

1 SB16
2 115960-1
3 By Senator Ward
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 01-MAR-11
6 PFD: 01/19/2011

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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
20

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.

