1           "~~(7)~~(8) LOAN. A transfer of money, property, or  
2 anything of value in consideration of a promise or obligation,  
3 conditional or not, to repay in whole or part.

4           "~~(8)~~(9) LOCAL OFFICE. Any office under the  
5 constitution and laws of the state, except circuit, district,  
6 or legislative offices, filled by election of the registered  
7 voters of a single county or municipality, or by the voters of  
8 a division contained within a county or municipality.

9           "~~(9)~~(10) PERSON. An individual, partnership,  
10 committee, association, corporation, labor organization, or  
11 any other organization or group of persons.

12           "~~(10)~~(11) PERSONAL AND LEGISLATIVE LIVING EXPENSES.  
13 Household supplies, personal clothing, tuition payments,  
14 mortgage, rent, or utility payments for a personal residence;  
15 admission to an entertainment event or fees for a country club  
16 or social club, unless tied to a specific campaign event or  
17 functions involving constituents; and any other expense,  
18 excluding food and beverages, that would exist irrespective of  
19 the candidate's campaign or duties as a legislator. Personal  
20 and legislative living expenses shall not include expenses for  
21 food, beverages, travel, or communications incurred by the  
22 legislator in the performance of the office held.

23           "~~(11)~~(12) POLITICAL ACTION COMMITTEE. Any political  
24 action committee, club, association, political party, or other  
25 group of one or more persons which receives or anticipates  
26 receiving contributions ~~or~~ and makes or anticipates making  
27 expenditures to or on behalf of any elected official,

1 proposition, candidate, principal campaign committee or other  
2 political action committee. For the purposes of this chapter,  
3 an individual who makes a personal political contribution  
4 shall not be considered a political action committee.

5 "~~(12)~~ (13) PRINCIPAL CAMPAIGN COMMITTEE. The  
6 principal campaign committee designated by a candidate under  
7 Section 17-5-4. A political action committee established  
8 primarily to benefit an individual candidate or an individual  
9 elected official shall be considered a principal campaign  
10 committee for purposes of this chapter.

11 "~~(13)~~ (14) PROPOSITION. Any proposal for submission  
12 to the general public for its approval or rejection, including  
13 proposed as well as qualified ballot questions.

14 "~~(14)~~ (15) PUBLIC OFFICIAL. Any person elected to  
15 public office, whether or not that person has taken office, by  
16 the vote of the people at the state, county, or municipal  
17 level of government or their instrumentalities, including  
18 governmental corporations, and any person appointed to a  
19 position at the state, county, or municipal level of  
20 government or their instrumentalities, including governmental  
21 corporations. For purposes of this chapter, a public official  
22 includes the chairs and vice chairs or the equivalent offices  
23 of each state political party as defined in Section 17-13-40.

24 "~~(15)~~ (16) STATE. The State of Alabama.

25 "~~(16)~~ (17) STATE OFFICE. All offices under the  
26 constitution and laws of the state filled by election of the

1 registered voters of the state or of any circuit or district  
2 and shall include legislative offices.

3 "(b) The words and terms used in this chapter shall  
4 have the same meanings respectively ascribed to them in  
5 Section 36-25-1.

6 "§17-5-3.

7 "(a) Every political action committee shall have a  
8 chair and a treasurer.

9 "(b) All funds of a political action committee shall  
10 be segregated from, and shall not be commingled with, any  
11 personal funds of officers, members, or associates of such  
12 committee.

13 "(c) It shall be the duty of the treasurer of a  
14 political action committee to keep a detailed, exact account  
15 of:

16 "(1) All contributions made to or for such  
17 committee.

18 "(2) All expenditures made by or on behalf of such  
19 committee.

20 "(3) The identification of every person to whom an  
21 expenditure is made, the date and amount thereof, and the name  
22 of each candidate on whose behalf such expenditure was made or  
23 a designation of the election proposition the result of which  
24 the political action committee will attempt to influence by  
25 making expenditures or receiving contributions.

26 "(d) It shall be the duty of the treasurer to obtain  
27 and keep a receipted bill or cancelled check, stating the

1 particulars for every expenditure made by or on behalf of a  
2 political action committee greater than one hundred dollars  
3 (\$100), and for any such expenditure in a lesser amount, if  
4 the aggregate amount of such expenditures to the same person  
5 during a calendar year is greater than one hundred dollars  
6 (\$100). Provided, however, the treasurer of a political action  
7 committee shall not be required under this chapter to report  
8 any expenditure not related to political contributions or  
9 expenditures or made as an administrative expense. The  
10 treasurer shall preserve all receipted bills and accounts  
11 required to be kept by this section for a period of two years  
12 from the date of any such expenditure.

