



# Candidate Filing Guidelines

## Fair Campaign Practices Act □ Election 2020

Elections Division □ Office of the Secretary of State □ State of Alabama

John H. Merrill, Secretary of State

### BECOMING A CANDIDATE FOR STATE AND COUNTY OFFICE FOR PURPOSES OF THE FCPA

The Fair Campaign Practices Act (FCPA) defines a candidate as a person who has:

1. **Qualified to be listed on an election ballot** by filing qualification forms with a political party or municipal election official or by submitting a petition to run as an independent candidate; or
2. **Received contributions or made expenditures for an election campaign in excess of \$1,000.**

### APPOINTING A PRINCIPAL CAMPAIGN COMMITTEE

Within **five (5) days** of becoming a candidate, one must file an **Appointment of Principal Campaign Committee Form** with the Secretary of State, if seeking election to a state or county office. Municipal candidates must file with the probate judge of the county where the city hall is located.

This form establishes the candidate's finance committee. A candidate may either serve as his or her own committee or may appoint a committee of two to five persons. This committee must report until dissolved. If a candidate serves as his or her own principal campaign committee, he or she shall designate a person responsible for dissolving that principal campaign committee in the event of death or incapacity. [§17-5-4(c)]

### FILING ELECTRONICALLY

1. Go to [fcpa.alabamavotes.gov](http://fcpa.alabamavotes.gov) and click on "Committee Registration"
2. Select "Principal Campaign Committee" and click "Next"
3. Complete Full Name of Candidate, Address of Committee, Type of Committee, and add Committee Members. (Note: A candidate who is the sole member of his/her campaign committee must have a Committee Dissolution Designee. The Committee Dissolution Designee must be someone other than the candidate.)
4. When finished, click the red "Submit" button at the bottom of the page.
5. The screen will show "Your registration has been submitted." Click on the "\*\*\* Click here to view and print a copy of this filing\*\*," Print, sign (everyone on the committee must sign), make a copy for your records, and mail to the Elections Division, (MAIL THE SIGNED AND COMPLETED FORM TO: ELECTIONS DIVISION, ALABAMA SECRETARY OF STATE, P.O. BOX 5616, MONTGOMERY, AL 36103-5616.)
6. Once the signed Appointment of Principal Campaign Committee Form is approved, your account will be activated, and you and all of your committee members will receive a username and pin via two separate emails to log into your account.

### FILING REPORTS

After exceeding the \$1,000 threshold amount in either contributions, in-kind, other receipts, or expenditures, a candidate is required to file disclosure reports at specific times. If the filing threshold has not been exceeded, the candidate is not required to file disclosure reports. Please remember all late filings are subject to civil penalties. Please see Code of Alabama 1975, [§17-5-19.1] for details on administrative penalties that may be levied against a committee.

### OPT INTO THE FILING CALENDAR

1. Login to your account at [fcpa.alabamavotes.gov](http://fcpa.alabamavotes.gov), by clicking the red "Registered User Login" button.
2. Click on "Overview" tab at the top of the page.
3. Find the box outlined in blue that states "Need to begin filing reports that are not shown in the Reports Due list below?" and click on "Click Here."
4. Click the link for the reports you need added. (First link is for monthly/weekly filing schedule, second link is for Daily Reports, and third link is for the Annual Reports)
5. Click on the drop down box next to "Participating in Election:" and select the appropriate election.
6. Next, select the type of election by clicking on the corresponding button below the drop down box.

- a. Primary and General (For candidates qualifying with a Major Political Party)
- b. General Only (For independent and Minor Party Candidates)
- c. Runoff

7. Finally, enter the date on which you met the filing requirement threshold of raising or spending in excess of \$1,000.00 to influence an election in “Need to report activity as of this date.” Then click “Assign Schedule.”

8. Your filing schedule will appear in the “Reports Due” under the “Overview” and “File Reports” tabs.

## TYPES OF REPORTS

### **PRE-ELECTION REPORTS**

Beginning 12 months out from an election, campaign finance disclosure reports are required once a candidate meets the filing threshold of \$1,000. These reports must be filed at the following times:

- ▶ **Monthly reports** are due the second business day of the subsequent month, beginning 12 months before any election for which the committee receives contributions or makes expenditures with a view toward influencing the election.
- ▶ **Weekly reports** are due on the subsequent Monday for each of the 4 weeks prior to the election.
- ▶ **Daily reports** are due on that day, beginning 8 days before the election when the committee receives or spends funds in excess of \$5,000 for any legislative, state school board, or statewide election - applies to only a legislative, state school board, or statewide election.
- ▶ **Major contribution reports** are due when a candidate receives a single contribution of \$20,000 or more. A report is due within two business days of the date of the receipt of the contribution if it is not included in a monthly, weekly, or daily report.

