

1 HB89
2 215680-1
3 By Representative Ball
4 RFD: Ethics and Campaign Finance
5 First Read: 11-JAN-22

SYNOPSIS: Under existing law, the last pre-election campaign finance report showing campaign activity must be filed by 12:01 p.m. the day before the election.

This bill would change the time of day when the last pre-election report showing campaign activity must be filed.

A BILL
TO BE ENTITLED
AN ACT

Relating to campaign finance statements and reports; to amend Section 17-5-8, Code of Alabama 1975, as last amended by Act 2021-314 of the 2021 Regular Session, to revise the deadline for the last pre-election campaign finance report.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 17-5-8, Code of Alabama 1975, as last amended by Act 2021-314 of the 2021 Regular Session and effective August 1, 2023, is amended to read as follows:

1 "§17-5-8.

2 "(a) All filings with the Secretary of State under
3 this section shall be made electronically. Electronic filings
4 shall be available to the public on a searchable database
5 maintained on the Secretary of State's public website.

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

12 "(1) Regardless of whether a candidate has
13 opposition in any election, monthly reports not later than the
14 second business day of the subsequent month, beginning 12
15 months before the date of any primary, special, runoff, or
16 general election for which a political action committee or
17 principal campaign committee receives contributions or makes
18 expenditures with a view toward influencing the election's
19 result. A monthly report shall include all reportable
20 transactions for the previous full month period. Reports shall
21 be required as 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 Monday of the succeeding week for each of the four weeks
25 before the election that includes all reportable activities
26 for the previous week.

1 "(3) In addition to the reporting dates specified in
2 subdivisions (1) and (2), reports required to be filed with
3 the Secretary of State shall be filed with the Secretary of
4 State on the eighth, seventh, sixth, fifth, fourth, third, and
5 second day preceding a legislative, state school board, or
6 other statewide primary, special, runoff, or general election,
7 and by ~~12:01~~ 11:59 p.m. on the day preceding a legislative,
8 state school board, or statewide, primary, special, runoff, or
9 general election if any principal campaign committee or
10 political action committee receives or spends in the aggregate
11 five thousand dollars (\$5,000) or more on that day with a view
12 toward influencing an election's results. If a daily report is
13 required pursuant to this subdivision, the report shall
14 include all reportable activity occurring on the day of the
15 report as well as all reportable activity that has occurred on
16 each day since the most recent prior report.

17 "(c) Except as provided in subsection (i), each
18 principal campaign committee, political action committee, and
19 elected state and local official covered under this chapter
20 who has not closed his or her principal campaign committee
21 shall file annually with the Secretary of State reports of
22 contributions and expenditures made during that year. No
23 annual report is required to be filed by a person who holds
24 office because he or she was appointed to serve the remainder
25 of a term vacated by another person until the person serving
26 has created a principal campaign committee. The annual reports

1 required under this subsection shall be made on or before
2 January 31 of the succeeding year.

3 "(d) Each report under this section shall disclose
4 all of the following:

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

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

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

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

1 "(6) The grand total of all receipts by or for the
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 the 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 expenditure, and, if applicable, the
8 designation of each constitutional amendment or other
9 proposition with respect to which an expenditure was made.

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

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

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

23 "(e) Each report required by this section shall be
24 signed and filed by the elected official or on behalf of the
25 political action committee by its chair or treasurer and, if
26 filed on behalf of a principal campaign committee, by the
27 candidate represented by the committee. There shall be

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

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

18 "(g) Notwithstanding any disclosure requirements of
19 subsection (f), churches are exempt from the requirements of
20 this section unless the church's expenditures are used to
21 influence the outcome of an election. Nothing herein shall
22 require a church to disclose the identities, donations, or
23 contributions of members of the church. As used in this
24 section, the term church is defined in accordance with and
25 recognized by Internal Revenue Service guidelines and
26 regulations.

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

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

23 "(j) The Secretary of State may adopt administrative
24 rules pursuant to the Alabama Administrative Procedure Act as
25 are necessary to implement and administer this section."

1 Section 2. This act shall become effective on August
2 1, 2023, following its passage and approval by the Governor,
3 or its otherwise becoming law.