13 "(e) Any political action committee may appoint a  
14 designated representative in the manner established by the  
15 Secretary of State or judge of probate, as appropriate.

16 "§17-5-4.

17 Within five days after any person becomes a  
18 candidate for office, such person shall file with the  
19 Secretary of State or judge of probate, as provided in Section  
20 17-5-9, a statement showing the name of not less than two nor  
21 more than five persons elected to serve as the principal  
22 campaign committee for such candidate, together with a written  
23 acceptance or consent by such committee, but any candidate may  
24 declare himself or herself as the person chosen to serve as  
25 the principal campaign committee, in which case such candidate  
26 shall perform the duties of chair and treasurer of such  
27 committee prescribed by this chapter. If any vacancies be

1 created by death or resignation or any other cause, such  
2 candidate may fill such vacancy, or the remaining members  
3 shall discharge and complete the duties required of such  
4 committee as if such vacancy had not been created. The  
5 principal campaign committee, or its treasurer, shall have  
6 exclusive custody of all moneys contributed, donated,  
7 subscribed or in any manner furnished to or for the candidate  
8 represented by such committee, and shall account for and  
9 disburse the same. No candidate shall expend any money in aid  
10 of his or her nomination or election except by contributing to  
11 the principal campaign committee designated by the candidate.  
12 Any candidate or his or her principal campaign committee may  
13 appoint a designated representative in the manner established  
14 by the Secretary of State or judge of probate, as appropriate.

15 "§17-5-5.

16 "(a) ~~Each~~ The treasurer of each political action  
17 committee which anticipates either receiving contributions or  
18 making expenditures during the calendar year in an aggregate  
19 amount exceeding one thousand dollars (\$1,000) shall file with  
20 the Secretary of State or the judge of probate as herein  
21 provided in Section 17-5-9, a statement of organization,  
22 within 10 days after its organization or, if later within 10  
23 days after the date on which it has information which causes  
24 the committee to anticipate it will receive contributions or  
25 make expenditures in an aggregate amount in excess of one  
26 thousand dollars (\$1,000).

27 "(b) The statement of organization shall include:

1           "(1) The name and complete address of the committee.

2           "(2) The identification of affiliated or connected  
3 organizations, if any.

4           "(3) The purposes of the committee.

5           "(4) The identification of the chair and treasurer.

6           "(5) The identification of principal officers,  
7 including members of any finance committee.

8           "(6) A description of the constitutional amendments  
9 or other propositions, if any, that the committee is  
10 supporting or opposing, and the identity, if known, of any  
11 candidate or elected official that the committee is supporting  
12 or opposing.

13           "(7) A statement whether the committee is a  
14 continuing one, and if not, the expected termination or  
15 dissolution date.

16           "(8) The disposition of residual funds which will be  
17 made in the event of dissolution.

18           "(c) Any material change in information previously  
19 submitted in a statement of organization, except for the  
20 information described in subdivision (6) above, shall be  
21 reported to the Secretary of State or judge of probate as  
22 provided in Section 17-5-9, within 10 days following the  
23 change.

24           "(d) Any political action committee or any principal  
25 campaign committee after having filed its initial statement of  
26 organization shall continue in existence until terminated or  
27 dissolved as provided herein. When any political action



1 committee determines it will no longer receive contributions  
2 or make expenditures during any calendar year in an aggregate  
3 amount exceeding one thousand dollars (\$1,000), or when any  
4 candidate through his or her principal campaign committee  
5 determines that he or she will not receive contributions or  
6 make expenditures in the amounts specified in Section 17-5-2,  
7 the ~~chair or~~ treasurer of such political committee ~~may~~ shall  
8 so notify the Secretary of State or judge of probate, as  
9 designated in Section 17-5-9, of the termination or  
10 dissolution of such political committee. Such notice shall  
11 contain a statement by the treasurer of such committee of the  
12 intended disposition of any residual funds then held by the  
13 committee on behalf of a candidate.

14 "§17-5-7.

