

1 HB141  
2 115960-1  
3 By Representative Ward  
4 RFD: Constitution and Elections  
5 First Read: 12-JAN-10  
6 PFD: 01/07/2010

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

11 This bill would provide an additional  
12 procedure for the electronic filing of campaign  
13 disclosure reports in a computer format for  
14 contributions or expenditures of a certain amount  
15 and would provide a phase-in period.

16  
17 A BILL  
18 TO BE ENTITLED  
19 AN ACT  
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21 To amend Section 17-5-8, Code of Alabama 1975, as  
22 amended by Act No. 2009-751, 2009 Regular Session (Acts 2009,  
23 p. 2273), and Section 17-5-9, Code of Alabama 1975, relating  
24 to the filing of campaign finance disclosure reports, to  
25 provide an additional procedure for the electronic filing of  
26 campaign disclosure reports in a computer format for

1 contributions or expenditures of a certain amount and to  
2 provide a phase-in period.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 17-5-8, Code of Alabama 1975, as  
5 amended by Act No. 2009-751, 2009 Regular Session (Acts 2009,  
6 p. 2273), and Section 17-5-9, Code of Alabama 1975, are  
7 amended to read as follows:

8 "§17-5-8.

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

14 "(1) Regardless of whether the candidate has  
15 opposition in any election, between 50 and 45 days before and  
16 between 10 and five days before the date of any primary,  
17 special, runoff, or general election for which a political  
18 action committee or principal campaign committee receives  
19 contributions or makes expenditures with a view toward  
20 influencing such election's result.

21 "(2) Provided, however, that with regard to a runoff  
22 election a report shall not be required except between five  
23 and 10 days before the runoff election.

24 "(b) Each principal campaign committee, political  
25 action committee, and elected state and local official covered  
26 under the provisions of this chapter, shall annually file with  
27 the Secretary of State or judge of probate, as designated in

1 Section 17-5-9, reports of contributions and expenditures made  
2 during that year. The annual reports required under this  
3 subsection shall be made on or before January 31 of the  
4 succeeding year.

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

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

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

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

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

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

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

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

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

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

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

24           "(d) ~~Each~~ Except as provided in subsection (e), each  
25 report required by this section shall be signed and filed by  
26 the elected official or on behalf of the political action  
27 committee by its chair or treasurer and, if filed on behalf of

1 a principal campaign committee, by the candidate represented  
2 by such committee. There shall be attached to each such report  
3 an affidavit subscribed and sworn to by the official or chair  
4 or treasurer and, if filed by a principal campaign committee,  
5 the candidate represented by such committee, setting forth in  
6 substance that such report is to the best of his or her  
7 knowledge and belief in all respects true and complete, and,  
8 if made by a candidate, that he or she has not received any  
9 contributions or made any expenditures which are not set forth  
10 and covered by such report.

11 "(e) Each campaign finance report required by this  
12 section which reports contributions or expenditures in an  
13 amount greater than one hundred thousand dollars (\$100,000)  
14 may also, during the four-year phase-in period, and thereafter  
15 shall, be submitted electronically over the Internet by a  
16 computer file containing the reporting information in a format  
17 and medium to be prescribed by the Secretary of State. The  
18 Secretary of State shall provide without charge any software  
19 necessary to comply with the electronic reporting requirement.  
20 The electronic filing reporting requirement is voluntary for  
21 four years after the effective date of this amendatory act and  
22 shall be mandatory after such date. The Secretary of State  
23 shall promulgate such rules as are necessary to ensure  
24 security, protection of data, and validation of the  
25 information in the electronic reports.

26 "§17-5-9.

1           "(a) All statements and reports, including  
2 amendments, required of principal campaign committees under  
3 the provisions of this chapter shall be filed with the  
4 Secretary of State in the case of candidates for state office  
5 or state elected officials, and in the case of candidates for  
6 local office or local elected officials, with the judge of  
7 probate of the county in which the office is sought.

8           "(b) Political action committees, which seek to  
9 influence an election for local office or to influence a  
10 proposition regarding a single county, shall file all reports  
11 and statements, including amendments, with the judge of  
12 probate of the county affected. All other political action  
13 committees, except as provided in subsection (a) above, shall  
14 file reports and statements with the Secretary of State.

15           "(c) In addition to the filing of statements and  
16 reports under the provisions of this chapter, campaign  
17 contributions and expenditures in an amount greater than one  
18 hundred thousand dollars (\$100,000) shall be submitted over  
19 the Internet by computer file containing the reporting  
20 information in a format and medium to be presented by the  
21 Secretary of State. The Secretary of State shall provide  
22 without charge any software necessary to comply with the  
23 electronic reporting requirement. No supporting documentation  
24 is to be attached to the electronic report."

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

