

The House Committee on Judiciary offers the following substitute to HB 771:

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 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 provisions relating to operating
9 expenses for the State Ethics Commission; to change provisions relating to initiation of
10 complaints and mailing of complaints; to change certain provisions regarding contributions;
11 to change certain provisions regarding disclosure reports; to change certain provisions
12 regarding electronic filing of reports; to change certain provisions regarding filing of
13 financial disclosure statements; to change the provisions relating to maximum allowable
14 contributions; to provide for lobbyist registration and reporting for persons engaged in
15 attempting to influence state purchasing; to define terms; to change the provisions relating
16 to lobbyist disclosure reports and the contents thereof and the definition of lobbyist; to
17 change provisions relating to lobbyist registration; to create provisions relating to a lobbyist
18 being eligible for certain appointments; to amend Title 45 of the Official Code of Georgia
19 Annotated, relating to public officers and employees, so as to provide for restrictions on
20 activities for persons who were a member, employee, or appointee of the legislative,
21 executive, or judicial branch or other agencies or authorities of the state; to provide for
22 penalties; to provide for restrictions on the Governor's appointment power under certain
23 circumstances; to provide an effective date and for applicability; to repeal conflicting laws;
24 and for other purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 **SECTION 1.**

2 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
3 government, is amended in Code Section 21-5-3, relating to definitions, by inserting a new
4 paragraph (13.1) and by striking paragraph (14) and inserting a new paragraph (14) to read
5 as follows:

6 “(13.1) 'Ordinary and necessary expenses' shall include, but is not limited to, reasonable
7 expenditures made during the reporting period for office costs and rent, lodging,
8 equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling,
9 special events, volunteers, reimbursements to volunteers, contributions to nonprofit
10 organizations, and flowers for special occasions, which shall include, but are not limited
11 to, birthdays and funerals, and any other expenditure that is deemed appropriate for the
12 purposes of Code Section 21-5-33.

13 (14) 'Person' means an individual, partnership, committee, association, corporation,
14 limited liability corporation, limited liability partnership, trust, labor organization, or any
15 other organization or group of persons.”

16 **SECTION 2.**

17 Said chapter is further amended by striking subsections (a) and (b) of Code Section 21-5-4,
18 relating to the State Ethics Commission, and inserting in their respective places the
19 following:

20 ~~“(a) Those members serving on the State Campaign and Financial Disclosure Commission~~
21 ~~prior to March 1, 1987, shall serve for a term of office which expires March 1, 1987.~~
22 ~~(b) There is created the State Ethics Commission, with such duties and powers as are set~~
23 ~~forth in this chapter. The commission shall be a successor to the State Campaign and~~
24 ~~Financial Disclosure Commission in all matters pending before the State Campaign and~~
25 ~~Financial Disclosure Commission on March 1, 1987, and may continue to investigate,~~
26 ~~prosecute, and act upon all such matters. The commission shall be governed by five~~
27 ~~members appointed as follows: three members, not more than two of whom shall be from~~
28 ~~the same political party, shall be appointed by the Governor, two for terms of three years~~
29 ~~and one for a term of two years; one member shall be appointed by the Lieutenant~~
30 ~~Governor for a term of four years; and one member shall be appointed by the Speaker of~~
31 ~~the House of Representatives for a term of four years. The initial members shall take office~~
32 ~~on March 2, 1987. Upon the expiration of a member’s term of office, a new member,~~
33 ~~appointed in the same manner as the member whose term of office expired as provided in~~
34 ~~this subsection, shall become a member of the commission and shall serve for a term of~~
35 ~~four years and until such member’s successor is duly appointed and qualified. If a vacancy~~
36 ~~occurs in the membership of the commission, a new member shall be appointed to the~~

~~unexpired term of office by the state official who appointed the vacating member. Members of the commission shall not serve for more than one complete term of office; provided, however, that the members of the State Campaign and Financial Disclosure Commission serving on March 1, 1987, shall be eligible for appointment as initial members of the State Ethics Commission.~~

(a) The State Ethics Commission shall have the duties and powers as are set forth in this chapter. The commission is governed by five members. Each commission member shall serve a term of four years and until such member's successor is duly appointed and qualified. If a vacancy occurs in the membership of the commission, a new member shall be appointed to the unexpired term of office by the state official or entity who appointed the vacating member as set forth in subsection (b) of this Code section. Those members serving on the commission on the effective date of this subsection shall continue to serve on the commission until the expiration of their terms of office which shall be on November 30 of the particular year of the expiration of their term so that all member's terms shall expire on the same day of the year.