15 "(a) A candidate, public official, or principal  
16 campaign committee as defined in this chapter, may only use  
17 campaign contributions, and any proceeds from investing the  
18 contributions that are in excess of any amount necessary to  
19 defray expenditures of the candidate, public official, or  
20 principal campaign committee, for the following purposes:

21 "(1) Necessary and ordinary expenditures of the  
22 campaign.

23 "(2) Expenditures that are reasonably related to  
24 performing the duties of the office held. For purposes of this  
25 section, expenditures that are reasonably related to  
26 performing the duties of the office held do not include

1 personal and legislative living expenses, as defined in this  
2 chapter.

3 "(3) Donations to the State General Fund, the  
4 Education Trust Fund, or equivalent county or municipal funds.  
5 Donations to an organization to which a federal income tax  
6 deduction is permitted under subparagraph (A) of paragraph (1)  
7 of subsection (b) of Section 170 of the Internal Revenue Code  
8 of 1986, as amended, or any other charitable, educational, or  
9 eleemosynary cause of Section 501 of Title 26 of the U. S.  
10 Code.

11 "(4) Inaugural or transitional expenses.

12 "(5) Donations to a legislative conference, caucus,  
13 or other legislative entity provided that the entity does not  
14 receive contributions as defined by Section 17-5-2(a)(2)a. in  
15 support of candidates, principal campaign committees, elected  
16 officials, or make expenditures as defined by Section  
17 17-5-2(a)(6)a. in support of candidates, principal campaign  
18 committees, elected officials, propositions, or political  
19 action committees.

20 "(b) Notwithstanding any other provision of law,  
21 including, but not limited to, Section 13A-10-61, a candidate,  
22 public official, or principal campaign committee may only  
23 accept, solicit, or receive contributions:

24 "(1) To influence the outcome of an election.

25 "(2) For a period of 12 months before an election in  
26 which the person intends to be a candidate. Provided, however,  
27 candidates for ~~state~~ legislative and statewide office and

1 their principal campaign committees may not accept, solicit,  
2 or receive contributions during the period when the  
3 Legislature is convened in session. For purposes of this  
4 section, the Legislature is convened in session at any time  
5 from the opening day of the special or regular session and  
6 continued through the day of adjournment sine die for that  
7 session. However, this subdivision shall not apply within 120  
8 days of any primary, runoff, or general election, and shall  
9 not apply to the candidates or their principal campaign  
10 committees participating in any special election as called by  
11 the Governor. This subdivision shall not apply to a loan from  
12 a candidate to his or her own principal campaign committee.

13 "(3) For a period of 120 days after the election in  
14 which the person was a candidate, but only to the extent of  
15 any campaign debt of the candidate or principal campaign  
16 committee of the candidate as indicated on the campaign  
17 financial disclosure form or to the extent of reaching the  
18 threshold that is required for qualification as a candidate  
19 for the office which he or she currently holds, or both.

20 "(4) For the purpose of paying all expenses  
21 associated with an election challenge including, but not  
22 limited to, quo warranto challenges.

23 "(c) Notwithstanding any other provision of law,  
24 including, but not limited to, Section 13A-10-61, a candidate,  
25 public official, or principal campaign committee shall not  
26 accept, solicit, or receive contributions for any of the  
27 following reasons:

1           "(1) As a bribe, as defined by Sections 13A-10-60 to  
2 13A-10-63, inclusive.

3           "(2) For the intention of corruptly influencing the  
4 official actions of the public official or candidate for  
5 public office.

6           "(d) Notwithstanding any other provision of law, a  
7 principal campaign committee, during a two-year period ~~term of~~  
8 ~~office~~ commencing on the day after ~~the~~ each regularly  
9 scheduled general election ~~for the seat or office the~~  
10 ~~candidate seeks and ending on the day of the next general~~  
11 ~~election for that seat or office,~~ may also pay qualifying fees  
12 to a political party and may expend, during that two-year  
13 period, up to a cumulative total of five thousand dollars  
14 (\$5,000) of campaign contributions, and any proceeds from  
15 investing the contributions, for the following purposes:

16           "(1) Tickets for political party dinners or  
17 functions.

18           "(2) State or local political party dues or similar  
19 expenses incurred by independent or write-in candidates.

