

1 SB445  
2 152451-3  
3 By Senator Taylor  
4 RFD: Constitution, Campaign Finance, Ethics, and Elections  
5 First Read: 16-APR-13

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3  
4 ENGROSSED

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6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Fair Campaign Practices Act; to  
12 amend Sections 17-5-2, 17-5-5, 17-5-7, 17-5-8, 17-5-8.2,  
13 17-5-9, 17-5-12, 17-5-14, 17-5-15, 17-5-15.1, 17-5-16, and  
14 17-5-19, Code of Alabama 1975, so as to lower the contribution  
15 threshold amounts at which a person becomes a candidate for  
16 purposes of campaign finance reporting requirements; to allow  
17 designated filing agents to file reports; to clarify persons  
18 subject to violations of the act; to change the legislative  
19 session prohibitions on fundraising to apply to legislative  
20 and statewide candidates; to clarify allowable spending  
21 amounts for political party dinners and functions; to change  
22 deadlines for reports; to provide further for municipal  
23 candidates; to clarify corporate contribution limits  
24 consistent with interpretations of law; to clarify the  
25 entities subject to the ban on PAC to PAC transfers so as not  
26 to prohibit private foundations from making non-political  
27 donations to other private foundations; to clarify responsible

1 person in PAC to PAC ban; to allow certain transfers between  
2 state and local political party organizations; to transfer  
3 certain enforcement provisions from Chapter 17 of Title 17 to  
4 Chapter 5 of Title 17; provide further for venue of  
5 prosecutions; to add Sections 17-5-5.1, 17-5-7.1, 17-5-14.1,  
6 and 17-5-20 to the Code of Alabama 1975; provide further for  
7 regulation of legislative caucuses; to provide for the return  
8 or refund of contributions; to move certain provisions  
9 relating to corporate contributions from Title 10A to Title  
10 17; to provide for the appointment of designated filing  
11 agents; and to repeal Section 10A-21-1.01 to 10A-21-1.04,  
12 inclusive and Section 17-17-35, Code of Alabama 1975.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 17-5-2, 17-5-5, 17-5-7, 17-5-8,  
15 17-5-8.2, 17-5-9, 17-5-12, 17-5-14, 17-5-15, 17-5-15.1,  
16 17-5-16, and 17-5-19, Code of Alabama 1975, are amended to  
17 read as follows:

18 "§17-5-2.

19 "(a) For purposes of this chapter, the following  
20 terms shall have the following meanings:

21 "(1) CANDIDATE. An individual who has done any of  
22 the following:

23 "a. Taken the action necessary under the laws of the  
24 state to qualify himself or herself for nomination or for  
25 election to any state office or local office or in the case of  
26 an independent seeking ballot access, on the date when he or  
27 she files a petition with the judge of probate in the case of

1 county offices, with the appropriate qualifying municipal  
2 official in the case of municipal offices, or the Secretary of  
3 State in all other cases.

4 "b. Received contributions or made expenditures in  
5 excess of one thousand dollars (\$1,000), or given his or her  
6 consent for any other person or persons to receive  
7 contributions or make expenditures in excess of one thousand  
8 dollars (\$1,000), with a view to bringing about his or her  
9 nomination or election to any state office or local office.  
10 ~~Notwithstanding the foregoing, no person shall be considered a~~  
11 ~~candidate within the meaning of this subdivision until the~~  
12 ~~time that he or she has either received contributions or made~~  
13 ~~expenditures as provided herein in the following amounts:~~

14 ~~"1. Twenty-five thousand dollars (\$25,000) or more,~~  
15 ~~with a view toward bringing about nomination or election to~~  
16 ~~any state office other than one filled by election of the~~  
17 ~~registered voters of any circuit or district within the state.~~

18 ~~"2. Five thousand dollars (\$5,000) or more, with a~~  
19 ~~view toward bringing about nomination or election to any state~~  
20 ~~office, excluding legislative office, filled by election of~~  
21 ~~the registered voters of any circuit or district.~~

22 ~~"3. Ten thousand dollars (\$10,000) or more, with a~~  
23 ~~view toward bringing about nomination or election to the~~  
24 ~~Alabama Senate and five thousand dollars (\$5,000) or more,~~  
25 ~~with a view toward bringing about nomination or election to~~  
26 ~~the Alabama House of Representatives.~~

1                   ~~"4. One thousand dollars (\$1,000) or more, with a~~  
2 ~~view toward bringing about nomination or election to any local~~  
3 ~~office.~~

4                   "(2) CONTRIBUTION.

5                   "a. Any of the following shall be considered a  
6 contribution:

7                   "1. A gift, subscription, loan, advance, deposit of  
8 money or anything of value, a payment, a forgiveness of a  
9 loan, or payment of a third party, made for the purpose of  
10 influencing the result of an election.

11                   "2. A contract or agreement to make a gift,  
12 subscription, loan, advance, or deposit of money or anything  
13 of value for the purpose of influencing the result of an  
14 election.

15                   "3. Any transfer of anything of value received by a  
16 political committee from another political committee,  
17 political party, or other source.

18                   "4. The payment of compensation by any person for  
19 the personal services or expenses of any other person if the  
20 services are rendered or expenses incurred on behalf of a  
21 candidate, political committee, or political party without  
22 payment of full and adequate compensation by the candidate,  
23 political committee, or political party. Provided, however,  
24 that the payment of compensation by a corporation for the  
25 purpose of establishing, administering, or soliciting  
26 voluntary contributions to a separate, segregated fund as

1 permitted by ~~Section 10-1-2~~ in this chapter, shall not  
2 constitute a contribution.

3 "b. The term "contribution" does not include:

4 "1. The value of services provided without  
5 compensation by individuals who volunteer a portion or all of  
6 their time on behalf of a candidate or political committee.

7 "2. The use of real or personal property and the  
8 cost of invitations, food, or beverages, voluntarily provided  
9 by an individual to a candidate or political committee in  
10 rendering voluntary personal services on the individual's  
11 residential or business premises for election-related  
12 activities.

