

House Bill 771

By: Representatives Porter of the 119th, Smyre of the 111th, Bordeaux of the 125th, Skipper of the 116th, Mobley of the 58th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics
2 in government, so as to change provisions relative to the appointment of members of the
3 State Ethics Commission and provide additional eligibility requirements for appointed
4 persons; to provide for the timely issuance of advisory opinions by the State Ethics
5 Commission and other matters relative to advisory opinions; to change the provisions relating
6 to technical defects and the time frame for correction of technical defects in financial
7 disclosure statements; to change certain provisions regarding powers, duties, and
8 responsibilities of the State Ethics Commission; to change certain provisions regarding
9 contributions; to change certain provisions regarding disclosure reports; to change certain
10 provisions regarding electronic filing of reports; to change certain provisions regarding filing
11 of financial disclosure statements; to change the provisions relating to maximum allowable
12 contributions; to provide for lobbyist registration and reporting for persons engaged in
13 attempting to influence state purchasing; to define terms; to change the provisions relating
14 to lobbyist disclosure reports and the contents thereof and the definition of lobbyist; to
15 change provisions relating to lobbyist registration; to change provisions relating to lobbyists;
16 to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
17 employees, so as to provide for restrictions on activities for elected persons who were
18 members of the legislative or executive branch of state government; to provide for penalties;
19 to provide an effective date and for applicability; to repeal conflicting laws; and for other
20 purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
24 government, is amended in Code Section 21-5-3, relating to definitions, by inserting a new
25 paragraph (13.1) to read as follows:

1 qualified. If a vacancy occurs in the membership of the commission, a new member shall
 2 be appointed to the unexpired term of office by the state official or entity who appointed
 3 the vacating member as set forth in subsection (b) of this Code section. Those members
 4 -serving on the commission on the effective date of this subsection shall continue to serve
 5 on the commission until the expiration of their terms of office which shall be on November
 6 30 of the particular year of the expiration of their term so that all member's terms shall
 7 expire on the same day of the year.

8 (b) After the effective date of this subsection, the commission members shall be appointed
 9 as follows: the successor to the member who was appointed by the Lieutenant Governor,
 10 whose term shall expire November 30, 2005, shall be appointed by the Lieutenant
 11 Governor; the successor to the member who was appointed by the Speaker of the House
 12 of Representatives, whose term shall expire on November 30, 2003, shall be appointed by
 13 the Speaker of the House of Representatives; the successors to two of the members who
 14 were appointed by the Governor, both of whose terms shall expire on November 30, 2006,
 15 shall be appointed by the Governor, with one member being from a different political party
 16 as the term is defined by paragraph (25) of Code Section 21-2-2; the successor to the other
 17 member who was appointed by the Governor, whose term shall expire November 30, 2006,
 18 shall be appointed by the Secretary of State."

19 SECTION 3.

20 Said chapter is further amended by striking Code Section 21-5-5, relating to operating
 21 expenses, and inserting in its place the following:

22 "21-5-5.

23 The funds necessary to carry out this chapter shall come from the funds appropriated to and
 24 available to the State Ethics Commission and from any other available funds. The
 25 commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title
 26 45, the 'Budget Act'; provided, however, the commission shall be assigned for
 27 administrative purposes only to the Secretary of State."

28 SECTION 4.

29 Said chapter is amended further by striking paragraph (13) of subsection (b) and subsection
 30 (c) of Code Section 21-5-6, relating to the powers and duties of the State Ethics Commission,
 31 and inserting in their respective places the following:

32 "(13) To issue, ~~upon request~~, and publish upon receipt of a written request based on real
 33 or hypothetical circumstances, including but not limited to the issue of whether campaign
 34 contributions may be used for a specific purpose, advisory opinions on the requirements
 35 of this chapter, ~~based on a real or hypothetical set of circumstances~~ within 30 days of

1 receipt of each such request for an advisory opinion. No opinion shall include the name
 2 of the person who is seeking the opinion. The opinion expressed shall only apply
 3 prospectively to the subject matter;"