20           "(e) Notwithstanding any other provision of law, a  
21 candidate, principal campaign committee, or political action  
22 committee may return or refund, in full or in part, any  
23 contribution it receives to the donor provided that such  
24 return or refund may not exceed the amount received. In the  
25 case of a candidate or principal campaign committee, the  
26 contributions being refunded must have been reported in an  
27 itemized manner and the refund must be itemized in the next

1 required filing under this chapter. In the case of a political  
2 action committee, the refund must occur within 18 months of  
3 the date of the contribution; provided, however, that if the  
4 refund of the contribution is required by law or regulation,  
5 then the 18-month time limitation shall not apply.

6 "§17-5-8.

7 "(a) ~~Each~~ The candidate represented by a principal  
8 campaign committee or the treasurer for a political action  
9 committee shall file with the Secretary of State or judge of  
10 probate, as designated in Section 17-5-9, periodic 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 after the 2012 election cycle,  
16 regardless of whether a candidate has opposition in any  
17 election, monthly reports not later than the second business  
18 day of the subsequent month, beginning 12 months before the  
19 date of any primary, special, runoff, or general election for  
20 which a political action committee or principal campaign  
21 committee receives contributions or makes expenditures with a  
22 view toward influencing such election's result. A monthly  
23 report shall include all reportable transactions for the  
24 previous full month period. Reports shall be required as  
25 provided in subdivisions (2) and (3).

26 "(2) With regard to a primary, special, runoff, or  
27 general election, a report shall be required weekly on the

1 Monday of the succeeding week for each of the four weeks  
2 before the election that includes all reportable activities  
3 for the previous week.

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

1            "b. Electronic filing on the Secretary of State's  
2 website may be implemented sooner than the 2014 election cycle  
3 as an alternative method of reporting; however, electronic  
4 filing shall be required beginning with the 2014 election  
5 cycle. Electronic filings shall be available to the public on  
6 a searchable database maintained on the Secretary of State's  
7 website.

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

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

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

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

1 the calendar year in an aggregate amount greater than one  
2 hundred dollars (\$100).

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

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

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

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

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

23 "(8) The identification of each person to whom an  
24 expenditure for personal services, salaries, and reimbursed  
25 expenses greater than one hundred dollars (\$100) has been  
26 made, and which is not otherwise reported or exempted from the



1 provisions of this chapter, including the amount, date, and  
2 purpose of such expenditure.

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

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

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

23 "(e) Commencing with the 2014 election cycle,  
24 electronic filing of contributions and expenditures for any  
25 legislative, state school board, and statewide primary,  
26 special, runoff, or general election shall be mandatory,  
27 except as provided in subsection (g). The Secretary of State

1 may provide electronic reporting sooner than the 2014 election  
2 cycle. Electronic filing shall satisfy any filing requirements  
3 of this chapter and no paper filing is required for any report  
4 filed electronically.

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

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

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

23 "(i) Notwithstanding any disclosure requirements of  
24 subsection (h), churches are exempt from the requirements of  
25 this section unless the church's expenditures are used to  
26 influence the outcome of an election. Nothing herein shall  
27 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 or for any electioneering communication by a  
12 business entity of any type to its employees or stockholders  
13 or their families.

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

22 "(l) Each report required by this section shall  
23 include all reportable transactions occurring since the most  
24 recent prior report; however, duplicate reporting is not  
25 required by this section. A political action committee or  
26 principal campaign committee that is required to file a daily  
27 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 "(m) The Secretary of State may promulgate  
10 administrative rules pursuant to the Alabama Administrative  
11 Procedure Act as are necessary to implement and administer the  
12 changes made to this section by Act 2012-477.

13 "§17-5-8.2.

14 "(a) The Legislature determines that there is a  
15 compelling state and public interest in the disclosure of the  
16 source of funds used to advertise or otherwise influence  
17 public opinion with regard to elections as defined in Section  
18 17-5-2(3). The Legislature further finds that these compelling  
19 interests should be designed to protect the public's right to  
20 know while protecting free speech of individuals as guaranteed  
21 in the U.S. Constitution and the Constitution of Alabama of  
22 1901.

