

SENATE SUBSTITUTE to HB 771:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, Title 42  
2 of the Official Code of Georgia Annotated, relating to penal institutions, and Title 45 of the  
3 Official Code of Georgia Annotated, relating to public officers, so as to provide for the  
4 comprehensive revision of provisions regarding ethics and conflicts of interest; to  
5 substantially revise and change general provisions with respect to the foregoing; to  
6 substantially revise and change the powers, duties, and authority of the State Ethics  
7 Commission; to substantially revise and change provisions regarding campaign  
8 contributions; to substantially revise and change provisions regarding contributions to  
9 candidates for public office; to provide that a candidate or public officer may donate excess  
10 campaign contributions to the state or a political subdivision of the state to defray all or part  
11 of the cost of conducting an election for the office for which such campaign funds were  
12 donated; to substantially revise and change provisions regarding financial disclosure  
13 statements; to substantially revise and change provisions regarding public officials' conduct  
14 and lobbyist disclosure; to provide for actions for slander and libel and the commission's  
15 authority over such activity; to provide for candidates for the General Assembly who file a  
16 declaration of intent to accept campaign contributions to receive and choose to sign a pledge  
17 to engage in ethical campaigning; to provide for limitations relative to appearances before  
18 the Board of Corrections or the Department of Corrections by members of the General  
19 Assembly or state elected or appointed officials; to provide for criminal penalties; to change  
20 provisions relative to appearances before the Board of Pardons and Paroles by members of  
21 the General Assembly or state elected or appointed officials; to change certain provisions  
22 establishing a code of ethics for government service; to provide for definitions; to change  
23 certain provisions establishing a code of ethics for members of boards, commissions, and  
24 authorities; to change certain provisions regarding rule making; to provide for recusal in  
25 certain proceedings; to change certain provisions regarding enforcement; to provide for  
26 review and enforcement by the State Ethics Commission; to provide for powers, duties, and  
27 authority of the State Ethics Commission and the Attorney General; to provide for civil and  
28 criminal penalties; to provide for restrictions with respect to lobbying; to provide for  
29 restrictions with respect to nepotism; to provide for restrictions with respect to confidential

1 information; to provide for restrictions with respect to gifts and honoraria; to provide for  
 2 restrictions with respect to campaign contributors; to provide for additional eligibility  
 3 requirements regarding certain public offices; to change certain provisions regarding  
 4 complaints or information regarding fraud, waste, or abuse in state programs and operations;  
 5 to provide for disclosure of transactions with political subdivisions; to change the date for  
 6 the filing of such disclosure statements; to provide for restrictions on the Governor's  
 7 appointment power under certain circumstances; to provide for an effective date; to repeal  
 8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
 12 striking Chapter 5, relating to ethics in government, and inserting in its place a new Chapter  
 13 5 to read as follows:

14 "CHAPTER 5

15 ARTICLE 1

16 21-5-1.

17 This chapter shall be known as and may be cited as the 'Ethics in Government Act.'

18 21-5-2.

19 It is declared to be the policy of this state, in furtherance of its responsibility to protect the  
 20 integrity of the democratic process and to ensure fair elections for constitutional offices;  
 21 state offices; district attorneys; members of the Georgia House of Representatives and  
 22 Georgia Senate; all constitutional judicial officers; and all county and municipal elected  
 23 officials, to institute and establish a requirement of public disclosure of campaign  
 24 contributions and expenditures relative to the seeking of such offices, to the recall of public  
 25 officers holding elective office, and to the influencing of voter approval or rejection of a  
 26 proposed constitutional amendment, a state-wide referendum, or a proposed question which  
 27 is to appear on the ballot in any county or municipal election. Further, it is the policy of this  
 28 state that the state's public affairs will be best served by disclosures of significant private  
 29 interests of public officers and officials which may influence the discharge of their public  
 30 duties and responsibilities. The General Assembly further finds that it is for the public to  
 31 determine whether significant private interests of public officers have influenced the state's  
 32 public officers to the detriment of their public duties and responsibilities and, in order to

1 make that determination and hold the public officers accountable, the public must have  
2 access to the disclosure of the significant private interests of the public officers of this state.

3 21-5-3.

4 As used in this chapter, the term:

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

8 (2) 'Campaign committee' means the candidate, person, or committee which accepts  
9 contributions or makes expenditures designed to bring about the nomination or election  
10 of an individual to any elected office. The term 'campaign committee' also means any  
11 person or committee which accepts contributions or makes expenditures designed to  
12 bring about the recall of a public officer holding elective office or to oppose the recall of  
13 a public officer holding elective office or any person or any committee which accepts  
14 contributions or makes expenditures designed to bring about the approval or rejection by  
15 the voters of any proposed constitutional amendment, a state-wide referendum, or a  
16 proposed question which is to appear on the ballot in any county or municipal election.

17 (3) 'Campaign contribution disclosure report' means a report filed with the appropriate  
18 filing officer by a candidate or the chairperson or treasurer of a campaign committee  
19 setting forth all expenditures of \$101.00 or more and all contributions of \$101.00 or  
20 more, including contributions and expenditures of lesser amounts when the aggregate  
21 amount thereof by or to a person is \$101.00 or more for the calendar year in which the  
22 report is filed. Such report shall also include the total amount of all individual  
23 contributions received or expenditures made of less than \$101.00 each. The first report  
24 required in the calendar year of the election shall contain all such expenditures made and  
25 all such contributions received by the candidate or the committee in prior years in support  
26 of the campaign in question.

27 (4) 'Candidate' means an individual who seeks nomination for election or election to any  
28 public office, whether or not such an individual is elected; and a person shall be deemed  
29 to seek nomination or election if such person has taken necessary action under the laws  
30 of this state to qualify such person for nomination for election or election or has received  
31 contributions or made expenditures in pursuit of such nomination or election or has given  
32 such person's consent for such person's campaign committee to receive contributions or  
33 make expenditures with a view to bringing about such person's nomination for election  
34 or election to such office.

35 (5) 'Commission' means the State Ethics Commission created under Code Section  
36 21-5-4.

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

6 ~~(6)~~(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
 7 advance or deposit of money or anything of value conveyed or transferred for the purpose  
 8 of influencing the nomination for election or election of any person for office, bringing  
 9 about the recall of a public officer holding elective office or opposing the recall of a  
 10 public officer holding elective office, or the influencing of voter approval or rejection of  
 11 a proposed constitutional amendment, a state-wide referendum, or a proposed question  
 12 which is to appear on the ballot in any county or municipal election. The term specifically  
 13 shall not include the value of personal or professional services performed by persons who  
 14 serve without compensation from any sources and on a voluntary basis. The term  
 15 'contribution' shall include other forms of payment made to candidates for office or who  
 16 hold office when such fees and compensation made can be reasonably construed as a  
 17 campaign contribution designed to encourage or influence a candidate or public officer  
 18 holding elective office. The term 'contribution' shall also encompass transactions wherein  
 19 a qualifying fee required of the candidate is furnished or paid by anyone other than the  
 20 candidate.