4 ~~"(c) The Secretary of State, through the Secretary of State's office, shall perform the~~
 5 ~~ministerial functions which the commission may require. The office of the Secretary of~~
 6 ~~State shall be designated as the place where members of the public may file papers or~~
 7 ~~correspond with the commission and receive any form or instruction from the commission.~~
 8 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~
 9 ~~commission."~~

10 SECTION 5.

11 Said chapter is further amended by striking Code Section 21-5-7, relating to initiation of
 12 complaints, and inserting in lieu thereof the following:

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
 19 furnished or mailed a copy of the complaint by the commission immediately upon the
 20 commission's receipt of such complaint and prior to any other public dissemination of such
 21 complaint. Nothing in this Code section, however, shall be construed to limit or encumber
 22 the right of the commission to initiate on probable cause an investigation on its own
 23 cognizance as 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 days to correct the~~
 33 ~~alleged technical defect. During such ten-day period the complaint shall be considered~~
 34 ~~as received by the commission but not yet filed with the commission. If during such~~
 35 ~~ten-day period the alleged technical violation is cured by an amended filing or otherwise,~~
 36 ~~or if during such ten-day period the subject of the complaint demonstrates that there is~~

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

3 **SECTION 6.**

4 Said chapter is further amended by inserting a new Code section after Code Section 21-5-7,
5 relating to initiation of complaints, to read as follows:

6 "21-5-7.1.

7 The commission shall adopt rules which shall provide that:

8 (1) Upon the commission's receipt of a complaint, a determination shall be made as to
9 whether the complaint relates to an alleged technical defect in a filing. For this purpose,
10 a technical defect shall be a defect such as a failure to include a date or an incorrect date,
11 a failure to include a contributor's occupation or an incorrect occupation, a failure to
12 include an address or an incorrect address, or any other similar technical defect as
13 specified by rule of the commission;

14 (2) When the commission determines that a complaint relates to a technical defect in a
15 filing, the subject of the complaint shall be issued a notice of an alleged technical defect
16 by certified mail, return receipt requested, and shall be given a period of 30 calendar days
17 from the receipt of the notice to correct the alleged technical defect. During the 30 day
18 period the complaint shall be considered as received by the commission but not yet filed
19 with the commission and shall not be considered a violation of this chapter. If during the
20 30 day period the alleged technical violation is cured by an amended filing or otherwise
21 or if during the 30 day period the subject of the complaint demonstrates that there is no
22 technical violation as alleged, the complaint shall be disposed of without filing or further
23 proceedings and no penalty shall be imposed. If the subject of the complaint fails to
24 respond to the notice of an alleged technical defect, make an amended filing, or
25 demonstrate that there is no technical violation as alleged by the thirty-first day, the
26 commission shall impose and collect a fine in the amount of \$50.00 per technical defect
27 which shall be paid by funds other than campaign funds. If the subject of the complaint
28 fails to pay the fine for the technical defect or defects and has not otherwise complied
29 with this paragraph by the sixtieth day from the receipt of the notice of an alleged
30 technical defect, the commission shall conduct further investigation and the complaint
31 may proceed further in accordance with the provisions of this chapter."

32 **SECTION 7.**

33 Said chapter is further amended by striking subsections (b) and (g) of Code Section 21-5-30,
34 relating to campaign contributions, and inserting in their respective places the following:

1 "(b) Each candidate shall maintain records and file reports as required by this chapter or
 2 shall have a campaign committee for the purposes of maintaining records and filing reports
 3 as required by this chapter. Every campaign committee shall have a chairperson and a
 4 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a
 5 campaign committee accepts contributions, the name and address of the chairperson and
 6 treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been
 7 elected to public office, the registration of that candidate's campaign committee with the
 8 ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in
 9 office until and unless: (1) the registration is canceled by the campaign committee or the
 10 candidate; or (2) a new campaign committee for that candidate is registered with the
 11 ~~Secretary of State~~ commission. The same person may serve as chairperson and treasurer.
 12 No contributions shall be accepted by or on behalf of the campaign committee at a time
 13 when there is a vacancy in the office of chairperson or treasurer of the campaign
 14 committee."