23 "(b) Currently, the Fair Campaign Practices Act, as  
24 provided in this chapter, commencing with Section 17-5-1, et  
25 seq., regulates the disclosure of contributions and  
26 expenditures made for the purpose of influencing the outcome  
27 of an election. This ~~section and Sections 17-5-2, 17-5-8, and~~

1 ~~17-5-12, as amended by Act 2011-697 are~~ chapter is also  
2 intended to regulate the disclosure of contributions and  
3 expenditures for electioneering communications ~~which currently~~  
4 ~~do not fall within the ambit of the Fair Campaign Practices~~  
5 ~~Act.~~

6 (c) The Legislature finds and declares that Alabama  
7 voters have a right to know who pays for the costs of  
8 electioneering communications.

9 "§17-5-9.

10 "(a) All statements and reports, including  
11 amendments, required of principal campaign committees under  
12 the provisions of this chapter shall be filed with the  
13 Secretary of State in the case of candidates for state office  
14 or state elected officials, and in the case of candidates for  
15 local office or local elected officials, with the judge of  
16 probate of the county in which the office is sought.

17 "(b) Political action committees, which seek to  
18 influence an election for local office or to influence a  
19 proposition regarding a single county, shall file all reports  
20 and statements, including amendments, with the judge of  
21 probate of the county affected. All other political action  
22 committees, except as provided in subsection (a) above, shall  
23 file reports and statements with the Secretary of State.

24 "(c) In the case of candidates for a municipal  
25 office where the municipality is located in more than one  
26 county, the statements and reports shall be filed in the  
27 county where the city hall of the municipality is located. The

1 judge of probate of the county where the report is filed, if  
2 the municipality is located in more than one county, shall  
3 provide a copy of the report to the judge of probate of the  
4 other county or counties where the municipality is located.

5 "(d) Commencing with the 2014 election cycle, all  
6 persons and political action committees that file with the  
7 judge of probate, at their option, shall have the right to  
8 file electronically with the Secretary of State pursuant to  
9 Section 17-5-8.1.

10 "§17-5-12.

11 "(a) Any paid political advertisement or  
12 electioneering communication appearing in any print media or  
13 broadcast on any electronic media shall clearly and distinctly  
14 identify the entity responsible for paying for the  
15 advertisement or electioneering communication. It shall be  
16 unlawful for any person, nonprofit corporation, entity,  
17 candidate, principal campaign committee, nonprofit  
18 corporation, entity, ~~or~~ other political action committee, or  
19 any person acting on behalf of such person or committee to  
20 broadcast, publish, or circulate any campaign literature,  
21 political advertisement, or electioneering communication  
22 without a notice appearing on the printed matter with a clear  
23 and unmistakable identification of the entity responsible for  
24 directly paying for the advertisement or electioneering  
25 communication, or on the broadcast at the beginning, during,  
26 or end of a radio or television spot, stating that the  
27 communication was a paid advertisement, clearly identifying

1 the entity directly responsible for paying for the  
2 advertisement or electioneering communication, and giving the  
3 identification of the person, nonprofit corporation, entity,  
4 principal campaign committee, or political action committee or  
5 entity that paid for such communication.

6 "(b) This section does not apply to any political  
7 advertisement or electioneering communication used by a  
8 candidate and the candidate's supporters or by a political  
9 committee if the message or advertisement is:

10 "(1) Designed to be worn by a person.

11 "(2) Placed as a paid link on an Internet website,  
12 provided the message or advertisement is no more than 200  
13 characters in length and the link directs the user to another  
14 Internet website that complies with subsection (a).

15 "(3) Placed as a graphic or picture link where  
16 compliance with the requirements of this section is not  
17 reasonably practical due to the size of the graphic or picture  
18 link and the link directs the user to another Internet website  
19 that complies with subsection (a).

20 "(4) Placed at no cost on an Internet website for  
21 which there is no cost to post content for public users.

22 "(5) Placed or distributed on an unpaid profile  
23 account which is available to the public without charge or on  
24 a social networking Internet website, as long as the source of  
25 the message or advertisement is patently clear from the  
26 content or format of the message or advertisement. A candidate  
27 or political committee may prominently display a statement

1 indicating that the website or account is an official website  
2 or account of the candidate or political committee and is  
3 approved by the candidate or political committee. A website or  
4 account may not be marked as official without prior approval  
5 by the candidate or political committee.

6 "(6) Distributed as a text message or other message  
7 via Short Message Service, provided the message is no more  
8 than 200 characters in length or requires the recipient to  
9 sign up or opt in to receive it.

10 "(7) Connected with or included in any software  
11 application or accompanying function, provided that the user  
12 signs up, opts in, downloads, or otherwise accesses the  
13 application from or through a website that complies with  
14 subsection (a).

