

1 HB73  
2 105236-1  
3 By Representative Ward  
4 RFD: Constitution and Elections  
5 First Read: 03-FEB-09  
6 PFD: 01/13/2009

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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 finance 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 Sections 17-5-8 and 17-5-9, Code of Alabama  
22 1975, relating to the filing of campaign finance disclosure  
23 reports, to provide an additional procedure for the electronic  
24 filing of campaign finance disclosure reports in a computer  
25 format for contributions or expenditures of a certain amount  
26 and provide a phase-in period.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 17-5-8 and 17-5-9, Code of  
2 Alabama 1975, are 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:

9           "(1) Between 50 and 45 days before and between 10  
10 and five days before the date of any election for which a  
11 political action committee or principal campaign committee  
12 receives contributions or makes expenditures with a view  
13 toward influencing such election's result.

14           "(2) Provided, however, that with regard to a runoff  
15 election a report shall not be required except between five  
16 and 10 days before the runoff election.

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

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

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

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

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

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

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

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

25           "(7) The identification of each person to whom  
26 expenditures have been made by or on behalf of such committee  
27 or elected official within the calendar year in an aggregate

1 amount greater than one hundred dollars (\$100), the amount,  
2 date, and purpose of each such expenditure, and, if  
3 applicable, the designation of each constitutional amendment  
4 or other proposition with respect to which an expenditure was  
5 made.

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

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

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

19 "(d) ~~Each~~ Except as provided in subsection (e), each  
20 report required by this section shall be signed and filed by  
21 the elected official or on behalf of the political action  
22 committee by its chair or treasurer and, if filed on behalf of  
23 a principal campaign committee, by the candidate represented  
24 by such committee. There shall be attached to each such report  
25 an affidavit subscribed and sworn to by the official or chair  
26 or treasurer and, if filed by a principal campaign committee,  
27 the candidate represented by such committee, setting forth in

1 substance that such report is to the best of his or her  
2 knowledge and belief in all respects true and complete, and,  
3 if made by a candidate, that he or she has not received any  
4 contributions or made any expenditures which are not set forth  
5 and covered by such report.

6 "(e) Each campaign finance report required by this  
7 section which reports contributions or expenditures in an  
8 amount greater than one hundred thousand dollars (\$100,000)  
9 shall also be submitted electronically over the Internet by a  
10 computer file containing the reporting information in a format  
11 and medium to be prescribed by the Secretary of State. The  
12 Secretary of State shall provide without charge any software  
13 necessary to comply with the electronic reporting requirement.  
14 The electronic filing requirement is voluntary for four years  
15 after the effective date of this amendatory act and shall be  
16 mandatory after such date. The Secretary of State shall  
17 promulgate such rules as are necessary to ensure security,  
18 protection of data, and validation of the information in the  
19 electronic reports.

20 "§17-5-9.

21 "(a) All statements and reports, including  
22 amendments, required of principal campaign committees under  
23 the provisions of this chapter shall be filed with the  
24 Secretary of State in the case of candidates for state office  
25 or state elected officials, and in the case of candidates for  
26 local office or local elected officials, with the judge of  
27 probate of the county in which the office is sought.

1           "(b) Political action committees, which seek to  
2 influence an election for local office or to influence a  
3 proposition regarding a single county, shall file all reports  
4 and statements, including amendments, with the judge of  
5 probate of the county affected. All other political action  
6 committees, except as provided in subsection (a) above, shall  
7 file reports and statements with the Secretary of State.

8           "(c) In addition to the filing of statements and  
9 reports under the provisions of this chapter, campaign  
10 contributions and expenditures in an amount greater than one  
11 hundred thousand dollars (\$100,000) shall be submitted over  
12 the Internet by computer file containing the reporting  
13 information in a format and medium to be prescribed by the  
14 Secretary of State. The Secretary of State shall provide  
15 without charge any software necessary to comply with the  
16 electronic reporting requirement. No supporting documentation  
17 is to be attached to the electronic report."

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