

CANDIDATE FILING GUIDE

Instructive Guide on the
Fair Campaign Practices
Act



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Mailing Address: Elections Division
Office of the Secretary of State
P.O. Box 5616
Montgomery, Alabama 36103-5616

Telephone: (334) 242-7210 or 1 (800) 274-8683

General Fax: (334) 242-2444

For Online Filing Questions Contact:

Help Desk Telephone: (888) 864-8910

World Wide Web: fcpa.alabamavotes.gov

Contact Me

Clay Helms:

Assistant Director of Elections, Supervisor of Voter Registration

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Resources



- Log on to www.sos.alabama.gov/alabama-votes

- This site will give you access to:

A. FCPA Instructional Videos

B. FCPA Calendars and Filing Guides



FCPA Instructional Videos

[Home](#) > [Alabama Votes](#) > FCPA Instructional Videos

- [FCPA Filing System Instructional Video](#)
- [FCPA Filing System - How to Create a Committee](#)
- [FCPA Filing System - How to Navigate the System](#)
- [FCPA Filing System - How to File a Report](#)
- [FCPA Filing System - How to Dissolve a Committee](#)

2018 Election Information

[Home](#) > [Alabama Votes](#) > [Election Information](#) > 2018 Election Information

2018 Election Information

Welcome to Election 2018! This page is the primary resource on the World Wide Web for information on elections in Alabama that are scheduled for the year 2018. The purpose of this page is to provide you a quick reference to answer questions you may have about such topics as voter registration, the dates of the elections, and voting procedures.

Use the links below to explore the information we have already posted ... and return on a regular basis to keep up with new information we will be posting for elections in the year 2018!

General Information and Resources

- [Administrative Calendar](#)
 - [2018 FCPA Filing Calendar](#)
 - [Candidate Filing Guide - 15th Edition](#)
 - Independent Candidate [Info](#) and [Sample Petition](#)
 - Minor Party [Info](#) and [Sample Petition](#)
-

Voters

[Absentee Voting](#)
[County Election Officials](#)
[Election Information](#)
[Election Laws](#)
[Elections Data](#)
[Find Your Elected Official Map](#)
[Find Your Polling Location](#)
[Military/Overseas Voting](#)
[Provisional Ballot Status](#)
[Voter ID requirements](#)
[Voter Registration](#)



GETTING STARTED

The Fair Campaign Practices Act (FCPA), the state's campaign finance law, is found in Title 17 of the Code Of Alabama 1975. It sets the rules for how and when candidates can raise and spend money. The law also specifies how campaign finance activities are reported.



Getting Started with your Campaign

- Every candidate must organize a campaign finance committee and file an **Appointment of Principal Campaign Committee Form**.
- The committee form must be filed within five (5) days of becoming a candidate.
- Statewide candidates who receive \$5,000 or more in contributions during an election cycle must file their Appointment of Principal Campaign Committee form online at fcpa.alabamavotes.gov.

Who is a candidate?

- Two qualifications make you a candidate:
 1. Disclosure Threshold: receiving contributions or expenditures over \$1,000 OR...
 2. Qualifying as a candidate with a political party or by filing a petition as a third minor party or independent candidate.





Statement of Economic Interests

- Except for federal candidates and office holders with a Statement of Economic Interests already on file, candidates at every level of government must file a Statement of Economic Interests form with the State Ethics Commission **on the same date** that the candidate files their qualifying papers with the appropriate election official.
- This form covers the previous calendar year
- You can submit online at: ethics.alabama.gov
- Ethics Commission Telephone Number:
(334) 242-2997
- If a candidate fails to submit a Statement of Economic Interests, he or she will be disqualified and will not appear on the ballot.

Establishing Your Committee


- A candidate may either serve as the sole member of his or her principal campaign committee or may appoint from two to five persons.
- If a candidate serves as their own principal campaign committee, he or she shall designate a person responsible for dissolving that principal campaign committee.
- A candidate may also select a **Designated Filing Agent** when appointing his campaign finance committee. For any changes or updates in the committee, file a new **Appointment of Principal Campaign Committee** form.



Alabama Electronic FCPA Reporting System

v 20170627.2

Committee Registration

 Help with this page

Appointment of Principal Campaign Committee

Filing Date 

Full Name of Candidate

First Name *

Middle Name

Last Name *

Suffix

Office *

Jurisdiction *

Party *

Address of the Committee

Address *

City/Town, State and Zip Code *

Phone Number *

Email *

Type of Committee

- ☒ I appoint myself as the sole member of my principal campaign committee.
- ☐ I hereby appoint the individuals listed below to act as my principal campaign committee.

