



PAC 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

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 expenditures 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.

FILING ELECTRONICALLY

1. Go to fcpa.alabamavotes.gov and click on "Committee Registration."
2. Select "Political Action Committee" click "Next."
3. Complete Committee Name, Address of Committee, Email, Duration of PAC, Purpose of PAC, Manner in which residual funds will be disposed, and add Committee Members.
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 (either the Chairperson or Treasurer), 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 Statement of Organization Form is approved, your account will be activated and you will receive a user name and pin via email to log into your account.

FINANCIAL DISCLOSURE REPORTS

PACs are required to file when they participate in an election or have raised or spent more than \$1,000 to influence the election. However, all PACs must file the Annual Report that is due by January 31st of each year. [§17-5-8(b)] Please remember all late filings are subject to civil penalties. Please see Code of Alabama 1975, [§17-5-19.1] for details on civil penalties that may be levied against a committee.

OPT INTO FILING CALENDAR

1. Login to your account at fcpa.alabamavotes.gov, by clicking the red "Registered User Login" button

PAC POINTS

The FCPA requires that receipts and canceled 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

2. Find the box outlined in blue that states “Need to begin filing reports that are not shown in the Reports Due list below?” Click on “Click Here.”
3. 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)
4. Click on the drop down box next to “Participating in Election:” and select the appropriate election.
5. Next, select the type of election by clicking on the corresponding button below the drop down box.
 - a. Primary and General
 - b. General Only
 - 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.

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

- ▶ **MONTHLY REPORTS:** 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.
- ▶ **WEEKLY REPORTS:** on Monday of the following week for each of the 4 weeks prior to the election.
- ▶ **DAILY REPORTS:** 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 - applies to only a legislative, state school board, or statewide election.
- ▶ **MAJOR CONTRIBUTION REPORTS:** 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.
- ▶ **ANNUAL REPORTS:** if a PAC is active at the end of the calendar year, an annual report will be due on January 31st of the following year.

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 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.

INPUTTING CONTRIBUTIONS/INKIND, OTHER RECEIPTS, AND EXPENDITURES

1. Click on the “Contributions/InKind” tab at the top of the page
 - 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.) then click “Save”
3. Click on the “Expenditures” tab at the top of the page
 - a. Click on the red “Add” button
 - b. Complete the required information for the Expenditures then click “Save”
 - c. **Credit Card Transactions** (PAC Credit Card 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” 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.
2. 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 CONTRIBUTION REPORTS

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 REPORTS

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

NOTIFICATION OF MATERIAL CHANGE

Changes in officers, phone number, 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)*]

STATEMENT OF DISSOLUTION AND TERMINATION REPORTS

1. All past due reports or a current report that is due must be filed before dissolving.
2. The ending balance of the account must be zero. Make sure that all transactions have been entered under the appropriate tabs.
3. 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.
4. 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.

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.

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.