21 ~~(7)~~(8) 'Direct ownership interest' means the holding or possession of good legal or  
 22 rightful title of property or the holding or enjoyment of real or beneficial use of the  
 23 property by any person and includes any interest owned or held by a spouse of such  
 24 person if such interest is held jointly or as tenants in common between the person and  
 25 spouse.

26 ~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general;  
 27 special election; or general election. The term 'election' also means a recall election.

28 ~~(8.1)~~(10) 'Election cycle' means the period from the day following the date of an election  
 29 or appointment of a person to elective public office through and including the date of the  
 30 next such election of a person to the same public office and shall be construed and  
 31 applied separately for each elective office.

32 ~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,  
 33 or gift of money or anything of value made for the purpose of influencing the nomination  
 34 for election or election of any person, bringing about the recall of a public officer holding  
 35 elective office or opposing the recall of a public officer holding elective office, or the  
 36 influencing of voter approval or rejection of a proposed constitutional amendment, a  
 37 state-wide referendum, or a proposed question which is to appear on the ballot in any

1 county or municipal election. The term specifically shall not include the value of personal  
 2 services performed by persons who serve without compensation from any source and on  
 3 a voluntary basis. The term 'expenditure' shall also include the payment of a qualifying  
 4 fee for and in behalf of a candidate.

5 ~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the  
 6 benefit of another person as an officer, director, manager, partner, or other designation  
 7 of general responsibility of a business entity.

8 ~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34  
 9 to receive campaign contribution disclosure reports; provided, however, that such term  
 10 shall not include the State Ethics Commission.

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

15 ~~(12.1)~~(14) 'Independent committee' means any committee, club, association, partnership,  
 16 corporation, labor union, or other group of persons, other than a campaign committee,  
 17 political party, or political action committee, which receives donations during a calendar  
 18 year from persons who are members or supporters of the committee and which expends  
 19 such funds either for the purpose of affecting the outcome of an election for any elected  
 20 office or to advocate the election or defeat of any particular candidate.

21 ~~(13)~~(15) 'Intangible property' means property which is not real property and which is  
 22 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and  
 23 other investments but shall not include any ownership interest in any public or private  
 24 retirement or pension fund, account, or system and shall not include any ownership  
 25 interest in any public or private life insurance contract or any benefit, value, or proceeds  
 26 of such life insurance contract.

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

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

1 ~~(14)~~(18) 'Person' means an individual, partnership, committee, association, corporation,  
 2 limited liability corporation, limited liability partnership, trust, labor organization, or any  
 3 other organization or group of persons.

4 ~~(14.1)~~(19) 'Political action committee' means: (A) any committee, club, association,  
 5 partnership, corporation, labor union, or other group of persons which receives donations  
 6 during a calendar year from persons who are members or supporters of the committee and  
 7 which distributes these funds as contributions to one or more candidates for public office  
 8 or campaign committees of candidates for public office; and (B) a 'separate segregated  
 9 fund' as defined in Code Section 21-5-40. Such term does not include a campaign  
 10 committee.

11 ~~(14.2)~~(20) 'Public employee' means every person employed by the executive, legislative,  
 12 or judicial branch of state government, or any department, board, bureau, agency,  
 13 commission, or authority thereof.

14 ~~(15)~~(21) 'Public officer' means:

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

18 (B) Every elected state official;

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

21 (D) Each member of the General Assembly;

22 (E) The executive director of each state board or authority and the members thereof;

23 (F) Every elected county official and every elected member of a local board of  
 24 education; and

25 (G) Every elected municipal official.

26 21-5-4.

27 (a) Those members serving on the State Campaign and Financial Disclosure Commission  
 28 prior to March 1, 1987, shall serve for a term of office which expires March 1, 1987.

29 (b) There is created the State Ethics Commission, with such duties and powers as are set  
 30 forth in this chapter. The commission shall be a successor to the State Campaign and  
 31 Financial Disclosure Commission in all matters pending before the State Campaign and  
 32 Financial Disclosure Commission on March 1, 1987, and may continue to investigate,  
 33 prosecute, and act upon all such matters. The commission shall be governed by five  
 34 members appointed as follows: three members, not more than two of whom shall be from  
 35 the same political party, shall be appointed by the Governor, two for terms of three years  
 36 and one for a term of two years; one member shall be appointed by the Lieutenant

1 Governor for a term of four years; and one member shall be appointed by the Speaker of  
2 the House of Representatives for a term of four years. The initial members shall take office  
3 on March 2, 1987. Upon the expiration of a member's term of office, a new member,  
4 appointed in the same manner as the member whose term of office expired as provided in  
5 this subsection, shall become a member of the commission and shall serve for a term of  
6 four years and until such member's successor is duly appointed and qualified. If a vacancy  
7 occurs in the membership of the commission, a new member shall be appointed to the  
8 unexpired term of office by the state official who appointed the vacating member.  
9 Members of the commission shall not serve for more than one complete term of office;  
10 provided, however, that the members of the State Campaign and Financial Disclosure  
11 Commission serving on March 1, 1987, shall be eligible for appointment as initial members  
12 of the State Ethics Commission.

13 (c) All members of the commission shall be residents of this state.

14 (d) Any person who:

15 (1) Has qualified to run for any federal, state, or local public office within a period of  
16 five years prior to such person's appointment;

17 (2) Has held any federal, state, or local public office within a period of five years prior  
18 to such person's appointment; or

19 (3) Serves as an officer of any political party, whether such office is elective or  
20 appointive and whether such office exists on a local, state, or national level

21 shall be ineligible to serve as a member of the commission.

22 (e) The commission shall elect a chairperson, a vice chairperson, and other officers as it  
23 deems necessary. The members shall not be compensated for their services but they shall  
24 be reimbursed in an amount equal to the per diem received by the General Assembly for  
25 each day or portion thereof spent in serving as members of the commission. They shall be  
26 paid their necessary traveling expenses while engaged in the business of the commission.

27 (f) A majority of the members of the commission constitutes a quorum for the transaction  
28 of business. The vote of at least a majority of the members present at any meeting at which  
29 a quorum is present is necessary for any action to be taken by the commission. No vacancy  
30 in the membership of the commission impairs the right of a quorum to exercise all rights  
31 and perform all duties of the commission.

32 (g) Meetings of the members of the commission shall be held at the call of the chairperson  
33 or whenever any two members so request.

34 (h) In any matter pending before the commission, if a member of the commission has  
35 made or caused to be made a contribution in the current or immediately preceding election  
36 cycle to any respondent, any other party to the complaint, any candidate who opposed the  
37 respondent in any election in the current or immediately preceding election cycle, or the

1 campaign committee of any of the foregoing, that member shall recuse himself or herself  
2 from consideration of the matter. The commission may, upon motion, order the recusal of  
3 a member.

4 21-5-5.

5 The funds necessary to carry out this chapter shall come from the funds appropriated to and  
6 available to the State Ethics Commission and from any other available funds. The  
7 commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title  
8 45, the 'Budget Act'; provided, however, the commission shall be assigned for  
9 administrative purposes only to the Secretary of State.