15 "(8) Sent by a third-party user from or through a  
16 campaign or committee's website, provided the website complies  
17 with subsection (a).

18 "(9) Contained in or distributed through any other  
19 technology related item, service, or device for which  
20 compliance with subsection (a) is not reasonably practical due  
21 to the size or nature of such item, service, or device as  
22 available, or the means of displaying the message or  
23 advertisement makes compliance with subsection (a)  
24 impracticable.

25 "§17-5-14.

26 "(a) A business corporation incorporated or  
27 organized under the laws of this state or doing business in



1 this state, or any employee, or agent acting on behalf of the  
2 corporation, may not make a contribution to any candidate for  
3 public office or political action committee except as  
4 permitted in this section.

5 "(b) Notwithstanding any other provisions of law, a  
6 business or nonprofit corporation or an officer, employee, or  
7 agent acting on behalf of such corporation, may give, pay,  
8 expend, or contribute money, services, or anything of value  
9 for the purposes of establishing, administering, or soliciting  
10 voluntary contributions to a separate, segregated fund to be  
11 utilized for political purposes as permitted herein if no  
12 corporate funds are a part of the separate, segregated fund.

13 "(c) Except as provided in subsection (e), a  
14 business corporation restricted by subsection (a) may directly  
15 give, pay, expend, or contribute any money or other valuable  
16 thing in any amount not to exceed five hundred dollars (\$500)  
17 to: (1) a candidate in any one election, or (2) a political  
18 action committee for each separate election occurring during a  
19 calendar year, whether before or after that election, provided  
20 that elections held on a regularly scheduled election date are  
21 treated as a single election for purposes of determining  
22 contribution limits for corporations. It is the intent of the  
23 Legislature to codify the requirements set forth in Attorney  
24 General Opinion No. 1999-255 (issued on July 22, 1999) for  
25 measuring the number of elections, as calculated by the  
26 Secretary of State, for which a business corporation may  
27 contribute to a political action committee.

1           "(d) In the case of a group of parent-subsubsidiary  
2           corporations, the five hundred dollar (\$500) limitation  
3           described in subsection (c) shall apply to the entire group.

4           "(e) Subsection (c) does not apply to a public  
5           utility that is regulated by the Public Service Commission. A  
6           business corporation that is a public utility because it owns,  
7           controls, or operates a railroad may not make a contribution  
8           to any candidate for the Public Service Commission, but is  
9           otherwise entitled to take any action permitted nonpublic  
10           utility business corporations under this section.

11           "§17-5-15.

12           "(a) It shall be unlawful for any person to make a  
13           contribution in the name of another person, or knowingly  
14           permit his or her name to be used to effect such a  
15           contribution made by one person in the name of another person,  
16           or for any candidate, principal campaign committee, or  
17           political action committee to knowingly accept a contribution  
18           made by one person in the name of another person; provided,  
19           however, that nothing in this chapter would prohibit any  
20           person from soliciting and receiving contributions from other  
21           persons for the purpose of making expenditures to a candidate,  
22           political campaign committee, political action committee, or  
23           elected state or local official required to file reports  
24           pursuant to Section 17-5-8.

25           "(b) It shall be unlawful for any political action  
26           committee, any entity, or organization subject to 26 U.S.C.  
27           ~~527 organization, or private foundation,~~ including a principal

1 campaign committee or any person acting on behalf of such  
2 organization or committee, to make a contribution,  
3 expenditure, or any other transfer of funds to any other  
4 political action committee, or 527 organization, ~~or private~~  
5 ~~foundation~~. It shall be unlawful for any principal campaign  
6 committee or any person acting on behalf of such organization  
7 or committee to make a contribution, expenditure, or any other  
8 transfer of funds to any other principal campaign committee,  
9 except where the contribution, expenditure, or any other  
10 transfer of funds is made from a principal campaign committee  
11 to another principal campaign committee on behalf of the same  
12 person. Notwithstanding the foregoing, a political action  
13 committee that is not a principal campaign committee may make  
14 contributions, expenditures, or other transfers of funds to a  
15 principal campaign committee and a separate segregated fund  
16 established by a corporation under federal law if the fund  
17 does not receive any contributions from within this state  
18 other than contributions from its employees and directors is  
19 not restricted by this subsection in the amount it may  
20 transfer to a political action committee established under the  
21 provisions of Section ~~10A-21-1.01~~ 17-5-14.1 by the same or an  
22 affiliated corporation.

