

1 SB136
2 129142-2
3 By Senator Orr
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 01-MAR-11

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 17-5-8, Code of Alabama 1975,
12 relating to the filing of campaign finance disclosure reports;
13 to require the filing of campaign reports at more frequent
14 intervals for the 2012 and 2014 election cycles; to subject
15 Section 527 political organizations that contribute to a state
16 or local election or campaign to file campaign finance
17 disclosure reports; to provide for the filing of large
18 contributions in addition to other filings; to require
19 electronic reporting beginning with the 2014 election cycle,
20 with limited exceptions; commencing with the 2014 election
21 cycle, to require the Secretary of State to establish and
22 maintain an electronic searchable public database of all
23 campaign contributions and expenditures required to be filed
24 with the Secretary of State; and to allow the Secretary of
25 State to promulgate rules for implementing and administering
26 the act.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 17-5-8 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§17-5-8.

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

12 "(1) ~~Regardless~~ Beginning with the 2012 election
13 cycle, regardless of whether the candidate has opposition in
14 any election, ~~between 50 and 45 days before and between 10 and~~
15 ~~five days~~ on the last day of each month beginning 12 months
16 before the date of any primary, special, runoff, or general
17 election for which a political action committee or principal
18 campaign committee receives contributions or makes
19 expenditures with a view toward influencing such election's
20 result. Beginning with the month preceding the month in which
21 the election is held each report shall be required as provided
22 in subdivisions (2) and (3).

23 "(2) ~~Provided, however, that with~~ With regard to a
24 runoff election, a report shall ~~not~~ be required ~~except between~~
25 ~~five and 10 days~~ weekly on the Friday of each week before the
26 runoff election.

1 "(3)a. In addition to the reporting dates specified
2 in 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 or statewide election, and
6 by 12:01 a.m. in the day preceding a statewide election,
7 runoff election, and any special statewide election if any
8 principal campaign committee or political action committee
9 receives or spends in the aggregate five thousand dollars
10 (\$5,000) or more on any day with a view toward influencing an
11 election's results. Principal campaign committees and
12 political action committees that are exempt from electronic
13 filing and principal campaign committees and political action
14 committees required to make daily reports pursuant to this
15 subdivision for the 2012 election cycle may file reports by
16 facsimile (FAX) transmission provided they keep proper
17 documentation in their office.

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

25 "(4) If a Section 527 political organization makes a
26 contribution to or expenditure for a principal campaign
27 committee of a political action committee for a state or local

1 election, the Section 527 organization is subject to the
2 filing requirements of this section.

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

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

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

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

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

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

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

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

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

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

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

26 "(10) The amount and nature of debts and obligations
27 owed by or to the committee or elected official, together with

1 a statement as to the circumstances and conditions under which
2 any such debt or obligation was extinguished and the
3 consideration therefor.

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

17 "(e) Commencing with the 2014 election cycle
18 electronic filing of contributions and expenditures for
19 statewide elections shall be mandatory, except as provided in
20 subsection (g). The Secretary of State may provide electronic
21 reporting sooner than the 2014 election cycle. Electronic
22 filing shall satisfy any filing requirements of this chapter
23 and no paper filing is required for any report filed
24 electronically.

25 "(f) In the 2012 election cycle the provisions for
26 the time of filing contained in subsection (a) shall apply to
27 the paper or facsimile (FAX) filings for statewide elections.

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

5 Section 2. (a) Commencing with the 2014 election
6 cycle, all statements, reports of contributions, and
7 expenditures, and other filings required to be filed pursuant
8 to Chapter 5, Title 17, Code of Alabama 1975, shall be
9 submitted electronically over the Internet by a computer file
10 containing the report information in a format and medium to be
11 prescribed by the Secretary of State.

12 (b) Commencing with the 2014 election cycle, the
13 Secretary of State shall implement and maintain an electronic
14 database accessible by the public through the Secretary of
15 State's website which provides the capability of search and
16 retrieval of all statements, reports, and other filings
17 required to be filed with the Secretary of State pursuant to
18 Chapter 5. The searchable database shall provide the ability
19 to search by a recipient's name, a contributor's name, a
20 contributor's or recipient's zip code, and dates of
21 contributions.

22 (c) Unless otherwise included in a report made
23 pursuant to subsection (a) of Section 17-5-8, Code of Alabama
24 1975, the principal campaign committee or political action
25 committee shall file a report disclosing the receipt of any
26 single contribution of twenty thousand dollars (\$20,000) or
27 more. These reports shall disclose the same information

1 required by Section 17-5-8, Code of Alabama 1975, and shall be
2 filed within two business days of receipt of the contribution.
3 Beginning with the 2014 election cycle these reports shall be
4 filed electronically.

5 (d) Beginning with the 2012 election cycle, a
6 principal campaign committee or political action committee
7 shall close its books in order to complete its reports two
8 days prior to the specified reporting dates.

9 Section 3. The Secretary of State may promulgate
10 administrative rules pursuant to the Alabama Administrative
11 Procedure Act as are necessary to implement and administer
12 this act.

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

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Campaign Finance, Eth-
ics, and Elections..... 01-MAR-11

Read for the second time and placed on the calen-
dar 2 amendments..... 08-MAR-11

Read for the third time and passed as amended 05-MAY-11

Yeas 27
Nays 0

Patrick Harris
Secretary