13 "3. The sale of any food or beverage by a vendor for  
14 use in an election campaign at a charge to a candidate or  
15 political committee less than the normal comparable charge, if  
16 the charge to the political committee for use in an election  
17 campaign is at least equal to the cost of the food or beverage  
18 to the vendor.

19 "4. Any unreimbursed payment for travel expenses  
20 made by an individual who, on his or her own behalf,  
21 volunteers personal services to a candidate or political  
22 committee.

23 "5. The payment by a state or local committee of a  
24 political party of the cost of preparation, display, or  
25 mailing or other distribution incurred by the committee with  
26 respect to a printed slate card or sample ballot, or other  
27 printed listing of two or more candidates for any public

1 office for which an election is held in the state, except that  
2 this subparagraph shall not apply in the case of costs  
3 incurred by the committee with respect to a display of the  
4 listing made on broadcasting stations, or in newspapers,  
5 magazines, or other similar types of general public political  
6 advertising.

7 "6. The value or cost of polling data and voter  
8 preference data and information if provided to a candidate or  
9 political committee, unless the information was compiled with  
10 the advance knowledge of and approval of the candidate or the  
11 political committee.

12 "(3) DESIGNATED FILING AGENT. An individual  
13 appointed and authorized as attorney in fact to electronically  
14 submit any report or other filing required by this chapter on  
15 behalf of a candidate, his or her principal campaign  
16 committee, or a political action committee.

17 "~~(3)~~(4) ELECTION. Unless otherwise specified, any  
18 general, special, primary, or runoff election, or any  
19 convention or caucus of a political party held to nominate a  
20 candidate, or any election at which a constitutional amendment  
21 or other proposition is submitted to the popular vote.

22 "~~(4)~~(5) ELECTIONEERING COMMUNICATION. Any  
23 communication disseminated through any federally regulated  
24 broadcast media, any mailing, or other distribution,  
25 electronic communication, phone bank, or publication which (i)  
26 contains the name or image of a candidate; (ii) is made within  
27 120 days of an election in which the candidate will appear on

1 the ballot; (iii) the only reasonable conclusion to be drawn  
2 from the presentation and content of the communication is that  
3 it is intended to influence the outcome of an election; and  
4 (iv) entails an expenditure in excess of one thousand dollars  
5 (\$1,000).

6 "~~(5)~~ (6) EXPENDITURE.

7 a. The following shall be considered expenditures:

8 1. A purchase, payment, distribution, loan, advance,  
9 deposit, or gift of money or anything of value made for the  
10 purpose of influencing the result of an election.

11 2. A contract or agreement to make any purchase,  
12 payment, distribution, loan, advance, deposit, or gift of  
13 money or anything of value, for the purpose of influencing the  
14 result of an election.

15 3. The transfer, gift, or contribution of funds of a  
16 political committee to another political committee.

17 b. The term "expenditure" does not include:

18 1. Any news story, commentary, or editorial prepared  
19 by and distributed through the facilities of any broadcasting  
20 station, newspaper, magazine, or other periodical publication,  
21 unless the facilities are owned or controlled by any political  
22 party or political committee.

23 2. Nonpartisan activity designed to encourage  
24 individuals to register to vote, or to vote.

25 3. Any communication by any membership organization  
26 to its members or by a corporation to its stockholders and  
27 employees if the membership organization or corporation is not



1 organized primarily for the purpose of influencing the result  
2 of an election.

3 4. The use of real or personal property and the cost  
4 of invitations, food, or beverages, voluntarily provided by an  
5 individual in rendering voluntary personal services on the  
6 individual's residential or business premises for  
7 election-related activities.

8 5. Any unreimbursed payment for travel expenses made  
9 by an individual who, on his or her own behalf, volunteers  
10 personal services to a candidate or political committee.

11 6. Any communication by any person which is not made  
12 for the purposes of influencing the result of an election.

13 7. The payment by a state or local committee of a  
14 political party of the cost of preparation, display, or  
15 mailing or other distribution incurred by the committee with  
16 respect to a printed slate card or sample ballot, or other  
17 printed listing of two or more candidates for any public  
18 office for which an election is held in the state, except that  
19 this subparagraph shall not apply in the case of costs  
20 incurred by the committee with respect to a display of the  
21 listing made on broadcasting stations, or in newspapers,  
22 magazines, or other similar types of general public political  
23 advertising.

24 ~~"(6)(7)~~ IDENTIFICATION. The full name and complete  
25 address.

1           "~~(7)~~(8) LOAN. A transfer of money, property, or  
2 anything of value in consideration of a promise or obligation,  
3 conditional or not, to repay in whole or part.

4           "~~(8)~~(9) LOCAL OFFICE. Any office under the  
5 constitution and laws of the state, except circuit, district,  
6 or legislative offices, filled by election of the registered  
7 voters of a single county or municipality, or by the voters of  
8 a division contained within a county or municipality.

9           "~~(9)~~(10) PERSON. An individual, partnership,  
10 committee, association, corporation, labor organization, or  
11 any other organization or group of persons.

12           "~~(10)~~(11) PERSONAL AND LEGISLATIVE LIVING EXPENSES.  
13 Household supplies, personal clothing, tuition payments,  
14 mortgage, rent, or utility payments for a personal residence;  
15 admission to an entertainment event or fees for a country club  
16 or social club, unless tied to a specific campaign event or  
17 functions involving constituents; and any other expense,  
18 excluding food and beverages, that would exist irrespective of  
19 the candidate's campaign or duties as a legislator. Personal  
20 and legislative living expenses shall not include expenses for  
21 food, beverages, travel, or communications incurred by the  
22 legislator in the performance of the office held.

23           "~~(11)~~(12) POLITICAL ACTION COMMITTEE. Any ~~political~~  
24 ~~action~~ committee, club, association, political party, or other  
25 group of one or more persons, whether in-state or  
26 out-of-state, which receives or anticipates receiving  
27 contributions ~~or~~ and makes or anticipates making expenditures

1 to or on behalf of any elected official, proposition,  
2 candidate, principal campaign committee or other political  
3 action committee. For the purposes of this chapter, an  
4 individual who makes a personal political contribution shall  
5 not be considered a political action committee.