23 "(c) Notwithstanding this section or any other  
24 provision of law, a local or state political action committee  
25 of a political party may make a contribution, expenditure, or  
26 any other transfer of funds to any other local or state  
27 political action committee of the same party.

1                   "§17-5-15.1.

2                   "(a) A principal campaign committee of a state or  
3 local candidate and any person acting on its behalf may not  
4 receive or spend, in a campaign for state or local office,  
5 campaign funds in excess of one thousand dollars (\$1,000) that  
6 were raised by a principal campaign committee of a federal  
7 candidate.

8                   "(b) Any ~~receipt or expenditure of~~ person who  
9 receives or expends campaign funds in violation of subsection  
10 (a) shall be guilty of a Class C felony.

11                  "§17-5-16.

12                  "(a) It shall be unlawful for any person  
13 fraudulently to misrepresent himself or herself, or any other  
14 person or organization with which he or she is affiliated, as  
15 speaking or writing or otherwise acting for or on behalf of  
16 any candidate, principal campaign committee, political action  
17 committee, or political party, or agent or employee thereof,  
18 in a manner which is damaging or is intended to be damaging to  
19 such other candidate, principal campaign committee, political  
20 action committee, or political party.

21                  "(b) It shall be unlawful for any automated or  
22 pre-recorded communication initiated, conducted, or  
23 transmitted through an automated telephone dialing service to  
24 be conducted without providing clear notice at the ending of  
25 the phone call that the communication was a paid political  
26 advertisement and clearly identifying the person, nonprofit

1 corporation, entity, principal campaign committee, or  
2 political action committee that paid for such communication.

3 "(c) It shall be unlawful for any person or entity  
4 to knowingly misrepresent, in any automated or pre-recorded  
5 communication that is a political advertisement and that is  
6 initiated via an automated telephone dialing service, the  
7 identification of the person, nonprofit corporation, entity,  
8 principal campaign committee, or political action committee  
9 that paid for such communication.

10 "(d) The Attorney General of the State of Alabama  
11 shall have full power to investigate and enforce violations of  
12 this section and any owner, employer, agent, or representative  
13 of any automated dialing service found to be in violation of  
14 this section shall be guilty upon conviction of a Class A  
15 misdemeanor as provided in Section ~~17-17-35(a)~~ 17-5-19.

16 "§17-5-19.

17 ~~"It is the intention of the Legislature by the~~  
18 ~~passage of this chapter that its provisions be construed in~~  
19 ~~pari materia with other laws regulating political~~  
20 ~~contributions, corporations, or political contributions by~~  
21 ~~corporations.~~

22 "(a) Unless otherwise provided, a person who  
23 violates any provision of this chapter shall be guilty, upon  
24 conviction, of a Class A misdemeanor.

25 "(b) A person who violates any reporting requirement  
26 of Sections 17-5-4, 17-5-5, and 17-5-8 shall be guilty, upon  
27 conviction, of a Class B misdemeanor.

1           "(c) Any person who intentionally violates Section  
2           17-5-7 shall be guilty, upon conviction, of a Class B felony.

3           "(d) The Attorney General or district attorney for  
4           the appropriate jurisdiction may prosecute violations of this  
5           chapter. Venue for cases involving violations of this chapter  
6           shall be in the county in which the violation occurred or the  
7           county in which the alleged violator resides or is  
8           incorporated. If the alleged violator resides or is  
9           incorporated outside of the State of Alabama or if the  
10           violation or violations occurred outside the State of Alabama,  
11           venue shall be in Montgomery County.

12           "(e) No prosecution for violation of this chapter  
13           shall be commenced later than two years after the date of  
14           violation. Notwithstanding the foregoing, a prosecution  
15           brought pursuant to Section 17-5-7 shall be commenced within  
16           four years after the commission of the offense."

17           Section 2. Sections 17-5-5.1 and 17-5-14.1 are added  
18           to Chapter 5, Title 17, Code of Alabama 1975, to read as  
19           follows:

20                 §17-5-5.1.

