

THE OFFICE OF THE SECRETARY OF STATE
ADMINISTRATIVE CODE

CHAPTER 820-2-8
FAIR CAMPAIGN PRACTICES ACT FILING REGULATIONS

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820-2-8-.01 Fair Campaign Practices Act Reports. Upon reaching the statutory threshold amount, each principal campaign committee or political action committee shall file with the Secretary of State or judge of probate as designated in Code of Ala.1975, Section 17-5-9, periodic reports of contributions and expenditures as set forth below.
Authors: Julie Sinclair; Jean Brown.
Statutory Authority: Code of Ala. 1975, §17-5-8 (2012).
History: New Rule: Filed August 27, 2013; effective October 1, 2013.

820-2-8-.02 Monthly Reports. Beginning after the 2012 election cycle, regardless of whether a candidate has opposition in any election, candidates must file monthly reports not later than the second business day of the subsequent month, beginning 12 months before the date of any primary, special, runoff, or general election for which a political action committee or principal campaign committee receives contributions or makes expenditures with a view toward influencing such election's result. A monthly report shall include all reportable transactions for the previous full month period.

If a monthly report is due on an election day, that report shall be due on the last business day preceding the day of the election. For this report, the principal campaign committee or political action committee shall close its books two business days prior to the last business day preceding the day of the election. For a report filed by mail, the certified mail deadline shall be two business days prior to the last business day preceding the day of the election.

Authors: Julie Sinclair; Jean Brown; Edward Packard

Statutory Authority: Code of Ala. 1975, §17-5-8 (2012).

History: New Rule: Filed August 27, 2013; effective October 1, 2013.

820-2-7-.03 **Weekly Reports.** For purposes of filing weekly reports, a "week" is defined as running from a Saturday to a Friday. With regard to a primary, special, runoff, or general election, a report shall be required weekly for each of the four weeks before the election that includes all reportable transactions for the previous week, as "week" is defined in this rule. The first weekly report shall include all reportable transactions that occurred since the most recently filed prior report. Weekly reports shall be filed on the Monday of the succeeding week.

If a weekly report is due on a Monday holiday, that report shall be due the next business day. However, when the next business day after a holiday is the day of the election for which the report is to be filed, the report shall be due on the last Friday preceding election day. For this report, the principal campaign committee or political action committee shall close its books on the last Wednesday preceding election day. For a report filed by mail, the certified mail deadline shall be the last Wednesday preceding the election.

Authors: Julie Sinclair; Jean Brown; Edward Packard

Statutory Authority: Code of Ala. 1975, §17-5-8 (2012).

History: New Rule: Filed August 27, 2013; effective October 1, 2013.

820-2-7-.04 **Daily Reports.** In addition to the reporting dates specified in Rule 820-2-7-.02 and 820-2-7-.03, reports shall be filed with the Secretary of State on the eighth, seventh, sixth, fifth, fourth, third, and second day before a

legislative, state school board or other statewide primary, special, runoff, or general election, and by 12:01 p.m. on the day before a legislative, state school board or other statewide primary, special, runoff, or general election if any principal campaign committee or political action committee receives or spends in the aggregate five thousand dollars (\$5,000) or more on any day with a view toward influencing an election's results. If a daily report is required, the report shall include all reportable transactions occurring on the day of the report as well as all reportable transactions that occurred on each day since the most recently filed prior report. Once a daily report is filed, daily reports are required to be filed for the rest of the reporting cycle before the election.

Authors: Julie Sinclair; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8 (2012).

History: New Rule: Filed August 27, 2013; effective October 1, 2013.

820-2-8-.05 **Major Contribution Reports.**

(1) Unless otherwise included in a report made pursuant to Rule 820-2-8-.02, 820-2-8-.03 or 820-2-8-.04, a principal campaign committee or a political action committee shall file a report disclosing the receipt of any single contribution of twenty thousand dollars (\$20,000) or more.

(a) For purposes of filing major contribution reports, any of the following shall be considered a "contribution":

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

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

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

4. The payment of compensation by any person for the personal services or expenses of any other person if the

services are rendered or expenses incurred on behalf of a candidate, political committee, or political party without payment of full and adequate compensation by the candidate, political committee, or political party. Provided, however, that the payment of compensation by a corporation for the purpose of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund as permitted by Section 10-1-2, Code of Ala. 1975 shall not constitute a contribution.

