

Fair Campaign Practices Act (FCPA)

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The Alabama Fair Campaign Practices Act Candidate Filing Guide, Sixteenth Edition is available on the Secretary of State website at www.SOS.alabama.gov. Chose the “Elections” tab, then “Candidates.” It is the second item on the pick list on the left.

Fair Campaign Practices Act (FCPA)

- ▶ Candidate may begin soliciting contributions or spending funds with intent to become candidate one year prior to election date (August 25, 2019)
- ▶ Candidate must establish campaign committee within 5 days of becoming candidate by one of two ways:
 - ▶ By qualifying as a candidate – or -
 - ▶ By receiving or expending \$1,000 with intent to become candidate
- ▶ ***Note: This also triggers need to file Statement of Economic Interests with Ethics Commission***

Fair Campaign Practices Act (FCPA)

- ▶ Compliance with the Fair Campaign Practices Act (FCPA) is the responsibility of the candidate - not the City Clerk
 - ▶ Since criminal penalties and civil penalties may be imposed if forms are not properly filed, the Clerk should not put himself/herself in this position
- ▶ You may wish to inform the candidate of their responsibility to file, and you may wish to supply copies of the forms or make them aware of how to download the forms, but the Clerk should not file nor mail the forms on behalf of the candidate

FCPA forms are available on the Secretary of State website at www.sos.alabama.gov under the Elections tab

Remember: Incumbents for re-election to office are candidates

Fair Campaign Practices Act (FCPA)

- ▶ Committee consists of between 2 and 5 members or the candidate may serve as his/her own committee. The candidate must file a consent to appointment from committee members on or with the appointment form
- ▶ If candidate acts as his/her own campaign committee, he/she shall designate a person responsible for dissolving the campaign committee and filing the final report in the event of his/her death or incapacity. All funds shall be disposed of in the manner provided in the FCPA statute Campaign funds may not be comingled with personal funds nor converted to personal funds at the end of the campaign



Appointment of Principal Campaign Committee

Please print in ink or type.

Full Name of Candidate			
Office Sought (include district or circuit number, if applicable)		Political Party / Ballot Affiliation	
Address of the Committee (street or post office box)			
City	State	ZIP Code	Telephone Number

This form is due within five (5) calendar days of reaching the threshold amount, or within five (5) calendar days of qualifying with a political party, or within five (5) calendar days of filing a petition as an independent candidate.

Type of Committee (check one)

- I appoint myself as the sole member of my principal campaign committee.
- I hereby appoint the individuals listed below to act as my principal campaign committee.

If you are appointing others to serve as your committee, you must select at least two members. You may appoint up to five members. One member should be designated as the chairperson of the committee. As second members should be designated as the treasurer. Please clearly print their names and addresses in the spaces below. Each appointee must sign his or her name.

Candidates who choose to be the sole member of their principal campaign committee must choose a designee to dissolve the committee due to the possibility of death or incapacitation of the candidate.

Chairperson			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Treasurer			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Member			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Member			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Member			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Committee Dissolution Designee			
Full Name		Email Address	
Address (street or post office box)			
City	State	ZIP Code	
Signature of Appointee			

Where to file this form ...

- State candidates file with the Office of the Secretary of State.*
- County candidates must file electronically at fcpa.alabamavotes.gov
- Municipal candidates file with the county judge of probate.

* This form does not establish electronic filing. To file electronically, visit fcpa.alabamavotes.gov and click "Committee Registration."

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the information contained herein is true and correct.

Signature of elected official or candidate

Date

← If serving as own committee, mark here

← Appointees must sign accepting appointment

← Candidate Signature

Fair Campaign Practices Act (FCPA)

- ▶ FCPA forms are filed with the Probate Judge in the county where the City Hall is located.
- ▶ If the municipality is located in more than one county, the Probate Judge should forward to the Probate Judge in the other county(ies)
- ▶ The candidate will need to make the Probate Judge aware of this need to forward at the time the forms are filed as this is not common

Fair Campaign Practices Act (FCPA)

- ▶ The date filed is considered the date the report is received by the probate judge.
 - ▶ In person and regular U.S. Mail must be received by the date due
 - ▶ Registered or Certified Mail must be postmarked at least two days prior to date due
- ▶ FCPA forms for municipal candidates **may not** be filed on-line with the Secretary of State

Fair Campaign Practices Act (FCPA)

- ▶ Candidates must file monthly financial reports by the second working day of the month next succeeding the month of collection or expenditure, when \$1,000 threshold is met
- ▶ Candidates must file weekly reports for the four weeks prior to the election date if \$1,000 threshold is reached.
 - ▶ These reports are due on Monday for the prior week
 - ▶ The reporting week is considered to be from Saturday through Friday.