Committee Dissolution Designee

Candidates who choose to be the sole member of their principal campaign committee must choose a designee to dissolve the committee due to the possibility of death or incapacitation of the candidate.

First Name *

Middle Name

Last Name *

Suffix

Address *

City/Town, State, Zip *

Phone *

Email *

Designated Filing Agent

You may authorize an individual other than the candidate to enter data and file reports on the candidate's behalf.

First Name *

Middle Name

Last Name *

Suffix

Address *

City/Town, State, Zip *

Phone *

Email *

Committee Registration

Committee Registration Part 2



FAIR CAMPAIGN PRACTICES ACT STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Appointment of Principal Campaign Committee

Please print in ink or type.

Full Name of Candidate			
Office Sought (include district or circuit number, if applicable)		Political Party / Ballot Affiliation	
Address of the Committee (street or post office box)			
City	State	ZIP Code	Telephone Number

This form is due within **five (5)** calendar days of reaching the threshold amount, or within **five (5)** calendar days of qualifying with a political party, or within **five (5)** calendar days of filing a petition as an independent candidate.

Type of Committee (check one)

- ☐ I appoint myself as the sole member of my principal campaign committee.
- ☐ I hereby appoint the individuals listed below to act as my principal campaign committee.

If you are appointing others to serve as your committee, you must select at least two members. You may appoint up to five members. One member should be designated as the chairperson of the committee. A second member should be designated as the treasurer. Please clearly print their names and addresses in the spaces below. Each appointee must sign his or her name.

Candidates who choose to be the sole member of their principal campaign committee must choose a designee to dissolve the committee due to the possibility of death or incapacitation of the candidate.

Chairperson			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Member			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Member			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Treasurer			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Member			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Dissolution Designee			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Where to file this form ...

- State candidates file with the Office of the Secretary of State.*
- County candidates must file electronically at fcpa.alabamavotes.gov
- Municipal candidates file with the county judge of probate.

* This form does not establish electronic filing. To file electronically, visit fcpa.alabamavotes.gov and click "Committee Registration."

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of elected official or candidate	Date
--	------

FORM REVISED 6.19.2017

After the Mandatory Committee Filing

- Every candidate must appoint a principal campaign committee, but candidates who do not reach the \$1,000 threshold are exempt from filing the monthly and weekly FCPA reports until reached.
- Candidates above the threshold will need to report all contributions and expenditures, including those received or spent to reach the threshold.
- Any contributions or expenditures over \$100 must be itemized.
- All candidates who raise or spend more than \$5,000 in a single cycle must file their FCPA reports online.

Filing Locations

Reports for County, District, Circuit, and Statewide Offices

These candidates should submit their reports at fcpa.alamamavotes.gov. Any candidates who raise or spend less than \$5,000 may submit paper reports to the Office of the SOS. Those hand delivering should come to suite E-204 of the Capitol.

Office of the Secretary of State

P.O. Box 5616

Montgomery AL, 36103-5616



Opting Into an Election Cycle

- The online FCPA reporting system contains a selectable filing calendar for each election cycle; each candidate should select his or her election cycle and the system will automatically generate the correct calendar for the candidates to follow.

Need to begin filing reports that are not shown in the Reports Due list below? [Click here](#)

If you are, or represent, a candidate who has met the threshold for filing disclosure reports,
- OR -

If you represent a PAC that plans to participate in an election,
[Click here to have a monthly/weekly filing schedule assigned](#)

If you are, or represent, a candidate or PAC that is required to file daily reports,
[Click here to have daily reports added to your schedule](#)

If you are an elected official that needs to file an annual report,
[Click here to have annual reports added to your schedule](#)

If you have not reached the filing threshold,
[Click here if you wish to file a Waiver Report](#)

If you are not participating in the primary election,
[Click here to remove primary election weekly reports from your schedule](#)

Fair Campaign Practices Act

The Fair Campaign Practices Act requires that, in any reporting period, a candidate or committee is required to begin filing campaign finance reports according to the FCPA Filing Calendar once the following thresholds for raising or spending money have been met.

- \$1,000 - Political Action Committees
- \$1,000 - Candidates for state office
- \$1,000 - Candidates for State Senate
- \$1,000 - Candidates for State House of Representatives
- \$1,000 - Candidates for district or circuit offices
- \$1,000 - Candidates for local offices

[Close](#)

Pre-Election Reports

1. Monthly Report
2. Weekly Report
3. Major Contribution Report



Pre-Election Reports

Monthly Reports: Due no later than the second business day of the following month. Must include all transactions for the previous month. A candidate's first monthly report must include all unreported activity prior.

Weekly Reports: Due on the Monday of the following week for each of the four weeks before the election date.