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

20 SECTION 8.

21 Said chapter is further amended by striking subsections (a), (e), (f), (g), and (h) of Code
 22 Section 21-5-34, relating to disclosure reports, and inserting in their respective places the
 23 following:

24 "(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
 25 organized to bring about the nomination or election of a candidate for any office except
 26 county and municipal offices or the General Assembly and the chairperson or treasurer
 27 of every campaign committee designed to bring about the recall of a public officer or
 28 to oppose the recall of a public officer or designed to bring about the approval or
 29 rejection by the voters of any proposed constitutional amendment or state-wide
 30 referendum shall sign and file with the ~~Secretary of State~~ commission the required
 31 campaign contribution disclosure reports. A candidate for membership in the General
 32 Assembly or the chairperson or treasurer of such candidate's campaign committee shall
 33 file such candidate's reports with the ~~Secretary of State~~ commission and a copy thereof
 34 with the election superintendent of the county of such candidate's residence.

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

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

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

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

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

24 "(e) Any person who makes contributions to, accepts contributions for, or makes
 25 expenditures on behalf of candidates, and any independent committee, shall file a
 26 registration with the ~~Secretary of State~~ commission in the same manner as is required of
 27 campaign committees prior to accepting or making contributions or expenditures. Such
 28 persons, other than independent committees, shall also file campaign contribution
 29 disclosure reports in the same places and at the same times as required of the candidates
 30 they are supporting. The following persons shall be exempt from the foregoing registration
 31 and reporting requirements:

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

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

36 (f)(1) Any independent committee which accepts contributions or makes expenditures
 37 for the purpose of affecting the outcome of an election or advocates the election or defeat

1 of any candidate shall file disclosure reports with the ~~Secretary of State~~ commission as
2 follows: (A) on the first day of each of the two calendar months preceding any such
3 election; (B) two weeks prior to the date of such election; and (C) within the two-week
4 period prior to the date of such election the independent committee shall report within 48
5 hours any contributions or expenditure of more than \$1,000.00. The independent
6 committee shall file a final report prior to December 31 of the year in which the election
7 is held and shall file supplemental reports on June 30 and December 31 of each year that
8 such independent committee continues to accept contributions or make expenditures.

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

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

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

17 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

20 SECTION 9.

21 Said chapter is further amended by striking subsections (a), (b), and (d) of Code Section
22 21-5-34.1, relating to electronic filing of certain reports, and inserting their respective places
23 the following:

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

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

1 as cumulative totals. Under that threshold, electronic filing is permitted and encouraged
2 but not required."

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

8 **SECTION 10.**

9 Said chapter is further amended by striking subsections (a) and (b) of Code Section 21-5-41,
10 relating to the maximum allowable contribution, and inserting in their respective places the
11 following and by inserting a new subsection to read as follows:

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

- 15 (1) ~~Two~~ Five thousand dollars for a primary election;
- 16 (2) ~~One~~ Three thousand dollars for a primary run-off election;
- 17 (3) ~~Three~~ Five thousand dollars for a general election; and
- 18 (4) ~~Two~~ Three thousand dollars for a general election runoff.

19 (b) No person, corporation, political committee, or political party shall make, and no
20 candidate or campaign committee shall receive from any such entity, contributions to any
21 candidate for the General Assembly or public office other than state-wide elected office
22 which ~~in the aggregate for an election cycle~~ exceed:

- 23 (1) ~~One~~ Two thousand dollars for a primary election;
- 24 (2) One thousand dollars for a primary run-off election;
- 25 (3) Two thousand dollars for a general election; and
- 26 (4) One thousand dollars for a general election runoff.

27 (b.1) No candidate, campaign committee, or political action committee shall make
28 contributions to any state or local political party in excess of \$5,000.00 per calendar year."

