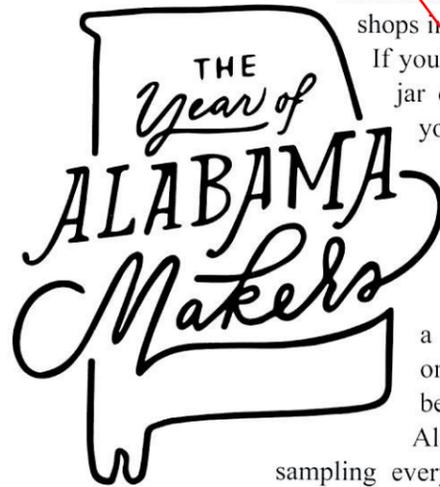


throughout Alabama, the Florida Panhandle, southern Georgia and the northern and southern portions of Mississippi. Belle Chevre Goat Farm in Elkmont offers a different look into the dairy farming business. This artisanal goat cheese-making operation was established in 1986 and acquired by current president Tasia Malakasis in 2007. Belle Chevre's product line includes classic goat cheese and fromage blanc as well as a quartet of sweet breakfast cheeses and more.

Coffee and tea lovers can enjoy Red Diamond or Milo's Sweet Tea in hotels and restaurants or pick up their favorites in local groceries. Both companies are based in Birmingham. Piper and Leaf, located in Huntsville, offers wonderful blends of gourmet teas made from local ingredients straight from the garden, farm, forest or briar patch. Find Piper and Leaf tea in loose leaf form in many local shops in and around Huntsville.



If you're looking for a cup or jar of the delicious leaves, you can visit almost any farmers market in the area or stop by the Tea Shop located at Lowe Mill Center for the Arts.

For those who prefer a relaxing glass of wine or some delicious craft beer, spend the day along Alabama's Wine Trail,

sampling everything from traditional flavors to true Southern favorites like blueberry and muscadine wines, or stop by any one of a number of local breweries found throughout the state along the Alabama Craft Beer Trail.

Storytelling Stars

Successful writers come from every corner of the state and have produced works in every genre. Classics like Harper Lee's *To Kill a Mockingbird* and Truman Capote's *Breakfast at Tiffany's* and *In Cold Blood* share bookshelves the world over with a host of other noted Alabama authors. Readers can enjoy the richly Southern *Fried Green Tomatoes at the Whistle Stop Café* by Fannie Flagg or head to where the water is warm and the drinks are cold in *Tales from Margaritaville* by Jimmy Buffett.

There is just something special about Monroeville. This small town has become known for producing multiple best-selling writers including Lee, Capote and *Crazy in Alabama* author Mark Childress. Lee and Capote grew up together in Monroeville, and the town inspired her 1960 Pulitzer Prize-winning novel, *To Kill a Mockingbird*, and her recently published best-selling novel, *Go Set a Watchman*. Several

times each spring residents of Monroeville produce a two-act play version of *To Kill a Mockingbird* in the same historic courtroom that inspired the sets of the Academy Award-winning movie starring Gregory Peck.

Just 10 minutes outside of Birmingham is the small town of Irondale and the famous Irondale Café—the real-life inspiration for the Whistle Stop Café in Fannie Flagg's popular novel *Fried Green Tomatoes at the Whistle Stop Café*. Just like its fictional cousin, the Irondale Café is known for its fried green tomatoes, which are featured on the list of "100 Dishes to Eat in Alabama Before You Die."

A trip to Montgomery takes you to the F. Scott and Zelda Fitzgerald Museum—the only museum in the world dedicated to the memory of the Fitzgeralds. While living in Montgomery from the fall of 1931 through the spring of 1932, Scott worked on his novel *Tender Is the Night* and Zelda began her only novel, *Save Me the Waltz*. Their house on Felder Avenue, in the Old Cloverdale neighborhood of Montgomery, was preserved and converted into the Fitzgerald Museum. Several special events are planned this year to celebrate the museum's 30th anniversary.

