



PAC Filing Guidelines

Fair Campaign Practices Act • 2024 Election

Elections Division • Office of the Secretary of State • State of Alabama
Wes Allen, 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)(13)]

STATEMENT OF ORGANIZATION

A political action committee (other than a principal campaign committee formed by a candidate) must file a Statement of Organization with the Secretary of State's Office:

- ✓ within 10 days of receiving contributions or making expenditures towards influencing an election in aggregate that exceeds \$1,000

OR

- ✓ within 10 days of anticipating receiving contributions or making expenditures towards influencing an election in an aggregate that exceeds \$1,000

PACs are required to file financial disclosure reports when they participate in an election, or have raised or spent more than \$1,000 to influence the election.

FILING ELECTRONICALLY

1. Visit www.fcpa.alabamavotes.gov and select the **"Political Action Committee Registration"** button.
2. The Statement of Organization of Political Action Committee page will open. Please enter the date, committee name, address of committee, email, duration of PAC, purpose of PAC, manner in which residual funds will be disposed, and affiliated organization(s) information.
3. Add committee member information. After inputting each committee member's information, click the red **"Add Person"** button to save the individual's information.
4. After filing in all required PAC information and committee members have been saved, click the red **"Submit"** button at the bottom right-hand corner of the webpage.
5. If submission is successful, the screen will indicate that your registration has been submitted. Select the **"Click here to view and print a copy of this filing"** link. Print and sign the completed form. The Chairperson or Treasurer *must* sign the form. Mail the original signed form to the Elections Division:

ELECTIONS DIVISION, ALABAMA SECRETARY OF STATE
P. O. BOX 5616
MONTGOMERY, AL 36103-5616

6. Once the signed Statement of Organization Form is received and approved, the committee will be made active. The committee members will each receive their login credentials (username and pin) in separate emails.

PAC POINTS

- The FCPA requires that receipts and canceled checks be kept for two years from the date of expenditure [§ 17-5-3(d)].
- The law specifies that the political committee's funds 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 advertisement must clearly identify the PAC as the payee [§ 17-5-12]. For more information, see Campaign Advertising Guidelines available on the Secretary of State's website.

FEDERAL ELECTIONS

PACs participating in federal elections are subject to federal campaign finance laws and regulations. These PACs should contact the Federal Election Commission for further information.

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

1-800-424-9530
www.fec.gov

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)]. PACs may submit updated information to the Secretary of State through the online FCPA filing system by selecting the red “**Update Registration**” button in the top-right corner of the Administration page, found under the Administration tab on the FCPA online reporting system.



FILING FINANCIAL DISCLOSURE REPORTS

PACs are required to file campaign finance reports when they have raised or spent more than \$1,000 to influence the election. However, all active PACs must file the Annual Report, due by January 31st of the subsequent year [§ 17-5-8(b)]. All late filings are subject to civil penalties. See Code of Alabama 1975, § 17-5-19 for details on civil penalties that may be levied against a committee. FCPA Filing Calendars are available at www.alabamavotes.gov.

TYPES OF REPORTS

Pre-Election Reports

Finance reports are filed at specific times (§ 17-5-8):

- **Monthly Reports** are due on the second business day of the subsequent month beginning 12 months prior to any Primary, Runoff, Special, or General Election once the PAC receives contributions or makes expenditures in excess of \$1,000 with a view toward influencing the election’s result.
- **Weekly Reports** are due on the subsequent Monday for each of the four (4) weeks prior to an election. Weekly reports cover all reportable activities for the previous week, Saturday through Friday.
- **Daily Reports** are due on that day, beginning eight (8) days prior to an election, only if the PAC receives or spends funds in excess of \$5,000 with a view toward influencing an election (applies only to a legislative, state school board, or statewide election).
- **Major Contribution Reports** are within two (2) days of receipt of any single contribution of \$20,000 or greater (including a loan from the PAC), unless the contribution is already included in a scheduled 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, the total of all contributions, other receipts, 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 (list name and address of contributor or payee) and will appear itemized on the report.*

Annual Reports

An **Annual Report** is required every year that a committee is active, unless the committee is filing monthly reports in a current election cycle. This **Annual Report** may be filed on or after January 1st, but must be filed no later than January 31st. ***All PACs that are active at the end of the calendar year and have not dissolved their political action committee must file this report, unless already filing scheduled monthly/weekly financial report***

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 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 political action 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 political action 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.