On the summary page, the report should include the amount of cash on hand at the beginning of the reporting period, a total of all contributions and expenditures made during the reporting period, and the ending balance. Once total contributions from or expenditures to a specific entity exceeds \$100, contributions or expenditures received or expended during the reporting period are to be itemized on pages 2 through 6 of the report.

### **ANNUAL REPORT**

An **Annual Report** is required every year that a committee is in existence, unless the candidate is filing monthly reports in the current election cycle. This **Annual Report** may be filed after January 1<sup>st</sup> but must be filed no later than January 31<sup>st</sup>.

**All candidates and all state, county, and municipal elected officials who have not dissolved their principal campaign committee must file this report.**

The summary page for the annual report includes two sections:

#### ▶ **Section I**

The candidate uses this section to report any activity since his or her last filing. The beginning balance is the ending balance from the last report filed. Forms 2 through 6 are used to itemize any contributions and expenditures that have not previously been reported.

#### ▶ **Section II**

In this section, the candidate reports the total contributions and expenditures for the calendar year. The beginning balance is the ending balance from the last annual report filed.

## INPUTTING CONTRIBUTIONS/INKIND, OTHER RECEIPTS, AND EXPENDITURES

1. Click on the “Contributions/InKind” tab at the top of the page right below the picture

- a. Click the red “Add” button
- b. Complete the required information for the Contribution and then click “Save”

2. Click on the “Other Receipts” tab at the top of the page right below the picture

- a. Click the red “Add” button
- b. Complete the required information for the Other Receipts (Loans, Interest, Refunds, etc.), and then click “Save”

3. Click on the “Expenditures” tab at the top of the page right below the picture

- a. Click on the red “Add” button
- b. Complete the required information for the Expenditures, and then click “Save”

c. **Credit Card Transactions** (campaign credit cards only): Click on the drop down box under “Expenditure Type” select “Line of Credit Expenditure” to report the actual date and purpose of the credit card transaction. This will appear on Form 6. When making a payment to your credit card for transactions reported on Form 6, click on the drop down box under “Expenditure Type” select “Itemized” and click on drop down box “Purpose” and select “Loan Repayment.”

**REVIEW AND FILE REPORTS**

1. Click on the “File Reports” tab at the top of the page right below the picture
2. Go to “Reports Due,” then click on the red “View/File” for the report that is due.
3. Check to make sure all Contributions, Other Receipts, and Expenditures are listed on the report. To preview the full report, click on the red “Preview” button on the bottom left of the Summary of Activity page.
4. Then click the red “File” button on the bottom right of the Summary of Activity page to file your report.
5. To check to see if your report has been filed, click the “File Reports” tab at the top of the page, and look under the “Filing History” to find the report.

**AMEND REPORTS**

1. Correct the errors under the Contributions/InKind, Other Receipts, and Expenditures tabs by clicking on “Update” on the individual transaction you wish to amend.
2. Then click on the “File Reports” tab and go to Filing History. Then find the report that needs to be amended and click on the blue “Amend” link.
3. If the dollar amount changed in the amended report, the system will automatically amend all subsequent reports.

Note: If you delete a transaction, the system will create an offset to that transaction. You must amend the report on which the transaction was originally reported.

**MAJOR CONTRIBUTIONS**

When a major contribution of \$20,000 or more is entered in as a Contribution or Other Receipt, the system will automatically add a Major Contribution Report under the “File Reports” tab under “Reports Due,” unless the major contribution is included in a monthly, weekly, or daily report.

**REPORTING DEBT ON ANNUAL REPORT**

Campaign debt is typed directly onto the Annual Report Summary Form 1A in box “15” titled “Total campaign debt (total debt owed as of December 31)”.

**ELECTRONIC FILING**

Candidates for all legislative, state school board, and statewide offices who receive \$5,000 or more in contributions during an election cycle must file their FCPA disclosure reports online at [www.fcpa.alabamavotes.gov](http://www.fcpa.alabamavotes.gov). **All county candidates must file electronically.**

**REPORTS FOR ELECTIONEERING COMMUNICATIONS**

Candidates who expend more than \$1,000 on an “**electioneering communication**” are required to file disclosure reports. The reports must identify the source or sources of the funds used for the electioneering communication and the recipients of expenditures related to the electioneering communication [§17-5-8(h)].

This reporting requirement applies even if the candidate has not yet reached the filing threshold for the office sought by the candidate. However, the candidate is not required to duplicate any reporting. For more information, consult *Campaign Advertising Guidelines*, a document available from the Secretary of State’s Elections Division.