Bayou La Batre lies along the Mississippi Sound on the Gulf of Mexico, about 30 minutes outside of Mobile. Known as the Seafood Capital of Alabama, the town is also home to the fictional Bubba Gump Shrimp Company from the novel *Forrest Gump* by Mobile native Winston Groom. The town celebrates its fishing heritage with annual events, such as the Blessing of the Fleet and Taste of the Bayou.

There is nothing like relaxing on the white-sand beaches of Alabama's Gulf Coast, listening to the waves and enjoying a good book. Mobile native Jimmy Buffett is known for his music, but he is also a best-selling author. His *Tales from Margaritaville*, a collection of short stories, spent seven months on *The New York Times* best seller list. His autobiography, *A Pirate Looks at Fifty*, went straight to No. 1, making him one of the few authors to ever reach No. 1 on both the fiction and nonfiction lists.

Crafty Creators

The talented individuals who use their hands to make art you will cherish can be found across Alabama. Brothers Dylan and Keith Cochran make chairs at Wood Studio in Arley (near Cullman). Ernst Wardner Designs constructs heirloom-quality, custom furniture in Gadsden. At the Rail Studio in Montgomery, workers use reclaimed wood to create beautifully crafted furniture, and at Southern Accents Architectural Antiques in Cullman, you'll find just the right antique element to enhance your latest home design project. Celia Dionne, a textile expert who runs Coastal Textile Center & Clara's Loom near the coast in Bon Secour, allows visitors

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The Legal Viewpoint

By Rob Johnston, Assistant General Counsel



Campaign Finance Law Changes Since the 2012 Municipal Elections

As the municipal election season approaches, candidates for municipal office are preparing for the upcoming municipal election. While most candidates are focused on winning the election, they must also remain diligent to comply with Alabama's ever-changing campaign finance laws as they raise and spend campaign funds. As such, it is important to note that several changes have been made to these campaign finance laws since the 2012 municipal elections. This article summarizes the Alabama's Fair Campaign Practices Act (FCPA) changes applicable to municipal candidates since the 2012 municipal elections.

FCPA, Sections 17-5-1 through 17-5-21, Code of Alabama 1975, sets out the rules for how and when candidates can raise and spend money. The law also specifies how campaign finance activities are reported. The FCPA requires every municipal candidate to file an Appointment of Principal Campaign Committee form within five (5) days of either qualifying as a candidate or reaching the disclosure threshold by either raising or spending \$1,000. Further, the FCPA requires all candidates who reach the \$1,000 threshold to report his or her contributions or expenditures by filing financial disclosure forms at specific times. It is the solely the candidate's duty and responsibility, not the municipal clerk's, to comply with the FCPA.

All FCPA forms are accessible on the Secretary of State's website: www.alabamavotes.gov.

Statement of Economic Interests Forms

The requirements for filing the Statement of Economic Interests (SEI) form has changed so that the candidate must now file the form directly with the State Ethics Commission *simultaneously* with the date the candidate files his or her qualifying papers. Sections 36-25-14 and 15, Code of Alabama 1975. A candidate may file an SEI form online. In a recent opinion, the Ethics Commission Advisory Board also determined that an SEI form that is properly addressed, postage prepaid, postmarked and mailed on the date the candidate qualifies complies with the statute. AO 2016-02.

For the purposes of notifying the Ethics Commission of candidates who qualify, the Ethics Commission Advisory Board opinion provides that the term "election official" is the individual or office accepting a candidate's qualifying papers. As such, within five (5) days of receiving the candidate's qualifying forms, the municipal clerk must notify the Ethics Commission the candidate's name and date on which the candidate qualified. Upon receiving notice from the municipal clerk, the Ethics Commission must, within five (5) business days, confirm to the municipal clerk that the candidate has filed the SEI form as required. If the Ethics Commission determines that a candidate did not submit the required SEI form, the candidate's name shall not appear on the ballot, and he or she shall be deemed not qualified as a candidate in that election. Section 36-25-15, Code of Alabama 1975.