(b) After the effective date of this subsection, the commission members shall be appointed as follows: the successor to the member who was appointed by the Lieutenant Governor, whose term shall expire November 30, 2005, shall be appointed by the Lieutenant Governor; the successor to the member who was appointed by the Speaker of the House of Representatives, whose term shall expire on November 30, 2003, shall be appointed by the Speaker of the House of Representatives; the successors to two of the members who were appointed by the Governor, both of whose terms shall expire on November 30, 2006, shall be appointed by the Governor, with one member being from a different political party as the term is defined by paragraph (25) of Code Section 21-2-2; the successor to the other member who was appointed by the Governor, whose term shall expire November 30, 2004, shall be appointed by the Secretary of State."

SECTION 3.

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

"21-5-5.

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

SECTION 4.

1
2 Said chapter is amended further by striking paragraph (13) of subsection (b) and subsection
3 (c) of Code Section 21-5-6, relating to the powers and duties of the State Ethics Commission,
4 and inserting in their respective places the following:

5 "~~(13) To issue, upon request, and publish~~ upon receipt of a written request based on real
6 or hypothetical circumstances, including but not limited to the issue of whether campaign
7 contributions may be used for a specific purpose, advisory opinions on the requirements
8 of this chapter; ~~based on a real or hypothetical set of circumstances~~ within 30 days of
9 receipt of each such request for an advisory opinion. No opinion shall include the name
10 of the person who is seeking the opinion. The opinion expressed shall only apply
11 prospectively to the subject matter;"

12 "~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~
13 ~~ministerial functions which the commission may require. The office of the Secretary of~~
14 ~~State shall be designated as the place where members of the public may file papers or~~
15 ~~correspond with the commission and receive any form or instruction from the commission.~~
16 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~
17 ~~commission."~~

SECTION 5.

18
19 Said chapter is further amended by striking Code Section 21-5-7, relating to initiation of
20 complaints, and inserting in lieu thereof the following:

21 "21-5-7.

22 (a) The commission shall not initiate any investigation or inquiry into any matter under its
23 jurisdiction based upon the complaint of any person unless that person shall reduce the
24 same in writing and verify the same under oath to the best information, knowledge, and
25 belief of such person, the falsification of which shall be punishable as false swearing under
26 Code Section 16-10-71. The person against whom any complaint is made shall be
27 furnished by hand delivery or statutory overnight delivery or mailed by certified mail,
28 return receipt requested, a copy of the complaint by the commission immediately upon the
29 commission's receipt of such complaint and prior to any other public dissemination of such
30 complaint. Nothing in this Code section, however, shall be construed to limit or encumber
31 the right of the commission to initiate on probable cause an investigation on its own
32 cognizance as it deems necessary to fulfill its obligations under this chapter.

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

34 (1) ~~Upon the commission's receipt of a complaint, a determination shall be made as to~~
35 ~~whether the complaint relates to an alleged technical defect in a filing. For this purpose,~~
36 ~~a technical defect shall be a defect such as a failure to include a date or an incorrect date,~~

1 ~~a failure to include a contributor's occupation or an incorrect occupation, a failure to~~
 2 ~~include an address or an incorrect address, or any other similar technical defect as~~
 3 ~~specified by rule of the commission;~~

4 ~~(2) When the commission determines that a complaint relates to a technical defect in a~~
 5 ~~filing, the subject of the complaint shall be given a period of ten days to correct the~~
 6 ~~alleged technical defect. During such ten-day period the complaint shall be considered~~
 7 ~~as received by the commission but not yet filed with the commission. If during such~~
 8 ~~ten-day period the alleged technical violation is cured by an amended filing or otherwise,~~
 9 ~~or if during such ten-day period the subject of the complaint demonstrates that there is~~
 10 ~~no technical violation as alleged, the complaint shall be disposed of without filing or~~
 11 ~~further proceedings and no penalty shall be imposed."~~

12 SECTION 6.

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

15 "21-5-7.1.