10 21-5-6.

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

12 (1) To meet at such times and places as it may deem necessary;

13 (2) To contract with other agencies, public or private, or persons as it deems necessary  
14 for the rendering and affording of such services, facilities, studies, and reports to the  
15 commission as will best assist it to carry out its duties and responsibilities;

16 (3) To cooperate with and secure the cooperation of every department, agency, or  
17 instrumentality in the state government or its political subdivisions in the furtherance of  
18 the purposes of this chapter and Part 2 of Article 1 and Part 1 of Article 2 of Chapter 10  
19 of Title 45;

20 (4) To employ an executive secretary and such additional staff as the commission deems  
21 necessary to carry out the powers delegated to the commission by this chapter and Part  
22 2 of Article 1 and Part 1 of Article 2 of Chapter 10 of Title 45;

23 (5) To issue subpoenas to compel any person to appear, give sworn testimony, or  
24 produce documentary or other evidence;

25 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to  
26 enjoin or restrain any violation or threatened violation of this chapter;

27 (7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
28 Procedure Act,' such rules and regulations as are necessary to carry out the purposes of  
29 this chapter; and

30 (8) To do any and all things necessary or convenient to enable it to perform wholly and  
31 adequately its duties and to exercise the power granted to it.

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

33 (1) To prescribe forms to be used in complying with this chapter;

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

1 commission to initiate on probable cause an investigation on its own cognizance as it  
2 deems necessary to fulfill its obligations under this chapter.

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

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

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

11 (13) To issue, upon written request, and publish advisory opinions on the requirements  
12 of this chapter and Part 2 of Article 1 and Part 1 of Article 2 of Chapter 10 of Title 45,  
13 based on a real or hypothetical set of circumstances; and each such advisory opinion shall  
14 be issued within 60 days of the written request for the advisory opinion. No opinion shall  
15 include the name of the person who is seeking the opinion. The opinion expressed shall  
16 only apply prospectively to the subject matter. Advisory opinions may only be requested  
17 by and shall only be issued to those persons or entities, or their representatives, whose  
18 actions are regulated by the Ethics Commission;

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

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

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

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

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

35 (iii) The Attorney General of this state shall, upon complaint by the commission, or  
36 may, upon the Attorney General's own initiative if after examination of the complaint  
37 and evidence the Attorney General believes a violation has occurred, bring an action

1 in the superior court in the name of the commission for a temporary restraining order  
 2 or other injunctive relief or for civil penalties assessed against any person violating  
 3 any provision of this chapter or any rule or regulation duly issued by the commission.

4 (iv) Any action brought by the Attorney General to enforce civil penalties assessed  
 5 against any person for violating the provisions of this chapter or any rule or regulation  
 6 duly issued by the commission or any order issued by the commission ordering  
 7 compliance or to cease and desist from further violations shall be brought in the  
 8 superior court of the county of the residence of the party against whom relief is  
 9 sought. Service of process shall lie in any jurisdiction within the state. In such actions,  
 10 the superior court inquiry will be limited to whether notice was given by the  
 11 commission to the violator in compliance with the Constitution and the rules of  
 12 procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'  
 13 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter  
 14 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall  
 15 enforce the orders of the commission and the civil penalties assessed under this  
 16 chapter and the superior court shall not make independent inquiry as to whether the  
 17 violations have occurred.

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

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

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

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

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

33 ~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~  
 34 ~~ministerial functions which the commission may require. The office of the Secretary of~~  
 35 ~~State shall be designated as the place where members of the public may file papers or~~  
 36 ~~correspond with the commission and receive any form or instruction from the commission.~~

1 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~  
 2 ~~commission.~~

3 21-5-6.1.

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

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

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 by hand delivery or statutory overnight delivery or mailed by certified mail,  
 20 return receipt requested, a copy of the complaint by the commission immediately upon the  
 21 commission's receipt of such complaint and prior to any other public dissemination of such  
 22 complaint. Nothing in this Code section, however, shall be construed to limit or encumber  
 23 the right of the commission to initiate on probable cause an investigation on its own  
 24 cognizance as it deems necessary to fulfill its obligations under this chapter.

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

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

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

1 ~~ten-day period the alleged technical violation is cured by an amended filing or otherwise,~~  
2 ~~or if during such ten-day period the subject of the complaint demonstrates that there is~~  
3 ~~no technical violation as alleged, the complaint shall be disposed of without filing or~~  
4 ~~further proceedings and no penalty shall be imposed.~~

5 21-5-7.1.

6 The commission shall adopt rules which shall provide that:

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

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

31 21-5-8.

32 Venue for prosecution of civil violations of this chapter or for any other action by or on  
33 behalf of the commission shall be in the county of the residence of the candidate or public  
34 officer at the time of the alleged violation or action.

1 21-5-9.

2 Except as otherwise provided in this chapter, any person who knowingly fails to comply  
3 with or who knowingly violates this chapter shall be guilty of a misdemeanor.

4 21-5-10.

5 The provisions of this chapter, so far as they are the same as those of existing laws, are  
6 intended as a continuation of such laws and not as new enactments. The repeal by this  
7 chapter of any Act of the General Assembly, or part thereof, shall not revive any Act, or  
8 part thereof, heretofore repealed or superseded. This chapter shall not affect any act done,  
9 liability or penalty incurred, or right accrued or vested prior to the taking effect of this  
10 chapter; nor shall this chapter affect any actions or prosecution then pending, or to be  
11 instituted, to enforce any right or penalty then accrued or to punish any offense theretofore  
12 committed.

13 21-5-11.

14 (a) No public officer other than a public officer elected state wide shall accept a monetary  
15 fee or honorarium in excess of \$101.00 for a speaking engagement, participation in a  
16 seminar, discussion panel, or other activity which directly relates to the official duties of  
17 that public officer or the office of that public officer.

18 (b) No public officer elected state wide shall accept any monetary fee or honorarium for  
19 a speaking engagement, participation in a seminar, discussion panel, or other such activity.

20 (c) For purposes of this chapter, actual and reasonable expenses for food, beverages,  
21 travel, lodging, and registration for a meeting which are provided to permit participation  
22 in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.

23 21-5-12.

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

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

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

33

## ARTICLE 2

1 21-5-30.

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

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

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

32 (d) Where separate contributions of less than \$101.00 are knowingly received from a  
33 common source, such contributions shall be aggregated for reporting purposes. For  
34 purposes of fulfilling such aggregation requirement, members of the same family, firm, or  
35 partnership or employees of the same person, as defined in paragraph ~~(14)~~ (18) of Code  
36 Section 21-5-3, shall be considered to be a common source; provided, however, that the  
37 purchase of tickets for not more than \$25.00 each and for or attendance at a fundraising

1 event by members of the same family, firm, or partnership or employees of the same person  
 2 shall not be considered to be contributions from a common source except to the extent that  
 3 tickets are purchased as a block.