ELECTRONIC FILING SYSTEM INSTRUCTIONS

OPTING INTO AN ELECTION / FILING CALENDAR

1. Visit fcpa.alabamavotes.gov. Login to your committee's account by selecting the red **"Registered User Login"** button in the top right-hand corner of the webpage. Enter user credentials and select **"Login"**.
2. Select the **"File Reports"** tab at the top of the webpage.
3. Located above the committee's Filing History, identify the text box stating **"Need to begin filing reports that are not shown in the Reports Due list below? [Click Here](#)"**. Select the link.
4. Select the link for the appropriate reports you need added (First link is for Monthly/Weekly filing schedule, second link is for Daily Reports, third link is for Annual Reports).
5. From the **"Participating in Election"** dropdown menu, select the appropriate election.
6. Indicate which election the PAC is participating in by clicking on the corresponding button:
 - Primary and General
 - General Only
 - Runoff
7. Enter the date on which the PAC met the required filing threshold (the date in which the PAC raised in excess of \$1,000 to influence an election or spent in excess of \$1,000 to influence an election) in the **"Need to report activity as of this date"** section. A pop-up calendar will appear on the screen. Use the calendar to input the date.
8. Select the red **"Assign Schedule"** button. The PAC's filing schedule will now appear in the **"Reports Due"** section, found on the **File Reports** page.

INPUTTING CONTRIBUTIONS/INKIND, OTHER RECEIPTS, AND EXPENDITURES

1. Click on the **"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 **"Transaction"** 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 (loans, interest, refunds, etc.) and then click the **"Save"** button.
3. Click on the **"Transaction"** tab and select **"Expenditures"** from the drop-down menu.
 - a. Click on the red **"Add"** button.
 - b. Complete the required information for the expenditures and then click the **"Save"** button.

Credit Card Transactions (PAC Credit Cards only): PACs which utilize a company credit card and list credit card expenditures on campaign finance reports are obligated to itemize credit card transactions. When adding an expenditure paid for via PAC credit card, select either “Itemized Line of Credit Expenditure” or “Non-Itemized Line of Credit Expenditure” from the “Expenditure Type” drop-down menu to report the actual date and purpose of a credit card transaction. Payments to the credit card company should be reported as a normal expenditure of the committee.

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 as a report due under the “File Reports”, unless the major contribution would be included in a scheduled monthly, weekly, or daily report. If the report is not automatically added to your reports due list, you can opt into the report manually (see previous page).

REVIEWING AND FILING REPORTS

1. Click on the “File Reports” tab at the top of the page.
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 corner of the webpage.
4. Click the red “**File**” button on the bottom-right corner of the webpage to file your report.

***Note:** If there are transactions listed below your report under “Unfiled Transactions Prior to this Reporting Period”, you may need to amend the reports the transactions should have been included on prior to filing the current report.*

5. To view previously filed reports, select the “File Reports” tab and locate the “Filing History” section. The most recently filed reports will appear at the top of the list.

AMENDING REPORTS

1. Correct any errors by identifying the incorrect transaction under the Contributions/InKind, Other Receipts, and Expenditures tabs and selecting the blue “**Update**” option.
2. Once incorrect transactions have been updated, click on the “File Reports” tab and go to the Filing History section. Identify the report containing the updated transaction and click on the blue “**Amend**” link.
3. File the amended report by selecting the red “**File**” button at the bottom-right corner of the webpage.

