

Senate Bill 168

By: Senators Lee of the 29th, Stephens of the 51st and Crotts of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, and Title
2 45 of the Official Code of Georgia Annotated, relating to public officers, so as to provide for
3 comprehensive ethics reforms; to change certain provisions regarding definitions; to change
4 certain provisions regarding powers, duties, and responsibilities of the State Ethics
5 Commission; to change certain provisions regarding initiation of certain complaints; to
6 change certain provisions regarding connected organizations; to change certain provisions
7 regarding contributions; to change certain provisions regarding disclosure reports; to change
8 certain provisions regarding electronic filing of reports; to change certain provisions
9 regarding maximum allowable contributions by certain entities; to change certain provisions
10 regarding filing of financial disclosure statements; to change certain provisions regarding
11 complaints or information regarding fraud, waste, or abuse in state programs and operations;
12 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

16 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by
17 striking Code Section 21-5-3, relating to definitions, and inserting in its place a new Code
18 Section 21-5-3 to read as follows:

19 "21-5-3.

20 As used in this chapter, the term:

21 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited
22 partnership, limited liability company, enterprise, franchise, association, trust, joint
23 venture, or other entity, whether profit or nonprofit.

24 (2) 'Campaign committee' means the candidate, person, or committee which accepts
25 contributions or makes expenditures designed to bring about the nomination or election
26 of an individual to any elected office. The term 'campaign committee' also means any

1 person or committee which accepts contributions or makes expenditures designed to
 2 bring about the recall of a public officer holding elective office or to oppose the recall of
 3 a public officer holding elective office or any person or any committee which accepts
 4 contributions or makes expenditures designed to bring about the approval or rejection by
 5 the voters of any proposed constitutional amendment, a state-wide referendum, or a
 6 proposed question which is to appear on the ballot in any county or municipal election.

7 (3) 'Campaign contribution disclosure report' means a report filed with the appropriate
 8 filing officer by a candidate or the chairperson or treasurer of a campaign committee
 9 setting forth all expenditures of \$101.00 or more and all contributions of \$101.00 or
 10 more, including contributions and expenditures of lesser amounts when the aggregate
 11 amount thereof by or to a person is \$101.00 or more for the calendar year in which the
 12 report is filed. Such report shall also include the total amount of all individual
 13 contributions received or expenditures made of less than \$101.00 each. The first report
 14 required in the calendar year of the election shall contain all such expenditures made and
 15 all such contributions received by the candidate or the committee in prior years in support
 16 of the campaign in question.

17 (4) 'Candidate' means an individual who seeks nomination for election or election to any
 18 public office, whether or not such an individual is elected; and a person shall be deemed
 19 to seek nomination or election if such person has taken necessary action under the laws
 20 of this state to qualify such person for nomination for election or election or has received
 21 contributions or made expenditures in pursuit of such nomination or election or has given
 22 such person's consent for such person's campaign committee to receive contributions or
 23 make expenditures with a view to bringing about such person's nomination for election
 24 or election to such office.

25 (5) 'Commission' means the State Ethics Commission created under Code Section
 26 21-5-4.

27 (6) 'Connected organization' means any organization, including any corporation, labor
 28 organization, membership organization, or cooperative, which is not a political action
 29 committee, as defined in this chapter, but which, directly or indirectly, establishes or
 30 administers a political action committee or which provides more than 40 percent of the
 31 funds of the political action committee for a calendar year.

32 ~~(6)~~(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 33 advance or deposit of money or anything of value conveyed or transferred for the purpose
 34 of influencing the nomination for election or election of any person for office, bringing
 35 about the recall of a public officer holding elective office or opposing the recall of a
 36 public officer holding elective office, or the influencing of voter approval or rejection of
 37 a proposed constitutional amendment, a state-wide referendum, or a proposed question

1 which is to appear on the ballot in any county or municipal election. The term specifically
 2 shall not include the value of personal or professional services performed by persons who
 3 serve without compensation from any sources and on a voluntary basis. The term
 4 'contribution' shall include other forms of payment made to candidates for office or who
 5 hold office when such fees and compensation made can be reasonably construed as a
 6 campaign contribution designed to encourage or influence a candidate or public officer
 7 holding elective office. The term 'contribution' shall also encompass transactions wherein
 8 a qualifying fee required of the candidate is furnished or paid by anyone other than the
 9 candidate.

10 ~~(7)~~(8) 'Direct ownership interest' means the holding or possession of good legal or
 11 rightful title of property or the holding or enjoyment of real or beneficial use of the
 12 property by any person and includes any interest owned or held by a spouse of such
 13 person if such interest is held jointly or as tenants in common between the person and
 14 spouse.

15 ~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general;
 16 special election; or general election. The term 'election' also means a recall election.

17 ~~(8.1)~~(10) 'Election cycle' means the period from the day following the date of an election
 18 or appointment of a person to elective public office through and including the date of the
 19 next such election of a person to the same public office and shall be construed and
 20 applied separately for each elective office.

21 ~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,
 22 or gift of money or anything of value made for the purpose of influencing the nomination
 23 for election or election of any person, bringing about the recall of a public officer holding
 24 elective office or opposing the recall of a public officer holding elective office, or the
 25 influencing of voter approval or rejection of a proposed constitutional amendment, a
 26 state-wide referendum, or a proposed question which is to appear on the ballot in any
 27 county or municipal election. The term specifically shall not include the value of personal
 28 services performed by persons who serve without compensation from any source and on
 29 a voluntary basis. The term 'expenditure' shall also include the payment of a qualifying
 30 fee for and in behalf of a candidate.

31 ~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the
 32 benefit of another person as an officer, director, manager, partner, or other designation
 33 of general responsibility of a business entity.

34 ~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34
 35 to receive campaign contribution disclosure reports; provided, however, that such term
 36 shall not include the State Ethics Commission.

1 ~~(12) 'Gift' means any gratuitous transfer to a public officer, the spouse of the public~~
 2 ~~officer, or any dependents of the public officer or a loan of property or services which is~~
 3 ~~not a contribution as defined in paragraph (6) of this Code section and which is in the~~
 4 ~~amount of \$101.00 or more.~~

5 ~~(12.1)~~(14) 'Independent committee' means any committee, club, association, partnership,
 6 corporation, labor union, or other group of persons, other than a campaign committee,
 7 political party, or political action committee, which receives donations during a calendar
 8 year from persons who are members or supporters of the committee and which expends
 9 such funds either for the purpose of affecting the outcome of an election for any elected
 10 office or to advocate the election or defeat of any particular candidate.

11 ~~(13)~~(15) 'Intangible property' means property which is not real property and which is
 12 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and
 13 other investments but shall not include any ownership interest in any public or private
 14 retirement or pension fund, account, or system and shall not include any ownership
 15 interest in any public or private life insurance contract or any benefit, value, or proceeds
 16 of such life insurance contract.

17 (16) 'Net fair market' value means the fair market value of property less any indebtedness
 18 thereon.

19 ~~(14)~~(17) 'Person' means an individual, partnership, committee, association, corporation,
 20 labor organization, or any other organization or group of persons.

21 ~~(14.1)~~(18) 'Political action committee' means: (A) any committee, club, association,
 22 partnership, corporation, labor union, or other group of persons which receives donations
 23 during a calendar year from persons who are members or supporters of the committee and
 24 which distributes these funds as contributions to one or more candidates for public office
 25 or campaign committees of candidates for public office; and (B) a 'separate segregated
 26 fund' as defined in Code Section 21-5-40. Such term does not include a campaign
 27 committee.

28 ~~(14.2)~~(19) 'Public employee' means every person employed by the executive, legislative,
 29 or judicial branch of state government, or any department, board, bureau, agency,
 30 commission, or authority thereof.

31 ~~(15)~~(20) 'Public officer' means:

32 (A) Every elected constitutional officer including the Governor, Lieutenant Governor,
 33 Secretary of State, Attorney General, State School Superintendent, Commissioner of
 34 Insurance, Commissioner of Agriculture, and Commissioner of Labor;

35 (B) Every elected state official;

36 (C) The executive head of every state department or agency, whether elected or
 37 appointed;

- 1 (D) Each member of the General Assembly;
- 2 (E) The executive director of each state board or authority and the members thereof;
- 3 (F) Every elected county official and every elected member of a local board of
- 4 education; and
- 5 (G) Every elected municipal official."