A candidate who has a current Statement of Economic Interests form on file with the Ethics Commission does not have to file a duplicate form.

Municipal Candidates Excluded from Electronic Filing

For the 2014 and 2016 election cycles, all non-municipal candidates are given the option of filing FCPA forms electronically with the Secretary of State. Beginning with the 2018 election cycle, all non-municipal candidates will be required to file FCPA reports on the Secretary of State's electronic filing system. Section 17-5-9, Code of Alabama 1975. Municipal candidates will continue to file their reports with the probate judge.

Filing of Annual Reports

Pursuant to recent changes, annual reports are not required to be filed by public officials who have dissolved their campaign committees. Also, no annual report is required for a person who is appointed to fill a vacant term. See Section 17-5-8(b), Code of Alabama 1975.

Revisions were also made to clarify that a candidate who is required to file a monthly report during a certain period is **not** also required to file an annual report in the year in which

the election is held. Section 17-5-8(k), Code of Alabama 1975. This eliminates a duplicative filing where an annual report is filed within days of a monthly report.

Filing of Monthly Reports

For any year in which an election is held, the FCPA requires the candidate's campaign committee to file with the probate judge reports of contributions and expenditures once a campaign has received contributions or made expenditures of \$1,000 or more. Once this occurs, the campaign committee must file a monthly report with the probate judge. Monthly reports are due on the second business day of the subsequent month during the 12 months leading up to the election with the exception of the month preceding the election. Section 17-5-8(a)(1), Code of Alabama 1975.

Filing of Weekly Reports

For the four weeks prior to an election, weekly reports covering each week must be filed on Monday of the following week. Revisions emphasized that a candidate who files a weekly report is *not* also required to file a monthly report in the month in which the election is held. Section 17-5-8(k), Code of Alabama 1975. This eliminates duplicative filings.

FCPA Penalties

In 2012, municipalities were prohibited from issuing a certificate of election for a candidate who failed to file FCPA

forms. This was commonly known as the "death penalty" for candidates, since it prohibited them from holding office if they won the election. Since then, the "death penalty" statute has been repealed, and so it is no longer applicable.

As a replacement, an administrative enforcement schedule for fines with minor violations and criminal penalties for intentional violations was created. The process designating the enforcement authorities and enforcement date was also clarified.

Commencing with the 2018 election cycle, the probate judge has the authority to levy administrative penalties for *untimely* filing of FCPA reports, and the Ethics Commission has the authority to levy administrative penalties for the *inaccurate* filing of FCPA reports. Section 17-5-19.1, Code of Alabama 1975. The administrative fine schedule is below:

- 1st offense: Lesser of \$300 or 10% of amount not reported
- 2nd offense: Lesser of \$600 or 15% of amount not reported
- 3rd offense: Lesser of \$1,200 or 20% of amount not reported
- 4th offense establishes a rebuttable presumption of intent necessary for criminal violation. The probate judge will notify the Attorney General and the appropriate district attorney for those who violate the filing requirements four or more times in an election cycle. See Sections 17-5-19.1 (b-c), Code of Alabama 1975.

Fines for municipal candidates are collected by the probate judge and paid to that county's general fund.

Review of Civil Penalties

Any person who receives a civil penalty notice may seek a review of the penalty by filing a written notice with the probate judge within 14 days after the date on which notification was mailed. Once a written notice is timely received, the probate judge will refer review to the State Ethics Commission. The commission may set aside or reduce a civil penalty upon a showing of good cause. The person seeking review shall bear the burden of proof. Section 17-5-19.2, Code of Alabama 1975.

Correcting Campaign Finance Reports

A candidate is permitted to correct an otherwise timely filed report without incurring a penalty so long as it is initiated by the candidate (as opposed to being prompted by the probate judge) and corrected prior to the election.

Statute of Limitations for FCPA Violations

Prosecutions for most FCPA violations must be commenced no later than two (2) years after the date of violation. Prosecutions for violations of use of a campaign committee's excess funds must be commenced within four (4) years of the offense. Section 17-5-19(f), Code of Alabama 1975.