**RAISING MONEY**

Candidates may begin fundraising 12 months prior to the election. They may continue fundraising for 120 days after the election to the extent of any campaign debt and the amount of the filing threshold. Only the amount of debts that are directly related to lawful campaign expenditures can be raised. [§17-5-7(b)(3)]

The FCPA prohibits candidates from receiving contributions from other principal campaign committees. However, principal campaign committees are allowed to transfer money from one principal campaign committee to another if the two principal campaign committees are for the same person. [§17-5-15(b)]

The FCPA limits state and local principal campaign committees from receiving more than \$1,000 from a principal campaign committee of a federal candidate. [§17-5-15.1]

**Legislative and statewide** candidates cannot solicit or receive contributions any time the Alabama Legislature is in session, except 120 days of an election. Candidates should note, however, that this prohibition does not apply to loans they may make to their own campaign committee. Fundraising by candidates for county and municipal offices is not affected by legislative sessions. [§17-5-7(b)(2)]

**DISSOLVING A PRINCIPAL CAMPAIGN COMMITTEE**

If the committee wants to dissolve, the campaign committee must submit a **Statement of Dissolution Form** to the Secretary of State

to dissolve a committee. The **Statement of Dissolution** must be accompanied by a **Termination Report** detailing contributions and expenditures not previously reported and stating how excess funds will be distributed.

## STATEMENT OF DISSOLUTION AND TERMINATION REPORT

1. Once a person is no longer considered a candidate (lost in the Primary, Primary Runoff, or General Election or after the General Election for candidates who have won the election), he or she can choose to dissolve his or her campaign committee.
2. All required reports or a current report that is due must be filed before dissolving.
3. The ending balance of the account must be zero. Make sure that all transactions have been entered under the appropriate tabs.
4. Once you have entered all transactions to date, click on the “File Reports” tab. Scroll to the bottom under “Supplemental Forms”, click the second item, called “Statement of Dissolution,” then enter the date of dissolution and click “Continue to Termination Report.” Make sure that you have a zero balance and then click file on the “Termination Report.”
5. After you file the Termination Report, click on the “Administration” tab, and make sure that your committee is listed as dissolved. It should appear in small, black writing near the committee name and other contact information.

Note: If you do not properly dissolve/terminate your committee, you will be required to file Annual Reports by January 31st of each calendar year.

## USE OF CAMPAIGN FUNDS

Candidates may use their campaign funds only as follows [§17-5-7(a)]:

- ▶ For necessary and ordinary expenditures of the campaign.
- ▶ For expenditures that are reasonably related to performing the duties of the office held. Expenditures that are reasonably related to performing the duties of the office held do not include personal and legislative living expenses, as defined in this chapter.
- ▶ For 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 under subparagraph (A) of paragraph (1) of subsection (b) of Section 170 of the Internal Revenue Code of 1986, as amended, or any other charitable, educational, or eleemosynary cause of Section 501 of Title 26 of the U. S. Code.
- ▶ For inaugural or transitional expenses. [Warning: the Ethics Act prohibits converting to personal use contributions from an inaugural or transitional fund (§36-25-6).]
- ▶ Legal fees and costs associated with any civil action, criminal prosecution, or investigation related to conduct reasonably related to performing the duties of the office held. [§17-5-5.1.]

The FCPA prohibits candidates from giving contributions to [§17-5-15(b)]:

- ▶ Political action committees
- ▶ 527 organizations
- ▶ Principal campaign committees for other candidates

Principal campaign committees are allowed to transfer from one principal campaign committee to another if the two principal campaign committees are for the same person [§17-5-15(b)].

A principal campaign committee, during a two-year period commencing on the day after each regularly scheduled General Election and ending on the day of the next General Election, may pay qualifying fees to a political party and may expend up to a cumulative total of five thousand dollars (\$5,000) of campaign contributions for the following purposes:

- ▶ Tickets for political party dinners or functions.
- ▶ State or local political party dues or similar expenses incurred by independent or write-in candidates.

## STATEMENT OF ECONOMIC INTERESTS

All candidates are required by the state ethics law (§36-25-14 and §36-25-15, Code of Alabama 1975) to file a *Statement of Economic Interests with the Ethics Commission* on the same date that the election qualifying paperwork is filed with the appropriate election official. For more information on this requirement, contact the State Ethics Commission, P.O. Box 4840, Montgomery, AL 36103-4840, (334) 242-2997. The State Ethics Commission website is **[www.ethics.alabama.gov](http://www.ethics.alabama.gov)**.

## FEDERAL CANDIDATES

Candidates for federal office must comply with federal laws administered by the Federal Election Commission. The FEC can be reached by phone at 1-800-424-9530. The FEC website is **[www.fec.gov](http://www.fec.gov)**.

## JUDICIAL CANDIDATES

Judicial candidates are required by Canon 6C of the **Canons of Judicial Ethics** to make some additional filings with the clerk of the Alabama Supreme Court.

**DISCLAIMER**

This document is not a substitute for the Code of Alabama. This document is provided as a guide and is not intended to be an authoritative statement of law. For further legal information, please consult the Code of Alabama or other appropriate legal resources.