29 **SECTION 11.**

30 Said chapter is further amended by striking subsections (a) and (c) of Code Section 21-5-50,
31 relating to filing of financial disclosure statements, and inserting in their respective places
32 the following:

33 "(a)(1) Except as modified in subsection (c) of this Code section with respect to
34 candidates for state-wide elected public office, each public officer, as defined in
35 subparagraphs (A) through (E) of paragraph (15) of Code Section 21-5-3, shall file with

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

9 (2) Each public officer, as defined in subparagraph (F) of paragraph (15) of Code Section
10 21-5-3, shall file with the election superintendent of the county of election of such public
11 officer, not before the first day of January nor later than July 1 of each year in which such
12 public officer holds office other than the year in which an election is held for such public
13 office, a financial disclosure statement for the preceding calendar year. Each person who
14 qualifies as a candidate for election as a public officer, as defined in subparagraph (F) of
15 paragraph (15) of Code Section 21-5-3, shall file with the election superintendent of the
16 county of election, no later than the fifteenth day following the date of qualifying as a
17 candidate, a financial disclosure statement for the preceding calendar year.

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

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

31 (5) A public officer shall not, however, be required to file such a financial disclosure
32 statement for the preceding calendar year in a year in which there occurs qualifying for
33 election to succeed such public officer, if such public officer does not qualify for
34 nomination for election to succeed himself or herself or for election to any other public
35 office subject to this chapter. For purposes of this subsection, a public officer shall not
36 be deemed to hold office in a year in which the public officer holds office for less than
37 15 days."

1 "(c)(1) Each person who qualifies with a political party as a candidate for party
2 nomination to a public office elected state wide (including an incumbent public officer
3 elected state wide qualifying to succeed himself) shall file with the ~~Secretary of State~~
4 commission, not later than seven days after so qualifying, a financial disclosure
5 statement. Each person who qualifies as a candidate for election to a public office elected
6 state wide through a nomination petition or convention shall likewise file a financial
7 disclosure statement not later than seven days after filing his notice of candidacy. Such
8 financial disclosure statement shall comply with the requirements of subsections (a)
9 and (b) of this Code section and shall in addition identify, for the preceding five calendar
10 years:

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

17 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
18 year in which the candidate or any business in which such candidate or any member of
19 his family has a substantial interest or is an officer of such business received any
20 income of any nature from any person who was at the time of such receipt of income
21 represented by a lobbyist registered with the commission pursuant to Article 4 of this
22 chapter.

23 (2) The financial disclosure statement required by paragraph (1) of this subsection shall
24 include an itemized list of the transactions required to be reported, including the date of,
25 dollar amount of, and parties to each such transaction. However, with respect to any
26 transactions of a privileged nature only the total amount of such transactions shall be
27 required to be reported, and names, dates, amounts of individual transactions, and other
28 identifying data may be omitted; and for this purpose 'transactions of a privileged nature'
29 shall include transactions between attorney and client, transactions between psychiatrist
30 and patient, transactions between physician and patient, and any other transactions which
31 are by law of a similar privileged and confidential nature.

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

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

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

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

7 (iii) 'Substantial interest' means the direct or indirect ownership of 10 percent or more
8 of the assets or stock of any business.

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

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

12 (ii) 'Person' and 'transact business' shall have the meanings specified in Code Section
13 45-10-20.

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

18 SECTION 12.

19 Said chapter is further amended by striking paragraphs (6) and (7) of Code Section 21-5-70,
20 relating to definitions applicable to Article 4 of said chapter, and inserting in their place new
21 paragraphs (6), (7), (8), and (9) to read as follows:

22 "(6) 'Lobbyist' means:

23 (A) Any natural person who, for compensation, either individually or as an employee
24 of another person, undertakes to promote or oppose the passage of any legislation by
25 the General Assembly, or any committee thereof, or the approval or veto of legislation
26 by the Governor;

27 (B) Any natural person who makes a total expenditure of more than \$250.00 in a
28 calendar year, not including the person's own travel, food, lodging expenses, or
29 informational material to promote or oppose the passage of any legislation by the
30 General Assembly, or any committee thereof, or the approval or veto of legislation by
31 the Governor;

32 (C) Any natural person who as an employee of the executive branch or judicial branch
33 of state government engages in any activity covered under subparagraph (A) of this
34 paragraph;