21                 (a) Except as provided in subsection (d), each  
22           legislative caucus organization that raises funds for its  
23           administration and operation shall file a certificate of  
24           registration, accompanied by a copy of its Certificate of  
25           Formation or Articles of Organization, with the Secretary of  
26           the Senate, for a Senate caucus, or the Clerk of the House,

1 for a House caucus, or both for a bicameral legislative  
2 caucus.

3 (b) A legislative caucus organization duly  
4 registered pursuant to subsection (a) shall not contribute to  
5 or expend funds in support of candidates, principal campaign  
6 committees, propositions, or political campaign action  
7 committees for the purpose of influencing the result of an  
8 election. Notwithstanding any other provision of law, the  
9 donation of funds or other resources to a duly registered  
10 legislative caucus organization in support of the  
11 administration or operations of the caucus is permissible,  
12 provided that the donation is not made for the purpose of  
13 influencing the result of an election.

14 (c) Nothing in this section shall be construed to  
15 exempt a legislative caucus organization or its officers,  
16 directors, or members from the Ethics Law.

17 (d) A legislative caucus organization that engages  
18 in fundraising and is not registered as provided in subsection  
19 (a) shall be regulated as a political action committee under  
20 this chapter and shall comply with all the requirements of  
21 this chapter pertaining to political action committees.

22 §17-5-14.

23 (a) Any business or nonprofit corporation,  
24 incorporated under the laws of or doing business in this  
25 state, or any officer or agent acting in behalf of the  
26 corporation may give, pay, expend, or contribute money,  
27 services, anything of value for the purposes of establishing,

1 administering, or soliciting voluntary contributions to a  
2 separate, segregated fund to be utilized for political  
3 purposes (i) to aid or promote the nomination or election of  
4 any person, including an incumbent political officeholder or  
5 any other person who is or becomes a candidate for political  
6 office; or (ii) to aid or promote the interest or success, or  
7 defeat of any political party or political proposition. Any  
8 separate, segregated fund established hereunder for any of the  
9 above enumerated purposes shall be established and  
10 administered pursuant to the following requirements and  
11 prohibitions:

12 (1) Any business or nonprofit corporation  
13 incorporated under the laws of or doing business in this  
14 state, or any officer or agent acting in behalf of the  
15 corporation which has established a separate, segregated  
16 political fund or any separate, segregated fund established by  
17 the corporation or officer or agent acting in behalf of the  
18 corporation may solicit voluntary contributions to the fund  
19 only from the corporation's stockholders and their families  
20 and its employees and their families; or in the case of a  
21 nonprofit corporation, its members and their employees.  
22 However, the funds may accept voluntary contributions from any  
23 individuals or from any other separate, segregated political  
24 funds.

25 (2) The custodians of any separate, segregated  
26 political fund established hereunder shall file with the  
27 Secretary of State such financial disclosure reports or



1 statements now required of a candidate for public office.  
2 Filing with the Secretary of State a copy of the information  
3 required to be filed with the Federal Election Commission by  
4 such separate, segregated fund shall constitute compliance  
5 with the reporting provisions of this section.

6 (b) It shall be unlawful:

7 (1) For any separate, segregated political fund  
8 established pursuant to this section or for any person acting  
9 in behalf of the fund to solicit or secure any money or  
10 anything of value by physical force, job discrimination, or  
11 financial reprisals, or by threats thereof; by dues, fees, or  
12 other moneys required as a condition of employment; or by  
13 moneys obtained in any commercial transaction;

14 (2) For any person soliciting contributions to the  
15 fund to fail to inform any person being solicited of the  
16 political purposes of the fund at the time of the  
17 solicitation;

18 (3) For any person soliciting for a contribution to  
19 the fund to fail to inform the person being solicited, at the  
20 time of the solicitation, of his or her right to refuse to  
21 contribute without any reprisal; and

22 (4) For any corporation regulated by the Public  
23 Service Commission to pass on to its customers any  
24 contribution made for the purpose of establishing,  
25 administering, or soliciting voluntary contributions to a  
26 separate, segregated fund to be utilized for political  
27 purposes.

1                   Section 3. (a) Sections 10A-21-1.01 to 10A-21-1.04,  
2 inclusive, Code of Alabama 1975, are repealed.

3                   (b) Section 17-17-5, Code of Alabama 1975, is  
4 repealed.

5                   Section 4. This act shall become effective on the  
6 first day of the third month following its passage and  
7 approval by the Governor, or its otherwise becoming law.