6 **SECTION 2.**

7 Said title is further amended by striking Code Section 21-5-6, relating to powers and duties

8 of the State Ethics Commission, and inserting in its place new Code Sections 21-5-6 and

9 21-5-6.1 to read as follows:

10 "21-5-6.

11 (a) The commission is vested with the following powers:

- 12 (1) To meet at such times and places as it may deem necessary;
- 13 (2) To contract with other agencies, public or private, or persons as it deems necessary
- 14 for the rendering and affording of such services, facilities, studies, and reports to the
- 15 commission as will best assist it to carry out its duties and responsibilities;
- 16 (3) To cooperate with and secure the cooperation of every department, agency, or
- 17 instrumentality in the state government or its political subdivisions in the furtherance of
- 18 the purposes of this chapter and Part 2 of Article 1 of Chapter 10 of Title 45;
- 19 (4) To employ an executive secretary and such additional staff as the commission deems
- 20 necessary to carry out the powers delegated to the commission by this chapter and Code
- 21 Section 45-10-14;
- 22 (5) To issue subpoenas to compel any person to appear, give sworn testimony, or
- 23 produce documentary or other evidence;
- 24 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to
- 25 enjoin or restrain any violation or threatened violation of this chapter;
- 26 (7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
- 27 Procedure Act,' such rules and regulations as are necessary to carry out the purposes of
- 28 this chapter; and
- 29 (8) To do any and all things necessary or convenient to enable it to perform wholly and
- 30 adequately its duties and to exercise the power granted to it.

31 (b) The commission shall have the following duties:

- 32 (1) To prescribe forms to be used in complying with this chapter;
- 33 (2) To prepare and publish a manual setting forth recommended uniform methods of
- 34 accounting and reporting for use by persons required by this chapter to file statements and
- 35 reports;

- 1 (3) To accept and file any information voluntarily supplied that exceeds the requirements
2 of this chapter;
- 3 (4) To develop a filing, coding, and cross-indexing system consonant with the purposes
4 of this chapter;
- 5 (5) To adopt a retention standard for records of the commission in accordance with
6 Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';
- 7 (6) To prepare and publish such other reports and technical studies as in its judgment will
8 tend to promote the purposes of this chapter;
- 9 (7) To provide for public dissemination of such summaries and reports;
- 10 (8) To determine whether the required statements and reports have been filed and, if so,
11 whether they conform to the requirements of this chapter;
- 12 (9) To make investigations, subject to the limitations contained in Code Section 21-5-7,
13 with respect to the statements and reports filed under this chapter and with respect to
14 alleged failure to file any statements or reports required under this chapter and upon
15 receipt of the written complaint of any person, verified under oath to the best information,
16 knowledge, and belief by the person making such complaint with respect to an alleged
17 violation of any provision of this chapter, provided that nothing in this Code section shall
18 be construed to limit or encumber the right of the commission to initiate on probable
19 cause an investigation on its own cognizance as it deems necessary to fulfill its
20 obligations under this chapter;
- 21 (10)(A) To conduct a preliminary investigation, subject to the limitations contained in
22 Code Section 21-5-7, of the merits of a written complaint by any person who believes
23 that a violation of this chapter has occurred, verified under oath to the best information,
24 knowledge, and belief by the person making such complaint. If there are found no
25 reasonable grounds to believe that a violation has occurred, the complaint shall be
26 dismissed, subject to being reopened upon discovery of additional evidence or relevant
27 material. If the commission determines that there are such reasonable grounds to
28 believe that a violation has occurred, it shall give notice by summoning the persons
29 believed to have committed the violation to a hearing. The hearing shall be conducted
30 in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
31 Procedure Act.' The commission may file a complaint charging violations of this
32 chapter, and any person aggrieved by the final decision of the commission is entitled
33 to judicial review in accordance with Chapter 13 of Title 50; provided, however, that
34 nothing in this Code section shall be construed to limit or encumber the right of the
35 commission to initiate on probable cause an investigation on its own cognizance as it
36 deems necessary to fulfill its obligations under this chapter.

1 (B) In any such preliminary investigation referenced in subparagraph (A) of this
 2 paragraph, until such time as the commission determines that there are reasonable
 3 grounds to believe that a violation has occurred, it shall not be necessary to give the
 4 notice by summons nor to conduct a hearing in accordance with Chapter 13 of Title 50,
 5 the 'Georgia Administrative Procedure Act';

6 (11) To report suspected violations of law to the appropriate law enforcement authority;

7 (12) To investigate upon a written complaint any illegal use of state employees in a
 8 political campaign by any candidate;

9 (13) To issue, upon written request, and publish advisory opinions on the requirements
 10 of this chapter and Part 2 of Article 1 of Chapter 10 of Title 45, based on a real or
 11 hypothetical set of circumstances; and each such advisory opinion shall be issued within
 12 60 days of the written request for the advisory opinion;

13 (14) To issue orders, after the completion of appropriate proceedings, directing
 14 compliance with this chapter or prohibiting the actual or threatened commission of any
 15 conduct constituting a violation, which order may include a provision requiring the
 16 violator:

17 (A) To cease and desist from committing further violations;

18 (B) To make public complete statements, in corrected form, containing the information
 19 required by this chapter;

20 (C)(i) To pay a civil penalty not to exceed ~~\$1,000.00~~ \$10,000.00 for each violation
 21 contained in any report required by this chapter or for each failure to comply with any
 22 other provision of this chapter or of any rule or regulation promulgated under this
 23 chapter.

24 (ii) A civil penalty shall not be assessed against any person except after notice and
 25 hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure
 26 Act.' The amount of any civil penalty finally assessed shall be recoverable by a civil
 27 action brought in the name of the commission. All moneys recovered pursuant to this
 28 Code section shall be deposited in the state treasury.

29 (iii) The Attorney General of this state shall, upon complaint by the commission, or
 30 may, upon the Attorney General's own initiative if after examination of the complaint
 31 and evidence the Attorney General believes a violation has occurred, bring an action
 32 in the superior court in the name of the commission for a temporary restraining order
 33 or other injunctive relief or for civil penalties assessed against any person violating
 34 any provision of this chapter or any rule or regulation duly issued by the commission.

35 (iv) Any action brought by the Attorney General to enforce civil penalties assessed
 36 against any person for violating the provisions of this chapter or any rule or regulation
 37 duly issued by the commission or any order issued by the commission ordering

1 compliance or to cease and desist from further violations shall be brought in the
 2 superior court of the county of the residence of the party against whom relief is
 3 sought. Service of process shall lie in any jurisdiction within the state. In such actions,
 4 the superior court inquiry will be limited to whether notice was given by the
 5 commission to the violator in compliance with the Constitution and the rules of
 6 procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 7 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter
 8 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall
 9 enforce the orders of the commission and the civil penalties assessed under this
 10 chapter and the superior court shall not make independent inquiry as to whether the
 11 violations have occurred.

12 (v) In any action brought by the Attorney General to enforce any of the provisions
 13 of this chapter or of any rule or regulation issued by the commission, the judgment,
 14 if in favor of the commission, shall provide that the defendant pay to the commission
 15 the costs, including reasonable attorneys' fees, incurred by the commission in the
 16 prosecution of such action;

17 (15) To make public its conclusion that a violation has occurred and the nature of such
 18 violation;

19 (16) To petition the superior court within the county where the hearing was or is being
 20 conducted for the enforcement of any order issued in connection with such hearing; ~~and~~

21 (17) To report to the General Assembly and the Governor at the close of each fiscal year
 22 concerning the action taken during that time, the names, salaries, and duties of all
 23 individuals employed, and the funds disbursed and to make such further report on the
 24 matters within its jurisdiction as may appear desirable; and

25 (18) To carry out the procedures, duties, and obligations relative to the commission set
 26 forth in Part 2 of Article 1 of Chapter 10 of Title 45.

27 ~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~
 28 ~~ministerial functions which the commission may require. The office of the Secretary of~~
 29 ~~State shall be designated as the place where members of the public may file papers or~~
 30 ~~correspond with the commission and receive any form or instruction from the commission.~~
 31 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~
 32 ~~commission.~~

1 21-5-6.1.

2 (a) The State Ethics Commission shall have the same powers and duties with respect to
 3 Part 2 of Article 1 of Chapter 10 of Title 45 as the commission has with respect to this
 4 chapter.