Fair Campaign Practices Act (FCPA)

- ▶ The candidate's first monthly or weekly report must include all unreported activity to date
- ▶ Duplicate reports are not required. Monthly reports are not required in months weekly reports are made.
- ▶ Daily reports do not apply to Municipal candidates
- ▶ Restrictions on contributions when Legislature is in session do not apply to Municipal candidates

Fair Campaign Practices Act (FCPA)

- ▶ Major Contributions of \$20,000 or more must be reported within 2 business days,
- ▶ These may be included in monthly or weekly report if occurring within the last two days of the period
- ▶ Term “contribution” includes monetary and in-kind contributions, as well as loans and other transfers

Fair Campaign Practices Act (FCPA)

- ▶ All campaign receipts must be deposited to, and all expenses must be paid from, the campaign account
- ▶ Campaign funds may be deposited into a checking account, money market account, or similar bank account
- ▶ Campaign expenses may be paid by check, electronic transfer, or credit card paid from the campaign fund
- ▶ A petty cash fund may be used for expenses less than \$100 for a single purchase transaction. Must be tracked.
- ▶ Payment of a qualifying fee is considered a campaign expense, and must be reported

Fair Campaign Practices Act (FCPA)

- ▶ The date of a receipt is deemed the first day the recipient can use it, or in the case of a check the earlier of ten days from when the check arrived or when the check was deposited in the campaign account
- ▶ The date of an expense is deemed the date the expenditure is made, or the date of the check, electronic transfer, or credit card transaction

Fair Campaign Practices Act (FCPA)

- ▶ Unsolicited or unwanted campaign donations may be returned to the sender
- ▶ If the contribution was deposited into the campaign account, the receipt must be shown on the contribution report and the return must be shown on the expense report.
- ▶ If the contribution was not deposited, it may be returned to the sender without reporting

Fair Campaign Practices Act (FCPA)

- ▶ Donations of \$100 or more from a single contributor must be itemized giving the name, address, and type of the contributor
- ▶ Donations of less than \$100 each may be reported in a lump sum as non-itemized or may be itemized
- ▶ Aggregate donations of \$100 or more from a single contributor must be reported giving contributor name
- ▶ It is therefore necessary for the candidate or his/her committee to keep records by name and amount for all contributions made for tracking purposes

Fair Campaign Practices Act (FCPA)

- ▶ Expenses of \$100 or more to a person or vendor must be itemized giving name and address and the type of expenditure and amount.
- ▶ Expenditures of less than \$100 each may be reported in a lump sum as non-itemized or may be itemized
- ▶ Aggregate expenses of more than \$100 to a person or vendor must be itemized.
- ▶ Expenses should be paid by check, electronic expenditure or credit card and receipts retained, and accurate records kept for tracking purposes

Fair Campaign Practices Act (FCPA)

- ▶ Campaign funds must be segregated and cannot be comingled with personal funds
- ▶ Candidates who have met the filing threshold must file FCPA reports even if they have no receipts or expenses in a reporting period.
- ▶ Candidates who have met the filing threshold must file FCPA reports even if they have no opposition

Fair Campaign Practices Act (FCPA)

- ▶ Money paid by someone outside of the campaign account apply toward the threshold amount
- ▶ Campaign expenses on a credit card must be itemized by vendor and amount on FCPA report
- ▶ Receipts must be kept for two years
- ▶ Candidates are not required to use forms developed by the SOS Office, however the information required by FCPA must be included

Fair Campaign Practices Act (FCPA)

FCPA Forms 1-6

- ▶ Form 1 - Summary of Contributions and Expenses
 - ▶ Must be signed by Candidate and notarized
- ▶ Form 2 – Cash contributions
 - ▶ \$100 and over must be itemized
 - ▶ If not itemized, smaller contributions must be totaled and reported as non-itemized contributions
 - ▶ If combined donations from a single donor total \$100 or more, they must be itemized upon reaching limit