6 "(13) POLITICAL PARTY. A political party as defined  
7 in Section 17-13-40.

8 "(12)(14) PRINCIPAL CAMPAIGN COMMITTEE. The  
9 principal campaign committee designated by a candidate under  
10 Section 17-5-4. A political action committee established  
11 primarily to benefit an individual candidate or an individual  
12 elected official shall be considered a principal campaign  
13 committee for purposes of this chapter.

14 "(13)(15) PROPOSITION. Any proposal for submission  
15 to the general public for its approval or rejection, including  
16 proposed as well as qualified ballot questions.

17 "(14)(16) PUBLIC OFFICIAL. Any person elected to  
18 public office, whether or not that person has taken office, by  
19 the vote of the people at the state, county, or municipal  
20 level of government or their instrumentalities, including  
21 governmental corporations, and any person appointed to a  
22 position at the state, county, or municipal level of  
23 government or their instrumentalities, including governmental  
24 corporations. For purposes of this chapter, a public official  
25 includes the chairs and vice chairs or the equivalent offices  
26 of each state political party as defined in Section 17-13-40.

27 "(15)(17) STATE. The State of Alabama.

1           "~~(16)~~(18) STATE OFFICE. All offices under the  
2 constitution and laws of the state filled by election of the  
3 registered voters of the state or of any circuit or district  
4 and shall include legislative offices.

5           "(b) The words and terms used in this chapter shall  
6 have the same meanings respectively ascribed to them in  
7 Section 36-25-1.

8           "§17-5-5.

9           "(a) ~~Each~~ The treasurer of each political action  
10 committee which anticipates either receiving contributions or  
11 making expenditures during the calendar year in an aggregate  
12 amount exceeding one thousand dollars (\$1,000) shall file with  
13 the Secretary of State or the judge of probate as herein  
14 provided in Section 17-5-9, a statement of organization,  
15 within 10 days after its organization or, if later within 10  
16 days after the date on which it has information which causes  
17 the committee to anticipate it will receive contributions or  
18 make expenditures in an aggregate amount in excess of one  
19 thousand dollars (\$1,000).

20           "(b) The statement of organization shall include:

21           "(1) The name and complete address of the committee.

22           "(2) The identification of affiliated or connected  
23 organizations, if any.

24           "(3) The purposes of the committee.

25           "(4) The identification of the chair and treasurer.

26           "(5) The identification of principal officers,  
27 including members of any finance committee.

1           "(6) A description of the constitutional amendments  
2 or other propositions, if any, that the committee is  
3 supporting or opposing, and the identity, if known, of any  
4 candidate or elected official that the committee is supporting  
5 or opposing.

6           "(7) A statement whether the committee is a  
7 continuing one, and if not, the expected termination or  
8 dissolution date.

9           "(8) The disposition of residual funds which will be  
10 made in the event of dissolution.

11           "(c) ~~Any~~ Whenever there is any material change in  
12 information previously submitted in a statement of  
13 organization, except for the information described in  
14 subdivision (6) above, ~~shall be reported~~ the treasurer of the  
15 political action committee shall report the change to the  
16 Secretary of State or judge of probate as provided in Section  
17 17-5-9, within 10 days following the change.

18           "(d) Any political action committee or any principal  
19 campaign committee after having filed its initial statement of  
20 organization shall continue in existence until terminated or  
21 dissolved as provided herein. When any political action  
22 committee determines it will no longer receive contributions  
23 or make expenditures during any calendar year in an aggregate  
24 amount exceeding one thousand dollars (\$1,000), or when any  
25 candidate through his or her principal campaign committee  
26 determines that he or she will not receive contributions or  
27 make expenditures in the amounts specified in Section 17-5-2,

1 the ~~chair or~~ treasurer of such political committee ~~may~~ shall  
2 so notify the Secretary of State or judge of probate, as  
3 designated in Section 17-5-9, of the termination or  
4 dissolution of such political committee. Such notice shall  
5 contain a statement by the treasurer of such committee of the  
6 intended disposition of any residual funds then held by the  
7 committee ~~on behalf of a candidate.~~

8 "§17-5-7.

9 "(a) ~~A~~ Except as provided in subsection (d) and in  
10 Section 17-5-7.1, a candidate, public official, or treasurer  
11 of a principal campaign committee as defined in this chapter,  
12 may only use campaign contributions, and any proceeds from  
13 investing the contributions that are in excess of any amount  
14 necessary to defray expenditures of the candidate, public  
15 official, or principal campaign committee, for the following  
16 purposes:

17 "(1) Necessary and ordinary expenditures of the  
18 campaign.

19 "(2) Expenditures that are reasonably related to  
20 performing the duties of the office held. For purposes of this  
21 section, expenditures that are reasonably related to  
22 performing the duties of the office held do not include  
23 personal and legislative living expenses, as defined in this  
24 chapter.

25 "(3) Donations to the State General Fund, the  
26 Education Trust Fund, or equivalent county or municipal funds.  
27 Donations to an organization to which a federal income tax

1 deduction is permitted under subparagraph (A) of paragraph (1)  
2 of subsection (b) of Section 170 of the Internal Revenue Code  
3 of 1986, as amended, or any other charitable, educational, or  
4 eleemosynary cause of Section 501 of Title 26 of the U. S.  
5 Code.

6 "(4) Donations to an organization to which a federal  
7 income tax deduction is permitted under subparagraph (A) of  
8 paragraph (1) of subsection (b) of Section 170 of the Internal  
9 Revenue Code of 1986, as amended, or any other charitable,  
10 educational, or eleemosynary cause under Section 501 of Title  
11 26 of the U.S. Code.

12 ~~"(4)~~ (5) Inaugural or transitional expenses.

13 "(6) Donations to a legislative caucus organization  
14 registered under this chapter which does not operate as a  
15 political action committee.

16 "(b) Notwithstanding any other provision of law,  
17 including, but not limited to, Section 13A-10-61, a candidate,  
18 public official, or principal campaign committee may only  
19 accept, solicit, or receive contributions:

20 "(1) To influence the outcome of an election.

