

House Bill 163

By: Representatives Day of the 126th and Stephens of the 123rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,
2 relating to campaign contributions, so as to change certain provisions regarding disposition
3 of campaign contributions; to provide for additional requirements with respect to campaign
4 committees; to change certain provisions regarding disclosure reports; to provide an effective
5 date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
9 campaign contributions, is amended by striking Code Section 21-5-33, relating to disposition
10 of campaign contributions, and inserting in its place a new Code Section 21-5-33 to read as
11 follows:

12 "21-5-33.

13 (a) Contributions to a candidate, a campaign committee, or a public officer holding
14 elective office and any proceeds from investing such contributions shall be utilized only
15 to defray ordinary and necessary expenses, which may include any loan of money from a
16 candidate or public officer holding elective office to the campaign committee of such
17 candidate or such public officer, incurred in connection with such candidate's campaign
18 for elective office or such public officer's fulfillment or retention of such office.

19 (b)(1) With respect to contributions held on January 1, 2004, or received thereafter, in
20 the event the candidate, campaign committee, or public officer holding elective office has
21 not designated, prior to receiving contributions to which this Code section is applicable,
22 the office for which campaign contributions are received thereby, those contributions
23 shall be deemed to have been received for the elective office which the candidate held at
24 the time the contributions were received or, if the candidate did not then hold elective
25 office, those contributions shall be deemed to have been received for that elective office
26 for which that person was a candidate most recently following the receipt of such

1 contributions, and all such All contributions received by a candidate or such candidate's
 2 campaign committee or a public officer holding elective office in excess of those
 3 necessary to defray expenses pursuant to subsection (a) of this Code section and as
 4 determined by such candidate or such public officer may ~~only~~ be used as follows only if
 5 such candidate or public officer continues to seek the elective office for which such
 6 contributions were received:

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

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

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

15 (D) For use in future campaigns for only that elective office for which those
 16 contributions were received. ~~With respect to contributions held on January 1, 1992, or~~
 17 ~~received thereafter, in the event the candidate, campaign committee, or public officer~~
 18 ~~holding elective office has not designated, prior to receiving contributions to which this~~
 19 ~~Code section is applicable, the office for which campaign contributions are received~~
 20 ~~thereby, those contributions shall be deemed to have been received for the elective~~
 21 ~~office which the candidate held at the time the contributions were received or, if the~~
 22 ~~candidate did not then hold elective office, those contributions shall be deemed to have~~
 23 ~~been received for that elective office for which that person was a candidate most~~
 24 ~~recently following the receipt of such contributions; or~~

25 (E) For repayment of any prior campaign obligations incurred as a candidate.

26 (2) Any candidate or public officer holding elective office may provide in the will of
 27 such candidate or such public officer that the contributions shall be spent in any of the
 28 authorized manners upon the death of such candidate or such public officer; and, in the
 29 absence of any such direction in the probated will of such candidate or such public
 30 officer, the contributions shall be paid to the treasury of the state party with which such
 31 candidate or such public officer was affiliated in such candidate's or such public officer's
 32 last election or elective office after the payment of any expenses pursuant to subsection
 33 (a) of this Code section. Notwithstanding any other provisions of this paragraph, the
 34 personal representative or executor of the estate shall be allowed to use or pay out funds
 35 in the campaign account in any manner authorized in subparagraphs (A) through (E) of
 36 paragraph (1) of this subsection.

1 ~~(c)(1) Contributions and interest thereon, if any, shall not constitute personal assets of~~
 2 ~~such candidate or such public officer. In the event a public officer holding elective office~~
 3 ~~qualifies for election to a public office other than the one currently held in the next~~
 4 ~~qualifying period for that currently held office, contributions held prior to that~~
 5 ~~qualification shall be deemed to have been received for the elective office which the~~
 6 ~~candidate held at the time the contributions were received, and all such contributions~~
 7 ~~received by a candidate or such candidate's campaign committee or a public officer~~
 8 ~~holding elective office in excess of those necessary to defray expenses pursuant to~~
 9 ~~subsection (a) of this Code section and as determined by such candidate or such public~~
 10 ~~officer may only be used as follows:~~