Major Contribution Report

Major Contribution Report:

Principal campaign committees must disclose the receipt of any single contribution of \$20,000 or more within two (2) business days of receiving the contribution if it is not included in a monthly, weekly, or daily report.



Annual Reports

- An annual report covering the previous year is due no later than **January 31st** of the **succeeding year**.
- Each principal campaign committee, political action committee, and elected state and local official who has not closed his or her principal campaign committee, shall annually file with the Secretary of State or Judge of Probate.



Penalties



- A candidate who intentionally violates a reporting requirement from the FCPA, is guilty upon conviction, of a Class A misdemeanor.
- Any person who intentionally violates §17-5-7, which addresses limits on candidates receiving campaign contributions and spending campaign money, is guilty, upon conviction, of a Class B felony.
- The FCPA prohibits any candidate from accepting more than \$1,000 from a principal campaign committee of a federal candidate. [§17-5-15.1(a)] A candidate who violates this provision is guilty, upon conviction, of a Class C felony.
- Failure to file a timely report shall not be considered an offense or subjected to a civil penalty so long as it is the first failure by that candidate or political action committee for the election cycle and the report is filed within 48 hours of the time it was due.

Penalties (cont.)

- Civil penalties levied shall be paid to the appropriate filing official within 45 days of the finality of any review.
- The schedule of civil penalties is as follows [§17-5-19.1(b)(1-3)]:
- The lesser of **\$300 or 10%** of the amount not properly reported for a first offense in an election cycle;
- The lesser of **\$600 or 15%** of the amount not properly reported for a second offense in an election cycle; or
- The lesser of **\$1,200 or 20%** of the amount not properly reported for a third and all subsequent offenses in an election cycle.
- The Secretary of State or Judge of Probate shall notify the Attorney General or the appropriate District Attorney of all persons who violate the filing requirements four or more times in an election cycle.




Penalty Review

- Any person upon whom a civil penalty has been imposed may seek a review by filing written notice with the Secretary of State or Judge of Probate within 14 days after notification of the imposed penalty.
- The Secretary of State or Judge of Probate shall refer such review to the State Ethics Commission.
- The State Ethics Commission may set aside or reduce a civil penalty upon a showing of good cause. The person seeking review shall bear the burden of proof.
- Any candidate who voluntarily files an amended report to correct an error without being prompted by the filing official, will not be subjected to the civil penalty.
- In the case of a candidate, the correction must be filed prior to the election at issue.

Form 1: Summary of Contributions and Expenditures.

Form 1: This FCPA form must be signed by the candidate or elected official and notarized. However, for electronically filed reports, the form is electronically signed and does not require notarization.

ANNUAL



FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

Political Action Committee
Campaign Finance Report
SUMMARY FORM 1A

THIS AREA FOR OFFICIAL USE ONLY

Please Print in Ink or Type.

Name of Political Committee (as appears on Statement of Organization)

Acronym for PAC

Address (as appears on Statement of Organization) ☐ Check box if reporting new address

CityStateZIP CodeTelephone Number

Calendar Year covered by this report.

☐ Amended Annual Report
☐ Termination Report

Total Pages in Report Include this page in your count.

SECTION I - Summary of activity from last filed report through December 31 of reporting year

1	Beginning balance (ending balance from previous filing)		1
Cash Contributions			
2a	Itemized cash contributions (total from Form 2)	2a	
2b	Non-itemized cash contributions	2b	
2c	Non-itemized employee payroll contributions	2c	
2d	Total cash contributions (add lines 2a, 2b and 2c)	2d	
In-Kind Contributions			
3a	Itemized in-kind contributions (total from Form 3)	3a	
3b	Non-itemized in-kind contributions	3b	
3c	Total in-kind contributions (add lines 3a and 3b)	3c	
Receipts from Other Sources			
4a	Total itemized receipts from other sources (total from Form 4)	4a	
4b	Total non-itemized receipts from other sources	4b	
4c	Total receipts from other sources (add lines 4a and 4b)	4c	
Expenditures			
5a	Itemized expenditures (total from Form 5)	5a	
5b	Non-itemized expenditures	5b	
5c	Total expenditures (add lines 5a and 5b)	5c	
6	Ending balance (add lines 1, 2c, & 4c, then subtract line 5c)	6	

SECTION II - Summary of activity for entire reporting year - January 1st through December 31st

7	Beginning balance (as of January 1 of reporting year)	7	
8	Total cash contributions for year	8	
9	Total in-kind contributions for year	9	
10	Total receipts from other sources for year	10	
11	Total expenditures for year	11	
12	Ending balance (add lines 7, 8, & 10, then subtract line 11)	12	
13	Total campaign debt (total debt owed as of December 31)	13	

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Notary Public

Signature of Chairperson or Treasurer of Political Committee

Date

Print Notary's Name


FORM REVISED 4.5.2013

Form 2: The FCPA requires that cash contributions of more than \$100 be itemized. If they choose to do so, candidates may itemize contributions of \$100 or less, but this is not required by law. However, if contributions of \$100 or less are not itemized, the law does require that they be totaled and reported. They may be reported as “non-itemized” contributions on FORM 1.