21 "(2) For a period of 12 months before an election in  
22 which the person intends to be a candidate. Provided, however,  
23 candidates for ~~state~~ legislative and statewide office and  
24 their principal campaign committees may not accept, solicit,  
25 or receive contributions during the period when the  
26 Legislature is convened in session. For purposes of this  
27 section, the Legislature is convened in session at any time

1 from the opening day of the special or regular session and  
2 continued through the day of adjournment sine die for that  
3 session. However, this subdivision shall not apply within 120  
4 days of any primary, runoff, or general election, and shall  
5 not apply to the candidates or their principal campaign  
6 committees participating in any special election as called by  
7 the Governor. This subdivision shall not apply to a loan from  
8 a candidate to his or her own principal campaign committee.

9 "(3) For a period of 120 days after the election in  
10 which the person was a candidate, but only to the extent of  
11 any campaign debt of the candidate or principal campaign  
12 committee of the candidate as indicated on the campaign  
13 financial disclosure form or to the extent of reaching the  
14 threshold that is required for qualification as a candidate  
15 for the office which he or she currently holds, or both.

16 "(4) For the purpose of paying all expenses  
17 associated with an election challenge including, but not  
18 limited to, quo warranto challenges.

19 "(c) Notwithstanding any other provision of law,  
20 including, but not limited to, Section 13A-10-61, a candidate,  
21 public official, or principal campaign committee shall not  
22 accept, solicit, or receive contributions for any of the  
23 following reasons:

24 "(1) As a bribe, as defined by Sections 13A-10-60 to  
25 13A-10-63, inclusive.



1           "(2) For the intention of corruptly influencing the  
2 official actions of the public official or candidate for  
3 public office.

4           "(d) Notwithstanding any other provision of law, a  
5 principal campaign committee, during a ~~term of office period~~  
6 commencing on the day after ~~the~~ each regularly scheduled  
7 general election for the seat or office the candidate seeks  
8 ~~and ending on the day of the next general election for that~~  
9 ~~seat or office~~ and ending on the day of the next regularly  
10 scheduled general election, may pay qualifying fees to a  
11 political party and in addition thereto, during that period,  
12 may expend up to a cumulative total of five thousand dollars  
13 (\$5,000) of campaign contributions, and any proceeds from  
14 investing the contributions, for the following purposes:

15           "(1) Tickets for political party dinners or  
16 functions.

17           "(2) State or local political party dues or similar  
18 expenses incurred by independent or write-in candidates.

19           "§17-5-8.

20           "(a) ~~Each~~ The candidate, in the case of a principal  
21 campaign committee, or the treasurer in the case of a  
22 political action committee, shall file with the Secretary of  
23 State or judge of probate, as designated in Section 17-5-9,  
24 periodic reports of contributions and expenditures at the  
25 following times once a principal campaign committee files its  
26 statement under Section 17-5-4 or a political action committee  
27 files its statement of organization under Section 17-5-5:

1           "(1) Beginning after the 2012 election cycle,  
2 regardless of whether a candidate has opposition in any  
3 election, monthly reports not later than the second business  
4 day of the subsequent month, beginning 12 months before the  
5 date of any primary, special, runoff, or general election for  
6 which a political action committee or principal campaign  
7 committee receives contributions or makes expenditures with a  
8 view toward influencing such election's result. A monthly  
9 report shall include all reportable transactions for the  
10 previous full month period. Reports shall be required as  
11 provided in subdivisions (2) and (3).

12           "(2) With regard to a primary, special, runoff, or  
13 general election, a report shall be required weekly on the  
14 Monday of the succeeding week for each of the four weeks  
15 before the election that includes all reportable activities  
16 for the previous week.

17           "(3)a. In addition to the reporting dates specified  
18 in subdivisions (1) and (2), reports required to be filed with  
19 the Secretary of State shall be filed with the Secretary of  
20 State on the eighth, seventh, sixth, fifth, fourth, third, and  
21 second day preceding a legislative, state school board, or  
22 other statewide primary, special, runoff, or general election,  
23 and by 12:01 ~~a.m.~~ p.m. on the day preceding a legislative,  
24 state school board, or statewide, primary, special, runoff, or  
25 general election if any principal campaign committee or  
26 political action committee receives or spends in the aggregate  
27 five thousand dollars (\$5,000) or more on any day with a view

1 toward influencing an election's results. If a daily report is  
2 required pursuant to this subdivision, the report shall  
3 include all reportable activity occurring on the day of the  
4 report as well as all reportable activity that has occurred on  
5 each day since the most recent prior report. Principal  
6 campaign committees and political action committees that are  
7 exempt from electronic filing and principal campaign  
8 committees and political action committees required to make  
9 daily reports pursuant to this subdivision for the 2012  
10 election cycle may file reports by facsimile (FAX)  
11 transmission provided they keep proper documentation in their  
12 office.

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

20 "(b) Except as provided in subsection (1), each  
21 principal campaign committee, political action committee, and  
22 elected state and local official covered under the provisions  
23 of this chapter, shall annually file with the Secretary of  
24 State or judge of probate, as designated in Section 17-5-9,  
25 reports of contributions and expenditures made during that  
26 year. The annual reports required under this subsection shall  
27 be made on or before January 31 of the succeeding year.

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

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

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

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

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

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

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

26           "(7) The identification of each person to whom  
27 expenditures have been made by or on behalf of such committee

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

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

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

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

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

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

6 "(e) Commencing with the 2014 election cycle,  
7 electronic filing of contributions and expenditures for any  
8 legislative, state school board, and statewide primary,  
9 special, runoff, or general election shall be mandatory,  
10 except as provided in subsection (g). The Secretary of State  
11 may provide electronic reporting sooner than the 2014 election  
12 cycle. Electronic filing shall satisfy any filing requirements  
13 of this chapter and no paper filing is required for any report  
14 filed electronically.

15 "(f) In the 2012 election cycle the provisions for  
16 the time of filing contained in subsection (a) shall apply to  
17 the paper or facsimile (FAX) filings for any legislative,  
18 state school board, or statewide primary, special, runoff, or  
19 general election.

