



Candidate Filing Guidelines

Fair Campaign Practices Act ♦ Election 2022

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, you 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. Beginning August 1, 2023, all municipal candidates will be required to file their Appointment of Principal Campaign Committee forms with the Secretary of State's office.

This form establishes the candidate's finance committee. A candidate may either serve as their own committee or may appoint a committee of two to five persons. This committee must report until dissolved. If a candidate serves as their own principal campaign committee, they 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 and click on "Candidate Committee Registration."
2. The Appointment of Principal Campaign Committee page will open, please enter the date, then complete the Full Name of Candidate, Address of the Committee, Type of Committee, and Add Committee Members. After entering each person, click Add Person. Note: A candidate who is the sole member of their campaign committee must have a Committee Dissolution Designee. The Committee Dissolution Designee must be someone other than the candidate.
3. After adding all of your committee information and members' names, click the Submit button in the bottom right corner of the page.
4. The screen will indicate "Your registration has been successfully submitted." Click on the "***Click here to view and print a copy of this filing**" link. Print the completed form. The candidate and all committee members must sign the form. Make a copy of the signed form for your records. Mail the original signed and completed form to: Elections Division, Alabama Secretary of State, P. O. Box 5616, Montgomery, AL 36103-5616.
5. Once the signed Appointment of Principal Campaign Committee Form is approved, your account will be activated. You and your committee members will each receive login credentials (username and pin) in two (2) separate emails.

ELECTRONIC FILING REQUIREMENT

All state, statewide, and county candidates must file their FCPA disclosure reports online at fcpa.alabamavotes.gov. **Beginning August 1, 2023, all municipal candidates will be required to file reports electronically with the Secretary of State's office.**

Changes in committee members, committee contact information, or updated information must be submitted electronically to the Secretary of State through the online FCPA filing system.

FILING FINANCIAL DISCLOSURE REPORTS

After exceeding the \$1,000 threshold amount in either contributions or expenditures, a candidate is required to file disclosure reports at specific times. The candidate is not required to file disclosure reports if the filing threshold has not been exceeded. 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.

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 eight (8) days prior to the election if 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 (2) 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.

Note: 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 and will appear 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 1st, but must be filed no later than January 31st. ***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 their 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.

DUPLICATE REPORTS

Each report must include all reportable transactions occurring since the most recent prior report; however, duplicate reporting is not required by this section.

- A committee that is required to file a daily report is not required to also file a weekly report for the week preceding the election.
- A committee that is required to file a weekly report is not required to also file a monthly report in the month in which the election is held.
- A committee that is required to file a monthly report is not required to also file an annual report in the year in which the election is held.

ELECTRONIC FILING SYSTEM INSTRUCTIONS

OPTING INTO THE FILING CALENDAR

1. Login to your account at fcpa.alabamavotes.gov, by clicking the red “Registered User Login” icon in the top right corner.
2. Click on “Overview” tab at the top of the page.
3. Find the box outlined in light gray that states “Need to begin filing reports that are not shown in the Reports Due list below?” and click on the “[Click Here](#)” link.
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 Annual Reports)
5. Click on the drop-down box below “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 required filing threshold (raising or spending in excess of \$1,000 to influence an election) in the “Need to report activity as of this date” section. A calendar will appear on the screen. Use the calendar to input the date. Then click the “Assign Schedule” button.
8. Your filing schedule will appear under the “Reports Due” sections on the “Overview” page and the “File Reports” page.

INPUTTING CONTRIBUTIONS/INKIND, OTHER RECEIPTS, AND EXPENDITURES

1. Click on “Transactions” tab and select “Contributions/InKind” from the drop-down menu.
 - a. Click the red “Add” button.
 - b. Complete the required information for the contribution and then click the “Save” button.
2. Click on the “Transactions” tab and select “Other Receipts” from the drop-down menu.
 - a. Click the red “Add” button.
 - b. Complete the required information for the Other Receipts transaction (Loan, Interest, Refunds, etc.) and then click the “Save” button.
3. Click on the “Transactions” tab and select “Expenditures” from the drop-down menu.
 - a. Click on the red “Add” button.
 - b. Complete the required information for the expenditure, and then click the “Save” button.
 - c. Campaign Credit Card Transactions (campaign credit cards only): Click on the drop-down box below “Expenditure Type” and select “Line of Credit Expenditure” to report the actual date and purpose of the credit card transaction. This will appear on Form 6 of your reports when filed. When making a payment to your credit card for transactions reported on Form 6, click on “Expenditure Type,” and select “Itemized” from the drop-down menu. Then click on “Purpose” and select “Loan Repayment” from the drop-down menu.

