



Alabama's Evolving Election Laws

**Review of Fair Campaign Practices Act Revisions
and Recent Supreme Court Decisions**

**Alabama State Bar Annual Meeting
Point Clear, Alabama
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Presenters

- **Julie M. W. Sinclair**, Elections Attorney,
Office of the Secretary of State
- **Adam Thompson**, Deputy Chief of Staff,
Office of the Secretary of State
- **Othni Lathram**, Director,
Alabama Law Institute
- **Winfield J. Sinclair**

6 Revisions to FCPA in 4 Years

- 1 in 2010 – PAC-to-PAC transfer ban and other restrictions
- 2 in 2011 – Requires more frequent electronic and electioneering communication reporting
- 2 in 2012 – Revises reporting schedule and addresses “robocalls”
- 1 in 2013 – Extensive revisions

FCPA Revisions to be Covered

- Candidate Registration Thresholds - **When candidates register**
- Reporting Schedule - **When you report**
- Eliminating Multiple Courthouses Filings - **Where you report**
- Electronic Reporting - **How you report**
- Designated Filing Agents - **A new role**
- Disclaimers on Ads - **What ads must say and new exemptions**

FCPA Revisions to be Covered (cont.)

- “Electioneering Communications” - *A new term to know*
- Robocall Disclosure - *A new disclaimer requirement*
- PAC-to-PAC Ban and other Restrictions - *What contributions are prohibited*
- Enforcement Provisions
- Corporate Contributions & SSF PAC Revisions
- Legislative Caucuses

Voting Rights Act after *Shelby Co. v. Holder*

- On June 25, 2013, the U.S. Supreme Court ruled in *Shelby Co. v. Holder* that parts of the 2006 renewal of the Voting Rights Act of 1965 were invalid.
- This ruling invalidates the coverage formula in Section 4
 - Congress may still adopt a new formula based on current conditions
 - Section 2 discrimination prohibition still valid
 - Section 3 “bail-in” jurisdictions must still obtain preclearance
 - Section 5 preclearance provisions curtailed
- Some debate about which laws are affected by decision

Questions or More Information

- Secretary of State's Websites

- <http://www.sos.alabama.gov/>

- <http://www.alabamavotes.gov/>

- <http://fcpa.alabamavotes.gov/>

- Alabama Law Institute

- <http://ali.state.al.us/>

- EEGR Section of the State Bar

- http://www.alabar.org/sections/elections_ethics_government/