

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in  
2 Government Act," so as to revise provisions relating to the regulation and reporting of  
3 campaign contributions; to change a definition; to provide for the timely issuance of advisory  
4 opinions by the State Ethics Commission; to provide for withholding of public comment by  
5 the commission and its staff with respect to its quasi-judicial functions; to provide for the  
6 compilation and publication of the commission's rules and regulations, advisory opinions,  
7 and decisions and other matters providing guidance in compliance with the law; to provide  
8 for periods of limitation with respect to violations of said chapter; to change provisions  
9 relating to the aggregation of contributions; to change provisions relating to the contents of  
10 campaign contribution reports; to provide for related matters; to repeal conflicting laws; and  
11 for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

13 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government  
14 Act," is amended by striking paragraph (3) of Code Section 21-5-3, relating to definitions of  
15 terms, and inserting in its place a new paragraph to read as follows:  
16

17 "(3) 'Campaign contribution disclosure report' means a report filed with the appropriate  
18 filing officer by a candidate or the chairperson or treasurer of a campaign committee  
19 setting forth ~~all expenditures of \$101.00 or more and all contributions of \$101.00 or~~  
20 ~~more, including contributions and expenditures of lesser amounts when the aggregate~~  
21 ~~amount thereof by or to a person is \$101.00 or more for the calendar year in which the~~  
22 ~~report is filed. Such report shall also include the total amount of all individual~~  
23 ~~contributions received or expenditures made of less than \$101.00 each. The first report~~  
24 ~~required in the calendar year of the election shall contain all such expenditures made and~~  
25 ~~all such contributions received by the candidate or the committee in prior years in support~~  
26 ~~of the campaign in question~~ as required by this chapter."

**SECTION 2.**

Said chapter is further amended by striking paragraph 13 of subsection (b) of Code Section 21-5-6, relating to powers and duties of the State Ethics Commission, and inserting in its place a new paragraph to describe a duty of the commission and to read as follows:

"(13) ~~To issue, upon request, and publish advisory opinions~~ Upon request, to issue within 60 days from the date of the request an advisory opinion on the requirements of this chapter, based on a real or hypothetical set of circumstances;"

**SECTION 3.**

Said chapter is further amended by adding at the end of said Code Section 21-5-6 new subsections (d) and (e) to read as follows:

"(d) In recognition of the quasi-judicial function of the commission, the members, executive secretary, and staff of the commission shall refrain from public comment on any matter involving the conduct of any individual which is or may become pending before the commission.

(e) The commission shall provide for the compilation and periodic updating of a guide containing the rules and regulations of the commission, the advisory opinions issued by the commission, the decisions of the commission with respect to complaints and investigations, and such other materials as will assist public officers, candidates, and members of the public in complying with this chapter. Such materials shall be made available by the commission free of charge on the Internet and shall be distributed by the commission in printed form at a cost not to exceed the approximate cost of publication."

**SECTION 4.**

Said chapter is further amended by adding at the end of Article 1 a new Code Section 21-5-13 to read as follows:

"21-5-13.

(a) Except as provided in subsection (b) of this Code section, no civil or administrative enforcement proceeding for failure to comply with or violation of this chapter may be commenced more than three years after the date of the violation.

(b) In the case of a willfully fraudulent violation, no civil or administrative enforcement proceeding for failure to comply with or violation of this chapter may be commenced more than seven years after the date of the violation.

(c) The period of limitations for criminal prosecutions under this chapter shall be as provided in Chapter 3 of Title 17."

**SECTION 5.**

1 Said chapter is further amended by striking subsection (d) of Code Section 21-5-30, relating  
 2 to regulation of campaign contributions, and inserting in its place a new subsection to read  
 3 as follows:

4 "(d) Where separate contributions of less than \$101.00 are knowingly received from a  
 5 common source, such contributions shall be aggregated for reporting purposes. For  
 6 purposes of fulfilling such aggregation requirement, members of the same family, firm, or  
 7 partnership or employees of the same person, as defined in paragraph (14) of Code Section  
 8 21-5-3, shall be considered to be a common source if the family or business relationship  
 9 is known; provided, however, that the purchase of tickets for not more than \$25.00 each  
 10 and for or attendance at a fundraising event by members of the same family, firm, or  
 11 partnership or employees of the same person shall not be considered to be contributions  
 12 from a common source except to the extent that tickets are purchased as a block."

### 13 SECTION 6.

14 Said chapter is further amended by striking subparagraph (b)(1)(A) of Code Section 21-5-34,  
 15 relating to campaign contribution disclosure reports, and inserting in its place a new  
 16 subparagraph to describe matter required to be included in certain reports and to read as  
 17 follows:

18 "(A) The amount and date of receipt, along with the name, mailing address, and  
 19 occupation, and or employer if known of any person making a contribution of \$101.00  
 20 or more, including the purchase of tickets for events such as dinners, luncheons, rallies,  
 21 and similar fundraising events coordinated for the purpose of raising campaign  
 22 contributions for the reporting candidate;".

### 23 SECTION 7.

24 Said chapter is further amended by striking division (b)(1)(D)(iv) of said Code Section  
 25 21-5-34 and inserting in its place a new division to describe matter required to be included  
 26 in certain reports and to read as follows:

27 "(iv) Subsequent reports shall list the net balance of contributions on hand brought  
 28 forward from the previous report, the total contributions received during the period  
 29 covered by the report, and the cumulative total of contributions received during the  
 30 reporting cycle;".

### 31 SECTION 8.

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