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

24 "(h) In connection with any electioneering  
25 communication paid for by a person, nonprofit corporation,  
26 entity, principal campaign committee, or other political  
27 committee or entity, the payor shall disclose its

1 contributions and expenditures in accordance with this  
2 section. The disclosure shall be made in the same form and at  
3 the same time as is required of political action committees in  
4 this section; provided, however, no duplicate reporting shall  
5 be required by a political committee.

6 "(i) Notwithstanding any disclosure requirements of  
7 subsection (h), churches are exempt from the requirements of  
8 this section unless the church's expenditures are used to  
9 influence the outcome of an election. Nothing herein shall  
10 require a church to disclose the identities, donations, or  
11 contributions of members of the church. As used in this  
12 section, the term church is defined in accordance with and  
13 recognized by Internal Revenue Service guidelines and  
14 regulations.

15 "(j) Notwithstanding the disclosure requirements of  
16 this section, the provisions of this section shall not be  
17 interpreted to nor shall they require any disclosure for  
18 expenses incurred for any electioneering communication used by  
19 any membership or trade organization to communicate with or  
20 inform its members, its members' families, or its members'  
21 employees or for any electioneering communication by a  
22 business entity of any type to its employees or stockholders  
23 or their families.

24 "(k) The corporate contribution limits contained in  
25 ~~Sections 10A-21-1.02, 10A-21-1.03, and 10A-21-1.04~~ this  
26 chapter shall not apply in any respect to an electioneering  
27 communication; provided, however, the corporate contribution

1 limits contained in Sections ~~10A-21-1.02, 10A-21-1.03, and~~  
2 ~~10A-21-1.04~~ this chapter shall continue in force and effect  
3 for contributions by corporations to principal campaign  
4 committees, ~~political committees, and to political parties,~~  
5 and other political action committees.

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

20 "(m) The Secretary of State may promulgate  
21 administrative rules pursuant to the Alabama Administrative  
22 Procedure Act as are necessary to implement and administer the  
23 changes made to this section by Act 2012-477.

24 "§17-5-8.2.

25 "(a) The Legislature determines that there is a  
26 compelling state and public interest in the disclosure of the  
27 source of funds used to advertise or otherwise influence



1 public opinion with regard to elections as defined in Section  
2 17-5-2(3). The Legislature further finds that these compelling  
3 interests should be designed to protect the public's right to  
4 know while protecting free speech of individuals as guaranteed  
5 in the U.S. Constitution and the Constitution of Alabama of  
6 1901.

7 "(b) Currently, the Fair Campaign Practices Act, as  
8 provided in this chapter, commencing with Section 17-5-1, et  
9 seq., regulates the disclosure of contributions and  
10 expenditures made for the purpose of influencing the outcome  
11 of an election. This ~~section and Sections 17-5-2, 17-5-8, and~~  
12 ~~17-5-12, as amended by Act 2011-697~~ are chapter is also  
13 intended to regulate the disclosure of contributions and  
14 expenditures for electioneering communications ~~which currently~~  
15 ~~do not fall within the ambit of the Fair Campaign Practices~~  
16 ~~Act.~~

17 (c) The Legislature finds and declares that Alabama  
18 voters have a right to know who pays for the costs of  
19 electioneering communications.

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 the case of candidates for a municipal  
9 office where the municipality is located in more than one  
10 county, the statements and reports shall be filed in the  
11 county where the city hall of the municipality is located. The  
12 judge of probate of the county where the report is filed, if  
13 the municipality is located in more than one county, shall  
14 provide a copy of the report to the judge of probate of the  
15 other county or counties where the municipality is located.

16           "(d) Commencing with the 2014 election cycle, all  
17 principal campaign committees and political action committees  
18 that file with the judge of probate, at their option, may  
19 instead file electronically with the Secretary of State  
20 pursuant to this chapter. Any such principal campaign  
21 committee or political action committee that elects to file  
22 electronically with the Secretary of State shall first provide  
23 notice to the appropriate judge of probate, in a manner  
24 prescribed by the judge of probate, indicating that election  
25 and shall continue to file electronically with the Secretary  
26 of State until terminated or dissolved pursuant to this  
27 chapter.

1           "§17-5-12.

2           "(a) Any paid political advertisement or  
3           electioneering communication appearing in any print media or  
4           broadcast on any electronic media shall clearly and distinctly  
5           identify the entity responsible for paying for the  
6           advertisement or electioneering communication. It shall be  
7           unlawful for any person, nonprofit corporation, entity,  
8           candidate, principal campaign committee, ~~nonprofit~~  
9           ~~corporation, entity, or~~ other political action committee ~~to,~~  
10          or any person acting on behalf of such person, entity, or  
11          committee, to do either of the following:

12                 "~~broadcast~~ (1) Broadcast, publish, or circulate any  
13           campaign literature, political advertisement, or  
14           electioneering communication without a notice appearing on the  
15           printed matter with a clear and unmistakable identification of  
16           the entity responsible for directly paying for the  
17           advertisement or electioneering communication, or on the  
18           broadcast at the beginning, during, or end of a radio or  
19           television spot, stating that the communication was a paid  
20           advertisement, clearly identifying the entity directly  
21           responsible for paying for the advertisement or electioneering  
22           communication, and giving the identification of the person,  
23           nonprofit corporation, entity, principal campaign committee,  
24           or other political action committee or entity that paid for  
25           such communication.

26                 "(2) Establish another entity or entities through  
27          which funds are passed to pay for a political advertisement or

1 electioneering communication with intent to conceal the  
2 identity of the person or entity actually paying for the  
3 political advertisement or electioneering communication.

4 "If the entity involved in paying for the  
5 advertisement or communication received 75 percent or more of  
6 its funding from a single source there shall be inferred an  
7 intent to conceal for the purposes of this section.

8 "(b) This section does not apply to any political  
9 advertisement or electioneering communication used by a  
10 candidate and the candidate's supporters or by a political  
11 committee if the message or advertisement is:

12 "(1) Designed to be worn by a person.