5 (b) The Attorney General shall have the same powers and duties with respect to Part 2 of
 6 Article 1 of Chapter 10 of Title 45 as the Attorney General has with respect to this chapter.
 7 Without limiting the generality of the foregoing it is specifically provided that the Attorney
 8 General may bring civil actions for the enforcement of Part 2 of Article 1 of Chapter 10 of
 9 Title 45 in the same general manner as provided in this chapter."

10 **SECTION 3.**

11 Said title is further amended by striking Code Section 21-5-7, relating to initiation of certain
 12 complaints, and inserting in its place a new Code Section 21-5-7 to read as follows:

13 "21-5-7.

14 (a) The commission shall not initiate any investigation or inquiry into any matter under its
 15 jurisdiction based upon the complaint of any person unless that person shall reduce the
 16 same in writing and verify the same under oath to the best information, knowledge, and
 17 belief of such person, the falsification of which shall be punishable as false swearing under
 18 Code Section 16-10-71. The person against whom any complaint is made shall be furnished
 19 or mailed a copy of the complaint by the commission immediately upon the commission's
 20 receipt of such complaint and prior to any other public dissemination of such complaint.
 21 Nothing in this Code section, however, shall be construed to limit or encumber the right
 22 of the commission to initiate on probable cause an investigation on its own cognizance as
 23 it deems necessary to fulfill its obligations under this chapter.

24 (b) The commission shall adopt rules which shall provide that:

25 (1) Upon the commission's receipt of a complaint, a determination shall be made as to
 26 whether the complaint relates to an alleged technical defect in a filing. For this purpose,
 27 a technical defect shall be a defect such as a failure to include a date or an incorrect date,
 28 a failure to include a contributor's occupation or an incorrect occupation, a failure to
 29 include an address or an incorrect address, or any other similar technical defect as
 30 specified by rule of the commission;

31 (2) When the commission determines that a complaint relates to a technical defect in a
 32 filing, the subject of the complaint shall be given a period of ~~ten~~ 30 days to correct the
 33 alleged technical defect. During such ~~ten-day~~ 30 day period the complaint shall be
 34 considered as received by the commission but not yet filed with the commission. If
 35 during such ~~ten-day~~ 30 day period the alleged technical violation is cured by an amended
 36 filing or otherwise, or if during such ~~ten-day~~ 30 day period the subject of the complaint

1 demonstrates that there is no technical violation as alleged, the complaint shall be
2 disposed of without filing or further proceedings and no penalty shall be imposed."

3 **SECTION 4.**

4 Said title is further amended by striking Code Section 21-5-12, relating to connected
5 organizations, and inserting in its place a new Code Section 21-5-12 to read as follows:

6 "21-5-12.

7 ~~(a) As used in this Code section, the term 'connected organization' means any organization,~~
8 ~~including any corporation, labor organization, membership organization, or cooperative,~~
9 ~~which is not a political action committee, as defined in this article, but which, directly or~~
10 ~~indirectly, establishes or administers a political action committee or which provides more~~
11 ~~than 40 percent of the funds of the political action committee for a calendar year.~~

12 ~~(b)~~(a) The name of each political action committee shall include the name of its connected
13 organization.

14 ~~(c)~~(b) The name of any separate segregated fund, as defined in Code Section 21-5-40, shall
15 include the name of its connected organization."

16 **SECTION 5.**

17 Said title is further amended by striking Code Section 21-5-30, relating to campaign
18 contributions, and inserting in its place a new Code Section 21-5-30 to read as follows:

19 "21-5-30.

20 (a) Except as provided in subsection (e) of Code Section 21-5-31 21-5-34, no contributions
21 to bring about the nomination or election of a candidate for any office shall be made except
22 directly to a candidate or such candidate's campaign committee which is organized for the
23 purpose of bringing about the nomination or election of any such candidate; and no
24 contributions to bring about the recall of a public officer or to oppose the recall of a public
25 officer or to bring about the approval or rejection by the voters of a proposed constitutional
26 amendment, state-wide referendum, or other issue at the municipal or county level shall be
27 accepted except directly by a campaign committee organized for that purpose.

28 (b) Each candidate shall maintain records and file reports as required by this chapter or
29 shall have a campaign committee for the purposes of maintaining records and filing reports
30 as required by this chapter. Every campaign committee shall have a chairperson and a
31 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a
32 campaign committee accepts contributions, the name and address of the chairperson and
33 treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been
34 elected to public office, the registration of that candidate's campaign committee with the
35 ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in

1 office until and unless: (1) the registration is canceled by the campaign committee or the
2 candidate; or (2) a new campaign committee for that candidate is registered with the
3 ~~Secretary of State~~ commission. The same person may serve as chairperson and treasurer.
4 No contributions shall be accepted by or on behalf of the campaign committee at a time
5 when there is a vacancy in the office of chairperson or treasurer of the campaign
6 committee.

7 (c) Contributions of money received pursuant to subsection (a) of this Code section shall
8 be deposited in the separate campaign depository account opened and maintained by the
9 candidate or the campaign committee for the purpose for which such campaign committee
10 was organized. Such account may be an interest-bearing account; provided, however, that
11 any interest earned on such account shall be deemed contributions and may only be used
12 for the purposes allowed under this chapter. Those who elect the separate accounting
13 option may also open, but are not required to open, a separate campaign depository account
14 for each election for which contributions are accepted beyond their next upcoming election.

15 (d) Where separate contributions of less than \$101.00 are knowingly received from a
16 common source, such contributions shall be aggregated for reporting purposes. For
17 purposes of fulfilling such aggregation requirement, members of the same family, firm, or
18 partnership or employees of the same person, as defined in paragraph ~~(14)~~ (17) of Code
19 Section 21-5-3, shall be considered to be a common source; provided, however, that the
20 purchase of tickets for not more than \$25.00 each and for or attendance at a fundraising
21 event by members of the same family, firm, or partnership or employees of the same person
22 shall not be considered to be contributions from a common source except to the extent that
23 tickets are purchased as a block.

24 (e) The making and acceptance of anonymous contributions are prohibited. Any
25 anonymous contributions received by a candidate or campaign committee shall be
26 transmitted to the director of the Office of Treasury and Fiscal Services for deposit in the
27 state treasury, and the fact of such contribution and transmittal shall be reported to the
28 commission.

29 (f) A person acting on behalf of a public utility corporation regulated by the Public Service
30 Commission shall not make, directly or indirectly, any contribution to a political campaign.
31 This subsection shall not apply to motor carriers whose rates are not regulated by the Public
32 Service Commission. Any person who knowingly violates this subsection with respect to
33 a member of the Public Service Commission, a candidate for the Public Service
34 Commission, or the campaign committee of a candidate for the Public Service Commission
35 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor
36 more than five years or by a fine not to exceed ~~\$5,000.00~~ \$10,000.00, or both; and any
37 person who knowingly violates this subsection with respect to any other public officer, a

1 candidate for such other public office, or the campaign committee of a candidate for such
2 other public office shall be guilty of a misdemeanor.

3 (g) Neither a candidate who is not a public officer nor his or her campaign committee may
4 lawfully accept a campaign contribution until the candidate has filed with the ~~Secretary of~~
5 ~~State~~ commission or appropriate local filing officer a declaration of intention to accept
6 campaign contributions which shall include the name and address of the candidate and the
7 names and addresses of his or her campaign committee officers, if any."

8 SECTION 6.

9 Said title is further amended by striking Code Section 21-5-31, relating to certain
10 contributions or expenditures, and inserting in its place a new Code Section 21-5-31 to read
11 as follows:

12 "21-5-31.

13 ~~(a) Any person who accepts contributions for, makes contributions to, or makes~~
14 ~~expenditures on behalf of candidates is subject to the same disclosure requirements of this~~
15 ~~chapter as a candidate, except that contributions from individuals made directly to a~~
16 ~~candidate or his campaign committee do not require separate reporting, except that~~
17 ~~contributions from persons as defined in paragraph (14) of Code Section 21-5-3 which do~~
18 ~~not exceed \$500.00 in the aggregate or which are made to only one candidate, regardless~~
19 ~~of the amount, do not require separate reporting, and except that copies of campaign~~
20 ~~contribution disclosure reports do not have to be filed with local election superintendents~~
21 ~~as required of candidates for membership in the General Assembly pursuant to paragraph~~
22 ~~(1) of subsection (a) of Code Section 21-5-34.~~

23 ~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of~~
24 ~~credit, the campaign contribution disclosure report shall also contain the name of the~~
25 ~~lending institution or party making the advance or extension of credit and the names,~~
26 ~~mailing addresses, occupations, and places of employment of all persons having any~~
27 ~~liability for repayment of the loan, advance, or extension of credit; and, if any such persons~~
28 ~~shall have a fiduciary relationship to the lending institution or party making the advance~~
29 ~~or extension of credit, the report shall specify such relationship. Reserved.~~"

30 SECTION 7.

31 Said title is further amended by striking Code Section 21-5-34, relating to disclosure reports,
32 and inserting in its place a new Code Section 21-5-34 to read as follows:

33 "21-5-34.

