

1 SB149
2 135288-1
3 By Senator Orr
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, campaign finance reports
9 are required to disclose the name of any person
10 making a contribution in excess of \$100.

11 This bill would require that the report also
12 include the occupation and name of the employer of
13 the contributor.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

18
19 To amend Section 17-5-8 of the Code of Alabama 1975,
20 as amended by Act 2011-697, 2011 Regular Session, relating to
21 reports of contributions and expenditures of candidates and
22 political action committees; to require that the reports also
23 include the occupation and name of the employer of the
24 contributor.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. This act shall be known and cited as "The
27 Alabama Full Disclosure Act."

1 Section 2. Section 17-5-8 of the Code of Alabama
2 1975, as last amended by Act 2011-697, 2011 Regular Session,
3 is amended to read as follows:

4 "§17-5-8.

5 "(a) Each principal campaign committee or political
6 action committee shall file with the Secretary of State or
7 judge of probate, as designated in Section 17-5-9, reports of
8 contributions and expenditures at the following times once a
9 principal campaign committee files its statement under Section
10 17-5-4 or a political action committee files its statement of
11 organization under Section 17-5-5:

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

22 "(2) With regard to a primary, special, runoff, or
23 general election, a report shall be required weekly on the
24 Friday of each week before the election.

25 "(3)a. In addition to the reporting dates specified
26 in subdivisions (1) and (2), reports required to be filed with
27 the Secretary of State shall be filed with the Secretary of

1 State on the eighth, seventh, sixth, fifth, fourth, third, and
2 second day preceding a legislative, state school board or
3 other statewide primary, special, runoff, or general election,
4 and by 12:01 a.m. on the day preceding a legislative, state
5 school board, or statewide, primary, special, runoff, or
6 general election if any principal campaign committee or
7 political action committee receives or spends in the aggregate
8 five thousand dollars (\$5,000) or more on any day with a view
9 toward influencing an election's results. Principal campaign
10 committees and political action committees that are exempt
11 from electronic filing and principal campaign committees and
12 political action committees required to make daily reports
13 pursuant to this subdivision for the 2012 election cycle may
14 file reports by facsimile (FAX) transmission provided they
15 keep proper documentation in their office.

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

23 "(b) Each principal campaign committee, political
24 action committee, and elected state and local official covered
25 under the provisions of this chapter, shall annually file with
26 the Secretary of State or judge of probate, as designated in
27 Section 17-5-9, reports of contributions and expenditures made

1 during that year. The annual reports required under this
2 subsection shall be made on or before January 31 of the
3 succeeding year.

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

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

8 "(2) The identification, including the occupation of
9 employee, of each person who has made contributions to such
10 committee or candidate within the calendar year in an
11 aggregate amount greater than one hundred dollars (\$100),
12 together with the amount and date of all such contributions;
13 provided, however, in the case of a political action committee
14 identification shall mean the name, occupation, employer, and
15 city of residence of each person who has made contributions
16 within the calendar year in an aggregate amount greater than
17 one 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 report required by this section shall be
25 signed and filed by the elected official or on behalf of the
26 political action committee by its chair or treasurer and, if
27 filed on behalf of a principal campaign committee, by the

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

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

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

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

1 "(h) In connection with any electioneering
2 communication paid for by a person, nonprofit corporation,
3 entity, principal campaign committee, or other political
4 committee or entity, the payor shall disclose its
5 contributions and expenditures in accordance with this
6 section. The disclosure shall be made in the same form and at
7 the same time as is required of political action committees in
8 this section; provided, however, no duplicate reporting shall
9 be required by a political committee.

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

19 "(j) Notwithstanding the disclosure requirements of
20 this section, the provisions of this section shall not be
21 interpreted to nor shall they require any disclosure for
22 expenses incurred for any electioneering communication used by
23 any membership or trade organization to communicate with or
24 inform its members, its members' families, or its members'
25 employees.

26 "(k) The corporate contribution limits contained in
27 Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04 shall not

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

7 Section 3. This act shall become effective on
8 October 1, 2012, following its passage and approval by the
9 Governor, or its otherwise becoming law.