13 "(2) Placed as a paid link on an Internet website,  
14 provided the message or advertisement is no more than 200  
15 characters in length and the link directs the user to another  
16 Internet website that complies with subsection (a).

17 "(3) Placed as a graphic or picture link where  
18 compliance with the requirements of this section is not  
19 reasonably practical due to the size of the graphic or picture  
20 link and the link directs the user to another Internet website  
21 that complies with subsection (a).

22 "(4) Placed at no cost on an Internet website for  
23 which there is no cost to post content for public users.

24 "(5) Placed or distributed on an unpaid profile  
25 account which is available to the public without charge or on  
26 a social networking Internet website, as long as the source of  
27 the message or advertisement is patently clear from the

1 content or format of the message or advertisement. A candidate  
2 or political committee may prominently display a statement  
3 indicating that the website or account is an official website  
4 or account of the candidate or political committee and is  
5 approved by the candidate or political committee. A website or  
6 account may not be marked as official without prior approval  
7 by the candidate or political committee.

8 "(6) Distributed as a text message or other message  
9 via Short Message Service, provided the message is no more  
10 than 200 characters in length or requires the recipient to  
11 sign up or opt in to receive it.

12 "(7) Connected with or included in any software  
13 application or accompanying function, provided that the user  
14 signs up, opts in, downloads, or otherwise accesses the  
15 application from or through a website that complies with  
16 subsection (a).

17 "(8) Sent by a third-party user from or through a  
18 campaign or committee's website, provided the website complies  
19 with subsection (a).

20 "(9) Contained in or distributed through any other  
21 technology related item, service, or device for which  
22 compliance with subsection (a) is not reasonably practical due  
23 to the size or nature of such item, service, or device as  
24 available, or the means of displaying the message or  
25 advertisement makes compliance with subsection (a)  
26 impracticable.

27 "§17-5-14.

1           ~~"A political action committee may be established by~~  
2 ~~a corporation, subject to the provisions of this chapter.~~

3           "(a) A business corporation incorporated or  
4 organized under the laws of this state or doing business in  
5 this state, or any employee or agent acting on behalf of the  
6 corporation, may not make a contribution to any candidate for  
7 public office or political action committee except as  
8 permitted in this section.

9           "(b) Notwithstanding any other provisions of law, a  
10 business or nonprofit corporation or an officer, employee, or  
11 agent acting on behalf of such corporation, may give, pay,  
12 expend, or contribute money, services, or anything of value  
13 for the purposes of establishing, administering, or soliciting  
14 voluntary contributions to a separate, segregated fund to be  
15 utilized for political purposes as permitted herein if no  
16 corporate funds are a part of the separate, segregated fund.

17           "(c) Except as provided in subsection (e), a  
18 business corporation restricted by subsection (a) may directly  
19 give, pay, expend, or contribute any money or other valuable  
20 thing in any amount not to exceed five hundred dollars (\$500)  
21 to: (1) a candidate in any one election, or (2) a political  
22 action committee for each separate election occurring during a  
23 calendar year, whether before or after that election, provided  
24 that elections held on a regularly scheduled election date are  
25 treated as a single election for purposes of determining  
26 contribution limits for corporations. It is the intent of the  
27 Legislature to codify the requirements set forth in Attorney

1 General Opinion No. 1999-255 (issued on July 22, 1999) for  
2 measuring the number of elections, as calculated by the  
3 Secretary of State, for which a business corporation may  
4 contribute to a political action committee.

5 "(d) In the case of a group of parent-subsubsidiary  
6 corporations, the five hundred dollar (\$500) limitation  
7 described in subsection (c) shall apply to the entire group.

8 "(e) Subsection (c) does not apply to a public  
9 utility that is regulated by the Public Service Commission. A  
10 business corporation that is a public utility because it owns,  
11 controls, or operates a railroad may not make a contribution  
12 to any candidate for the Public Service Commission, but is  
13 otherwise entitled to take any action permitted nonpublic  
14 utility business corporations under this section.

15 "§17-5-15.

16 "(a) It shall be unlawful for any person, acting for  
17 himself or herself or on behalf of any entity, to make a  
18 contribution in the name of another person or entity, or  
19 knowingly permit his or her name, or the entity's name, to be  
20 used to effect such a contribution made by one person or  
21 entity in the name of another person or entity, or for any  
22 candidate, principal campaign committee, or political action  
23 committee to knowingly accept a contribution made by one  
24 person or entity in the name of another person or entity;  
25 provided, however, that nothing in this chapter ~~would prohibit~~  
26 prohibits any person from soliciting and receiving  
27 contributions from other persons for the purpose of making

1 expenditures to a candidate, political campaign committee,  
2 political action committee, or elected state or local official  
3 required to file reports pursuant to Section 17-5-8.

4 "(b) It shall be unlawful for any political action  
5 committee, ~~organization, or private foundation,~~ or tax exempt  
6 political organization under 26 U.S.C. § 527, including a  
7 principal campaign committee, or any person acting on behalf  
8 of such political action committee or 527 organization, to  
9 make a contribution, expenditure, or any other transfer of  
10 funds to any other political action committee, ~~or~~ 527  
11 ~~organization, or private foundation.~~ It shall be unlawful for  
12 any principal campaign committee or any person acting on  
13 behalf of such principal campaign committee to make a  
14 contribution, expenditure, or ~~any~~ other transfer of funds to  
15 any other principal campaign committee, except where the  
16 contribution, expenditure, or any other transfer of funds is  
17 made from a principal campaign committee to another principal  
18 campaign committee on behalf of the same person.  
19 Notwithstanding the foregoing, a political action committee  
20 that is not a principal campaign committee may make  
21 contributions, expenditures, or other transfers of funds to a  
22 principal campaign committee; and a separate segregated fund  
23 established by a corporation under federal law, if the fund  
24 does not receive any contributions from within this state  
25 other than contributions from its employees and directors, is  
26 not restricted by this subsection in the amount it may  
27 transfer to a political action committee established under the



1 provisions of Section ~~10A-21-1.01~~ 17-5-14.1 by the same or an  
2 affiliated corporation.