***NOTE:** If you delete a transaction after the report has already been filed, the system will create an offset to that transaction. You **must** amend the report on which the transaction was originally reported.*

DISSOLVING A POLITICAL ACTION COMMITTEE

Once a PAC becomes inactive, the chairperson should dissolve the committee by filing the Statement of Dissolution Form and Termination Report electronically. The Statement of Dissolution form **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)].

***NOTE:** The Secretary of State shall have the authority to dissolve or terminate any political action committee that has maintained a zero balance for one (1) calendar year after providing a 90-day notice of intent to do so by certified mail with return receipt [§ 17-5-5(d)].*

FILING THE STATEMENT OF DISSOLUTION AND TERMINATION REPORT

1. Ensure that all past due reports or any current reports are filed prior to dissolving.
2. Ensure that the committee’s ending balance of the account is equal to **zero**. Account status, including the total amount in the committee’s bank account, is viewable from the Committee Overview page.
3. Select the “File Reports” tab. Scroll to the bottom of the page to the “Supplemental Forms” section.

- Locate the “Statement of Dissolution” and select the blue “**Submit**” link on the right side of that line.
- Click within the white box under “Dissolution Date” and select the committee’s date of dissolution from the pop-up calendar. Select the red “**Continue to Termination Report**” button in the bottom-right corner of the webpage.
 - Review the Termination Report for accuracy. Ensure that there is a **\$0.00 balance** listed as the ending balance, located on line 7 of the report. Click the red “**File**” button in the bottom-right corner of the webpage.
 - After the Termination Report has been filed, select the “Administration” tab at the top of the screen. Confirm that the committee is listed as “Dissolved” (this should be indicated in small, black writing next to the committee name).

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.

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

***NOTE:** A PAC that is not a principal campaign committee 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 [§ 17-5-15(b)].*

FEDERAL PACS INFLUENCING ALABAMA ELECTIONS FOR STATE AND/OR LOCAL RACES

- All PACs that are raising or spending money to influence an election for a state office or local office in Alabama are required to file campaign finance reports with the Secretary of State, regardless of whether they currently file with the Federal Election Commission.
- If a federal PAC is giving money to state or local candidates, they should register as a PAC with the Secretary of State and file campaign finance reports under the Alabama Fair Campaign Practices Act.
- The Alabama Ethics Commission has interpretive authority over the Fair Campaign Practices Act. PAC's interested in an official opinion may seek one with the Ethics Commission.

FEDERAL CORPORATE PACS INFLUENCING ALABAMA ELECTIONS FOR STATE AND/OR LOCAL RACES [§ 17-5-14.1]

- Any incorporated business or nonprofit doing business in Alabama may give money or services for the purposes of establishing, administering, or soliciting voluntary contributions to a separate, segregated fund which can be utilized for the following political purposes:
 - to aid or promote the nomination or election to any candidate for political office.
 - to aid or promote the interest or success, or defeat of any political party or political proposition.
- Corporate/nonprofit PACs may solicit voluntary contributions to the fund only from the corporation's/affiliates/stockholders/families of stockholders/employees/families of employees. In the case of a nonprofit, they may accept from its members and employees. However, they may accept voluntary contributions from any individuals.
- Corporate/nonprofit PACs shall file with the Secretary of State their Statement of Organization as a PAC in the Secretary of State's campaign finance electronic reporting system (www.fcpa.alabamavotes.gov).
- Corporate/nonprofit PACs that are currently filing with the Federal Election Commission (FEC) may file **copies** of the reports required to be filed with the FEC instead of filing financial disclosure reports with the Secretary of State's campaign finance electronic reporting system.
- Corporate/nonprofit PACs that are not currently filing with the FEC must file disclosure reports with the Secretary of State in the Secretary of State's campaign finance electronic reporting system (www.fcpa.alabamavotes.gov).
- If you believe you fall under the Federal Corporate PAC designation, please contact the Secretary of State at **334-242-7210** for more guidance.