34 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
35 organized to bring about the nomination or election of a candidate for any office except

1 county and municipal offices or the General Assembly and the chairperson or treasurer
 2 of every campaign committee designed to bring about the recall of a public officer or
 3 to oppose the recall of a public officer or designed to bring about the approval or
 4 rejection by the voters of any proposed constitutional amendment or state-wide
 5 referendum shall sign and file with the ~~Secretary of State~~ commission the required
 6 campaign contribution disclosure reports. A candidate for membership in the General
 7 Assembly or the chairperson or treasurer of such candidate's campaign committee shall
 8 file such candidate's reports with the ~~Secretary of State~~ commission and a copy thereof
 9 with the election superintendent of the county of such candidate's residence.

10 (B) The chairperson or treasurer of each independent committee as defined in Code
 11 Section 21-5-3 shall file the required disclosure reports with the ~~Secretary of State~~
 12 commission.

13 (2)(A) Any campaign committee which accepts contributions or makes expenditures
 14 designed to bring about the approval or rejection by the voters of any proposed question
 15 which is to appear on the ballot in any county or municipal election shall file a
 16 campaign contribution disclosure report as prescribed by this chapter; provided,
 17 however, that such report shall only be required if such campaign committee has
 18 received contributions which total more than \$500.00 or if such campaign committee
 19 has made expenditures which total more than \$500.00. All advertising pertaining to
 20 referendums must identify the principal officer of such campaign committee by listing
 21 or stating the name and title of the principal officer.

22 (B) If a campaign committee is required to file a report under subparagraph (A) of this
 23 paragraph, such report shall be filed with the election superintendent of the county in
 24 the case of a county election or with the municipal clerk in the case of a municipal
 25 election. Any such report shall be filed 15 days prior to the date of the election; and a
 26 final report shall be filed prior to December 31 of the year in which the election is held.

27 (3) A candidate for county office or the chairperson or treasurer of such candidate's
 28 campaign committee shall sign and file the required campaign contribution disclosure
 29 reports with the election superintendent in the respective county of election.

30 (4) A candidate for municipal office or such candidate's campaign committee shall file
 31 the reports with the municipal clerk in the respective municipality of election or, if there
 32 is no clerk, with the chief executive officer of the municipality.

33 (b)(1) All reports shall list the following:

34 (A) The amount and date of receipt, along with the name; and mailing address;
 35 ~~occupation, and employer~~ of any person, and the occupation and employer of any
 36 person who is an individual, making a contribution of \$101.00 or more, including the
 37 purchase of tickets for events such as dinners, luncheons, rallies, and similar

1 fundraising events coordinated for the purpose of raising campaign contributions for
2 the reporting candidate;

3 (B) The name and mailing address ~~and occupation or place of employment~~ of any
4 person, and the address and occupation or employer if such person is an individual, to
5 whom an expenditure of \$101.00 or more is made and the amount, date, and general
6 purpose of such expenditure;

7 (C) When a contribution consists of a loan, advance, or other extension of credit, the
8 report shall also contain the name of the lending institution or party making the advance
9 or extension of credit and the names, mailing addresses, occupations, and places of
10 employment of all persons having any liability for repayment of the loan, advance, or
11 extension of credit; and, if any such persons shall have a fiduciary relationship to the
12 lending institution or party making the advance or extension of credit, the report shall
13 specify such relationship;

14 (D) Total contributions received and total expenditures made as follows:

15 (i) Contributions and expenditures shall be reported for the applicable reporting
16 cycle;

17 (ii) A reporting cycle shall commence on January 1 of the year in which an election
18 is to be held for the public office to which a candidate seeks election and shall
19 conclude:

20 (I) At the expiration of the term of office if such candidate is elected and does not
21 seek reelection or election to some other office;

22 (II) On December 31 of the year in which such election was held if such candidate
23 is unsuccessful; or

24 (III) If such candidate is successful and seeks reelection or seeks election to some
25 other office the current reporting cycle shall end when the reporting cycle for
26 reelection or for some other office begins;

27 (iii) The first report of a reporting cycle shall list the net balance on hand brought
28 forward from the previous reporting cycle, if any, and the total contributions received
29 during the period covered by the report;

30 (iv) Subsequent reports shall list the total contributions received during the period
31 covered by the report and the cumulative total of contributions received during the
32 reporting cycle;

33 (v) The first report of a reporting cycle shall list the total expenditures made during
34 the period covered by the report;

35 (vi) Subsequent reports shall list the total expenditures made during the period
36 covered by the report, the cumulative total of expenditures made during the reporting
37 cycle, and net balance on hand; and

1 (vii) If a public officer seeks reelection to the same public office, the net balance on
 2 hand at the end of the current reporting cycle shall be carried forward to the first
 3 report of the applicable new reporting cycle; and

4 (E) The corporate, labor union, or other affiliation of any political action committee or
 5 independent committee making a contribution of \$101.00 or more.

6 ~~(2) Each report shall be in such form as will allow for the separate identification of a~~
 7 ~~contribution or contributions which are less than \$101.00 but which become reportable~~
 8 ~~due to the receipt of an additional contribution or contributions which when combined~~
 9 ~~with such previously received contribution or contributions cumulatively exceed \$101.00.~~
 10 When a contribution or contributions totaling less than \$101.00 have previously been
 11 made to a candidate or campaign committee by a contributor and a contribution or
 12 contributions subsequently become reportable due to the receipt of an additional
 13 contribution or contributions from that contributor which, when combined with such
 14 previously received contribution or contributions cumulatively exceed \$101.00, all such
 15 contributions shall be reported as one aggregated contribution on the next regular report
 16 scheduled to be filed after the receipt by the candidate or campaign committee of the
 17 contribution which increases the total amount of contributions from such contributor to
 18 \$101.00 or more. This paragraph shall be construed so as to relieve a candidate or
 19 campaign committee from the obligation of having to file amendments to previously filed
 20 reports to report contributions less than \$101.00 which were not previously separately
 21 reportable but which have subsequently become separately reportable by virtue of the
 22 receipt of an additional contribution or contributions.

23 (c) Candidates or campaign committees which accept contributions, make expenditures
 24 designed to bring about the nomination or election of a candidate, or have filed a
 25 declaration of intention to accept campaign contributions pursuant to subsection (g) of
 26 Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance
 27 with the following schedule:

28 (1) In each nonelection year on June 30 and December 31;

29 (2) In each year in which the candidate qualifies to run for public office:

30 (A) On March 31, June 30, September 30, October 25, and December 31;

31 (B) Six days before any run-off primary or election in which the candidate is listed on
 32 the ballot; and

33 (C) During the period of time between the last report due prior to the date of any
 34 ~~state-wide primary or state-wide~~ election for which the candidate is qualified and the
 35 date of such primary or election, all contributions of \$1,000.00 or more must be
 36 reported within 48 hours of receipt to the location where the original disclosure report

1 for such candidate or committee was filed and also reported on the next succeeding
2 regularly scheduled campaign contribution disclosure report;

3 (3) If the candidate is candidate in a special primary or special primary runoff, 15 days
4 prior to the special primary and six days prior to the special primary runoff; and

5 (4) If the candidate is candidate in a special election or special election runoff, 15 days
6 prior to the special election and six days prior to the special election runoff.