Fair Campaign Practices Act (FCPA)

- ▶ Form 3 - In-Kind Contributions
 - ▶ When equipment, furnishings, office space or other item of value is contributed, the reasonable market value should be listed
- ▶ Form 4 – Receipts from Other Sources
 - ▶ Interest payments from campaign accounts
 - ▶ Loan amounts to campaign

Fair Campaign Practices Act (FCPA)

- ▶ Form 5 – Expenditures
 - ▶ Itemize expenses of \$100 or more
 - ▶ If not itemized, smaller expenses must be totaled and reported as non-itemized expenses
 - ▶ If combined expenditures to a single person or vendor total \$100 or more, they must be itemized upon reaching limit

Fair Campaign Practices Act (FCPA)

- ▶ Form 6 – Expenditures on a Line of Credit
- ▶ Balances must be paid from campaign account
 - ▶ Itemize expenses of \$100 or more
 - ▶ If not itemized, smaller expenses must be totaled and reported
 - ▶ If combined expenditures to a single person or vendor total \$100 or more, they must be itemized upon reaching limit

MONTHLY & WEEKLY



FAIR CAMPAIGN PRACTICES ACT
STATE OF ALABAMA

THIS AREA FOR OFFICIAL USE ONLY

Candidate & Elected Official Campaign Finance Report SUMMARY FORM 1

Please Print in Ink or Type.

Name of Candidate or Elected Official _____ Political Party/Ballot Affiliation _____

Office Sought or Held (include district or circuit number, if applicable) _____

Address Check box if reporting new address _____

City _____ State _____ ZIP Code _____ Telephone Number _____

Type of Report (check one)

Monthly Amended Monthly

Weekly Amended Weekly

For Monthly Reports
Month for which the report is filed. _____

For Weekly Reports
Date of Friday in the week for which the report is filed. _____

Total Number of Pages in Report _____

Summary of activity since last filed report			
1	Beginning balance (ending balance from previous filing)		1
Cash Contributions			
2a	Itemized cash contributions (total from Form 2)	2a	
2b	Non-itemized cash contributions	2b	
2c	Total cash contributions (add lines 2a and 2b)	2c	\$0.00
In-Kind Contributions			
3a	Itemized in-kind contributions (total from Form 3)	3a	
3b	Non-itemized in-kind contributions	3b	
3c	Total in-kind contributions (add lines 3a and 3b)	3c	\$0.00
Receipts from Other Sources			
4a	Itemized Receipts from Other Sources (total from Form 4)	4a	
4b	Non-itemized Receipts from Other Sources	4b	
4c	Total receipts from other sources (add lines 4a and 4b)	4c	\$0.00
Expenditures			
5a	Itemized expenditures (total from Form 5)	5a	
5b	Non-itemized expenditures	5b	
5c	Total expenditures (add lines 5a and 5b)	5c	\$0.00
Expenditures on Line of Credit			
6a	Itemized expenditures (total from Form 6)	6a	
6b	Non-itemized expenditures	6b	
6c	Total expenditures on credit (add lines 6a and 6b)	6c	\$0.00
7	Ending balance (add lines 1, 2c, & 4c, then subtract line 5c)	7	\$0.00

As required by the Alabama Fair Campaign Practices Act, I hereby swear or affirm to the best of my knowledge and belief that the attached report(s) and the information contained herein are true and correct and that this information is a full and complete statement of all contributions, expenditures, and other required information during the applicable period of time.

Sworn to and subscribed before me this _____ day of _____ of the year _____. My commission expires the _____ day of _____ of the year _____.

Signature of Candidate or Elected Official _____ Date _____

Signature of Notary Public _____

Print Notary's Name _____

FORM REVISED 08.06.2017

All FCPA forms are available for download from the Secretary of State website

Signature



Type of Report



Reporting Period



Notary

ALABAMA FAIR CAMPAIGN PRACTICES ACT - CAMPAIGN FINANCE REPORT FOR CANDIDATE/ELECTED OFFICIAL



FORM 3: In-Kind Contributions received by candidate or elected official

NAME OF CANDIDATE OR ELECTED OFFICIAL: _____

When total contributions from a single source exceed \$100.00, the FCPA requires all contributions from that source to be itemized.
DO NOT LIST cash or loans on this form. Use Forms 2 and 4 for those listings.

