

ALABAMA

Governing Agency

1. **What agency is charged with administering the state's campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

The State Ethics Commission, along with the Secretary of State, is in charge of overseeing the Alabama Fair Campaign Practice Act. [ALA. CODE §§ 36-14-18; 36-25-4\(b\)](#). The Secretary of State's responsibilities are limited to implementing reporting requirements, maintaining a system for electronic filing, levying and collecting civil penalties for failure to file timely reports, and accepting and filing all reports and statements. [ALA. CODE §§ 17-5-11; 36-14-18; 36-25-4\(b\)](#). The Commission has the power to investigate upon receipt of a complaint or on its own initiative, conduct closed hearings, and subpoena witnesses. [ALA. CODE § 36-25-4\(a\)\(7\), \(d\), \(h\), -4.1.](#)

2. **Does the agency have the ability to sanction, including injunctions and fines?**

Injunctions – No.

Fines – The Alabama Ethics Commission only has authority to impose fines for failure to timely file or filing a materially inaccurate report. [ALA. CODE § 17-5-19.1\(a\)](#). The fines are: the lesser of \$300 or 10% of the amount of contributions or expenditures not properly reported (meaning not filed timely and accurately) for a first offense in an election cycle; the lesser of \$600 or 15% of the amount of contributions for a second offense; and the lesser of \$1,200 or 20% for a third or subsequent offense. [ALA. CODE § 17-5-19.1\(b\)](#).

3. **Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?**

The Commission is composed of five members who are appointed by the Governor, Lieutenant Governor, and Speaker of the House of Representatives. [ALA. CODE § 36-25-3\(a\)](#). The Secretary of State is an elected official and is subject to impeachment. [ALA. CODE § 36-11-1](#). The statute is silent in regards to removal of members of the Commission.

Campaign Coordination

4. **(a) Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees?**

No.

- (b) Does the state have a safe harbor rule and, if so, what does it allow?**

No.

Campaign Contributions

- 5. (a) Does the state limit the amount of contributions to political candidates for state level offices by individuals, corporations, other entities (PACs, 501(c)(4)s)?**

Individual to candidate: Unlimited.

PAC to candidate: Unlimited.

Corporation to candidate: Unlimited.

Union to candidate: Unlimited.

- (b) Does the state limit the amount of contributions to state political parties?**

No.

Campaign Disclosure Requirements

- 6. What is the dollar amount for disclosure of campaign contributions to candidates?**

Candidates must disclose aggregate contributions over \$100, including the name of the contributor and the amount and date of all such contributions. [ALA. CODE § 17-5-8\(c\)\(2\)](#).

- 7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?**

Political action committees, which include any association that anticipates making expenditures in support of a candidate, that spends over \$1,000 during a calendar year must file a report with the Secretary of State. [ALA. CODE §§ 17-5-5\(a\), -2\(13\)](#). These reports must include, in the case of a political action committee, the name and address of each person who contributed over \$100, as well as the date and amount of the contributions. [ALA. CODE § 17-5-8\(c\)\(2\)](#). There are no provisions requiring the disclosure of funders of 501(c)s or beneficial owners of LLCs that make contributions to independent spenders.

- 8. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?**

All political advertisements or electioneering communications made through any print, broadcast, or electronic media must clearly and distinctly identify the individual or entity responsible for funding the communication. [ALA. CODE § 17-5-12\(a\)](#). While the definition

of “electioneering communication” includes all forms of electronic media, some communications are exempt from the disclosure requirements in a number of circumstances, including internet and text messages of less than 200 characters, and Internet-based advertisements that do not have a cost to post. [ALA. CODE § 17-5-2\(6\)](#); [ALA. CODE § 17-5-12\(b\)](#).

Campaign Finance Filing Requirements

9. (a) Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?

Principal campaign committees must file a report during the period of eight days before an election until the day before an election if at any point the candidate or committee receives or spends an aggregate of \$5,000 or more on that day. [ALA. CODE § 17-5-8\(a\)\(3a\)](#). Additionally, principal campaign committees must file a report within 2 business days disclosing the receipt of any single contribution of \$20,000. [ALA. CODE §§ 17-5-8.1\(c\)](#); see also Office of the Sec’y of State, [Candidate Filing Guide](#)

(b) Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?

The requirement above also applies to political action committee. The report must include all reportable activity, contributions received and expenditures made, on the day of report and since the last report. [ALA. CODE § 17-5-8\(a\)\(3a\)](#).

(c) Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?

There is no requirement for a post-election report within 30 days.

Accessibility of Reports

10. (a) Can the reports be filed through an online portal provided by the agency?

Reports must be filed through Alabama’s [Electronic Fair Campaign Practices Act Reporting System](#) by direct data entry.

ALA. FCPA, <https://fcpa.alabamavotes.gov/PublicSite/Homepage.aspx>.

(b) Are reports available on an easily searchable and sortable website?

The website allows user to search by candidate name and office, which can be sorted by the amount of expenditure and contribution. The site also allows user to separately search contributions and expenditures by a date range, amount, or contributor. Additionally, the search contribution and expenditure search function also allow users to search by committees or PACs.

Search by candidates/committee - YES

- Name - YES
- Election Year - YES
- Office - YES
- Date and Amount of Contribution – YES (only by year)
- Date and Amount of Expenditure – YES (only by year)
- Contributor – YES

Search by independent expenditure – YES (only PACs)

- Election Year – YES (by date range)
- Amount of Expenditure – YES
- Candidate supported or opposed - NO

ALA. FCPA, <https://fcpa.alabamavotes.gov/PublicSite/Homepage.aspx> (last visited June 7, 2021); [ALA. CODE § 17-5-8.1](#).

Appendix: Sources of Law & Guidance

Statutes

[ALA. CODE § 17-5.](#)

[ALA. CODE § 36-25.](#)

Guidance

ALA. FCPA, <https://fcpa.alabamavotes.gov/PublicSite/Homepage.aspx> (last visited June 7, 2021).

OFFICE OF THE SEC’Y OF STATE, CANDIDATE FILING GUIDE.