7 All persons or entities required to file reports shall have a five-day grace period in filing
8 the required reports, except that the grace period shall be two days for required reports
9 prior to run-off primaries or run-off elections, and no grace period shall apply to
10 contributions required to be reported within 48 hours. The mailing of such reports by
11 United States mail with adequate postage affixed, within the required filing time as
12 determined by the official United States postage date cancellation, shall be prima-facie
13 evidence of filing but reports required to be filed within 48 hours of a contribution must
14 also be reported by facsimile, electronic transmission, or otherwise within those 48 hours
15 to the location where the original disclosure report for such candidate or committee was
16 filed. A report or statement required to be filed by this Code section other than a report of
17 contributions required to be reported within 48 hours shall be verified by the oath or
18 affirmation of the person filing such report or statement taken before an officer authorized
19 to administer oaths. Each report required in the calendar year of the election shall contain
20 cumulative totals of all contributions which have been received and all expenditures which
21 have been made in support of the campaign in question and which are required, or
22 previously have been required, to be reported.

23 (d) In the event any candidate covered by this chapter has no opposition in either a primary
24 or a general election and receives no contribution of \$101.00 or more, such candidate shall
25 only be required to make the initial and final report as required under this chapter.

26 (e) Any person who makes contributions to, accepts contributions for, or makes
27 expenditures on behalf of candidates, and any independent committee, shall file a
28 registration with the ~~Secretary of State~~ commission in the same manner as is required of
29 campaign committees prior to accepting or making contributions or expenditures. Such
30 persons, other than independent committees, shall also file campaign contribution
31 disclosure reports in the same places and at the same times as required of the candidates
32 they are supporting, but such persons are not required to file copies of campaign
33 contribution disclosure reports with local election superintendents as is required of
34 candidates for membership in the General Assembly. The following persons shall be
35 exempt from the foregoing registration and reporting requirements:

36 (1) Individuals making aggregate contributions of \$25,000.00 or less directly to
37 candidates or the candidates' campaign committees in one calendar year; and

1 (2) Persons other than individuals making aggregate contributions and expenditures to
 2 or on behalf of candidates of \$5,000.00 or less in one calendar year: and

3 (3) Contributors who make contributions to only one candidate during one calendar year,
 4 regardless of the amount contributed.

5 (f)(1) Any independent committee which accepts contributions or makes expenditures
 6 for the purpose of affecting the outcome of an election or advocates the election or defeat
 7 of any candidate shall file disclosure reports with the ~~Secretary of State~~ commission as
 8 follows: (A) on the first day of each of the two calendar months preceding any such
 9 election; (B) two weeks prior to the date of such election; and (C) within the two-week
 10 period prior to the date of such election the independent committee shall report within 48
 11 hours any contributions or expenditure of more than \$1,000.00. The independent
 12 committee shall file a final report prior to December 31 of the year in which the election
 13 is held and shall file supplemental reports on June 30 and December 31 of each year that
 14 such independent committee continues to accept contributions or make expenditures.

15 (2) Reports filed by independent committees shall list the following:

16 (A) The amount and date of receipt, along with the name, mailing address, occupation,
 17 and employer of any person making a contribution of \$101.00 or more;

18 (B) The name, mailing address, occupation, and employer of any person to whom an
 19 expenditure or provision of goods or services of the value of \$101.00 or more is made
 20 and the amount, date, and general purpose thereof, including the name of the candidate
 21 or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the
 22 expenditure or provision was made;

23 (C) Total expenditures made as follows:

24 (i) Expenditures shall be reported for the applicable reporting year;

25 (ii) The first report of a reporting year shall list the total expenditures made during
 26 the period covered by the report; and

27 (iii) Subsequent reports shall list the total expenditures made during the period
 28 covered by the report, the cumulative total of expenditures made during the reporting
 29 year, and net balance on hand;

30 (D) The corporate, labor union, or other affiliation of any political action committee,
 31 candidate, campaign committee, or independent committee making a contribution of
 32 the value of \$101.00 or more.

33 (3) Whenever any independent committee makes an expenditure for the purpose of
 34 financing any communication intended to affect the outcome of an election, such
 35 communication shall clearly state that it has been financed by such independent
 36 committee.

1 (g) Any campaign committee which accepts contributions or makes expenditures designed
2 to bring about the recall of a public officer or to oppose the recall of a public officer shall
3 file campaign contribution disclosure reports with the ~~Secretary of State~~ commission as
4 follows:

5 (1) An initial report shall be filed within 15 days after the date when the official recall
6 petition forms were issued to the sponsors;

7 (2) A second report shall be filed 45 days after the filing of the initial report;

8 (3) A third report shall be filed within 20 days after the election superintendent certifies
9 legal sufficiency or insufficiency of a recall petition;

10 (4) A final report shall be filed prior to December 31 of the year in which the recall
11 election is held or, in any case where such recall election is not held, a final report shall
12 be filed prior to December 31 of any year in which such campaign committee accepts
13 such contributions or makes such expenditures; and

14 (5) In the case of state officials or county officials, a copy of each of the reports shall
15 also be filed with the election superintendent in the county of residence of the official
16 sought to be recalled. In the case of municipal officials, a copy of the reports shall also
17 be filed with the municipal clerk in the municipality of residence of the official sought
18 to be recalled or, if there is no clerk, with the chief executive officer of the municipality.

19 Each filing officer shall forward a copy of the reporting forms required by this Code
20 section to each candidate or public officer holding elective office required to file such
21 report within a reasonable time prior to each filing.

22 (h) Any campaign committee which accepts contributions or makes expenditures designed
23 to bring about the approval or rejection by the voters of a proposed constitutional
24 amendment or a state-wide referendum shall file a campaign contribution disclosure report
25 with the ~~Secretary of State~~ commission 75, 45, and 15 days prior to the date of the election
26 and shall file a final report prior to December 31 of the year in which the election is held.

27 (i) In any county in which the county board of elections does not maintain an office open
28 to the public during normal business hours for five days a week, the reports required by this
29 Code section shall be filed in the office of the judge of the probate court of that county.

30 (j)(1) Any person elected to a public office who is required to file campaign contribution
31 disclosure reports pursuant to this article shall, upon leaving public office with excess
32 contributions, be required to file supplemental campaign contribution disclosure reports
33 on June 30 and December 31 of each year until such contributions are expended in a
34 campaign for elective office or used as provided in subsection (b) of Code Section
35 21-5-33.

36 (2) Any person who is an unsuccessful candidate in an election and who is required to
37 file campaign contribution disclosure reports pursuant to this article shall for the

1 remainder of the reporting cycle file such reports at the same times as a successful
 2 candidate and thereafter, upon having excess contributions from such campaign, be
 3 required to file a supplemental campaign contribution disclosure report no later than
 4 December 31 of each year until such contributions are expended in a campaign for
 5 elective office or used as provided in subsection (b) of Code Section 21-5-33. Any
 6 unsuccessful candidate in an election who is required to file campaign contribution
 7 disclosure reports pursuant to this article and who receives contributions following such
 8 election to retire debts incurred in such campaign for elective office shall be required to
 9 file a supplemental campaign contribution disclosure report no later than December 31
 10 of each year until such unpaid expenditures from such campaign are satisfied.

11 (k) Notwithstanding any other provision of this chapter to the contrary, soil and water
 12 conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the
 13 'Soil and Water Conservation Districts Law,' shall not be required to file campaign
 14 contribution disclosure reports under this Code section.

15 (l) In addition to other penalties provided under this chapter, an additional filing fee of
 16 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00
 17 shall be imposed on the fifteenth day after the due date if the report has still not been filed;
 18 provided, however, a 15 day extension period shall be granted on the final report."

19 SECTION 8.

20 Said title is further amended by striking Code Section 21-5-34.1, relating to electronic filing
 21 of certain reports, and inserting in its place a new Code Section 21-5-34.1 to read as follows:

22 "21-5-34.1.

23 (a) ~~Beginning February 1, 2001, candidates~~ Candidates seeking election to constitutional
 24 offices, the Supreme Court, the Court of Appeals, and the Public Service Commission shall
 25 use electronic means to file their campaign contribution disclosure reports with the
 26 ~~Secretary of State~~ commission upon having raised or spent a minimum of \$20,000.00 in
 27 an election cycle. Under that threshold, electronic filing is permitted and encouraged but
 28 not required.

29 (b) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to the General
 30 Assembly, superior courts, and the office of district attorney shall use electronic means to
 31 file their campaign contribution disclosure reports with the ~~Secretary of State~~ commission,
 32 as specified in Code Section 21-5-34, upon having raised or spent a minimum of
 33 \$10,000.00 in an election cycle, but contributions and expenditures received or made prior
 34 to reaching such threshold need not be electronically filed if previously reported, except
 35 as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but
 36 not required.

