

APA-1  
07/04

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency: Secretary of State

Rule No. 820-2-8

Rule Title: Fair Campaign Practices Act Electronic Filing Regulations

New  Amend  Repeal  Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes



Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying office Beth Chapman  
Date 4-18-13

APA-2  
07/04

NEW

Office of the Secretary of State  
Elections Division

NOTICE OF INTENDED ACTION

AGENCY NAME: Secretary of State

RULE NO. & TITLE: 820-2-8 Fair Campaign Practices Act  
Electronic Filing Regulations

INTENDED ACTION: New rule.

SUBSTANCE OF PROPOSED ACTION:

Adopt electronic filing rules to comply with the Code of Alabama, section 17-5-8.1 (2011).

TIME, PLACE, MANNER OF PRESENTING VIEWS:

Views may be presented orally or in writing and should be addressed to Jean Brown, Chief Legal Advisor, Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103; 334-242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF THE NOTICE:

June 14, 2013

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol, 600 Dexter Avenue, Suite S-205, Montgomery, Alabama 36104; 334-242-7202.



(Signature of officer authorized to  
promulgate and adopt rules or his or her  
deputy)

NEW

Fair Campaign Practices Act Electronic Filing Regulations

Table of Contents

820-2-8-.01	<u>Electronic Registration Required.</u>
820-2-8-.02	<u>Form and Method of Electronic Registration.</u>
820-2-8-.03	<u>Expedited Method of Registration.</u>
820-2-8-.04	<u>Electronic FCPA Reports.</u>
820-2-8-.05	<u>Emergency FCPA Reporting Period.</u>
820-2-8-.06	<u>Public Access to Computer Station.</u>
820-2-8-.01	<u>Electronic Registration Required.</u>
	(a) Principal Campaign Committees and Political Action Committees Formed Prior to June 1, 2013. All Principal Campaign Committees and Political Action Committees formed prior to June 1, 2013 that were registered with the Secretary of State prior to that date must re-register electronically in order to access the internet Fair Campaign Practices Act ("FCPA") reporting website.
	(b) Principal Campaign Committees and Political Action Committees Formed on or After June 1, 2013. All Principal Campaign Committees and Political Action Committees formed on or after June 1, 2013 that are required to register with the Secretary of State shall register electronically in order to access the internet FCPA reporting website.

**Authors:** Julie Sinclair; Ed Packard; Jean Brown.

**Statutory Authority:** Code of Alabama, section 17-5-8.1 (2011).

**History: New Rule:** Filed April 30, 2013; effective June 14, 2013.

820-2-8-.02

**Form and Method of Electronic Registration.**

Electronic registration shall be implemented by logging onto the electronic FCPA website provided by the Secretary of State's office and completing the registration form. Registration is complete when a printed copy of the form is signed and delivered to the Elections Division of the Secretary of State's office. The Secretary of State shall review each registration and activate a Principal Campaign Committee's or a Political Action Committee's electronic account after a printed copy of the electronic registration form has been received.

**Authors:** Julie Sinclair; Ed Packard; Jean Brown.

**Statutory Authority:** Code of Alabama, section 17-5-8.1 (2011).

**History: New Rule:** Filed April 30, 2013; effective June 14, 2013.

820-2-8-.03

**Expedited Method of Registration.**

Upon completion of the online registration process, to receive expedited activation, a Principal Campaign Committee or Political Action Committee may

- (a) deliver the signed form to the Elections Division of the Secretary of State's office in person, or
- (b) if activation is needed within 5 days of a reporting deadline, transmit the form by facsimile and/or call the Elections Division for immediate activation during normal business hours.

Nothing in this expedited registration process supersedes the requirement of sending a signed original form to the Secretary of State as provided in 820-2-8-.02.

**Authors:** Julie Sinclair; Ed Packard; Jean Brown.

**Statutory Authority:** Code of Alabama, section 17-5-8.1 (2011).

**History: New Rule:** Filed April 30, 2013; effective June 14, 2013.

820-2-8-.04

**Fair Campaign Practices Act Reports.**

After electronic registration is activated, all FCPA reports required to be filed under Code of Alabama, section 17-5-8, shall be filed electronically.

**Authors:** Julie Sinclair; Ed Packard; Jean Brown.

**Statutory Authority:** Code of Alabama, section 17-5-8.1 (2011).

**History: New Rule:** Filed April 30, 2013; effective June 14, 2013.

820-2-8-.05

**Emergency FCPA Reporting Period.**

- (a) If the electronic FCPA reporting system is not functioning at the state level due to system failure or environmental, structural or other adverse conditions at the facility where the reporting system is hosted, any report then due shall be filed within two business days after access to the electronic system is restored.
- (b) The Secretary of State shall apply to any report filed pursuant to paragraph (a) a date of receipt that reflects the original deadline of the report, and the report shall be considered timely filed.

**Authors:** Julie Sinclair; Ed Packard; Jean Brown.

**Statutory Authority:** Code of Alabama, section 17-5-8.1 (2011).

**History: New Rule:** Filed April 30, 2013; effective June 14, 2013.

820-2-8-.06

**Public Access To Computer Station.**

The Elections Division of the Secretary of State's office shall provide at least one computer station accessible to the general public for retrieving electronic FCPA reports and filings. The computer station shall also be available for submitting FCPA reports and other filings by candidates or the chair or treasurer of a Political Action Committee. The computer station shall be available to the general public during regular business hours of the Secretary of State's office. Persons wishing to use the computer station shall provide the following information on a "Sign In" sheet placed on the desk where the computer station is located: name, physical address, the date and time of use of the computer station, and the purpose for use of the computer station.

**Authors:** Julie Sinclair; Ed Packard; Jean Brown.

**Statutory Authority:** Code of Alabama, section 17-5-8.1 (2011).

**History: New Rule:** Filed April 30, 2013; effective June 14, 2013.