03 LC 28 0896

Senate Bill 82

By: Senators Thompson of the 33rd, Meyer von Bremen of the 12th, Hooks of the 14th, Brown of the 26th, Starr of the 44th and Dean of the 31st

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 provide that a candidate or public officer may
- 3 donate excess campaign contributions to the state or a political subdivision of the state to
- 4 defray all or part of the cost of conducting an election for the office for which such campaign
- 5 funds were donated; to provide an effective date; to repeal conflicting laws; and for other
- 6 purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

- 9 Code Section 21-5-33 of the Official Code of Georgia Annotated, relating to disposition of
- 10 campaign contributions, is amended by striking paragraph (1) of subsection (b) and inserting
- in lieu thereof a new paragraph (1) to read as follows:
- 12 "(b)(1) All contributions received by a candidate or such candidate's campaign
- committee or a public officer holding elective office in excess of those necessary to
- defray expenses pursuant to subsection (a) of this Code section and as determined by such
- candidate or such public officer may only be used as follows:
- 16 (A) As contributions to any charitable organization described in 26 U.S.C. 170(c) as
- said federal statute exists on March 1, 1986, and which additionally shall include
- educational, eleemosynary, and nonprofit organizations;
- 19 (B) Except as otherwise provided in subparagraph (D)(E) of this paragraph, for
- transferral without limitation to any national, state, or local committee of any political
- 21 party or to any candidate;
- 22 (C) For transferral without limitation to persons making such contributions, not to
- exceed the total amount cumulatively contributed by each such transferee;
- 24 (D) For transferral without limitation to the state or a political subdivision of the state
- 25 <u>to defray all or part of the cost of holding an election to fill the elective office which</u>
- 26 <u>such candidate sought or public officer holds or held;</u>

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

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

13 This Act shall become effective upon its approval by the Governor or upon its becoming law

SECTION 2.

14 without such approval.

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SECTION 3.

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