3 "(c) Notwithstanding this section or any other  
4 provision of law, a political action committee of a state or  
5 local political party may make a contribution, expenditure, or  
6 any other transfer of funds to any other local or state  
7 political action committee of the same party.

8 "§17-5-15.1.

9 "(a) A principal campaign committee of a state or  
10 local candidate and any person acting on its behalf may not  
11 receive or spend, in a campaign for state or local office,  
12 campaign funds in excess of one thousand dollars (\$1,000) that  
13 were raised by a principal campaign committee of a federal  
14 candidate.

15 "(b) Any ~~receipt or expenditure of~~ person who  
16 intentionally receives or expends campaign funds in violation  
17 of subsection (a) shall be guilty, upon conviction, of a Class  
18 C felony.

19 "§17-5-16.

20 "(a) It shall be unlawful for any person  
21 fraudulently to misrepresent himself or herself, or any other  
22 person or organization with which he or she is affiliated, as  
23 speaking or writing or otherwise acting for or on behalf of  
24 any candidate, principal campaign committee, political action  
25 committee, or political party, or agent or employee thereof,  
26 in a manner which is damaging or is intended to be damaging to

1 such other candidate, principal campaign committee, political  
2 action committee, or political party.

3 "(b) It shall be unlawful for any automated or  
4 pre-recorded communication initiated, conducted, or  
5 transmitted through an automated telephone dialing service to  
6 be conducted without providing clear notice at the ending of  
7 the phone call that the communication was a paid political  
8 advertisement and clearly identifying the person, nonprofit  
9 corporation, entity, principal campaign committee, or  
10 political action committee that paid for such communication.

11 "(c) It shall be unlawful for any person or entity  
12 to knowingly misrepresent, in any automated or pre-recorded  
13 communication that is a political advertisement and that is  
14 initiated via an automated telephone dialing service, the  
15 identification of the person, nonprofit corporation, entity,  
16 principal campaign committee, or political action committee  
17 that paid for such communication.

18 "(d) The Attorney General of the State of Alabama  
19 shall have full power to investigate and enforce violations of  
20 this section and any owner, employer, agent, or representative  
21 of any automated dialing service found to be in violation of  
22 this section shall be guilty upon conviction of a Class A  
23 misdemeanor as provided in Section ~~17-17-35(a)~~ 17-5-19.

24 "§17-5-19.

25 ~~"It is the intention of the Legislature by the~~  
26 ~~passage of this chapter that its provisions be construed in~~  
27 ~~pari materia with other laws regulating political~~

1 ~~contributions, corporations, or political contributions by~~  
2 ~~corporations.~~

3 "(a) Except as otherwise provided in this section, a  
4 person who violates any provision of Chapter 5 shall be  
5 guilty, upon conviction, of a Class A misdemeanor.

6 "(b) A person who intentionally violates any  
7 reporting requirement of Sections 17-5-4, 17-5-5, and 17-5-8  
8 shall be guilty, upon conviction, of a Class B misdemeanor. A  
9 person's failure to promptly file a required report upon  
10 discovering or receiving notice from any person that the  
11 report has not been filed, or the failure to promptly correct  
12 an omission, error, or other discrepancy in a filed report  
13 upon discovering or receiving notice of the discrepancy, shall  
14 create a rebuttable presumption of intent to violate the  
15 applicable reporting requirement.

16 "(c) Any person who intentionally violates Section  
17 17-5-7 shall be guilty, upon conviction, of a Class B felony.

18 "(d) A person who fails to timely or accurately file  
19 any report required by this chapter shall be assessed a civil  
20 penalty of the greater of two hundred fifty dollars (\$250) or  
21 five percent of the amount not reported for a first offense in  
22 an election cycle, five hundred dollars (\$500) or 10 percent  
23 of the amount not reported for a second offense in an election  
24 cycle, and one thousand dollars (\$1,000) or 15 percent of the  
25 amount not reported for a third offense in an election cycle.  
26 A fourth failure to timely or accurately file a report in an  
27 election cycle shall create a rebuttable presumption of intent

1 to violate the reporting requirements of this chapter. Civil  
2 penalties shall be paid to the appropriate filing official.

3 "(e) The Attorney General or district attorney for  
4 the appropriate jurisdiction may prosecute violations of  
5 Chapter 5. Venue for cases involving violations of Chapter 5  
6 shall be in the county in which the violation occurred or the  
7 county in which the alleged violator resides or is  
8 incorporated. If the alleged violator resides or is  
9 incorporated outside of the State of Alabama or if the  
10 violation or violations occurred outside the State of Alabama,  
11 venue shall be in Montgomery County.

12 "(f) No prosecution for violation of Chapter 5 shall  
13 be commenced later than two years after the date of violation.  
14 Notwithstanding the foregoing, a prosecution brought pursuant  
15 to Section 17-5-7 shall be commenced within four years after  
16 the commission of the offense."

17 Section 2. Sections 17-5-5.1, 17-5-7.1, 17-5-14.1,  
18 and 17-5-20 are added to Chapter 5, Title 17, Code of Alabama  
19 1975, to read as follows:

20 §17-5-5.1.

21 (a) Except as provided in subsection (d), each  
22 legislative caucus organization that raises funds for its  
23 administration and operation shall file a certificate of  
24 registration, accompanied by a copy of its Certificate of  
25 Formation or Articles of Organization, with the Secretary of  
26 the Senate, for a Senate caucus, or the Clerk of the House,

1 for a House caucus, or both for a bicameral legislative  
2 caucus.

3 (b) A legislative caucus organization duly  
4 registered pursuant to subsection (a) shall not contribute to  
5 or expend funds in support of candidates, principal campaign  
6 committees, propositions, or political action committees for  
7 the purpose of influencing the result of an election.  
8 Notwithstanding any other provision of law, the donation of  
9 funds or other resources to a duly registered legislative  
10 caucus organization in support of the administration or  
11 operations of the caucus is permissible, provided that the  
12 donation is not made for the purpose of influencing the result  
13 of an election.

14 (c) Nothing in this section shall be construed to  
15 exempt a legislative caucus organization or its officers,  
16 directors, or members from the Ethics Law.