1 (c) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to county or
 2 municipal offices shall use electronic means to file their campaign contribution disclosure
 3 reports with the election superintendent of their county or the municipal clerk or chief
 4 executive officer of their municipality, as specified in Code Section 21-5-34, upon having
 5 raised or spent a minimum of \$10,000.00 in an election cycle, but contributions and
 6 expenditures received or made prior to reaching such threshold need not be electronically
 7 filed if previously reported, except as cumulative totals. Under that threshold, electronic
 8 filing is permitted and encouraged but not required.

9 (d) ~~Beginning January 1, 2003, political~~ Political action committees, independent
 10 committees, and any persons otherwise required by this article to file campaign
 11 contribution disclosure reports shall use electronic means to file such reports with the
 12 ~~Secretary of State~~ commission upon having raised or spent \$5,000.00 in a calendar year.
 13 Under that threshold, electronic filing is permitted and encouraged but not required.

14 (e) When campaign contribution disclosure reports are filed electronically as provided in
 15 subsections (a) through (d) of this Code section, the original report shall be filed at the
 16 same location.

17 (f) No funds raised or spent prior to the implementation date of electronic filing shall be
 18 counted toward the appropriate threshold.

19 (g) The commission is authorized to promulgate rules and regulations to implement this
 20 Code section."

21 SECTION 9.

22 Said title is further amended by striking Code Section 21-5-41, relating to maximum
 23 allowable contributions by persons or partnerships, and inserting in its place a new Code
 24 Section 21-5-41 to read as follows:

25 "21-5-41.

26 (a)(1) No person, corporation, political committee, or political party shall make, and no
 27 candidate or campaign committee shall receive from any such entity, contributions to any
 28 candidate for state-wide elected office which ~~in the aggregate for an election cycle~~
 29 exceed:

30 ~~(1)~~(A) Five thousand dollars for a primary election;

31 ~~(2)~~(B) Three thousand dollars for a primary run-off election;

32 ~~(3)~~(C) Five thousand dollars for a general election; and

33 ~~(4)~~(D) Three thousand dollars for a general election runoff.

34 ~~(b)~~(2) No person, corporation, political committee, or political party shall make, and no
 35 candidate or campaign committee shall receive from any such entity, contributions to any

1 candidate for the General Assembly or public office other than state-wide elected office
2 which ~~in the aggregate for an election cycle~~ exceed:

3 ~~(1)(A)~~ Two thousand dollars for a primary election;

4 ~~(2)(B)~~ One thousand dollars for a primary run-off election;

5 ~~(3)(C)~~ Two thousand dollars for a general election; and

6 ~~(4)(D)~~ One thousand dollars for a general election runoff.

7 (b)(1) No corporation shall make for any election contributions to any candidate which
8 when aggregated with contributions to the same candidate for the same election from any
9 affiliated business entities exceed the per election contribution limits for such candidate
10 as specified in subsection (a) of this Code section.

11 (2) No political committee shall make for any election contributions to any candidate
12 which when aggregated with contributions to the same candidate for the same election
13 from any affiliated committees exceed the per election contribution limits for such
14 candidate as specified in subsection (a) of this Code section.

15 (c) Candidates and campaign committees may separately account for contributions
16 pursuant to Code Section 21-5-43. Candidates and campaign committees not separately
17 accounting for contributions pursuant to such Code section shall not accept contributions
18 for any election in an election cycle prior to the conclusion of the immediately preceding
19 election in such cycle; provided, however, that contributions may be accepted for a primary
20 election at any time in the election cycle prior to and including the date of such primary
21 election. At the conclusion of an election, contributions remaining unexpended may be
22 expended on succeeding elections in the election cycle, ~~and contributions not exceeding~~
23 ~~the contribution limits of this Code section may continue to be accepted for repayment of~~
24 ~~campaign obligations incurred as a candidate in that election.~~

25 (d) Candidates and campaign committees shall designate on their disclosure reports the
26 election for which a contribution has been accepted. Any contribution not so designated
27 shall be presumed to have been accepted for the election on or first following the date of
28 the contribution.

29 (e) A contribution by a partnership shall be deemed to have been made pro rata by the
30 partners as individuals for purposes of this Code section, as well as by the partnership in
31 toto unless the partnership by proper action under its partnership agreement otherwise
32 directs allocation of the contribution among the partners. At such direction of the
33 partnership, the contribution may be allocated in any proportion among the partners,
34 including to one or some but not all. Such allocation shall be indicated on the face of any
35 instrument constituting the contribution or on an accompanying document referencing such
36 instrument.

1 (f) The limits established by this Code section shall not apply to a loan or other
 2 contribution made to a campaign committee or candidate by the candidate or a member of
 3 the candidate's immediate family.

4 (g) The limits established by this Code section shall not apply to a bona fide loan made to
 5 a candidate or campaign committee by a state or federally chartered financial institution
 6 or a depository institution whose deposits are insured by the Federal Deposit Insurance
 7 Corporation if:

8 (1) Such loan is made in the normal course of business with the expectation on the part
 9 of all parties that such loan shall be repaid; and

10 (2) Such loan is based on the credit worthiness of the candidate and the candidate is
 11 personally liable for the repayment of the loan.

12 (h) The limitations provided for in this Code section shall not include contributions or
 13 expenditures made by a political party in support of a party ticket or a group of named
 14 candidates.

15 ~~(i) At the end of the election cycle applicable to each public office as to which campaign
 16 contributions are limited by this Code section and every four years for all other elections
 17 to which this Code section is applicable, the contribution limitations in this Code section
 18 shall be raised or lowered in increments of \$100.00 by regulation of the State Ethics
 19 Commission pursuant to a determination by the commission of inflation or deflation during
 20 such cycle or four-year period, as determined by the Consumer Price Index published by
 21 the Bureau of Labor Statistics of the United States Department of Labor, and such
 22 limitations shall apply until next revised by the commission. The commission shall adopt
 23 rules and regulations for the implementation of this subsection.~~

24 (i)(1) If following any election, including but not limited to a primary election, in an
 25 election cycle, a candidate's or campaign committee's funds are insufficient to pay all
 26 campaign obligations incurred in that election, contributions not exceeding the limits set
 27 forth in this Code section may continue to be accepted to satisfy the net debts outstanding
 28 from such election.

29 (2) In order to determine whether there are net debts outstanding from a particular
 30 election, the candidate or campaign committee shall calculate net debts outstanding as of
 31 the date of the election. For purposes of this paragraph, 'net debts outstanding' means the
 32 total amount of unpaid debts and obligations incurred with respect to an election,
 33 including the estimated cost of raising funds to liquidate debts incurred with respect to
 34 the election, and including any costs incurred in connection with winding down the
 35 campaign from such election, including office space rental, staff salaries, and office
 36 supplies, less the sum of:

1 (A) The total cash on hand available to pay those debts and obligations, including:
 2 currency; balances on deposit in banks, savings and loan institutions, and other
 3 depository institutions; traveler's checks; certificates of deposit; treasury bills; and any
 4 other candidate or campaign committee investments valued at net fair market value; and

5 (B) The total amounts owed to the candidate or campaign committee in the form of
 6 credits, refunds of deposits, returns, or receivables or a commercially reasonable
 7 amount based on the collectability of those credits, refunds, returns, or receivables. The
 8 amount of the net debts outstanding shall be adjusted as additional funds are received
 9 and expenditures are made. The candidate may accept contributions made after the date
 10 of the election if:

11 (i) Such contributions do not exceed the adjusted amount of net debts outstanding on
 12 the date the contribution is received; and

13 (ii) Such contributions, when aggregated with previous contributions from the same
 14 contributor for such election, do not exceed the contribution limitations in effect on
 15 the date of such election."

16 **SECTION 10.**

17 Said title is further amended by striking Code Section 21-5-42, relating to maximum
 18 allowable contributions by corporations, and inserting in its place a new Code Section
 19 21-5-42 to read as follows:

20 "21-5-42.