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

14 ~~(B) For transferral without limitation to any national, state, or local committee of any~~
 15 ~~political party; or~~

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

18 ~~(2) Any public officer holding elective office may provide in the will of such public~~
 19 ~~officer that such contributions shall be spent in any of the authorized manners upon the~~
 20 ~~death of such public officer; and, in the absence of any such direction in the probated will~~
 21 ~~of such public officer, the contributions shall be paid to the treasury of the state party~~
 22 ~~with which such public officer was affiliated in such public officer's last election after~~
 23 ~~the payment of any expenses pursuant to subsection (a) of this Code section.~~
 24 ~~Notwithstanding any other provisions of this paragraph, the personal representative or~~
 25 ~~executor of the estate shall be allowed to use or pay out funds in the campaign account~~
 26 ~~in any manner authorized in subparagraphs (A) through (C) of paragraph (1) of this~~
 27 ~~subsection.~~

28 ~~(d)(1) Contributions received by a campaign committee designed to bring about the~~
 29 ~~recall of a public officer holding elective office or to oppose the recall of a public officer~~
 30 ~~holding elective office or any person or to bring about the approval or rejection by the~~
 31 ~~voters of any proposed constitutional amendment, a state-wide referendum, or a proposed~~
 32 ~~question which is to appear on the ballot in any county or municipal election and any~~
 33 ~~proceeds derived from investing such contributions shall be utilized only to defray~~
 34 ~~ordinary and necessary expenses associated with influencing the voters on such issue.~~

35 ~~(2) All contributions received by a campaign committee as provided in paragraph (1) of~~
 36 ~~this subsection in excess of those necessary to defray expenses relative to the influencing~~

1 of voters on such issue as determined by the campaign committee may only be used as
 2 follows:

3 ~~(A) Contributions to any charitable organization described in 26 U.S.C. 170(c) as such~~
 4 ~~federal statute exists on March 1, 1986, and which additionally shall include~~
 5 ~~educational, eleemosynary, and nonprofit organizations; or~~

6 ~~(B) For repayment on a pro rata basis to persons making such contributions."~~

7 SECTION 2.

8 Said article is further amended by striking subsection (j) of Code Section 21-5-34, relating
 9 to disclosure reports, and inserting in its place a new subsection (j) to read as follows:

10 "(j)(1) Any person elected to a public office who is required to file campaign contribution
 11 disclosure reports pursuant to this article shall, upon leaving public office with excess
 12 contributions, be required to file supplemental campaign contribution disclosure reports
 13 on June 30 and December 31 of each year until such contributions are expended in a
 14 campaign for elective office or used as provided in subsection (b) or (c) of Code Section
 15 21-5-33.

16 (2) Any person who is an unsuccessful candidate in an election and who is required to
 17 file campaign contribution disclosure reports pursuant to this article shall, upon having
 18 excess contributions from such campaign, be required to file a supplemental campaign
 19 contribution disclosure report no later than December 31 of each year until such
 20 contributions are expended in a campaign for elective office or used as provided in
 21 subsection (b) or (c) of Code Section 21-5-33. Any unsuccessful candidate in an election
 22 who is required to file campaign contribution disclosure reports pursuant to this article
 23 and who receives contributions following such election to retire debts incurred in such
 24 campaign for elective office shall be required to file a supplemental campaign
 25 contribution disclosure report no later than December 31 of each year until such unpaid
 26 expenditures from such campaign are satisfied.

27 (3) All supplemental campaign contribution disclosure reports required under this
 28 subsection shall list the total expenditures made during the period covered by the report,
 29 the cumulative total of expenditures made during the reporting cycle, net balance on
 30 hand, the name and mailing address and occupation or place of employment of any
 31 person to whom an expenditure of \$101.00 or more is made, and the amount, date, and
 32 general purpose of such expenditure."

33 SECTION 3.

34 This Act shall become effective upon its approval by the Governor or upon its becoming law
 35 without such approval.

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SECTION 4.

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