

House Bill 1051

By: Representatives Irvin of the 45th, Cash of the 108th, Lunsford of the 109th and Wilkinson of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 21-5-33 of the Official Code of Georgia Annotated, relating to
2 disposition of campaign contributions, so as to change the limitations on transfers of
3 campaign contributions; to provide for an effective date; to provide for applicability; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 21-5-33 of the Official Code of Georgia Annotated, relating to disposition of
8 campaign contributions, is amended by striking subsection (b) and inserting in lieu thereof
9 a new subsection (b) to read as follows:

10 "(b)(1) All contributions received by a candidate or such candidate's campaign
11 committee or a public officer holding elective office in excess of those necessary to
12 defray expenses pursuant to subsection (a) of this Code section and as determined by such
13 candidate or such public officer may only be used as follows:

14 (A) As contributions to any charitable organization described in 26 U.S.C. 170(c) as
15 said federal statute exists on March 1, 1986, and which additionally shall include
16 educational, eleemosynary, and nonprofit organizations;

17 ~~(B) Except as otherwise provided in subparagraph (D) of this paragraph, for transferral~~
18 ~~without limitation to any national, state, or local committee of any political party or to~~
19 ~~any candidate;~~

20 ~~(C)~~ For transferral without limitation to persons making such contributions, not to
21 exceed the total amount cumulatively contributed by each such transferee;

22 ~~(D)~~(C) For use in future campaigns for only that elective office for which those
23 contributions were received. With respect to contributions held on January 1, 1992, or
24 received thereafter, in the event the candidate, campaign committee, or public officer
25 holding elective office has not designated, prior to receiving contributions to which this
26 Code section is applicable, the office for which campaign contributions are received

1 thereby, those contributions shall be deemed to have been received for the elective
 2 office which the candidate held at the time the contributions were received or, if the
 3 candidate did not then hold elective office, those contributions shall be deemed to have
 4 been received for that elective office for which that person was a candidate most
 5 recently following the receipt of such contributions; or

6 ~~(E)~~(D) For repayment of any prior campaign obligations incurred as a candidate.

7 (2) Any candidate or public officer holding elective office may provide in the will of
 8 such candidate or such public officer that the contributions shall be spent in any of the
 9 authorized manners upon the death of such candidate or such public officer; and, in the
 10 absence of any such direction in the probated will of such candidate or such public
 11 officer, the contributions shall be paid to the treasury of the state party with which such
 12 candidate or such public officer was affiliated in such candidate's or such public officer's
 13 last election or elective office after the payment of any expenses pursuant to
 14 subsection (a) of this Code section. Notwithstanding any other provisions of this
 15 paragraph, the personal representative or executor of the estate shall be allowed to use or
 16 pay out funds in the campaign account in any manner authorized in subparagraphs (A)
 17 through ~~(E)~~ (D) of paragraph (1) of this subsection.

18 (3) Candidates, public officers, and their campaign committees are specifically
 19 prohibited from loaning any campaign funds to any other person, party, body,
 20 organization, association, campaign committee, candidate, or other entity in any manner."

21 SECTION 2.

22 This Act shall become effective upon its approval by the Governor or upon its becoming law
 23 without such approval and shall apply to all campaign contributions received on or after the
 24 effective date of this Act and to all campaign contributions held in campaign accounts on and
 25 after the effective date of this Act.

26 SECTION 3.

27 All laws and parts of laws in conflict with this Act are repealed.