21 For purposes of this article, a contribution to a campaign committee of a candidate for any
 22 public office shall be deemed to be a contribution to such candidate. If during any calendar
 23 year there occur both a special election including a special primary, special primary runoff,
 24 and special election runoff as appropriate and a general election for the same public office
 25 and if the same person is a candidate for nomination or election at both such special
 26 election including a special primary, special primary runoff, and special election runoff as
 27 appropriate and such general election, then this Code section shall apply. Where this Code
 28 section applies, a person, corporation, political committee, or political party may contribute
 29 up to the maximum amount otherwise allowable under this article to such person or such
 30 person's campaign committee for the purpose of influencing such candidate's nomination
 31 or election at the special primary, special primary runoff, special election, or special
 32 election runoff; and the same person, corporation, political committee, or political party
 33 may contribute up to the maximum amount otherwise allowable under this article for the
 34 purpose of influencing such candidate's election at the general election or general election
 35 runoff. This Code section shall be construed according to the following rules:

1 (1) It is the general intent of this Code section to allow a person who is a candidate for
 2 election at both a special election and a general election in the same calendar year to
 3 receive ~~up to but no more than twice~~ the amount of contributions which could otherwise
 4 be received from any one donor during the year but no more than the limits applicable to
 5 any individual election; and

6 (2) Seeking nomination at a special primary or general primary shall be considered as
 7 seeking election at the ensuing special election or general election for the purpose of
 8 determining whether a person is a candidate for election at both the special election and
 9 the general election and allowing the application of this Code section; but seeking
 10 election at only a single primary and its ensuing election shall not bring this Code section
 11 into effect."

12 SECTION 11.

13 Said title is further amended by striking Code Section 21-5-43, relating to maximum
 14 allowable contributions by political committees, and inserting in its place a new Code
 15 Section 21-5-43 to read as follows:

16 "21-5-43.

17 (a) A candidate or campaign committee may separately account for contributions for each
 18 election in an election cycle for which contributions are accepted. If no contributions are
 19 accepted for an election, no corresponding accounting shall be required. Subject to the
 20 contribution limits of this chapter, contributions so separately accounted for may be
 21 accepted at any time in the election cycle. ~~Upon the conclusion of an election, contributions~~
 22 ~~not exceeding such limits may continue to be accepted for repayment of campaign~~
 23 ~~obligations incurred as a candidate in that election.~~

24 (b) ~~Contributions separately accounted for shall not be expended on a prior election except~~
 25 ~~in conformance with this Code section. Contributions separately accounted for in a primary~~
 26 ~~election may be expended at any time during the election cycle prior to and including the~~
 27 ~~date of the primary. Candidates who have elected the option of separate accounting may~~
 28 ~~not use contributions designated for a future election to pay debts from a prior election,~~
 29 ~~unless and until the election for which the separately accounted for contributions were~~
 30 ~~designated has been held and campaign debts remain outstanding from a prior election.~~

31 (c) Contributions remaining unexpended after the date of the election may be expended
 32 for any future election in the same election cycle without regard to the limitations of Code
 33 Section 21-5-41. If there are no further elections in the election cycle or if the candidate or
 34 the candidate of the campaign committee is not on the ballot of a further election in the
 35 election cycle, such contributions may be used only as provided in Code Section 21-5-33.

1 ~~(d) Contributions accepted and separately accounted for in an election which does not~~
 2 ~~occur or for which the candidate does not qualify, if unexpended, shall be returned to the~~
 3 ~~contributors thereof pro rata without interest. Any portion thereof which cannot be returned~~
 4 ~~to the original contributor thereof shall be expended only as provided in Code Section~~
 5 ~~21-5-33.~~

6 (d) Contributions received for an election beyond the candidate's next upcoming election
 7 may be placed in a separate campaign depository account and may not be spent or
 8 encumbered until: (1) the preceding election has been held; and (2) it is determined that the
 9 candidate will be on the ballot for the election for which the separately accounted for
 10 contributions were received.

11 (e) If the candidate has accepted contributions which were separately accounted for and
 12 held pending the results of a preceding election, such contributions must be returned in full
 13 to the original contributors thereof if either of the following is true:

14 (1) The election for which contributions were accepted will not be held; or

15 (2) The candidate for whom the contributions were accepted is not on the ballot in the
 16 election for which contributions were accepted.

17 (f) Any refunds which are required must be made within 30 days of any determination that
 18 the election for which the contributions were accepted will not be held or within 30 days
 19 of an event which determines that the candidate for whom the contributions were accepted
 20 will not be on the ballot in the election for which the contributions were accepted. If
 21 refunds are from noninterest-bearing accounts, such refunds shall be made without interest.
 22 However, in the event the contributions to be refunded have been maintained in an
 23 interest-bearing account, all interest generated thereon shall be distributed pro rata along
 24 with full refunds to each of the original contributors.

25 (g) Any refunds which cannot be delivered to the original contributor due to a lack of
 26 forwarding address shall be treated as excess funds and may only be expended in a manner
 27 authorized for disposition of excess funds.

28 (e)(i) The commission shall adopt such rules and regulations as are necessary to carry out
 29 the purposes of this Code section in accordance with Chapter 13 of Title 50, the 'Georgia
 30 Administrative Procedure Act.'

31 SECTION 12.

32 Said title is further amended by striking Code Section 21-5-50, relating to filing of financial
 33 disclosure statements, and inserting in its place a new Code Section 21-5-50 to read as
 34 follows:

1 "21-5-50.

2 (a)(1) Except as modified in subsection (c) of this Code section with respect to
3 candidates for state-wide elected public office, each public officer, as defined in
4 subparagraphs (A) through (E) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, shall file
5 with the ~~Secretary of State~~ commission not before the first day of January nor later than
6 July 1 of each year in which such public officer holds office other than the year in which
7 an election is held for such public office, a financial disclosure statement for the
8 preceding calendar year; and each person who qualifies as a candidate for election as a
9 public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (20) of
10 Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission, no later than the
11 fifteenth day following the date of qualifying as a candidate, a financial disclosure
12 statement for the preceding calendar year.

13 (2) Each public officer, as defined in subparagraph (F) of paragraph ~~(15)~~ (20) of Code
14 Section 21-5-3, shall file with the election superintendent of the county of election of
15 such public officer, not before the first day of January nor later than July 1 of each year
16 in which such public officer holds office other than the year in which an election is held
17 for such public office, a financial disclosure statement for the preceding calendar year.
18 Each person who qualifies as a candidate for election as a public officer, as defined in
19 subparagraph (F) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, shall file with the
20 election superintendent of the county of election, no later than the fifteenth day following
21 the date of qualifying as a candidate, a financial disclosure statement for the preceding
22 calendar year.

23 (3) Each public officer, as defined in subparagraph (G) of paragraph ~~(15)~~ (20) of Code
24 Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if
25 there is no clerk, with the chief executive officer of such municipality, not before the first
26 day of January nor later than July 1 of each year in which such public officer holds office
27 other than the year in which an election is held for such public office, a financial
28 disclosure statement for the preceding calendar year. Each person who qualifies as a
29 candidate for election as a public officer, as defined in subparagraph (G) of paragraph
30 ~~(15)~~ (20) of Code Section 21-5-3, shall file with the municipal clerk of the municipality
31 of election or, if there is no clerk, with the chief executive officer of such municipality,
32 no later than the fifteenth day following the date of qualifying as a candidate, a financial
33 disclosure statement for the preceding calendar year.

34 (4) The filing officer shall review each financial disclosure statement to determine that
35 such statement is in compliance with the requirements of this chapter.

36 (5) A public officer shall not, however, be required to file such a financial disclosure
37 statement for the preceding calendar year in a year in which there occurs qualifying for

1 election to succeed such public officer, if such public officer does not qualify for
 2 nomination for election to succeed himself or herself or for election to any other public
 3 office subject to this chapter. For purposes of this subsection, a public officer shall not
 4 be deemed to hold office in a year in which the public officer holds office for less than
 5 15 days.