[illegible]

Form 3: An “in-kind” contribution is made when equipment, furniture, office space, or some other item of value other than money is contributed or used. A reasonable market value should be listed.

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE



FORM 3: In-Kind Contributions received by political action committee

NAME OF POLITICAL ACTION COMMITTEE: _____

When total contributions from a single source exceed \$100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or in-kind contributions on this form. Use Forms 2 and 3 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	NATURE OF CONTRIBUTION (CHECK ONE)										SOURCE (CHECK ONE)		DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION	
		Administrative	Advertising	Consultants/	Printing	Equipment	Food	Rent	Transportation	Other	Business/	Corporation	Individual			PAC
TOTAL IN-KIND CONTRIBUTIONS THIS PAGE																

FORM REVISED 9.2.2011

Form 4: Receipts from other sources are usually funds received through interest payments on a political committee bank account, loans made to the committee or refunds.


ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE

FORM 4: Receipts from Other Sources

loans, interest, and other sources of income

NAME OF POLITICAL ACTION COMMITTEE: _____

When total contributions from a single source exceed \$100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or in-kind contributions on this form. Use Forms 2 and 3 for those listings.



SOURCE OF RECEIPT (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	FORM OF RECEIPT			COMPLETE THIS BLOCK IF RECEIPT IS A LOAN GUARANTORS <small>(FCPA REQUIRES FULL NAME AND COMPLETE ADDRESS OF INDIVIDUAL(S) ENDORSING OR GUARANTEEING LOAN)</small>	RECEIPT SOURCE (CHECK ONE)					DATE RECEIVED (mo./day/yr.)	AMOUNT OF RECEIPT
		Interest	Loan	Other		Lending Institution	PAC	Individual	Business	Other		
TOTAL RECEIPTS THIS PAGE												

FORM REVISED 9.2.2011

The FCPA requires that expenditures of more than \$100 be itemized. Candidates may itemize expenditures of \$100 or less, but this is not required by law. However, if the expenditures of \$100 or less are not itemized, the law does require that they be totaled and reported.

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR POLITICAL ACTION COMMITTEE													
FORM 5: Expenditures by political action committee													
NAME OF POLITICAL ACTION COMMITTEE: _____													
When total expenditures to a single recipient exceed \$100.00, the FCPA requires all expenditures to that recipient be itemized.													
PERSON/GROUP/BUSINESS RECEIVING EXPENDITURE (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	PURPOSE OF EXPENDITURE (CHECK ONE)											
		Administrative	Advertising	Circulars/postal	Polling	Contribution	Food	Fundraising	Loan	Registration	Transportation	OTHER GIVE BRIEF EXPLANATION	DATE OF EXPENDITURE (mo./day/yr.)
		TOTAL EXPENDITURES THIS PAGE											