Filing Location for Candidates whose Municipality is Located in more than One County

When a candidate's municipality is located in more than one county, FCPA forms should now be filed only with the probate judge in the county where the city or town hall is located. The probate judge will send a copy of the filings to the probate judge in the other county or counties. Section 17-5-9(c), Code of Alabama 1975.

Dates for Receipts of Contributions

The date of receipt of a contribution is the first date that the recipient of the contribution is able to make use of the contribution. For contributions made by check, the date of receipt is the earlier of (1) the date the check was deposited into the recipient's account or (2) ten (10) days from the date that the check came into the recipient's control. Section 17-5-2(c), Code of Alabama 1975.

Dates of Expenditures

An expenditure is considered to be made on the date that the instrument authorizes the expenditure. For expenditures made by check, the date of expenditure is the date on the check. For expenditures made by electronic payment, the date of expenditure is the date of the electronic payment. Section 17-5-2(a)(7)(c), Code of Alabama 1975.

Qualifying Fees and Legal Fees are Campaign Expenditures

The payment of a qualifying fee is now deemed as an expenditure. Section 17-5-2(a)(7)(a)(4), Code of Alabama 1975. Legal fees and costs associated with any civil action, criminal prosecution or investigation resulting from conduct reasonably

related to performing the duties of the office is now an explicit purpose for which campaign funds may be expended. Section 17-5-7(a)(7), Code of Alabama 1975.

Return or Refund of Contributions

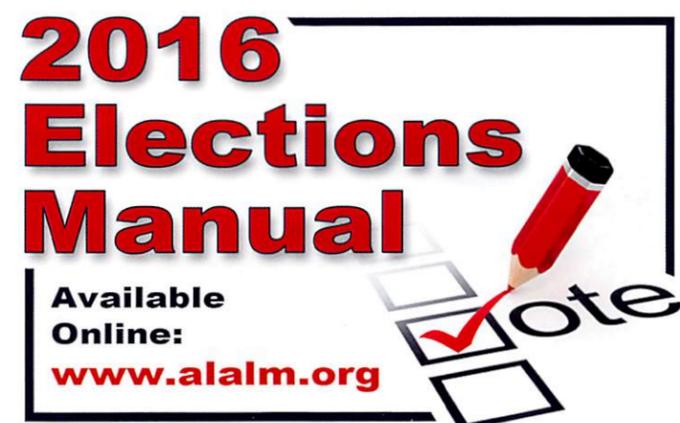
A candidate's campaign committee can now return or refund, in full or in part, any lawful contribution. The contribution must have been reported, and the refund must occur within 18 months of the contribution date. Section 17-5-7.1, Code of Alabama 1975.

Closing of the Principal Campaign Committee after a Candidate's Death

A candidate who serves as his or her own principal campaign committee must now designate a person responsible for dissolving the principal campaign committee in the event of the candidate's death or incapacity. If the designated person is incapable of serving at the time of such event, the campaign account shall be dissolved by the candidate's personal representative. All funds in the account must be disposed in accordance with the FCPA. See Section 17-5-4(c), Code of Alabama 1975.

New Options for the Campaign Committee's Bank Account

A candidate's principal campaign committee may now maintain a money market account or a similar banking account and may use electronic transfers and credit cards. Previously, the FCPA only permitted the use of a checking account and the use of checks. Section 17-5-6, Code of Alabama 1975.



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Disposal of Campaign Property

Property purchased by or contributed to a campaign committee with a value exceeding more than \$500 must now be liquidated at fair market value or donated as permitted by the FCPA within 120 days following the election. Any funds generated by the liquidation of the property must be deposited in the candidate's campaign committee account. If elected, the candidate may use the property purchased by or contributed to the campaign committee if it is in the performance of the candidate's duties in his or her office.