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

9 (f) A person acting on behalf of a public utility corporation regulated by the Public Service  
 10 Commission shall not make, directly or indirectly, any contribution to a political campaign.  
 11 This subsection shall not apply to motor carriers whose rates are not regulated by the Public  
 12 Service Commission. Any person who knowingly violates this subsection with respect to  
 13 a member of the Public Service Commission, a candidate for the Public Service  
 14 Commission, or the campaign committee of a candidate for the Public Service Commission  
 15 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor  
 16 more than five years or by a fine not to exceed ~~\$5,000.00~~ \$10,000.00, or both; and any  
 17 person who knowingly violates this subsection with respect to any other public officer, a  
 18 candidate for such other public office, or the campaign committee of a candidate for such  
 19 other public office shall be guilty of a misdemeanor.

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

25 21-5-30.1.

26 (a) Except as otherwise provided in this subsection, the definitions set forth in Code  
 27 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this  
 28 Code section, the term:

29 (1) 'Campaign committee' means the candidate, person, or committee which accepts  
 30 contributions to bring about the nomination for election or election of an individual to the  
 31 office of an elected executive officer.

32 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
 33 advance or deposit of money, or anything of value conveyed or transferred for the  
 34 purpose of influencing the nomination for election or election of an individual to the  
 35 office of an elected executive officer or encouraging the holder of such office to seek  
 36 reelection. The term 'contribution' shall include the payment of a qualifying fee for and

1 on behalf of a candidate for the office of an elected executive officer and any other  
2 payment or purchase made for and on behalf of the holder of the office of an elected  
3 executive officer or for or on behalf of a candidate for that office when such payment or  
4 purchase is made for the purpose of influencing the nomination for election or election  
5 of the candidate and is made pursuant to the request or authority of the holder of such  
6 office, the candidate, the campaign committee of the candidate, or any other agent of the  
7 holder of such office or the candidate. The term 'contribution' shall not include the value  
8 of personal services performed by persons who serve on a voluntary basis without  
9 compensation from any source.

10 (3) 'Elected executive officer' means the Secretary of State, Attorney General, State  
11 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and  
12 Commissioner of Labor.

13 (4) 'Political action committee' means any committee, club, association, partnership,  
14 corporation, labor union, or other group of persons which receives donations aggregating  
15 in excess of \$1,000.00 during a calendar year from persons who are members or  
16 supporters of the committee and which distributes these funds as contributions to one or  
17 more campaign committees of candidates for public office. Such term does not mean a  
18 campaign committee.

19 (5) 'Regulated entity' means any person who is required by law to be licensed by an  
20 elected executive officer or a board under the jurisdiction of an elected executive officer,  
21 any person who leases property owned by or for a state department, or any person who  
22 engages in a business or profession which is regulated by an elected executive officer or  
23 by a board under the jurisdiction of an elected executive officer.

24 (b) No regulated entity and no person or political action committee acting on behalf of a  
25 regulated entity shall make a contribution to or on behalf of a person holding office as an  
26 elected executive officer regulating such entity or to or on behalf of a candidate for the  
27 office of an elected executive officer regulating such entity or to or on behalf of a campaign  
28 committee of any such candidate.

29 (c) No person holding office as an elected executive officer and no candidate for the office  
30 of an elected executive officer and no campaign committee of a candidate for the office of  
31 an elected executive officer shall accept a contribution in violation of subsection (b) of this  
32 Code section.

33 (d) Nothing contained in this Code section shall be construed to prevent any person who  
34 may be employed by a regulated entity, including a person in whose name a license or lease  
35 is held, from voluntarily making a campaign contribution from that person's personal funds  
36 to or on behalf of a person holding office as an elected executive officer regulating such  
37 entity or to or on behalf of a candidate for the office of an elected executive officer

1 regulating such entity or to or on behalf of a campaign committee of any such candidate.  
2 It shall be unlawful and a violation of this Code section for any regulated entity or other  
3 person to require another by coercive action to make any such contribution.

4 21-5-30.2.

5 (a) Except as otherwise provided in this subsection, the definitions set forth in Code  
6 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this  
7 Code section, the term:

8 (1) 'Agency' means:

9 (A) Every state department, agency, board, bureau, commission, and authority;

10 (B) Every county, municipal corporation, school district, or other political subdivision  
11 of this state;

12 (C) Every department, agency, board, bureau, commission, authority, or similar body  
13 of each such county, municipal corporation, or other political subdivision of this state;  
14 and

15 (D) Every city, county, regional, or other authority established pursuant to the laws of  
16 this state.

17 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
18 advance or deposit of money, or anything of value conveyed or transferred by or on  
19 behalf of an agency, without receipt of payment therefor, to any campaign committee,  
20 political action committee, or political organization or to any candidate for campaign  
21 purposes.

22 (3) 'Elector' means any person who shall possess all of the qualifications for voting now  
23 or hereafter prescribed by the laws of this state and who shall have registered in  
24 accordance with Chapter 2 ~~or 3~~ of this title.

25 (4) 'Political action committee' means any committee, club, association, partnership,  
26 corporation, labor union, or other group of persons which receives donations aggregating  
27 in excess of \$1,000.00 during a calendar year from persons who are members or  
28 supporters of the committee and which distributes these funds as contributions to one or  
29 more campaign committees of candidates for public office. Such term does not mean a  
30 campaign committee.

31 (5) 'Political organization' means an affiliation of electors organized for the purpose of  
32 influencing or controlling the policies and conduct of government through the nomination  
33 of candidates for public office and, if possible, the election of its candidates to public  
34 office.

35 (6) 'Public meeting place' means any county, municipal, or other public building suitable  
36 and ordinarily used for public gatherings.

1 (b) No agency and no person acting on behalf of an agency shall make, directly or  
2 indirectly, any contribution to any campaign committee, political action committee, or  
3 political organization or to any candidate; but nothing in this Code section shall prohibit  
4 the furnishing of office space, facilities, equipment, goods, or services to a public officer  
5 for use by the public officer in such officer's fulfillment of such office.

6 (c) No campaign committee, political action committee, or political organization or  
7 candidate shall accept a contribution in violation of subsection (b) of this Code section.

8 (d) Nothing contained in this Code section shall be construed to:

9 (1) Affect the authority of the State Personnel Board regarding the regulation of certain  
10 political activities of public employees in the classified service of the state merit system;

11 (2) Affect the authority of any agency regarding the regulation of the political activities  
12 of such agency's employees;

13 (3) Affect the use of the capitol building and grounds as specified in Code Section  
14 50-16-4; or

15 (4) Prohibit the use of public meeting places by political organizations when such  
16 meeting places are made available to different political organizations on an equal basis;  
17 provided, however, this paragraph shall not be construed to create a right for a political  
18 organization to use a public meeting place.

19 21-5-31.

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

30 ~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of~~  
31 ~~credit, the campaign contribution disclosure report shall also contain the name of the~~  
32 ~~lending institution or party making the advance or extension of credit and the names,~~  
33 ~~mailing addresses, occupations, and places of employment of all persons have any liability~~  
34 ~~for repayment of the loan, advance, or extension of credit; and, if any such persons shall~~  
35 ~~have a fiduciary relationship to the lending institution or party making the advance or~~  
36 ~~extension of credit, the report shall specify such relationship.~~

1 21-5-32.