MAJOR CONTRIBUTIONS

When a major contribution of \$20,000 or more is entered as a Contribution or Other Receipt, the system will automatically add a Major Contribution Report on the “File Reports” page under the “Reports Due” section, unless the major contribution is included in a monthly, weekly, or daily report. If the report is not automatically added to your reports due list, you can opt into the report. This type of contribution must be disclosed within two (2) business days of receipt.

REVIEWING AND FILING REPORTS

1. Click on the “File Reports” tab at the top of the page.
2. Go to the “Reports Due” section, then click on the red “View/File” link 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 “Campaign Finance Report” page.
4. Then click the red “File” button on the bottom right of the “Campaign Finance Report” page to file your report.
Note: If there are transactions listed below your report, under “Unfiled Transactions Prior to this Reporting Period”, please amend the reports the transactions should have been included on prior to filing the current 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.

AMENDING REPORTS

1. Correct any errors under the Contributions/In Kind, 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. In the Filing History section at the top of the page, 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: When a transaction is deleted, the system will create an offset to that transaction. You must amend the report on which the transaction was originally reported.

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)”.

DISSOLVING A PRINCIPAL CAMPAIGN COMMITTEE

If the committee wants to dissolve, the campaign committee must submit a **Statement of Dissolution Form and a Termination Report** electronically to the Secretary of State. The **Statement of Dissolution must be accompanied by a Termination Report** detailing all contributions and expenditures not previously reported and indicating how any excess funds will be distributed. [§ 17-5-5(d)]

FILING THE 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), they can choose to dissolve their 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 before submitting the Statement of Dissolution.
4. Once you have entered all transactions to date, click on the “File Reports” tab. Scroll to the bottom section, “Supplemental Forms”. Find “Statement of Dissolution” and then click on the blue “Submit” link on the right side of that line. This will open the “Statement of Dissolution”. Please enter the date of dissolution and then click the red button labeled “Continue to Termination Report” on the right lower corner of the screen. Your Termination Report will open.
5. Review the Termination Report. Scroll down and ensure that your final transaction(s) (if any) are listed, and that the account balance is zero. Then click on the red “File” button on the bottom right corner of the Termination Report.

6. After the Termination Report has been filed, click on the “Administration” tab at the top of the screen. Make sure that the 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 the committee, you will be required to file Annual Reports by January 31st of each calendar year until you successfully complete the 2-step process.

FCPA GUIDELINES FOR RAISING AND SPENDING CAMPAIGN FUNDS

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 within 120 days of an election. However, candidates should note that this prohibition does not apply to self-funded loans to their own campaign committee. Fundraising by candidates for county and municipal offices is not affected by legislative sessions. [§ 17-5-7(b)(2)]

ELECTIONEERING COMMUNICATIONS

Candidates who spend more than \$1,000 on an “**electioneering communication**” are required to file disclosure reports. The reports must identify the source(s) of the funds used for the electioneering communication and the recipient(s) of expenditure(s) 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, available from the Secretary of State’s Elections Division.

USE OF CAMPAIGN FUNDS

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

1. For necessary and ordinary expenditures of the campaign.
2. 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.
3. For donations to the State General Fund, the Education Trust Fund, or equivalent county or municipal funds.
4. 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.
5. For inaugural or transitional expenses. [Warning: The Ethics Act prohibits converting to personal use contributions from an inaugural or transitional fund. (§ 36-25-6)]
6. Donations to a legal caucus organization registered under this chapter which does not operate as a political action committee.
7. 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 funds 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 (\$5,000) of campaign contributions for the following purposes [§ 17-5-7(d)]:

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

ADDITIONAL REQUIREMENTS FOR CANDIDATES

STATEMENT OF ECONOMIC INTERESTS

All candidates are required by state ethics laws to file a *Statement of Economic Interests* with the Ethics Commission within five (5) days of filing the election qualifying paperwork with the appropriate election official. (§§ 36-25-14, 36-25-15) 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 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.

JUDICIAL CANDIDATES

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