35 (D) Any natural person who, for compensation, either individually or as an employee
36 of another person, undertakes to promote or oppose the passage of any ordinance or

1 resolution by a public officer specified under subparagraph (F) or (G) of paragraph (15)
 2 of Code Section 21-5-3, or any committee of such public officers, or the approval or
 3 veto of any such ordinance or resolution;

4 (E) Any natural person who makes a total expenditure of more than \$250.00 in a
 5 calendar year, not including the person's own travel, food, lodging expenses, or
 6 informational material to promote or oppose the passage of any ordinance or resolution
 7 by a public officer specified under subparagraph (F) or (G) of paragraph (15) of Code
 8 Section 21-5-3, or any committee of such public officers, or the approval or veto of any
 9 such ordinance or resolution; or

10 (F) Any natural person who as an employee of the executive branch or judicial branch
 11 of local government engages in any activity covered under subparagraph (D) of this
 12 paragraph; or

13 (G) Any natural person who, for compensation, either individually or as an employee
 14 of another person undertakes to influence a public officer or public body in the
 15 selection of a vendor to supply any goods or services to any state agency but does not
 16 include a person solely on the basis that such person participates in preparing a written
 17 bid, written proposal, or other document relating to a potential sale to a state agency.

18 (7) 'Public officer' means those public officers specified under subparagraphs (A)
 19 through (G) of paragraph (15) of Code Section 21-5-3, as amended, except as otherwise
 20 provided in this article and also includes any public officer or employee who has any
 21 discretionary authority over, or is a member of a public body which has any discretionary
 22 authority over, the selection of a vendor to supply any goods or services to any state
 23 agency.

24 (8) 'State agency' means any branch of state government, agency, authority, department,
 25 board, bureau, commission, council, corporation, entity, or instrumentality of the state but
 26 does not include a local political subdivision, such as a county, city, or local school
 27 district or an instrumentality of such a local political subdivision.

28 (9) 'Vendor' means any person who sells to or contracts with a state agency."

29 SECTION 13.

30 Said chapter is further amended by striking subsection (b) of Code Section 21-5-71, relating
 31 to lobbyist registration, identification cards, fees, and exemptions, and inserting in its place
 32 the following:

33 "(b) Each lobbyist shall file an application for registration with the commission. The
 34 application shall be verified by the applicant and shall contain:

35 (1) The applicant's name, address, and telephone number;

1 (2) The name, address, and telephone number of the person or agency that employs,
2 appoints, or authorizes the applicant to lobby on its behalf;

3 (3) A statement of the general business or purpose of each person, firm, corporation,
4 association, or agency the applicant represents;

5 (4) If the applicant represents a membership group other than an agency or corporation,
6 the general purpose and approximate number of members of the organization; ~~and~~

7 (5) A statement signed by the person or agency employing, appointing, or authorizing
8 the applicant to lobby on its behalf. ~~21-5-73; and~~

9 (6) If the applicant is a lobbyist within the meaning of subparagraph (G) of paragraph (6)
10 of Code Section 21-5-70, the name of the state agency before which the applicant
11 engages in lobbying."

12 SECTION 14.

13 Said chapter is further amended by striking Code Section 21-5-73, relating to lobbyist
14 disclosure reports, and inserting in its place the following:

15 "21-5-73.

16 (a) Each lobbyist registered under this article shall file disclosure reports as provided for
17 in this Code section.

18 (b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (6)
19 of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of
20 the preceding month, ~~shall be filed~~ on or before the fifth day of any month while the
21 General Assembly is in session.

22 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (6) of
23 Code Section 21-5-70 shall: (1) file a disclosure report, current through the end of the
24 preceding month, on or before the fifth day of May, September, and January of each year
25 instead of the reports ~~otherwise~~ required by ~~subsection (c)~~ subsections (b) and (d) of this
26 Code section ~~and the first sentence of this subsection~~; and (2) file such report with the
27 commission, file a copy of such report with the election superintendent of each county
28 involved if the report contains any expenditures relating to county or county school district
29 affairs, and file a copy of such report with the municipal clerk (or if there is no municipal
30 clerk, with the chief executive officer of the municipality) of each municipality involved
31 if the report contains any expenditures relating to municipal affairs or independent school
32 district affairs.

