



CANDIDATE FILING GUIDELINES

FAIR CAMPAIGN PRACTICES ACT ♦ ELECTION 2010

Elections Division

Beth Chapman, Secretary of State

BECOMING A CANDIDATE FOR STATE, COUNTY, OR MUNICIPAL OFFICE

The Fair Campaign Practices Act (FCPA) defines a candidate as a person who has:

- 1. Qualified to be listed on an election ballot** by filing qualification forms with a political party or by submitting a petition to run as an independent or third-party candidate; or
- 2. Received contributions or made expenditures for an election campaign equal to the following thresholds:**
 - ★ \$25,000 or more for statewide office
 - ★ \$ 5,000 or more for circuit or district office
 - ★ \$10,000 or more for State Senate
 - ★ \$ 5,000 or more for State House of Representatives
 - ★ \$ 1,000 or more for municipal or county office

APPOINTING A PRINCIPAL CAMPAIGN COMMITTEE

Within **five (5) days** of becoming a candidate, one must file an **Appointment of Principal Campaign Committee Form** with the secretary of state, if seeking election to a statewide, circuit, or district office, or with the local probate judge, if seeking election to a municipal or county office.

This form establishes the candidate's finance committee. A candidate may either serve as his/her own committee or may appoint a committee of two to five persons. This committee must report until dissolved.

FILING REPORTS

After exceeding the threshold amount in either contributions or expenditures, a candidate is required to file disclosure reports at specific times. If the filing threshold has not been exceeded, the candidate is not required to file disclosure reports. Failure to comply with FCPA reporting requirements may result in forfeiture of the election by the candidate and may result in a criminal conviction if prosecuted.

ANNUAL REPORT

An *Annual Report* is required during both election and non-election years. This report may be filed after January 1 and must be filed no later than January 31. On the summary page, the report should include the amount of cash on hand at the beginning of the calendar year, a total of all contributions and expenditures made during the calendar year, and the ending balance. Contributions and expenditures over \$100 that have not been previously reported should be itemized on the contribution/expenditure pages of the report.

PRE-ELECTION REPORTS

During an election year, pre-election reports are required before any election in which 1) the candidate's name is on the ballot or 2) in which the candidate's name is not on the ballot but the candidate has received contributions or made expenditures to influence the election. These reports must be filed at the following times:

- | | |
|--------------------------|---|
| ★ PRIMARY | 50-45 DAYS BEFORE THE PRIMARY |
| | 10-5 DAYS BEFORE THE PRIMARY |
| ★ PRIMARY RUN-OFF | 10-5 DAYS BEFORE THE PRIMARY RUN-OFF |
| ★ GENERAL | 50-45 DAYS BEFORE THE GENERAL |
| | 10-5 DAYS BEFORE THE GENERAL |

On the summary page, the report should include the amount of cash on hand at the beginning of the reporting period, a total of all contributions and expenditures made during the reporting period, and the ending balance. Contributions and expenditures over \$100 that have been received or expended during the reporting period should be itemized on the following pages of the report.

RAISING MONEY

Candidates can begin fund raising 12 months prior to the election. They may continue fund raising for 120 days after the election to pay off campaign debts but only to the extent of any campaign debt and only for debts that are directly related to lawful campaign expenditures.

However, **state** candidates cannot solicit or receive contributions any time the Alabama Legislature is in session, unless the Legislature is in session within 120 days of an election. The law does provide for one exception: state candidates involved in a special election called by the governor may accept contributions, even when the legislature is in session. Note that only **state** candidates are affected by this prohibition. Both county and municipal candidates may continue to raise campaign funds.

Candidates and elected officials should note, however, that these prohibitions do not apply to loans they may make to their own campaign committee.

DISSOLVING A PRINCIPAL CAMPAIGN COMMITTEE

The chairman or treasurer of the campaign committee should submit a **Statement of Dissolution Form** to the secretary of state or local probate judge to dissolve a committee. The **Statement of Dissolution** must be accompanied by a final report detailing contributions and expenditures not previously reported and stating how excess funds will be distributed.

STATEMENT OF ECONOMIC INTERESTS

All candidates are required by the state ethics law (§36-25-14, Code of Alabama, 1975) to file a *Statement of Economic Interests* with the appropriate election official at the same time they become a candidate. For more information on this requirement, contact the State Ethics Commission, P.O. Box 4840, Montgomery, AL 36103-4840, (334) 242-2997.

FEDERAL CANDIDATES

Candidates for federal office must comply with federal laws administered by the Federal Elections Commission, which can be reached by calling 1-800-424-9530.

JUDICIAL CANDIDATES

Judicial candidates are required by Canon 6C of the **Canons of Judicial Ethics** to make some additional filings with the clerk of the Alabama Supreme Court.

HAVE QUESTIONS OR NEED FORMS?

Elections Division
P.O. Box 5616
Montgomery, AL
36103-5616

Telephone:
1-800-274-VOTE
1-800-274-8683
334- 242-7210

The Elections Division is located in the State Capitol at 600 Dexter Avenue in Montgomery, Alabama.

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.