17 (d) A legislative caucus organization that receives  
18 contributions or makes expenditures for the purpose of  
19 influencing the outcome of an election and is not registered  
20 as provided in subsection (a) shall be regulated as a  
21 political action committee under this chapter and shall comply  
22 with all the requirements of this chapter pertaining to  
23 political action committees.

24 §17-5-7.1.

25 (a) Notwithstanding any other provision of law, a  
26 principal campaign committee or political action committee may  
27 return or refund, in full or in part, any lawful contribution

1 it receives to the donor, provided that such return or refund  
2 may not exceed the amount received. Any lawful contribution  
3 refunded to the donor must have been reported in an itemized  
4 manner and the refund shall be itemized in the report for the  
5 period in which the refund is made. In the case of a political  
6 action committee, the refund shall occur within 18 months of  
7 the date of the contribution; provided, however, that if the  
8 refund of the contribution is required by law or regulation,  
9 then the 18-month time limitation shall not apply.

10 (b) Notwithstanding any other provision of law, a  
11 principal campaign committee or political action committee  
12 shall promptly return or refund, in full, any unlawful  
13 contribution. It shall be unlawful for any person acting on  
14 behalf of a principal campaign committee or political action  
15 committee to retain or cause to be retained a contribution  
16 that the person knows or reasonably should know was made in  
17 violation of this chapter. It is a defense to prosecution that  
18 the unlawful contribution was returned or refunded in full  
19 within 10 days of the date the contribution was made.

20 §17-5-14.1.

21 (a) Any business or nonprofit corporation,  
22 incorporated under the laws of or doing business in this  
23 state, or any officer or agent acting in behalf of the  
24 corporation may give, pay, expend, or contribute money,  
25 services, anything of value for the purposes of establishing,  
26 administering, or soliciting voluntary contributions to a  
27 separate, segregated fund to be utilized for political

1 purposes (i) to aid or promote the nomination or election of  
2 any person, including an incumbent political officeholder or  
3 any other person who is or becomes a candidate for political  
4 office; or (ii) to aid or promote the interest or success, or  
5 defeat of any political party or political proposition. Any  
6 separate, segregated fund established hereunder for any of the  
7 above enumerated purposes shall be established and  
8 administered pursuant to the following requirements and  
9 prohibitions:

10 (1) Any business or nonprofit corporation  
11 incorporated under the laws of or doing business in this  
12 state, or any officer or agent acting in behalf of the  
13 corporation which has established a separate, segregated  
14 political fund or any separate, segregated fund established by  
15 the corporation or officer or agent acting in behalf of the  
16 corporation may solicit voluntary contributions to the fund  
17 only from the corporation's stockholders and their families  
18 and its employees and their families; or in the case of a  
19 nonprofit corporation, its members and their employees.  
20 However, the funds may accept voluntary contributions from any  
21 individuals or from any other separate, segregated political  
22 funds.

23 (2) The custodians of any separate, segregated  
24 political fund established hereunder shall file with the  
25 Secretary of State such financial disclosure reports or  
26 statements now required of a candidate for public office.  
27 Filing with the Secretary of State a copy of the information

1 required to be filed with the Federal Election Commission by  
2 such separate, segregated fund shall constitute compliance  
3 with the reporting provisions of this section.

4 (b) It shall be unlawful:

5 (1) For any separate, segregated political fund  
6 established pursuant to this section or for any person acting  
7 in behalf of the fund to solicit or secure any money or  
8 anything of value by physical force, job discrimination, or  
9 financial reprisals, or by threats thereof; by dues, fees, or  
10 other moneys required as a condition of employment; or by  
11 moneys obtained in any commercial transaction;

12 (2) For any person soliciting contributions to the  
13 fund to fail to inform any person being solicited of the  
14 political purposes of the fund at the time of the  
15 solicitation;

16 (3) For any person soliciting for a contribution to  
17 the fund to fail to inform the person being solicited, at the  
18 time of the solicitation, of his or her right to refuse to  
19 contribute without any reprisal; and

20 (4) For any corporation regulated by the Public  
21 Service Commission to pass on to its customers any  
22 contribution made for the purpose of establishing,  
23 administering, or soliciting voluntary contributions to a  
24 separate, segregated fund to be utilized for political  
25 purposes.

26 §17-5-20.



1 (a) A candidate, or in the case of a political  
2 action committee, the chair, may appoint a designated filing  
3 agent on a form prescribed by the Secretary of State. Upon  
4 receiving a notice of appointment of designated filing agent,  
5 the Secretary of State, as soon as practicable, shall take the  
6 necessary steps to enable the designated filing agent to  
7 electronically submit any report or other filing required by  
8 this chapter on behalf of his or her principal.

9 (b) The submission of a timely, correct report or  
10 other filing required by this chapter by a designated filing  
11 agent shall satisfy the filing or reporting requirement of the  
12 designated filing agent's principal; however, the appointment  
13 of a designated filing agent does not itself absolve any  
14 person having a duty to submit any report or other filing  
15 under this chapter of liability for failure to timely submit  
16 such filing, for filing a false or inaccurate report, or for  
17 any other violation under this chapter.

18 (c) The submission of a report or other filing  
19 required by this chapter by a designated filing agent creates  
20 a rebuttable presumption that the submission was approved and  
21 intended by the candidate, his or her principal campaign  
22 committee, or the political action committee or treasurer  
23 thereof. Notwithstanding the foregoing, it is a defense to  
24 prosecution that the designated filing agent acted beyond the  
25 scope of his or her authority.

26 Section 3. (a) Sections 10A-21-1.01 to 10A-21-1.04,  
27 inclusive, Code of Alabama 1975, are repealed.

1                   (b) Section 17-17-35, Code of Alabama 1975, is  
2 repealed.

3                   Section 4. This act shall become effective on the  
4 first day of the third month following its passage and  
5 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..... 16-APR-13

Read for the second time and placed on the calen-  
dar 2 amendments..... 18-APR-13

Read for the third time and passed as amended .... 30-APR-13

Yeas 24  
Nays 6

Patrick Harris  
Secretary