

1 HB213
2 197082-1
3 By Representative Givan
4 RFD: Ethics and Campaign Finance
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing campaign finance law,
9 candidates are required to file periodic reports of
10 contributions and expenditures to the Secretary of
11 State or judge of probate, depending on the office.
12 In certain circumstances, a report must be filed by
13 12:01 p.m. on the day preceding the election.

14 This bill would delete the language
15 requiring the report be filed at 12:01 p.m.

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT

20
21 Relating to campaign finance; to amend Section
22 17-5-8, Code of Alabama 1975, to provide further for the
23 reporting of contributions and expenditures on the day
24 preceding an election.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 17-5-8, Code of Alabama 1975, is
27 amended to read as follows:

1 "§17-5-8.

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

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

20 "(2) With regard to a primary, special, runoff, or
21 general election, a report shall be required weekly on the
22 Monday of the succeeding week for each of the four weeks
23 before the election that includes all reportable activities
24 for the previous week.

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 p.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 that day with a view
9 toward influencing an election's results. If a daily report is
10 required pursuant to this subdivision, the report shall
11 include all reportable activity occurring on the day of the
12 report as well as all reportable activity that has occurred on
13 each day since the most recent prior report. ~~Principal~~
14 ~~campaign committees and political action committees that are~~
15 ~~exempt from electronic filing and principal campaign~~
16 ~~committees and political action committees required to make~~
17 ~~daily reports pursuant to this subdivision for the 2012~~
18 ~~election cycle may file reports by facsimile (FAX)~~
19 ~~transmission provided they keep proper documentation in their~~
20 ~~office.~~

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

1 "(b) Except as provided in subsection ~~(k)~~(h), each
2 principal campaign committee, political action committee, and
3 elected state and local official covered under the provisions
4 of this chapter who has not closed his or her principal
5 campaign committee, shall annually file with the Secretary of
6 State or judge of probate, as designated in Section 17-5-9,
7 reports of contributions and expenditures made during that
8 year. No annual report is required to be filed by a person who
9 holds office because he or she was appointed to serve the
10 remainder of a term vacated by another person, until the
11 person serving has created a principal campaign committee. The
12 annual reports required under this subsection shall be made on
13 or before January 31 of the succeeding year.

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

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

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

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

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

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

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

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

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

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

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

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

21 "~~(e) Commencing with the 2014 election cycle,~~
22 ~~electronic filing of contributions and expenditures for any~~
23 ~~legislative, state school board, and statewide primary,~~
24 ~~special, runoff, or general election shall be mandatory,~~
25 ~~except as provided in subsection (g) . The Secretary of State~~
26 ~~may provide electronic reporting sooner than the 2014 election~~
27 ~~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 five thousand dollars (\$5,000) or~~
11 ~~less per election cycle.~~

12 ~~"(h)(e)~~ 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)(f)~~ Notwithstanding any disclosure requirements
22 of subsection ~~(h)(e)~~, churches are exempt from the
23 requirements of this section unless the church's expenditures
24 are used to influence the outcome of an election. Nothing
25 herein shall require a church to disclose the identities,
26 donations, or contributions of members of the church. As used
27 in this section, the term church is defined in accordance with

1 and recognized by Internal Revenue Service guidelines and
2 regulations.

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

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

26 "(i)(1) Except as provided in subdivision (2), all
27 filings made pursuant to this section shall be made

1 electronically. Electronic filings shall be available to the
2 public on a searchable database maintained on the Secretary of
3 State's website.

4 "(2) For any campaign, principal campaign committee,
5 or political action committee receiving five thousand dollars
6 (\$5,000) or less per election cycle, filings made pursuant to
7 this section may be made electronically or by paper or
8 facsimile.

9 "(i)(j) The Secretary of State may ~~promulgate~~
10 ~~administrative~~ adopt rules pursuant to the Alabama
11 Administrative Procedure Act as are necessary to implement and
12 administer ~~the changes made to this section by Act 2012-477~~
13 this section.

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