2 (a) The candidate or treasurer of each campaign committee shall keep detailed accounts,  
3 current within not more than five business days after the date of receiving a contribution  
4 or making an expenditure, of all contributions received and all expenditures made by or on  
5 behalf of the candidate or committee. The candidate or treasurer shall also keep detailed  
6 accounts of all deposits and of all withdrawals made to the separate campaign depository  
7 and of all interest earned on any such deposits.

8 (b) Accounts kept by the candidate or treasurer of a campaign committee pursuant to this  
9 Code section may be inspected under reasonable circumstances before, during, or after the  
10 election to which the accounts refer by any authorized representative of the commission.  
11 The right of inspection may be enforced by appropriate writ issued by any court of  
12 competent jurisdiction.

13 (c) Records of such accounts kept by the candidate or campaign committee shall be  
14 preserved for three years from the termination date of the campaign for elective office  
15 conducted by the candidate or of the campaign committee for any candidate or for three  
16 years from the election to bring about the approval or rejection by the voters of any  
17 proposed constitutional amendment, referendum, or local issue or of any recall vote.

18 21-5-33.

19 (a)(1) Contributions to a candidate, a campaign committee, or a public officer holding  
20 elective office and any proceeds from investing such contributions shall be utilized only  
21 to defray ordinary and necessary expenses, which may include any loan of money from  
22 a candidate or public officer holding elective office to the campaign committee of such  
23 candidate or such public officer, incurred in connection with such candidate's campaign  
24 for elective office or such public officer's fulfillment or retention of such office.

25 (2) Contributions to a candidate, campaign committee, or a public officer holding  
26 elective office and any proceeds from investing such contributions shall not be loaned by  
27 a candidate, campaign committee, or public officer to any other person, party, body,  
28 organization, association, campaign committee, candidate, or other entity in any manner.

29 (b)(1) All contributions received by a candidate or such candidate's campaign committee  
30 or a public officer holding elective office in excess of those necessary to defray expenses  
31 pursuant to subsection (a) of this Code section and as determined by such candidate or  
32 such public officer may only be used as follows:

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

1 (B) Except as otherwise provided in subparagraph ~~(D)~~(E) of this paragraph, for  
 2 transferral without limitation to any national, state, or local committee of any political  
 3 party or to any candidate;

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

6 (D) For transferral without limitation to the state or a political subdivision of the state  
 7 to defray all or part of the cost of holding an election to fill the elective office which  
 8 such candidate sought or public officer holds or held;

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

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

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

31 (c) Contributions and interest thereon, if any, shall not constitute personal assets of such  
 32 candidate or such public officer.

33 (d)(1) Contributions received by a campaign committee designed to bring about the  
 34 recall of a public officer holding elective office or to oppose the recall of a public officer  
 35 holding elective office or any person or to bring about the approval or rejection by the  
 36 voters of any proposed constitutional amendment, a state-wide referendum, or a proposed  
 37 question which is to appear on the ballot in any county or municipal election and any

1 proceeds derived from investing such contributions shall be utilized only to defray  
2 ordinary and necessary expenses associated with influencing the voters on such issue.

3 (2) All contributions received by a campaign committee as provided in paragraph (1) of  
4 this subsection in excess of those necessary to defray expenses relative to the influencing  
5 of voters on such issue as determined by the campaign committee may only be used as  
6 follows:

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

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

11 21-5-34.

12 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee  
13 organized to bring about the nomination or election of a candidate for any office except  
14 county and municipal offices or the General Assembly and the chairperson or treasurer  
15 of every campaign committee designed to bring about the recall of a public officer or  
16 to oppose the recall of a public officer or designed to bring about the approval or  
17 rejection by the voters of any proposed constitutional amendment or state-wide  
18 referendum shall sign and file with the ~~Secretary of State~~ commission the required  
19 campaign contribution disclosure reports. A candidate for membership in the General  
20 Assembly or the chairperson or treasurer of such candidate's campaign committee shall  
21 file such candidate's reports with the ~~Secretary of State~~ commission and a copy thereof  
22 with the election superintendent of the county of such candidate's residence.

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

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

35 (B) If a campaign committee is required to file a report under subparagraph (A) of this  
36 paragraph, such report shall be filed with the election superintendent of the county in

1 the case of a county election or with the municipal clerk in the case of a municipal  
 2 election. Any such report shall be filed 15 days prior to the date of the election; and a  
 3 final report shall be filed prior to December 31 of the year in which the election is held.

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

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

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

11 (A) The amount and date of receipt, along with the name; and mailing address;  
 12 ~~occupation, and employer~~ of any person, and the occupation and employer of any  
 13 person who is an individual, making a contribution of \$101.00 or more, including the  
 14 purchase of tickets for events such as dinners, luncheons, rallies, and similar  
 15 fundraising events coordinated for the purpose of raising campaign contributions for  
 16 the reporting candidate;

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

21 (C) When a contribution consists of a loan, advance, or other extension of credit, the  
 22 report shall also contain the name of the lending institution or party making the advance  
 23 or extension of credit and the names, mailing addresses, occupations, and places of  
 24 employment of all persons having any liability for repayment of the loan, advance, or  
 25 extension of credit; and, if any such persons shall have a fiduciary relationship to the  
 26 lending institution or party making the advance or extension of credit, the report shall  
 27 specify such relationship;

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

29 (i) Contributions and expenditures shall be reported for the applicable reporting  
 30 cycle;

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

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

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

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

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

7 (iv) Subsequent reports shall list the total contributions received during the period  
8 covered by the report and the cumulative total of contributions received during the  
9 reporting cycle;

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

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

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

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

20 ~~(2) Each report shall be in such form as will allow for the separate identification of a~~  
21 ~~contribution or contributions which are less than \$101.00 but which become reportable~~  
22 ~~due to the receipt of an additional contribution or contributions which when combined~~  
23 ~~with such previously received contribution or contributions cumulatively exceed \$101.00.~~  
24 When a contribution or contributions totaling less than \$101.00 have previously been  
25 made to a candidate or campaign committee by a contributor and a contribution or  
26 contributions subsequently become reportable due to the receipt of an additional  
27 contribution or contributions from that contributor which, when combined with such  
28 previously received contribution or contributions cumulatively exceed \$101.00, all such  
29 contributions shall be reported as one aggregated contribution on the next regular report  
30 scheduled to be filed after the receipt by the candidate or campaign committee of the  
31 contribution which increases the total amount of contributions from such contributor to  
32 \$101.00 or more. This paragraph shall be construed so as to relieve a candidate or  
33 campaign committee from the obligation of having to file amendments to previously filed  
34 reports to report contributions less than \$101.00 which were not previously separately  
35 reportable but which have subsequently become separately reportable by virtue of the  
36 receipt of an additional contribution or contributions.