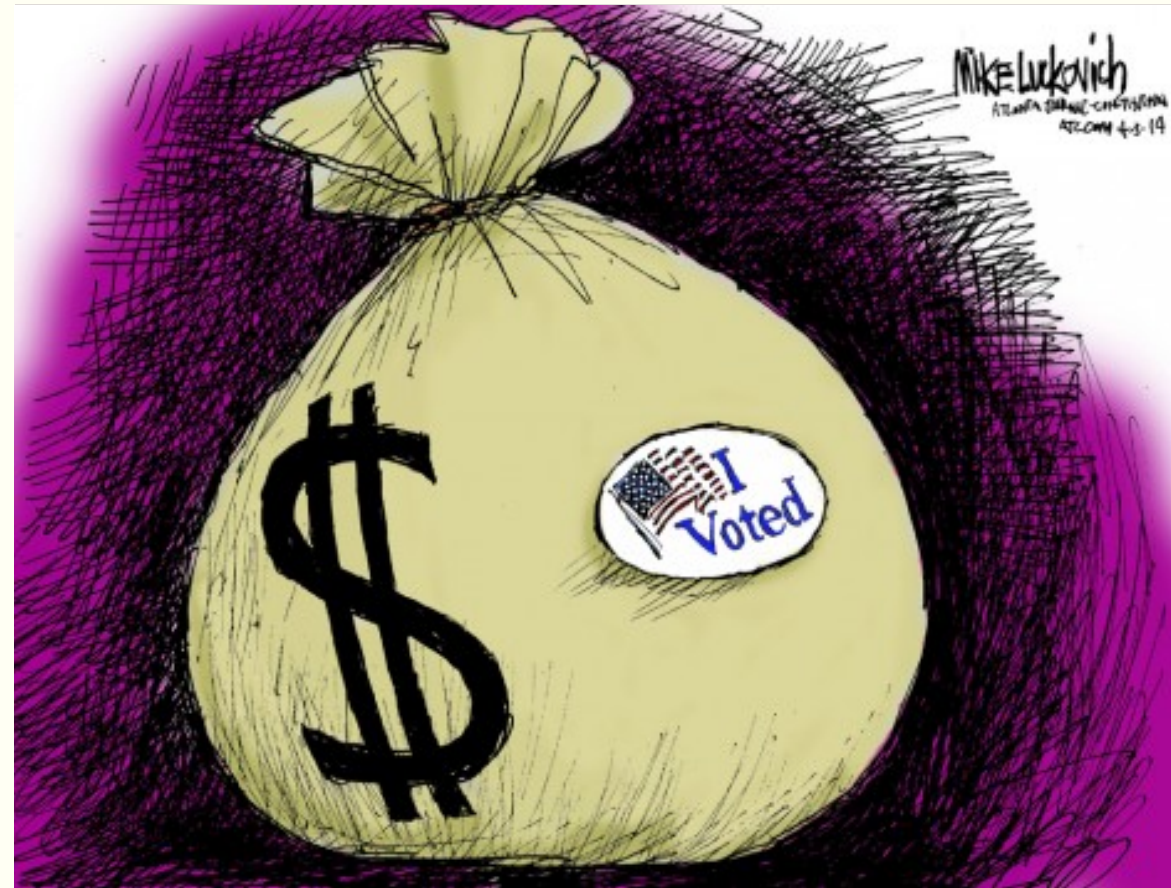
FORM REVISED 9.2.2011

Form 6: Committees may use credit to pay for expenditures, the balance of which must be paid from the committee checking account, money market account, or other similar banking account. Expenditures paid with a line of credit must be entered on FORM 6.

[illegible]

CAMPAIGN FUNDS

The FCPA has strict controls on the purposes for which a candidate may solicit campaign funds, how the funds can be spent, and when candidates can raise money.



Fundraising: Limitations

- It is illegal for one candidate's campaign committee to contribute to another. But, you can conduct a transfer anything of value from one campaign committee to the other if for the same person.
- Political action committees (PACs) are permitted to make contributions to principal campaign committees (PCCs).

PAC
Political Action Committee

PCC
Principal Campaign Committee

*At-a-Glance Contribution Guide**

PAC	→	PCC	☑
PAC	→	PAC	⊘
PCC	→	PCC	⊘
PCC	→	PAC	⊘

*Note—this guide is for general illustrative purposes only. Please refer to Section 1 above for special circumstances.

Fundraising: Accepting and Spending Campaign Funds

- The law states that a candidate may only accept campaign contributions for three purposes
 1. Influence the outcome of an election.
 2. Pay off a campaign debt or to reach the \$1,000 filing threshold, or both.
 3. Pay all expenses associated with an election challenge, including quo warranto challenges.



Excess Funds

- Campaign funds, including excess funds left after the election, may be spent only for the following purposes:
 - Expenditures of the campaign.
 - Expenditures related to performing the duties of the office held.
 - Donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds.
 - Donations to an organization to which a federal income tax deduction is permitted.
 - Inaugural or transitional expenses.
 - Donations to a legislative caucus organization registered with the Clerk of the House or Secretary of the Senate.
 - Legal fees and costs associated with any civil action, criminal prosecution, or investigation related to conduct reasonably related to performing the duties.

Fundraising Period

- Candidates may begin raising money 12 months prior to the election in which they intend to be on the ballot

2018

January						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

February						
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				1	2	3
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

March						
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25	26	27	28	29	30	31

April						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

May						
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		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

June						
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					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

July						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August						
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

September						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

October						
Su	M	Tu	W	Th	F	Sa
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

December						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Contribution Limits

- State law limits state and local campaign committees from receiving more than \$1,000 from a principal campaign committee of a federal candidate.



