

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Secretary of State

Rule No. 820-2-8

Rule Title: Fair Campaign Practices Act Filing Regulations

New Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying office

Beth Chap

Date 6-21-13

APA-2
07/04

Office of the Secretary of State
Elections Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE:

| | |
|-------------|-------------------------------------|
| 820-2-8-.01 | Fair Campaign Practices Act Reports |
| 820-2-8-.02 | Monthly Reports |
| 820-2-8-.03 | Weekly Reports |
| 820-2-8-.04 | Daily Reports |

INTENDED ACTION: New rule.

SUBSTANCE OF PROPOSED ACTION:

Adopt Fair Campaign Practices Act filing rules to comply with the Code of Alabama, section 17-5-8 (2012).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Views may be presented orally or in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103; 334-242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF THE NOTICE:

August 2, 2013

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite S-205, Montgomery, Alabama 36104; 334-242-7202.



(Signature of officer authorized to promulgate and adopt rules or his or her deputy)

NEW

Fair Campaign Practices Act Filing Regulations

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| 820-2-8-.01 | <u>Fair Campaign Practices Act Reports.</u> |
| 820-2-8-.02 | <u>Monthly Reports.</u> |
| 820-2-8-.03 | <u>Weekly Reports.</u> |
| 820-2-8-.04 | <u>Daily Reports.</u> |
| 820-2-8-.01 | <u>Fair Campaign Practices Act Reports.</u> 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 Alabama Code, Section 17-5-9, periodic reports of contributions and expenditures as set forth below. |

Authors: Julie Sinclair; Jean Brown.

Statutory Authority: Code of Alabama, section 17-5-8 (2012).

History: New Rule: Filed June 28, 2013; effective August 2, 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.

Authors: Julie Sinclair; Jean Brown.

Statutory Authority: Code of Alabama, section 17-5-8 (2012).

History: New Rule: Filed June 28, 2013; effective August 2, 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.

Authors: Julie Sinclair; Jean Brown.

Statutory Authority: Code of Alabama, section 17-5-8 (2012).

History: New Rule: Filed June 28, 2013; effective August 2, 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 a.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 Alabama, section 17-5-8 (2012).

History: New Rule: Filed June 28, 2013; effective August 2, 2013.