



PAC Filing Guidelines

Fair Campaign Practices Act ♦ Election 2018

Elections Division ♦ Office of the Secretary of State ♦ State of Alabama
John H. Merrill, Secretary of State

POLITICAL ACTION COMMITTEE (PAC)

Alabama's Fair Campaign Practices Act (FCPA) defines a political action committee as:

Any political committee, club, association, political party, or other group of one or more persons, whether in-state or out-of-state, which receives or anticipates receiving contributions and makes or anticipates making expenditures to or on behalf of any Alabama state or local elected official, proposition, candidate, principal campaign committee, or other political action committee ... [Code of Alabama, 1975, §17-5-2(a)(12)]

STATEMENT OF ORGANIZATION

A political action committee (other than a *Principal Campaign Committee* formed by a candidate) must file a *Statement of Organization Form* within 10 days of receiving contributions and making expenditures in an aggregate that exceeds \$1,000 or within 10 days of anticipating receiving contributions and making contributions in an aggregate that exceeds \$1,000. All PACs must file the Statement of Organization and subsequent campaign finance reports with the Secretary of State's office.

Federal PACs are not subject to the Fair Campaign Practices Act. Each federal PAC is required to comply with federal campaign finance law by submitting any required reports to the Federal Election Commission (FEC).

FINANCIAL DISCLOSURE REPORTS

PACs are required to file when they participate in an election, but all PACs must file the Annual Report that is due by January 31st of each year. [§17-5-8(b)]

Campaign finance reports are filed at specific times [§17-5-8]:

- ▶ on the second business day of the subsequent month beginning 12 months prior to any primary, special, runoff, or general election, if the PAC receives contributions or makes expenditures with a view toward influencing such election's result
- ▶ on Monday of the following week for each of the 4 weeks prior to the election
- ▶ for PACs that file with the Secretary of State, during the 8 days prior to the election, if the PAC receives or spends a total of \$5,000 or more on any given day with a view toward influencing the election's results, the PAC must file a daily report on that specific day.
- ▶ if the PAC receives any single contribution of \$20,000 or more, within two business days of receipt of the contribution, if it is not included in a monthly, weekly, or daily report.

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PAC POINTS

The FCPA requires that receipts and cancelled checks must be kept for two years from the date of expenditure. [§17-5-3(d)]

The law specifies that the political committee's money shall not be commingled with any personal funds of officers, members or associates of the political committee. [§17-5-3(b)]

ADVERTISING

When a PAC sponsors any political advertising for or against a candidate or ballot issue, the advertising must be clearly identified by the PAC. For further information, ask for the handout, *Campaign Advertising Guidelines*, produced by the Office of the Secretary of State.

FEDERAL ELECTIONS

PACs participating in federal elections are subject to federal campaign finance law and regulations.

These PACs should call or write the Federal Election Commission for filing information.

Telephone:

1-800-424-9530

Mail:

Federal Election Commission
999 E. Street, NW
Washington, DC 20463

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FINANCIAL DISCLOSURE REPORTS (CONTINUED FROM REVERSE SIDE)

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

- ▶ A political action committee or principal campaign 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 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 required to file a monthly report is not required to also file an annual report in the year in which the election is held.

NOTIFICATION OF MATERIAL CHANGE

Changes in officers, phone number or address, or a name change for a political action committee must be reported within 10 days of the change. [§17-5-5(c)] All PACs must submit the updated information to the Secretary of State through the online FCPA filing system if filing electronically, or to the Secretary of State by using the *Update Form* when the PAC is filing by paper if allowed by law.

TERMINATION OF COMMITTEE

Once a PAC becomes inactive, the chairperson should dissolve the committee by filing a *Statement of Dissolution* with the secretary of state. This form must be accompanied by a **Termination Report** showing all contributions and expenditures not previously reported and stating how any excess funds will be distributed. [§17-5-5(d)]

PROHIBITED SOURCES & DISTRIBUTION OF FUNDS

The FCPA prohibits a PAC from making expenditures to or receiving contributions from the following types of entities [§17-5-15(b)]:

- ▶ Other PACs
- ▶ 527 organizations

§17-5-15(b) states that a PAC that is not a principal campaign committee and may make contributions, expenditures, or other transfers of funds to a principal campaign committee (PCC). However, the FCPA prohibits principal campaign committees (PCCs) from making contributions, expenditures, or other transfers of funds to PACs.

NOTES

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.