6 (b) A financial disclosure statement shall be in the form specified by the commission and
 7 shall identify:

8 (1) Each monetary fee or honorarium ~~of \$101.00 or less~~ which is accepted by a public
 9 officer from speaking engagements, participation in seminars, discussion panels, or other
 10 activities, as permitted under Code Section 45-10-12 ~~which directly relate to the official~~
 11 ~~duties of the public officer or the office of the public officer~~, with a statement identifying
 12 the fee or honorarium accepted and the person from whom it was accepted;

13 (2) All fiduciary positions held by the candidate for public office or the public officer,
 14 with a statement of the title of each such position, the name and address of the business
 15 entity, and the principal activity of the business entity;

16 (3) The name, address, and principal activity of any business entity and the office held
 17 by and the duties of the candidate for public office or public officer within such business
 18 entity as of December 31 of the covered year in which such candidate or officer has a
 19 direct ownership interest which interest:

20 (A) Is more than ~~10~~ 5 percent of the total interests in such business; or

21 (B) Has a net fair market value of more than \$20,000.00;

22 (4) Each tract of real property in which the candidate for public office or public officer
 23 has a direct ownership interest as of December 31 of the covered year when that interest
 24 has a net fair market value in excess of \$20,000.00. ~~As used in this paragraph, the term~~
 25 ~~'net fair market' value means the appraised value of the property for ad valorem tax~~
 26 ~~purposes less any indebtedness thereon.~~ The disclosure shall contain the county and state
 27 ~~and general location therein~~ complete address or a specific location of where the property
 28 is located;

29 (5) The filer's occupation, employer, and the principal activity and address of such
 30 employer;

31 (6) If he or she has actual knowledge of such ownership interest or knowledge of facts
 32 which would put a reasonable and prudent person on notice of such ownership interest,
 33 the filer shall name any business or subsidiary thereof in Georgia in which the filer's
 34 spouse or dependent children, jointly or severally, own a direct ownership interest which
 35 interest:

36 (A) Is more than 5 percent of the total interests in such business; or

37 (B) Has a net fair market value of more than \$20,000.00

1 or in which the filer's spouse or any dependent child serves as an officer, director,
 2 equitable partner, trustee, or consultant;

3 (7) For any business or subsidiary required to be identified under paragraph (6) of this
 4 subsection that provides professional services, including, but not limited to, legal,
 5 accounting, public relations, or consulting services, the identity of any client of such
 6 business or subsidiary that also employs or retains a lobbyist registered under this chapter
 7 or that engages in lobbying as defined in this chapter and the total amount of fees paid
 8 to such business or subsidiary by such client in the preceding calendar year;

9 ~~(5)~~(8) All annual payments in excess of \$20,000.00 received by the public officer or any
 10 business entity identified in paragraph (3) of this subsection from the state, any agency,
 11 department, commission, or authority created by the state, and authorized and exempted
 12 from disclosure under Code Section 45-10-25, and the agency, department, commission,
 13 or authority making the payments, and the general nature of the consideration rendered
 14 for the source of the payments; and

15 ~~(6)~~(9) No form prescribed by the commission shall require more information or specify
 16 more than provided in the several paragraphs of this Code section with respect to what
 17 is required to be disclosed.

18 (c)(1) Each person who qualifies with a political party as a candidate for party
 19 nomination to a public office elected state wide (including an incumbent public officer
 20 elected state wide qualifying to succeed himself) shall file with the ~~Secretary of State~~
 21 commission, not later than seven days after so qualifying, a financial disclosure
 22 statement. Each person who qualifies as a candidate for election to a public office elected
 23 state wide through a nomination petition or convention shall likewise file a financial
 24 disclosure statement not later than seven days after filing his notice of candidacy. Such
 25 financial disclosure statement shall comply with the requirements of subsections (a) and
 26 (b) of this Code section and shall in addition identify, for the preceding five calendar
 27 years:

28 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
 29 year in which the candidate (whether for himself or herself or on behalf of any
 30 business) or any business in which such candidate or any member of his family has a
 31 substantial interest or is an officer of such business has transacted business with the
 32 government of the State of Georgia, the government of any political subdivision of the
 33 State of Georgia, or any agency of any such government; and

34 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
 35 year in which the candidate or any business in which such candidate or any member of
 36 his family has a substantial interest or is an officer of such business received any
 37 income of any nature from any person who was at the time of such receipt of income

1 represented by a lobbyist registered with the commission pursuant to Article 4 of this
2 chapter.

3 (2) The financial disclosure statement required by paragraph (1) of this subsection shall
4 include an itemized list of the transactions required to be reported, including the date of,
5 dollar amount of, and parties to each such transaction. However, with respect to any
6 transactions of a privileged nature only the total amount of such transactions shall be
7 required to be reported, and names, dates, amounts of individual transactions, and other
8 identifying data may be omitted; and for this purpose 'transactions of a privileged nature'
9 shall include transactions between attorney and client, transactions between psychiatrist
10 and patient, transactions between physician and patient, and any other transactions which
11 are by law of a similar privileged and confidential nature.

12 (3) The financial disclosure statement required by paragraph (1) of this subsection shall
13 be accompanied by a financial statement of the candidate's financial affairs for the
14 calendar year prior to the year in which the election is held and the first quarter of the
15 calendar year in which the election is held.

16 (4)(A) As used in this subsection, the term:

17 (i) 'Agency' means any agency, authority, department, board, bureau, commission,
18 committee, office, or instrumentality of the State of Georgia or any political
19 subdivision of the State of Georgia.

20 (ii) 'Financial statement' means a statement of a candidate's financial affairs in a form
21 substantially equivalent to the short form financial statement required for bank
22 directors under the rules of the Department of Banking and Finance.

23 (iii) 'Substantial interest' means the direct or indirect ownership of ~~10~~ 5 percent or
24 more of the assets or stock of any business.

25 (B) As used in this subsection, the term:

26 (i) 'Member of the family' includes the candidate's spouse and dependent children;
27 and

28 (ii) 'Person' and 'transact business' shall have the meanings specified in Code Section
29 45-10-20.

30 (5) Notwithstanding any other provisions of this subsection, if, due to a special election
31 or otherwise, a person does not qualify as a candidate for nomination or election to public
32 office until after the filing date otherwise applicable, such person shall make the filings
33 required by this subsection within seven days after so qualifying.

34 (d) Beginning January 1, 2004, all state-wide elected officials and members of the General
35 Assembly required to file financial disclosure statements shall use electronic means to file
36 their financial disclosure statements. Prior to such date electronic filing of financial
37 disclosure statements by such persons is permitted and encouraged but not required."

1 (c) Notwithstanding any other law to the contrary, such public employer shall not after
2 receipt of a complaint or information from a public employee disclose the identity of the
3 public employee without the written consent of such public employee, unless the public
4 employer determines such disclosure is necessary and unavoidable during the course of the
5 investigation. In such event, the public employee shall be notified in writing at least seven
6 days prior to such disclosure.

7 ~~(d) No action against any public employee shall be taken or threatened by any public
8 employer who has authority to take, direct others to take, recommend, or approve any
9 personnel action as a reprisal for making a complaint or disclosing information to the
10 public employer unless the complaint was made or the information was disclosed with the
11 knowledge that it was false or with willful disregard for its truth or falsity.~~

12 (d)(1) No public employer shall make, adopt, or enforce any policy or practice
13 preventing a public employee from disclosing or threatening to disclose a violation of or
14 noncompliance with a law, rule, or regulation to either a supervisor or a government
15 agency.

16 (2) No public employer shall retaliate against a public employee for disclosing or
17 threatening to disclose a violation of or noncompliance with a law, rule, or regulation to
18 either a supervisor or a government agency, unless the disclosure or threatened disclosure
19 was made with knowledge that the disclosure was false or with reckless disregard for its
20 truth or falsity.

21 (3) No public employer shall retaliate against a public employee for objecting to, or
22 refusing to participate in, any activity, policy, or practice of the public employer that the
23 public employee has reasonable cause to believe is in violation of or noncompliance with
24 a law, rule, or regulation.

25 (4) Paragraphs (1), (2), and (3) of this subsection shall not apply to policies or practices
26 which implement, or to actions by public employers against public employees who
27 violate, privilege or confidentiality obligations recognized by constitutional, statutory, or
28 common law.

29 ~~(e) Any action taken in violation of subsection (d) of this Code section shall give the
30 public employee a right to have such action set aside in a proceeding instituted in the
31 superior court.~~

32 (e)(1) A public employee who has been the object of retaliation in violation of this Code
33 section may institute a civil action in superior court for relief as set forth in paragraph (2)
34 of this subsection within one year after discovering the retaliation or within three years
35 after the retaliation, whichever is earlier.

36 (2) In any action brought pursuant to this subsection, the court may order any or all of
37 the following relief:

- 1 (A) An injunction restraining continued violation of this Code section;
2 (B) Reinstatement of the employee to the same position held before the retaliation or
3 to an equivalent position;
4 (C) Reinstatement of full fringe benefits and seniority rights;
5 (D) Compensation for lost wages, benefits, and other remuneration; and
6 (E) Any other compensatory damages allowable at law.
7 (f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing
8 public employee."

9 **SECTION 14.**

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

12 **SECTION 15.**

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