16 The commission shall adopt rules which shall provide that:

17 (1) Upon the commission's receipt of a complaint, a determination shall be made as to
 18 whether the complaint relates to an alleged technical defect in a filing. For this purpose,
 19 a technical defect shall be a defect such as a failure to include a date or an incorrect date,
 20 a failure to include a contributor's occupation or an incorrect occupation, a failure to
 21 include an address or an incorrect address, or any other similar technical defect as
 22 specified by rule of the commission;

23 (2) When the commission determines that a complaint relates to a technical defect in a
 24 filing, the subject of the complaint shall be issued a notice of an alleged technical defect
 25 by certified mail, return receipt requested, and shall be given a period of 30 calendar days
 26 from the receipt of the notice to correct the alleged technical defect. During the 30 day
 27 period the complaint shall be considered as received by the commission but not yet filed
 28 with the commission and shall not be considered a violation of this chapter. If during the
 29 30 day period the alleged technical violation is cured by an amended filing or otherwise
 30 or if during the 30 day period the subject of the complaint demonstrates that there is no
 31 technical violation as alleged, the complaint shall be disposed of without filing or further
 32 proceedings and no penalty shall be imposed. If the subject of the complaint fails to
 33 respond to the notice of an alleged technical defect, make an amended filing, or
 34 demonstrate that there is no technical violation as alleged by the thirty-first day, the
 35 commission shall impose and collect an administrative fee not to exceed \$50.00 per
 36 technical defect. If the subject of the complaint does not pay the administrative fee, if

1 any, and does not otherwise also comply with this paragraph by the sixtieth day from the
 2 receipt of the notice of an alleged technical defect, the commission shall conduct further
 3 investigation and the complaint may proceed further in accordance with the provisions
 4 of this chapter."

5 SECTION 7.

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

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

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

27 SECTION 8.

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

31 "(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
 32 organized to bring about the nomination or election of a candidate for any office except
 33 county and municipal offices or the General Assembly and the chairperson or treasurer
 34 of every campaign committee designed to bring about the recall of a public officer or
 35 to oppose the recall of a public officer or designed to bring about the approval or

1 rejection by the voters of any proposed constitutional amendment or state-wide
 2 referendum shall sign and file with the ~~Secretary of State~~ commission the required
 3 campaign contribution disclosure reports. A candidate for membership in the General
 4 Assembly or the chairperson or treasurer of such candidate's campaign committee shall
 5 file such candidate's reports with the ~~Secretary of State~~ commission and a copy thereof
 6 with the election superintendent of the county of such candidate's residence.

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

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

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

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

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

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

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

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

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 SECTION 9.

28 Said chapter is further amended by striking subsections (a), (b), and (d) of Code Section
 29 21-5-34.1, relating to electronic filing of certain reports, and inserting their respective places
 30 the following:

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

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

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

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

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

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

- 30 (1) Two thousand dollars for a primary election;
- 31 (2) One thousand dollars for a primary run-off election;
- 32 (3) Two thousand dollars for a general election; and
- 33 (4) One thousand dollars for a general election runoff.

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

SECTION 11.

Said chapter is further amended by striking Code Section 21-5-50, relating to filing of financial disclosure statements, and inserting in its place the following:

"21-5-50.

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

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

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

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

1 (5) A public officer shall not, however, be required to file such a financial disclosure
2 statement for the preceding calendar year in a year in which there occurs qualifying for
3 election to succeed such public officer, if such public officer does not qualify for
4 nomination for election to succeed himself or herself or for election to any other public
5 office subject to this chapter. For purposes of this subsection, a public officer shall not
6 be deemed to hold office in a year in which the public officer holds office for less than
7 15 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (3) The financial disclosure statement required by paragraph (1) of this subsection shall
36 be accompanied by a financial statement of the candidate's financial affairs for the

1 calendar year prior to the year in which the election is held and the first quarter of the
2 calendar year in which the election is held.