33 (c)(d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), or (G) of
34 paragraph (6) of Code Section 21-5-70 shall file a disclosure report, current through the end
35 of the period ending on July 31 and December 31 of each year, ~~shall be filed~~ on or before
36 August 5 and January 5 of each year.

1 ~~(d)~~(e) Reports filed by lobbyists shall be verified and shall include:

2 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value
3 thereof made by the lobbyist, or employees of the lobbyist, or employer of the lobbyist
4 on behalf or for the benefit of a public officer. The description of each reported
5 expenditure shall include:

6 (A) The name and title of the public officer or, if the expenditure is simultaneously
7 incurred for an identifiable group of public officers the individual identification of
8 whom would be impractical, a general description of that identifiable group;

9 (B) The amount, date, and description of the expenditure;

10 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures
11 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during
12 the reporting period; provided, however, expenses for travel and for food, beverage, and
13 lodging in connection therewith afforded a public officer shall be reported in the same
14 manner as under subparagraphs (A), (B), and (D) of this paragraph; and

15 (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending
16 before the governmental entity in support of or opposition to which the expenditure was
17 made; ~~and~~

18 (2) The names of any members of the immediate family of a public officer employed by
19 or whose professional services are paid for by the lobbyist during the reporting period;
20 and

21 (3) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (6)
22 of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist
23 undertook to influence the awarding of a contract or contracts by any state agency
24 together with a description of the contract or contracts and the monetary amount of the
25 contract or contracts.

26 (f) The reports required by this article shall be in addition to any reports required under
27 Code Section 45-1-6, relating to required reports by state vendors of gifts to public
28 employees. Compliance with this Code section shall not excuse noncompliance with that
29 Code section, and compliance with that Code section shall not excuse noncompliance with
30 this Code section, notwithstanding the fact that in some cases the same information may
31 be required to be disclosed under both Code sections."

32 SECTION 15.

33 Said chapter is further amended by adding a new Code section to the end of the chapter to
34 read as follows:

1 "21-5-74.

2 A lobbyist shall not be eligible for legislative or executive appointment to any board,
3 commission, or bureau created and established by the laws of this state until one year after
4 the expiration of the lobbyist's registration."

5

6

SECTION 16.

7 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
8 is amended by adding a new part to the end of Article 2 of Chapter 10, relating to conflicts
9 of interest, to read as follows:

10

"Part 5

11 45-10-80.

12 Any elected or appointed person who was a member of the legislative or executive branch
13 of state government and who, within one year after that person leaves employment with the
14 state, knowingly makes any communication to or appearance before the General Assembly
15 or the executive branch on behalf of any other person, other than on behalf of the State of
16 Georgia, with the intent to influence any matter on which the former elected or appointed
17 person seeks action by a member of the General Assembly or the executive branch in his
18 or her official capacity shall be fined in an amount not to exceed \$1,000.00."

19

SECTION 17.

20 Said title is amended further by adding a new Code section at the end of Article 3 of Chapter
21 12, relating to appointments and vacancies, to be designated Code Section 45-12-61, to read
22 as follows:

23 "45-12-61.

24 (a) As used in this Code section, the terms 'campaign committee,' 'contribution,' and
25 'expenditure' shall have the meanings set forth in Code Section 21-5-3.

26 (b) No person shall be eligible for appointment to fill a vacancy on any board,
27 commission, or bureau created and established by the laws of this state or on the Supreme
28 Court, the Court of Appeals, the superior courts, or the state courts if such person has made
29 a contribution to or expenditure on behalf of the Governor or the Governor's campaign
30 committee either: (1) in the 60 day period preceding the vacancy, unless the person
31 requests and is provided a refund of such contribution or reimbursement for such
32 expenditure; or (2) on or after the date the vacancy occurs."

1 **SECTION 18.**

2 This Act shall become effective on October 1, 2003, and apply to all reports due that year
3 and in subsequent years thereto.

4 **SECTION 19.**

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