(b) The term "contribution" does not include:

1. The value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee.
2. The use of real or personal property and the cost of invitations, food, or beverages, voluntarily provided by an individual to a candidate or political committee in rendering voluntary personal services on the individual's residential or business premises for election-related activities.
3. The sale of any food or beverage by a vendor for use in an election campaign at a charge to a candidate or political committee less than the normal comparable charge, if the charge to the political committee for use in an election campaign is at least equal to the cost of the food or beverage to the vendor.
4. Any unreimbursed payment for travel expenses made by an individual who, on his or her own behalf, volunteers personal services to a candidate or political committee.
5. The payment by a state or local committee of a political party of the cost of preparation, display, or mailing or other distribution incurred by the committee with respect to a printed slate card or sample ballot, or other printed listing of two or more candidates for any public office for which an election is held in the state, except that this subparagraph shall not apply in the case of costs incurred by the committee with respect to a display of the listing made on broadcasting stations, or in newspapers, magazines, or other similar types of general public political advertising.
6. The value or cost of polling data and voter preference data and information if provided to a candidate or political committee, unless the information was compiled with

the advance knowledge of and approval of the candidate or the political committee.

Authors: Adam Thompson; Julie Sinclair; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1(c) (2012).

History: New Rule: Filed September 18, 2013; effective October 23, 2013.

820-2-8-.10 Electronic Registration Required.

(1) Principal Campaign Committees and Political Action Committees Formed Prior to June 1, 2013. All Principal Campaign Committees and Political Action Committees formed prior to June 1, 2013 that were registered with the Secretary of State prior to that date must re-register electronically in order to access the internet Fair Campaign Practices Act ("FCPA") reporting website.

(2) Principal Campaign Committees and Political Action Committees Formed on or After June 1, 2013. All Principal Campaign Committees and Political Action Committees formed on or after June 1, 2013 that are required to register with the Secretary of State shall register electronically in order to access the internet FCPA reporting website.

Authors: Julie Sinclair; Ed Packard; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1 (2011).

History: New Rule: Filed June 21, 2013; effective July 26, 2013.

820-2-8-.11 Form And Method Of Electronic Registration.

Electronic registration shall be implemented by logging onto the electronic FCPA website provided by the Secretary of State's office and completing the registration form. Registration is complete when a printed copy of the form is signed and delivered to the Elections Division of the Secretary of State's office. The Secretary of State shall review each registration and activate a Principal Campaign Committee's or a Political Action Committee's electronic account after a printed copy of the electronic registration form has been received.

Authors: Julie Sinclair; Ed Packard; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1 (2011).

History: New Rule: Filed June 21, 2013; effective July 26, 2013.

820-2-8-.12 Expedited Method Of Registration.

(1) Upon completion of the online registration process, to receive expedited activation, a Principal Campaign Committee or Political Action Committee may

(a) deliver the signed form to the Elections Division of the Secretary of State's office in person, or

(b) if activation is needed within 5 days of a reporting deadline, transmit the form by facsimile and/or call the Elections Division for immediate activation during normal business hours. Nothing in this expedited registration process supersedes the requirement of sending a signed original form to the Secretary of State as provided in 820-2-8-.02.

Authors: Julie Sinclair; Ed Packard; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1 (2011).

History: New Rule: Filed June 21, 2013; effective July 26, 2013.

820-2-8-.13 Fair Campaign Practices Act Reports. After electronic registration is activated, all FCPA reports required to be filed under Code of Ala. 1975, section 17-5-8, shall be filed electronically.

Authors: Julie Sinclair; Ed Packard; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1 (2011).

History: New Rule: Filed June 21, 2013; effective July 26, 2013.

820-2-8-.14 Emergency FCPA Reporting Period.

(1) If the electronic FCPA reporting system is not functioning at the state level due to system failure or environmental, structural or other adverse conditions at the facility where the reporting system is hosted, any report then due shall be filed within two business days after access to the electronic system is restored.

(2) The Secretary of State shall apply to any report filed pursuant to paragraph (a) a date of receipt that reflects

the original deadline of the report, and the report shall be considered timely filed.

Authors: Julie Sinclair; Ed Packard; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1 (2011).

History: New Rule: Filed June 21, 2013; effective July 26, 2013.

820-2-8-.15 **Public Access To Computer Station.** The Elections Division of the Secretary of State's office shall provide at least one computer station accessible to the general public for retrieving electronic FCPA reports and filings. The computer station shall also be available for submitting FCPA reports and other filings by candidates or the chair or treasurer of a Political Action Committee. The computer station shall be available to the general public during regular business hours of the Secretary of State's office. Persons wishing to use the computer station shall provide the following information on a "Sign In" sheet placed on the desk where the computer station is located: name, physical address, the date and time of use of the computer station, and the purpose for use of the computer station.

Authors: Julie Sinclair; Ed Packard; Jean Brown

Statutory Authority: Code of Ala. 1975, §17-5-8.1 (2011).

History: New Rule: Filed June 21, 2013; effective July 26, 2013.