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

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

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

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

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

11 (C) During the period of time between the last report due prior to the date of any  
12 ~~state-wide primary or state-wide~~ election for which the candidate is qualified and the  
13 date of such primary or election, all contributions of \$1,000.00 or more must be  
14 reported within 48 hours of receipt to the location where the original disclosure report  
15 for such candidate or committee was filed and also reported on the next succeeding  
16 regularly scheduled campaign contribution disclosure report;

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

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

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

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

4 (e) Any person who makes contributions to, accepts contributions for, or makes  
 5 expenditures on behalf of candidates, and any independent committee, shall file a  
 6 registration with the ~~Secretary of State~~ commission in the same manner as is required of  
 7 campaign committees prior to accepting or making contributions or expenditures. Such  
 8 persons, other than independent committees, shall also file campaign contribution  
 9 disclosure reports in the same places and at the same times as required of the candidates  
 10 they are supporting, but such persons are not required to file copies of campaign  
 11 contribution disclosure reports with local election superintendents as is required of  
 12 candidates for membership in the General Assembly. The following persons shall be  
 13 exempt from the foregoing registration and reporting requirements:

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

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

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

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

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

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

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

1 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

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

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

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

36 (h) Any campaign committee which accepts contributions or makes expenditures designed  
37 to bring about the approval or rejection by the voters of a proposed constitutional

1 amendment or a state-wide referendum shall file a campaign contribution disclosure report  
 2 with the ~~Secretary of State~~ commission 75, 45, and 15 days prior to the date of the election  
 3 and shall file a final report prior to December 31 of the year in which the election is held.

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

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

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

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

29 (l) In addition to other penalties provided under this chapter, an additional filing fee of  
 30 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00  
 31 shall be imposed on the fifteenth day after the due date if the report has still not been filed;  
 32 provided, however, a 15 day extension period shall be granted on the final report.

33 21-5-34.1.

34 (a) ~~Beginning February 1, 2001, candidates~~ Candidates seeking election to constitutional  
 35 offices, the Supreme Court, the Court of Appeals, and the Public Service Commission shall  
 36 use electronic means to file their campaign contribution disclosure reports with the

1 ~~Secretary of State commission~~ upon having raised or spent a minimum of \$20,000.00 in  
 2 an election cycle. Under that threshold, electronic filing is permitted and encouraged but  
 3 not required.

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

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

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

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

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

30 (g) The commission is authorized to promulgate rules and regulations to implement this  
 31 Code section.

32 21-5-35.

33 (a) No member of the General Assembly or that member's campaign committee or public  
 34 officer elected state wide or campaign committee of such public officer shall accept or  
 35 solicit a contribution or a pledge of a contribution during a legislative session.

36 (b) Subsection (a) of this Code section shall not apply to:

- 1 (1) The receipt of a contribution which is returned with reasonable promptness to the  
 2 donor or the donor's agent;
- 3 (2) The receipt and acceptance during a legislative session of a contribution consisting  
 4 of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the  
 5 legislative session; or
- 6 (3) A judicial officer elected state wide or campaign committee of such judicial officer.

7 21-5-36.

8 (a) It shall be the duty of the filing officer to make the campaign contribution disclosure  
 9 reports available for public inspection and copying during regular office hours commencing  
 10 as soon as practicable after such filing. Such filing officer shall have the authority to charge  
 11 a fee for copying such reports not to exceed the actual cost of such copying. The filing  
 12 officer shall preserve such reports for a period of five years from the date upon which they  
 13 are received. A filing officer shall notify the commission in writing of:

14 (1) The names of all candidates and offices sought in a special election, when held at a  
 15 time other than election dates scheduled by law or charter, within ten days of the close  
 16 of the qualification period; and

17 (2) Within ten days after the date a report is due, the names and addresses of candidates  
 18 or campaign committees which have not filed required campaign disclosure reports as  
 19 required by law in the election in question.

20 A filing officer shall immediately notify the commission when such officer shall receive  
 21 any complaint against any candidate offering for any office specified in Code Section  
 22 21-5-2 or against any campaign committee and shall forward the complaint to the  
 23 commission and shall retain a copy of the complaint. In the event any complaint is against  
 24 a county or municipal candidate, a copy of the reports filed by such candidate shall be  
 25 forwarded to the commission along with the complaint.

26 (b) The commission or filing officer receiving original reports has the duty to inspect each  
 27 report filed with such commission or officer by candidates or by a campaign committee for  
 28 conformity with the law and to notify the candidate or campaign committee immediately  
 29 if the report does not conform with the law, is unsigned, or is otherwise in technical  
 30 violation of filing requirements.

31 ARTICLE 2A

32 21-5-40.

33 As used in this article, the term:

1 (1) 'Affiliated committees' means any two or more political committees (including a  
 2 separate segregated fund) established, financed, maintained, or controlled by the same  
 3 corporation, labor organization, person, or group of persons, including any parent,  
 4 subsidiary, branch, division, department, or local unit thereof.

5 (2) 'Affiliated corporation' means with respect to any corporation any other corporation  
 6 related thereto: as a parent corporation; as a subsidiary corporation; as a sister  
 7 corporation; by common ownership or control; or by control of one corporation by the  
 8 other.

9 (3) 'Corporation' means any business or nonprofit corporation organized under the laws  
 10 of this state, any other state, or the United States.

11 (4) 'Election year' shall be construed and applied separately for each elective office and  
 12 means for each elective office the calendar year during which a regular or special election  
 13 to fill such office is held.

14 (4.1) 'Nonelection year' shall be construed and applied separately for each elective office  
 15 and means for each elective office any calendar year during which there is no regular or  
 16 special election to fill such office.

17 (5) 'Person' means an individual.

18 (6) 'Political committee' means: (A) any partnership, committee, club, association,  
 19 organization, party caucus of the House of Representatives or the Senate, or similar entity  
 20 (other than a corporation) or any other group of persons or entities which makes a  
 21 contribution; or (B) any separate segregated fund.

22 (6.1) 'Political party' means any political party as that term is defined in paragraph (25)  
 23 of Code Section 21-2-2, as amended; provided, however, that for purposes of this article,  
 24 local, state, and national committees shall be separate political parties.

25 (6.2) 'Public office' means the office of each elected public officer as specified in  
 26 paragraph ~~(15)~~ (21) of Code Section 21-5-3.

27 (7) 'Separate segregated fund' means a fund which is established, administered, and used  
 28 for political purposes by a corporation, labor organization, membership organization, or  
 29 cooperative and to which the corporation, labor organization, membership organization,  
 30 or cooperative solicits contributions.

31 21-5-41.

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

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

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

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

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

4           ~~(b)(2)~~ No person, corporation, political committee, or political party shall make, and no  
5 candidate or campaign committee shall receive from any such entity, contributions to any  
6 candidate for the General Assembly or public office other than state-wide elected office  
7 which ~~in the aggregate for an election cycle~~ exceed:

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

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

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

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

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

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

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

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

34          (e) A contribution by a partnership shall be deemed to have been made pro rata by the  
35 partners as individuals for purposes of this Code section, as well as by the partnership in  
36 toto unless the partnership by proper action under its partnership agreement otherwise  
37 directs allocation of the contribution among the partners. At such direction of the

1 partnership, the contribution may be allocated in any proportion among the partners,  
 2 including to one or some but not all. Such allocation shall be indicated on the face of any  
 3 instrument constituting the contribution or on an accompanying document referencing such  
 4 instrument.