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

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

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

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

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

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

15 (ii) 'Person' and 'transact business' shall have the meanings specified in Code Section
16 45-10-20.

17 (5) It shall be the duty of the commission or any other officer or body which receives for
18 filing any disclosure report or statement or other document required to be filed under this
19 chapter to maintain with the filed document a copy of the postal markings or statutory
20 overnight delivery service markings of any envelope, package, or wrapping in which the
21 document was delivered for filing if mailed or sent after the date such filing was due.

22 ~~(5)~~(6) Notwithstanding any other provisions of this subsection, if, due to a special
23 election or otherwise, a person does not qualify as a candidate for nomination or election
24 to public office until after the filing date otherwise applicable, such person shall make the
25 filings required by this subsection within seven days after so qualifying."

26 SECTION 12.

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

30 "(6) 'Lobbyist' means:

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

35 (B) Any natural person who makes a total expenditure of more than \$250.00 in a
36 calendar year, not including the person's own travel, food, lodging expenses, or

1 informational material to promote or oppose the passage of any legislation by the
 2 General Assembly, or any committee thereof, or the approval or veto of legislation by
 3 the Governor;

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

7 (D) Any natural person who, for compensation, either individually or as an employee
 8 of another person, undertakes to promote or oppose the passage of any ordinance or
 9 resolution by a public officer specified under subparagraph (F) or (G) of paragraph (15)
 10 of Code Section 21-5-3, or any committee of such public officers, or the approval or
 11 veto of any such ordinance or resolution;

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

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

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

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

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

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

SECTION 13.

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

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

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

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

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

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

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

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

SECTION 14.

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

"21-5-73.

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

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

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

1 clerk, with the chief executive officer of the municipality) of each municipality involved
 2 if the report contains any expenditures relating to municipal affairs or independent school
 3 district affairs.

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

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

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

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

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

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

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

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

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

33 (f) The reports required by this article shall be in addition to any reports required under
 34 Code Section 45-1-6, relating to required reports by state vendors of gifts to public
 35 employees. Compliance with this Code section shall not excuse noncompliance with that
 36 Code section, and compliance with that Code section shall not excuse noncompliance with

1 this Code section, notwithstanding the fact that in some cases the same information may
 2 be required to be disclosed under both Code sections."

3 **SECTION 15.**

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

6 "21-5-74.

7 A lobbyist shall not be eligible for legislative or executive appointment to any board,
 8 commission, or bureau created and established by the laws of this state which regulates the
 9 activities of a business, firm, corporation, or agency that the lobbyist represented until one
 10 year after the expiration of the lobbyist's registration."

11 **SECTION 16.**

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

15 "Part 5

16 45-10-80.

17 Any person who was a member, employee, or appointee of the legislative, executive, or
 18 judicial branch or of any other agency or authority of the state shall not act as a lobbyist in
 19 this state as defined in paragraph (6) of Code Section 21-5-70, within one year after that
 20 person leaves his or her service with the state. A person who knowingly violates this Code
 21 section shall be fined in an amount of not less than \$500.00."

22 **SECTION 17.**

23 Said title is amended further by adding a new Code section at the end of Article 3 of Chapter
 24 12, relating to appointments and vacancies, to be designated Code Section 45-12-61, to read
 25 as follows:

26 "45-12-61.

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

29 (b) No person shall be eligible for appointment by the Governor to fill a vacancy on any
 30 board, commission, or bureau created and established by the laws of this state or on the
 31 Supreme Court, the Court of Appeals, the superior courts, or the state courts if such person
 32 has made a contribution to or expenditure on behalf of the Governor or the Governor's

1 campaign committee either: (1) for any election in the current election cycle, unless the
2 person requests and is provided a refund of such contribution or reimbursement for such
3 expenditure; or (2) for any election in the preceding election cycle, unless the person
4 requests and is provided a refund of such contribution or reimbursement for such
5 expenditure."

6 **SECTION 18.**

7 This Act shall become effective on October 1, 2003, and apply to all reports due on or after
8 that date.

9 **SECTION 19.**

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