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State Ethics Commission's New FCPA Responsibilities

As noted in this article, the Ethics Commission now has a more prominent role in the FCPA. The Ethics Commission is now responsible for working with the Secretary of State to implement FCPA reporting requirements. The Ethics is also responsible for:

- Approving all FCPA forms;
- Suggesting accounting methods for candidates and political action committees (PACs);
- Approving a retention policy for FCPA reports and filings;
- Approving an FCPA manual for candidates and PACs to be published by the Secretary of State;
- Investigating and holding hearings regarding FCPA violations;
- Conducting or authorizing audits of FCPA filings pursuant to properly filed complaints;
- Affirming, setting aside, or reducing FCPA civil penalties;
- Referring all evidence and information necessary to the Attorney General or appropriate district attorney for prosecution of any criminal violation of the FCPA;
- Investigating allegations of FCPA violations and directing

the Examiner of Public Accounts to conduct audits to determine FCPA violations;

- Issuing and publishing advisory opinions on FCPA requirements;
- Prescribing, publishing, and enforcing rule to carry out the FCPA.

Section 36-25-4(11), Code of Alabama 1975.

Conclusion

As this article demonstrates, there have been many changes to the Fair Campaign Practices Act since the 2012 municipal elections. Since penalties for FCPA violations now fall directly on the candidate, he or she must be vigilant in following FCPA rules.

For further FCPA information, candidates can contact the Elections Division of the Secretary of State's Office at 334-242-7210 or 1-800-274-8683. Candidates can also access FCPA forms and the Candidate Filing Guide at the Secretary of State's election site: www.alabamavotes.gov.

Candidates can contact the Alabama Ethics Commission at 334-242-2997 and can access the Statement of Economic Interests form and Ethics Advisory Board opinions by visiting the Ethics Commission site: www.ethics.alabama.gov.

and necessary information for potential businesses. For example, your landing page can list current contact information such as the city or town hall's phone number, address and hours of operation. If your municipality has a business license requirement, your landing page can connect directly to an online version of the business license document, or it can link to contact information on how the business can obtain a business license.

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If you are wondering why you should invest time on an Atlas Alabama landing page for your municipality, think about how much time you or your family spend using everything from a smartphone to a desktop computer to gather and share information. The modern world revolves around technology and social media. Because digital engagement is the way people now communicate and seek information, an online presence is just as important as having a chamber of commerce or economic development division. **You cannot compete effectively to attract new businesses to your municipality without a web presence.** With the vast majority of people using some type of computer, it is extremely important for municipalities to have important information available on a platform that is easily accessible.

Having an online presence also allows your municipality to be proactive instead of reactive. You do not want to rely exclusively on search engines to bring forth the best information about your municipality. With Atlas Alabama, municipalities will have prepared information that is readily available no matter the time of day. Atlas Alabama users interested in learning more about starting a small business in your municipality can gather data such as demographical information, contact information for city and county officials or even permit information – all from your Atlas Alabama landing page. This also ensures that entrepreneurs and potential business owners have a chance to direct themselves to the most appropriate agency or department quickly and efficiently. Atlas Alabama is all about streamlining the information process!

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Visit the Atlas Alabama booth at ALM's Annual Convention!

Atlas Alabama will be demonstrating municipal landing pages and its other capabilities at the 2016 Alabama League of Municipalities Annual Convention and Expo in Huntsville this May, so be sure to stop by our booth! You can also contact the Atlas Alabama's project manager, Arleen Alexander, with the Alabama Department of Revenue at 334-353-2369 or by email at arleen.alexander@revenue.alabama.gov.

Arleen Alexander is the Governmental Relations Manager for the Alabama Department of Revenue. Arleen was hired by Revenue Commissioner Julie Magee in November 2015 to serve as the liaison between the Commissioner's office and local government officials and serves as project manager for Atlas Alabama. She travels around the State, meeting with municipal and county leaders, promoting the benefits of Atlas Alabama. Prior to her employment with ADOR, she worked for 23 years in the petroleum and convenience marketing industry, working for and representing small businesses.