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

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

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

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

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

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

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

33 (2) In order to determine whether there are net debts outstanding from a particular  
 34 election, the candidate or campaign committee shall calculate net debts outstanding as of  
 35 the date of the election. For purposes of this paragraph, 'net debts outstanding' means the  
 36 total amount of unpaid debts and obligations incurred with respect to an election,  
 37 including the estimated cost of raising funds to liquidate debts incurred with respect to

1 the election, and including any costs incurred in connection with winding down the  
 2 campaign from such election, including office space rental, staff salaries, and office  
 3 supplies, less the sum of:

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

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

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

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

19 21-5-42.

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

35 (1) It is the general intent of this Code section to allow a person who is a candidate for  
 36 election at both a special election and a general election in the same calendar year to

1 receive ~~up to but no more than twice~~ the amount of contributions which could otherwise  
 2 be received from any one donor during the year but no more than the limits applicable to  
 3 any individual election; and

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

10 21-5-43.

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

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

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

30 ~~(d) Contributions accepted and separately accounted for in an election which does not~~  
 31 ~~occur or for which the candidate does not qualify, if unexpended, shall be returned to the~~  
 32 ~~contributors thereof pro rata without interest. Any portion thereof which cannot be returned~~  
 33 ~~to the original contributor thereof shall be expended only as provided in Code Section~~  
 34 ~~21-5-33.~~

35 (d) Contributions received for an election beyond the candidate's next upcoming election  
 36 may be placed in a separate campaign depository account and may not be spent or

1 encumbered until: (1) the preceding election has been held; and (2) it is determined that the  
 2 candidate will be on the ballot for the election for which the separately accounted for  
 3 contributions were received.

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

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

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

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

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

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

### 24 ARTICLE 3

25 21-5-50.

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

1 fifteenth day following the date of qualifying as a candidate, a financial disclosure  
2 statement for the preceding calendar year.

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

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

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

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

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

35 (1) Each monetary fee or honorarium of ~~\$101.00 or less~~ which is accepted by a public  
36 officer from speaking engagements, participation in seminars, discussion panels, or other  
37 activities which directly relate to the official duties of the public officer or the office of

1 the public officer, with a statement identifying the fee or honorarium accepted and the  
2 person from whom it was accepted;

3 (2) Each monetary fee or honorarium of more than \$101.00 which is accepted by a  
4 public officer who holds office on a full-time basis from speaking engagements,  
5 participation in seminars, discussion panels, or other activities that is not related to the  
6 official duties of the public officer or the office of the public officer, with a statement  
7 identifying the fee or honorarium accepted and the person or entity from whom it was  
8 accepted;

9 ~~(2)~~(3) All fiduciary positions held by the candidate for public office or the public officer,  
10 with a statement of the title of each such position, the name and address of the business  
11 entity, and the principal activity of the business entity;

12 ~~(3)~~(4) The name, address, and principal activity of any business entity and the office held  
13 by and the duties of the candidate for public office or public officer within such business  
14 entity as of December 31 of the covered year in which such candidate or officer has a  
15 direct ownership interest which interest:

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

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

18 ~~(4)~~(5) Each tract of real property in which the candidate for public office or public  
19 officer has a direct ownership interest as of December 31 of the covered year when that  
20 interest has a ~~net~~ fair market value in excess of \$20,000.00. As used in this paragraph, the  
21 term '~~net~~ fair market' value means the appraised value of the property for ad valorem tax  
22 purposes ~~less any indebtedness thereon~~. The disclosure shall contain the county and state  
23 ~~and, complete address and specific location, and general location therein where the~~  
24 ~~property is located~~ description of property;

25 (6) The filer's occupation, employer, and the principal activity and address of such  
26 employer;

27 (7) If he or she has actual knowledge of such ownership interest or knowledge of facts  
28 which would put a reasonable and prudent person on notice of such ownership interest,  
29 the filer shall name any business or subsidiary thereof in Georgia in which the filer's  
30 spouse or children, siblings, and parents, jointly or severally, own a direct ownership  
31 interest which interest;

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

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

34 or in which the filer's spouse or any child, sibling, or parent serves as an officer, director,  
35 equitable partner, trustee, or consultant;

36 (8) If the filer or his or her spouse has engaged in a business in a fiduciary position  
37 during the reporting year which provides legal, investment, accounting, medical or health

1 related, real estate, banking, insurance, educational, farming, engineering, architectural,  
 2 construction, or other professional services or consultations, then the filing party shall  
 3 report each category from which the gross income received from all combined clients in  
 4 such category exceeds \$10,000.00. Such categories shall be established by rule of the  
 5 commission and may include a stock investment portfolio, electric utilities, gas utilities,  
 6 telephone utilities, water utilities, cable television companies, intrastate transportation  
 7 companies, pipeline companies, oil or gas exploration companies or both, oil and gas  
 8 retail companies, banks, savings, and loan associations, loan or finance companies or  
 9 both, manufacturing firms, mining companies, life insurance companies, casualty  
 10 insurance companies, other insurance companies, retail companies, beer, wine, or liquor  
 11 companies or distributors or any combination thereof, trade associations, professional  
 12 associations, governmental associations, associations of public employees or public  
 13 officials, and counties;

14 ~~(5)~~(6) All annual payments in excess of \$20,000.00 received by the public officer or any  
 15 business entity identified in paragraph (3) of this subsection from the state, any agency,  
 16 department, commission, or authority created by the state, and authorized and exempted  
 17 from disclosure under Code Section 45-10-25, and the agency, department, commission,  
 18 or authority making the payments, and the general nature of the consideration rendered  
 19 for the source of the payments; and

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

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

33 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar  
 34 year in which the candidate (whether for himself or herself or on behalf of any  
 35 business) or any business in which such candidate or any member of his family has a  
 36 substantial interest or is an officer of such business has transacted business with the

1 government of the State of Georgia, the government of any political subdivision of the  
2 State of Georgia, or any agency of any such government; and

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

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

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

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

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

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

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

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

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

34 (ii) 'Person' and 'transact business' shall have the meanings specified in Code Section  
35 45-10-20.

36 (5) Notwithstanding any other provisions of this subsection, if, due to a special election  
37 or otherwise, a person does not qualify as a candidate for nomination or election to public

1 office until after the filing date otherwise applicable, such person shall make the filings  
2 required by this subsection within seven days after so qualifying.

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

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

12 21-5-51.

13 The financial disclosure statements required under this article shall be verified by oath or  
14 affirmation of the public officer filing the statement, such oath or affirmation to be taken  
15 before an officer authorized to administer oaths.

16 21-5-52.