Campaign Debt, Bribes, and Penalties

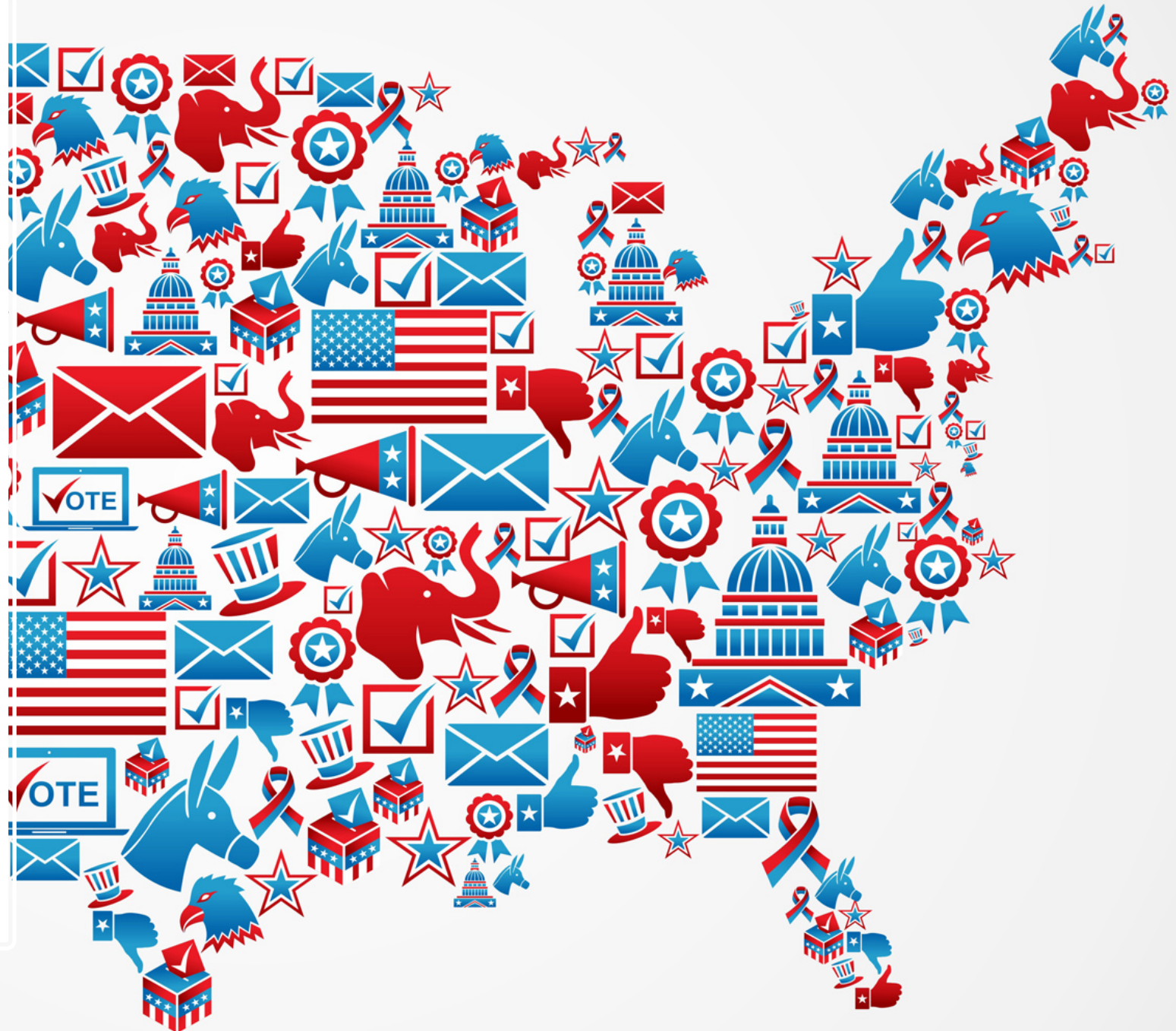
- FCPA limits the fundraising period to clear campaign debts up to 120 days after the election.
- All contributions received after the election to retire any debt must be reported in the next regular report the campaign files.
- The FCPA prohibits a candidate or campaign finance committee from accepting, soliciting, or receiving a contribution as a bribe.
- Any person who intentionally violates the section that governs how and when money can be raised is guilty, upon conviction, of a Class B felony.
- In general, the statute of limitations for a violation of the Fair Campaign Practices Act (Title 17, Chapter 5 of the Code of Alabama) is two years from the commission of the offense.

CAMPAIGN ADVERTISING



Campaign Advertising Overview

- Campaign advertising and electioneering communications appearing in print, broadcast, and electronic media must clearly identify the entity responsible for paying for the advertisement or electioneering communication.
- Electioneering communication involves any of the following types of communication:
- Any communication circulated through federally regulated broadcast media;
- Any mailing or other distribution; Any electronic communication; Any phone bank; Any publication.



