

1 HB117  
2 208955-2  
3 By Representative Ball  
4 RFD: Ethics and Campaign Finance  
5 First Read: 02-FEB-21  
6 PFD: 01/26/2021

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

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

15 This bill would also delete obsolete  
16 language.

17  
18 A BILL  
19 TO BE ENTITLED  
20 AN ACT

21  
22 Relating to campaign finance statements and reports;  
23 to amend Section 17-5-8, Code of Alabama 1975, to revise the  
24 deadline for the last pre-election campaign finance report and  
25 delete obsolete language.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3           "§17-5-8.

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

11           "~~(1) Beginning after the 2012 election cycle,~~  
12 ~~regardless~~ Regardless of whether a candidate has opposition in  
13 any election, monthly reports not later than the second  
14 business day of the subsequent 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. 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) ~~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, 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. Principal  
17 campaign committees and political action committees that are  
18 exempt from electronic filing and principal campaign  
19 committees and political action committees required to make  
20 daily reports pursuant to this subdivision for the 2012  
21 election cycle may file reports by facsimile (FAX)  
22 transmission provided they keep proper documentation in their  
23 office.

24           ~~"b. Electronic filing on the Secretary of State's~~  
25 ~~website may be implemented sooner than the 2014 election cycle~~  
26 ~~as an alternative method of reporting; however, electronic~~  
27 ~~filing shall be required beginning with the 2014 election~~

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

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

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

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

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

1 contributions within the calendar year in an aggregate amount  
2 greater than one hundred dollars (\$100).

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

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

11 "(5) The total amount of receipts from any other  
12 source during ~~such~~ the calendar year.

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

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

23 "(8) The identification of each person to whom an  
24 expenditure for personal services, salaries, ~~and~~ or reimbursed  
25 expenses greater than one hundred dollars (\$100) has been  
26 made, and which is not otherwise reported or exempted from the

1 provisions of this chapter, including the amount, date, and  
2 purpose of ~~such~~ the expenditure.

3 "(9) The grand total of all expenditures made by  
4 ~~such~~ the committee or elected official during the calendar  
5 year.

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

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

25 "(e) Commencing with the 2014 election cycle,  
26 electronic filing of contributions and expenditures for any  
27 legislative, state school board, and statewide primary,

1 special, runoff, or general election shall be mandatory,  
2 except as provided in subsection (g). The Secretary of State  
3 may provide electronic reporting sooner than the 2014 election  
4 cycle. Electronic filing shall satisfy any filing requirements  
5 of this chapter and no paper filing is required for any report  
6 filed electronically.

7 "(f) In the 2012 election cycle the provisions for  
8 the time of filing contained in subsection (a) shall apply to  
9 the paper or facsimile (FAX) filings for any legislative,  
10 state school board, or statewide primary, special, runoff, or  
11 general election.

12 "(g) Electronic filing of reports shall not apply to  
13 any campaign, principal campaign committee, or political  
14 action committee receiving five thousand dollars (\$5,000) or  
15 less per election cycle.

16 "(h) In connection with any electioneering  
17 communication paid for by a person, nonprofit corporation,  
18 entity, principal campaign committee, or other political  
19 committee or entity, the payor shall disclose its  
20 contributions and expenditures in accordance with this  
21 section. The disclosure shall be made in the same form and at  
22 the same time as is required of political action committees in  
23 this section; provided, however, no duplicate reporting shall  
24 be required by a political committee.

25 "(i) Notwithstanding any disclosure requirements of  
26 subsection (h), churches are exempt from the requirements of  
27 this section unless the church's expenditures are used to



1 influence the outcome of an election. Nothing herein shall  
2 require a church to disclose the identities, donations, or  
3 contributions of members of the church. As used in this  
4 section, the term church is defined in accordance with and  
5 recognized by Internal Revenue Service guidelines and  
6 regulations.

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

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

1 balance in a report of each committee shall begin at the  
2 monetary amount appearing in the most recent prior report.

3 "(1) The Secretary of State may ~~promulgate~~ adopt  
4 administrative rules pursuant to the Alabama Administrative  
5 Procedure Act as are necessary to implement and administer ~~the~~  
6 ~~changes made to this section by Act 2012-477.~~"

7 Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.