

Statement of Candidacy:

Municipal election law states that candidates may begin to qualify after the mayor gives notice of the election (July 7,2020).

No person may become a candidate for more than one office to be filled at the election.

What is required to qualify as a candidate?

- **Statement of Candidacy** (filed with the City Clerk)
- **Statement of Economic Interest**(filed directly with the Ethics Commission)
 - This form must be filed within 5 days of becoming a candidate (www.ethics.alabama.gov).
 - This form covers the previous calendar year
 - If a candidate does not submit a STATEMENT OF ECONOMIC INTERESTS in accordance with the requirements of §36-25-15, his or her name shall not appear on the ballot, and he or she shall be deemed not qualified as a candidate in that election
 - Can be mailed in but best if done online

Fair Campaign Practices

Every Candidate must organize a campaign finance committee and file an Appointment of Principle Campaign Committee Form.

The candidate is fully responsible.

The Committee form must be filed within five (5) days of becoming a candidate.

Establishing Your Committee:

A candidate may either serve as the sole member of his or her principal campaign committee or may appoint from two to five persons. If a candidate serves as his or her own principal campaign committee, he or she shall designate a *COMMITTEE DISSOLUTION DESIGNEE*, a person responsible for dissolving that principal campaign committee in the event of death or incapacity.

If the designated person is unable to serve in this capacity at the time of death or incapacity, the principal campaign committee shall be dissolved by the candidate's personal representative as appointed by the judge of probate. [§17-5-4(c)]

A candidate may also select a *DESIGNATED FILING AGENT* when appointing his or her campaign finance committee. That agent will be authorized to file all required reports for the candidate during the election cycle.

While every candidate must appoint a principal campaign committee, candidates who have not reached the \$1,000 threshold are exempt from filing the monthly, weekly and daily FCPA reports until the threshold is reached. [AG's Opinion 90-00343] Otherwise, these reports are due prior to an election. [§17-5-8]

Though not required to file, candidates who have not reached their threshold may still choose to file the optional *WAIVER OF REPORT form* if they are concerned about the appearance of noncompliance.

After reaching the threshold, a candidate files each FCPA report at the required times. All contributions and expenditures, including those received or spent to reach the threshold, are reported. It is important to note that the payment of any qualifying fee or other cost associated with qualifying to run for office is considered an expenditure of the campaign; therefore, it should be reported as such. If a candidate spends their own money on their campaign, each transaction must be reported as an in-kind contribution. [§17-5-2(a)(7)]

Reports for Municipal Offices

Municipal reports are submitted to the office of the probate judge in the county where that municipality's city hall is located. Municipal candidates may not file electronically.

The FCPA filing calendar for the current election year is available from the Secretary of State's Office and is published on its website. Please take careful note of all deadlines as they may be subject to change.

*** Candidate Resources can be found on the Secretary of State's website:*

sos.alabama.gov/alabama-votes

This site will give you access to FCPA Forms, Filing Guides, Campaign Advertising Guidelines, Voter Guide, and Polling Official Guide

The FCPA has strict controls on the purpose for which a candidate may solicit campaign funds, how the funds can be spent, and when candidates can raise money.

Campaign Advertising

Campaign advertising and electioneering communications appearing in print, broadcast, and electronic media must clearly identify the entity responsible for paying for the advertisement of electioneering communications.

Electioneering communication involves any of the following types of communication:

- Any communication circulated through federally regulated broadcast media
- Any mailing or other distribution
- Any electronic communication
- Any phone bank
- Any publication

These types of communication must also fulfill all of the four following elements in order for it to meet the "electioneering communication" definition.

- It must contain the name or image of the candidate
- Must be made within 120 days of an election in which the candidate's name appears on the ballot
- The only reasonable conclusion from the presentation and content of the communication is that it is intended to influence the outcome of the election; and
- The expenditure exceeds one thousand dollars (\$1,000)

The advertising disclaimer must be on all types of non-excluded advertising, such as billboards, yard signs, bumper stickers, and pencils.

Every automated or pre-recorded communication must make a clear notice at the end of the advertisement and identify the person or entity that paid for the communication

Failure to comply with the advertising requirements is a Class A misdemeanor and upon conviction, is subject to a fine of not more than \$6,000.00 and/or imprisonment of not more than one year.

The FCPA prohibits anyone from campaigning within 30 feet of the polling place building doors.

FAQ and Answers

Must I set up a separate bank account for my principal campaign committee?

Yes. The FCPA specifies that principal campaign committee funds must be segregated and that there can be no commingling of personal funds with campaign funds.

I am a candidate and have met the filing threshold for the office I want to hold. However, I do not have any opposition in my election. Do I have to file a campaign finance report?

Yes. All candidates to file a APPOINTMENT OF PRINCIPAL CAMPAIGN COMMITTEE form within five days of qualifying or within five days of reaching the campaign finance contribution/expenditure threshold.