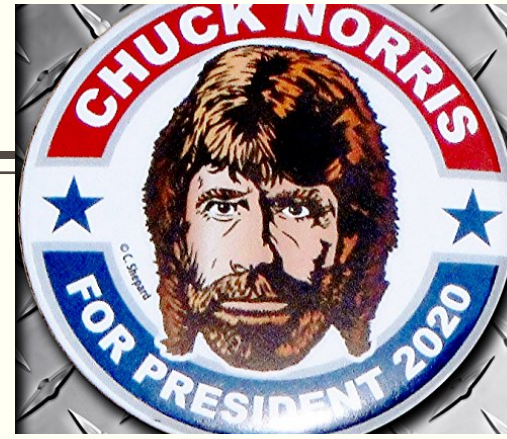
Electioneering Communication

- These types of communication must also fulfill all of the four following elements in order for it to meet the “electioneering communication” definition.
 1. It must contain the name or image of a candidate;
 2. It must be made within 120 days of an election in which the candidate’s name appears on the ballot;
 3. The only reasonable conclusion from the presentation and content of the communication is that it is intended to influence the outcome of the election; and
 4. The expenditure exceeds one thousand dollars (\$1,000).



Disclaimer, Disclosure, and Penalty

- The advertising disclaimer must be on all types of non-excluded advertising, such as billboards, yard signs, bumper stickers, and pencils.
- Every automated or pre-recorded communication must make a clear notice at the end of the political advertisement and identify the person or other entity that paid for the communication.
- Failure to comply with the advertising requirements is a Class A misdemeanor and, upon conviction, is subject to a fine of not more than \$6,000 and/ or imprisonment of not more than one year.



Disclaimer Exceptions

- There are different types of paid political advertisements and electioneering communications that are excluded from the identification requirement:
 1. Designed to be worn by a person.
 2. Placed as a paid link or “no cost content” on the internet, as long as it does not exceed 200 characters and directs to a website with a disclaimer.
 3. Placed as an online graphic or picture that directs to another website with a disclaimer.
 4. Placed on an unpaid profile account available to the public without charge or a social networking website.
 5. Distributed as a text message or other message via Short Messages Service not exceeding 200 characters.
 6. Connected with or included in software application.
 7. Sent by a third-party from or through a campaign website that has a disclaimer.

Disclaimer Requirements

- The FCPA states that political advertisements or electioneering communication must clearly and distinctly identify the entity responsible for paying for the advertisement or electioneering communication.
- In addition, the disclaimer must contain the identification of the person, nonprofit corporation, principal campaign committee, or entity placing the ad.
- Under the FCPA, the term “identification” means full name and complete address.





SAMPLE DISCLAIMER ADVERTISEMENTS

**Elect
John Doe**

Paid for by the
Committee to Elect John Doe
PO Box 5551212
Inacounty, AL 99999

Figure 1: Example of a political advertisement with a disclaimer.

***Elect
Jane Doe to
Public Office***

Paid political advertisement by
Committee to Elect Jane Doe
PO Box 1212555
Ourfair City, Alabama 99999

Figure 2: Example of a political advertisement with a disclaimer.



Campaign Advertising in the Polling Place

- The FCPA prohibits anyone from campaigning within 30 feet of the polling place building doors.
- There is no provision that specifically prohibits an elector from wearing campaign buttons, badges, or T-shirts while inside the polling place to vote or assist another voter.
- Poll Watchers are prohibited from campaigning while inside the polling place in order to prevent influence on citizens decisions to vote.

Other Code Sections of Interest

IMPROPER USE OF STATE PROPERTY, TIME, ETC. FOR POLITICAL ACTIVITIES SECTION 17-17-5

No state, county, or city employee shall use public funds, property, or time, for any political activity.

It is unlawful for any officer or public employee to solicit any type of political campaign contributions from other employees who work for the officer or employee in a subordinate capacity.

It is unlawful for an officer or public employee to coerce or attempt to coerce a subordinate employee to work in a political campaign or cause.

USE OF STATE-OWNED PROPERTY SECTIONS 36-12-60 through 64

It is unlawful for any state officer or employee to use or to permit to be used any state-owned property including stationery, stamps, office equipment, office supplies, or automobiles for political activity.

State employees are also prohibited from transporting campaign literature in either a state vehicle or in a private vehicle while mileage is being paid for by the state.