CONTRIBUTOR (INCLUDE FULL NAME)	ADDRESS (ADDRESS SHOULD INCLUDE STREET OR P.O. BOX, CITY, STATE, AND ZIP)	NATURE OF CONTRIBUTION (CHECK ONE)											SOURCE (CHECK ONE)					DATE CONTRIBUTION RECEIVED (mo./day/yr.)	AMOUNT OF CONTRIBUTION				
		Administrative	Advertising	Consultant/	Polling	Equipment	Food	Rent	Transportation	Other	Business/	Corporation	Individual	PAC	Other								
FORM REVISED 10.27.2011	TOTAL IN-KIND CONTRIBUTIONS THIS PAGE																						

Fair Campaign Practices Act (FCPA)

▶ Waiver of Report

- ▶ Candidates who do not reach the \$1,000 filing threshold are not required to file the monthly/weekly FCPA reports
- ▶ However, to dispel any illusion of failure to file or non-compliance, the candidate may elect to file a waiver form with the Probate Office
- ▶ While filing the Waiver is strictly voluntary, it does make it clear when investigation is done by the media, opposing candidates, or interested citizens that the threshold has not been met, rather than the candidate has failed or neglected to file



Waiver of Report FOR CANDIDATES (OPTIONAL FORM)

Please Print in Ink or Type.

Name of Candidate		Political Party/Office Affiliation		Type of Report (check one) <input type="checkbox"/> Monthly Report Month in which the report is filed. <input type="text"/> <input type="checkbox"/> Weekly Report Date that weekly report is due. <input type="text"/> <input type="checkbox"/> Annual Report Calendar year covered by this report. <input type="text"/>
Office Sought (include district or circuit number, if applicable)				
Address <input type="checkbox"/> Check box if reporting new address				
City	State	ZIP Code	Telephone Number	

(Note: This form is not for use by elected officials in lieu of an annual report.)

This form is not for use by principal campaign committees of elected, public officials.

In any reporting period, no campaign finance report is required if the appropriate filing threshold has not been reached by the candidate. The filing threshold is \$1,000, regardless of the office sought:

- ▶ \$1,000 - candidates for state offices
- ▶ \$1,000 - candidates for State Senate
- ▶ \$1,000 - candidates for State House of Representatives
- ▶ \$1,000 - candidates for district or circuit offices
- ▶ \$1,000 - candidates for local offices

I have not reached the filing threshold amount as set forth in the Fair Campaign Practices Act for the office for which I am seeking nomination or election.

This **OPTIONAL** form gives notice that no contribution or expenditure report will be submitted.

Signature of Candidate	Date
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Fair Campaign Practices Act (FCPA)

- ▶ Candidates may continue to solicit campaign donations for a period of 120 days after the election, but only to the extent of campaign debt shown on FCPA forms
- ▶ Unsuccessful candidates should dissolve their Campaign Committee after the election using the Statement of Dissolution and filing a termination report on Forms 1-6 for any activity since the last filing. If this is not done, annual reports must be filed.
- ▶ Successful candidates may dissolve their Campaign Committee, or leave it intact and file annual reports

Fair Campaign Practices Act (FCPA)

- ▶ Campaign funds may not be converted to personal funds nor contributed to another campaign fund, unless it is to another campaign fund for the same candidate
- ▶ Campaign funds may be dispersed as follows:
 - ▶ Campaign expenditures or to retire campaign debt
 - ▶ Expenses reasonably related to duties of office
 - ▶ Donate to State General Fund, Education Trust Fund, or equivalent county or municipal funds
 - ▶ Donate to charitable, educational, or eleemosynary causes
 - ▶ Inaugural expenses
 - ▶ Legal fees for prosecution related to performing the duties of the office held



Statement of Dissolution FOR ELECTED OFFICIALS, CANDIDATES AND POLITICAL ACTION COMMITTEES

Please Print in Ink or Type.