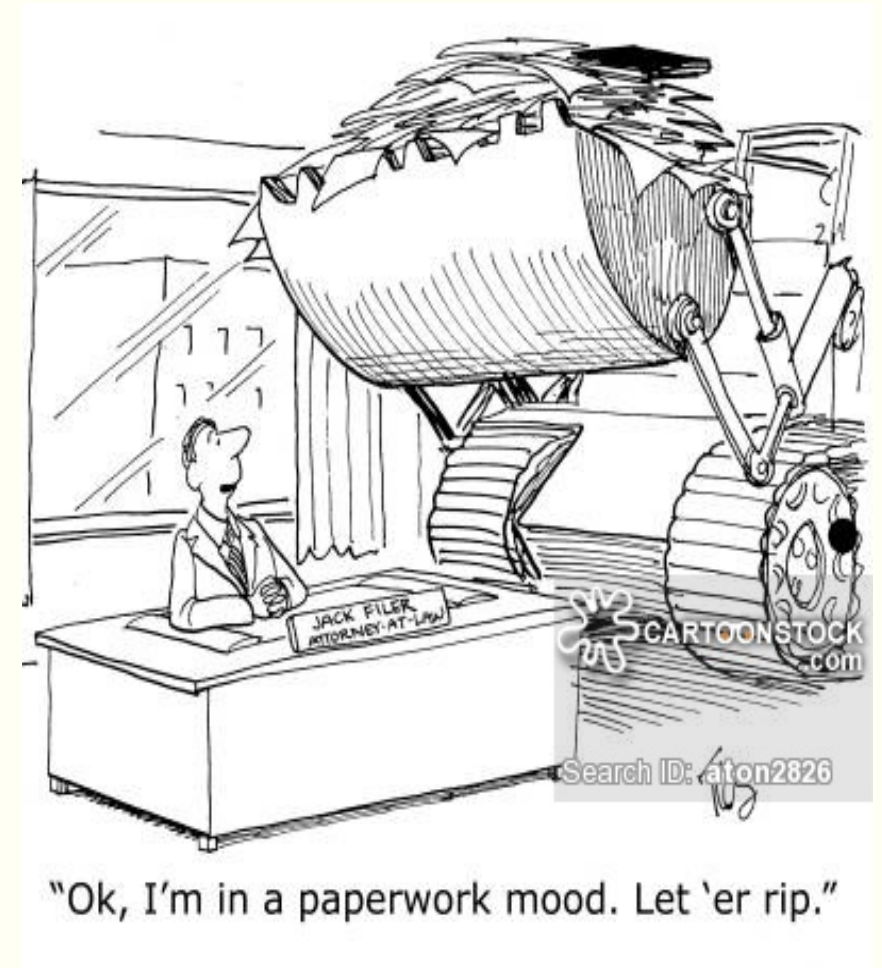
ELECTED OFFICIALS

Commissions

- Certain state and county officials must be commissioned by the Secretary of State and Governor before assuming office.
- Generally, an elected official must file an oath and/or a bond at the state or county level, depending upon the office.
- County officials must also have a certification from their Probate Judge.
- The law requires the Office of the Secretary of State to charge everyone a \$5.00 commissioning fee.
- Information packets providing the specific requirements for each office are available from the Government Services Division in the Office of the Secretary of State.

Filing Requirements

- FCPA: All elected officials who have not closed their principal campaign committee must file an **ANNUAL REPORT** by January 31st each year, for every year you are in office if your principal campaign committee has not been closed.
- Statement of Economic Interests: All elected officials must file a **STATEMENT OF ECONOMIC INTERESTS** with the Ethics Commission every year by April 30. For more information, contact the State Ethics Commission, (334) 242-2997.





FREQUENTLY ASKED QUESTIONS

Should you have a question that is not addressed in this section, please contact the Elections Division for further assistance.



FAQ and Answers

Must I set up a separate bank account for my principal campaign committee?

- Yes. The FCPA specifies that principal campaign committee funds must be segregated and that there can be no commingling of personal funds with campaign funds.

I received an unwanted, unsolicited check from a PAC, and I returned it. Must I report that as a contribution?

- Act 2013-311 specifically amended the FCPA to authorize the return or refund of any lawful campaign contribution. A refund is permitted so long as the original contribution was reported in an itemized manner and the refund is also itemized in

FAQ and Answers

I am a candidate and have met the filing threshold for the office I want to hold. However, I do not have any opposition in my election. Do I have to file a campaign finance report?

- Yes. In 2009, the Alabama Legislature amended the FCPA to require all candidates who have reached the filing threshold to file all campaign finance reports, even if the candidate has no opposition.

Do I have to file an APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE form even if I do not reach the campaign finance contribution/expenditure threshold of \$1,000?

- Yes. All candidates must file an APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE form within five days of qualifying (with a political party or as an independent candidate) or within five days of reaching the campaign finance contribution/expenditure threshold.