Name of Candidate or Elected Official, or Political Committee			
Office Sought or Held (include district or circuit number, if applicable)			
Address <input type="checkbox"/> Check box if reporting new address			
City	State	ZIP Code	Telephone Number

Report Status (check one)

- No report required because I have had no activity since the last reporting period
- Termination report attached

Note:

If you have had activity since the last report filed, you are responsible for filing the requisite Annual Report covering the last year of activity. However, the submission of a Termination Report along with the Statement of Dissolution will satisfy this requirement.

This statement dissolves the above-named Principal Campaign Committee or Political Action Committee as of the _____ day of _____ in the year _____.

Pursuant to §17-5-7(a) [Code of Alabama, 1975], any excess funds shall be disposed of in the following manner:

As required by the Alabama Fair Campaign Practices Act, I hereby swear, or affirm, to the best of my knowledge and belief that this Statement of Dissolution is true and correct.

Signature of Candidate or Elected Official, or Chairperson or Treasurer of Political Committee	Date
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A final termination financial report must be included with the Statement of Dissolution using Forms 1-6

Fair Campaign Practices Act (FCPA)

- ▶ Property purchased by or contributed to a campaign committee with a value exceeding \$500 must be liquidated and sold at fair market value or donated as permitted by FCPA within 120 days following the election. Any funds generated by the liquidation, must be deposited into the campaign account and dispersed in compliance with the FCPA regulations
- ▶ Proceeds may not be used as personal funds
- ▶ If elected, the candidate may use the property purchased or contributed to the campaign if it is in the performance of the candidate's duties in his/her office

Fair Campaign Practices Act (FCPA)

- ▶ Campaign Advertising – all political advertisements or electioneering communications must state who paid for or authorized the advertisement
- ▶ All printed campaign literature, cards, posters, signs, pens, bumper stickers, etc. must contain who paid for the materials
 - ▶ Examples: Paid by the Committee to elect John Doe or
 - ▶ Paid political announcement by the Ima Goodie election committee
- ▶ Disclaimer is not required on advertising designed to be worn by a person – shirts, hats, pins, etc.
- ▶ Identification must include name and full address of person or campaign committee

Fair Campaign Practices Act (FCPA)

- ▶ If an error or omission is discovered, a contribution or expense should be reported on current report, and an amended report should be filed for prior period
- ▶ Voluntary filing of an amended report without being prompted by a filing official will not be subjected to civil penalty
- ▶ Candidates who intentionally violate reporting requirements and certain other sections of FCPA, are guilty, upon conviction of a Class A misdemeanor.

Fair Campaign Practices Act (FCPA)

- ▶ Candidates who violate Section 17-5-7 on certain limitations on campaign contributions and expenditure of campaign money are guilty, upon conviction, of a Class B felony
- ▶ Candidates who accept more than \$1,000 from a federal campaign committee are guilty, upon conviction of a Class C felony

Fair Campaign Practices Act (FCPA)

- ▶ The appropriate official shall levy administrative penalties against any person who fails to timely file a required report
- ▶ The Ethics Commission shall have the authority to levy administrative penalties against any person who files a materially inaccurate report and who does not remedy the filing of the report

Fair Campaign Practices Act (FCPA)

- ▶ Failure to timely report shall not be considered an offense or subjected to penalty so long as it is the first failure by that candidate for the election cycle and the report is filed within 48 hours of the time it was due
- ▶ First offense - \$300 or 10% amount not reported
- ▶ Second offense - \$600 or 15% amount not reported
- ▶ Third Offense - \$1,200 or 20% of amount not reported

Fair Campaign Practices Act (FCPA)

- ▶ Fourth offence – creates a rebuttable presumption candidate is intentionally violating reporting requirements
- ▶ Probate Judge shall notify District Attorney of persons violating filing requirements four or more times
- ▶ Review may be requested within 14 days of civil penalty. Probate Judge shall refer such review to the Ethics Commission
- ▶ Penalties may be paid from campaign funds

Fair Campaign Practices Act (FCPA)

- ▶ Final note:
- ▶ Elected officials who have not dissolved their campaign committee must file an annual FCPA report not later than January 31 of each year
- ▶ This report must be filed whether or not there have been any receipts or expenditures during the year
- ▶ Elected officials cannot file a waiver form – only candidates
- ▶ Elected officials who have dissolved their campaign committee are not required to file an annual report
- ▶ Officials who have been appointed to fill a vacancy are not required to file an annual report