17 Depositing of a properly addressed financial disclosure statement in the United States mails  
18 with adequate postage affixed shall constitute filing on the date of mailing.

19 21-5-53.

20 Financial disclosure statements filed pursuant to this article shall be public records and  
21 shall be subject to inspection and copying by any member of the public as provided by law  
22 for other public records. Within ten days after the date financial disclosure statements are  
23 due, the filing officer shall notify the commission in writing of the names and addresses of  
24 candidates or public officers who have not filed financial disclosure statements as required  
25 by this article.

## 26 ARTICLE 4

27 21-5-70.

28 As used in this article, the term:

29 (1) 'Expenditure':

30 (A) Means a purchase, payment, distribution, loan, advance, deposit, or conveyance  
31 of money or anything of value made for the purpose of influencing the actions of any  
32 public officer or public employee;

1 (B) Includes any other form of payment when such can be reasonably construed as  
2 designed to encourage or influence a public officer;

3 (C) Includes any gratuitous transfer, payment, subscription, advance, or deposit of  
4 money, services, or anything of value, unless consideration of equal or greater value is  
5 received;

6 (D) Notwithstanding division (x) of subparagraph (E) of this paragraph, includes food  
7 or beverage consumed at a single meal or event by a public officer or public employee  
8 or a member of the immediate family of such public officer or public employee; and

9 (E) The term shall not include:

10 (i) The value of personal services performed by persons who serve voluntarily  
11 without compensation from any source;

12 (ii) A gift received from a member of the public officer's immediate family;

13 (iii) Legal compensation or expense reimbursement provided public employees and  
14 public officers in the performance of their duties;

15 (iv) Promotional items generally distributed to the general public or to public officers  
16 and food and beverages produced in Georgia;

17 (v) An award, plaque, certificate, memento, or similar item given in recognition of  
18 the recipient's civic, charitable, political, professional, or public service;

19 (vi) Legitimate salary, benefits, fees, commissions, or expenses associated with a  
20 recipient's nonpublic business, employment, trade, or profession;

21 (vii) Food, beverages, and registration at group events to which all members of an  
22 agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are  
23 invited. An agency shall include the Georgia House of Representatives, the Georgia  
24 Senate, committees and subcommittees of such bodies, and the governing body of  
25 each political subdivision of this state;

26 (viii) Campaign contributions or expenditures reported as required by Article 2 of  
27 this chapter;

28 (ix) A commercially reasonable loan made in the ordinary course of business; or

29 (x) Food, beverage, or expenses afforded public officers, members of their immediate  
30 families, or others that are associated with normal and customary business or social  
31 functions or activities.

32 (2) 'Filed' means the delivery to the State Ethics Commission, as specified in this article,  
33 of a document that satisfies the requirements of this article. A document is considered  
34 delivered when it is placed in the United States mail within the required filing time,  
35 properly addressed to the State Ethics Commission, as specified in this article, with  
36 adequate postage affixed.

1 (3) 'Identifiable group of public officers' means a description that is specifically  
2 determinable by available public records.

3 (4) 'Immediate family' means a spouse or child.

4 (5) 'Lobbying' means the activity of a lobbyist while acting in that capacity.

5 (6) 'Lobbyist' means:

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

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

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

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

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

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

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

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

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

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

12 21-5-71.

13 (a) No person shall engage in lobbying as defined by this article unless such person is  
 14 registered with the State Ethics Commission as a lobbyist. The administration of this article  
 15 is vested in the State Ethics Commission. The State Ethics Commission shall be the  
 16 successor to the Secretary of State with respect to such officer's former regulation of  
 17 registered agents.

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

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

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

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

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

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

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

32 (c) The lobbyist shall, within seven days of any substantial or material change or addition,  
 33 file a supplemental registration indicating such substantial or material change or addition  
 34 to the registration prior to its expiration. Previously filed information may be incorporated  
 35 by reference. Substantial or material changes or additions shall include, but are not limited

1 to, the pertinent information concerning changes or additions to client and employment  
2 information required by paragraphs (2), (3), and (4) of subsection (b) of this Code section.

3 (d) Each registration under this Code section shall expire on December 31 of each year.  
4 The commission may establish renewal procedures for those applicants desiring continuous  
5 registrations. Previously filed information may be incorporated by reference.

6 (e) The commission shall provide a suitable public docket for registration under this Code  
7 section with appropriate indices and shall enter promptly therein the names of the lobbyists  
8 and the organizations they represent.

9 (f)(1) Each person registering under this Code section shall pay the registration fees set  
10 forth in paragraph (2) of this subsection; provided, however, that a person who represents  
11 any state, county, municipal, or public agency, department, commission, or authority  
12 shall be exempted from payment of such registration fees and a person employed by an  
13 organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4)  
14 of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be  
15 exempted from payment of such registration fees except for payment of an initial  
16 registration fee of \$25.00.

17 (2) The commission shall collect the following fees:

18 (A) Annual lobbyist registration filed pursuant to this Code section . . . . . \$ 200.00

19 (B) Lobbyist supplemental registration filed pursuant to this Code section 10.00

20 (C) Each lobbyist identification card issued pursuant to this Code section 5.00

21 (D) In addition to other penalties provided under this chapter, a filing fee of  
22 \$50.00 shall be imposed for each report that is filed late. In addition, a filing  
23 fee of \$25.00 shall be imposed on the fifteenth day after the due date if the  
24 report has still not been filed.

25 (g) As soon as practicable after registering any such person, the commission shall issue to  
26 such person an identification card which shall have printed thereon the name of the lobbyist  
27 and the person or agency such lobbyist represents, provided that, when any such person  
28 represents more than one entity, such identification card shall have printed thereon the  
29 name of the registered person and the word 'LOBBYIST.' Each lobbyist while engaged in  
30 lobbying at the capitol or in a government facility shall display said identification in a  
31 readily visible manner.

32 (h) The commission shall regularly publish public rosters of lobbyists along with the  
33 respective persons, firms, corporations, associations, agencies, or governmental entities  
34 they represent. During sessions of the General Assembly, the commission shall weekly  
35 report to the Clerk of the House of Representatives, the Secretary of the Senate, and the  
36 Governor those persons who have registered as lobbyists since the convening of the

1 General Assembly. The commission shall be authorized to charge a reasonable fee for  
2 providing copies of the roster to the public.

3 (i) The registration provisions of this Code section shall not apply to:

4 (1) Any individual who expresses personal views, on that individual's own behalf, to any  
5 public officer;

6 (2) Any person who appears before a public agency or governmental entity committee  
7 or hearing for the purpose of giving testimony when such person is not otherwise required  
8 to comply with the registration provisions of this Code section;

9 (3) Any public employee of an agency appearing before a governmental entity  
10 committee or hearing at the request of the governmental entity or any person who  
11 furnishes information upon the specific request of a governmental entity;

12 (4) Any licensed attorney appearing on behalf of a client in any adversarial proceeding  
13 before an agency of this state;

14 (5) Any person employed or appointed by a lobbyist registered pursuant to this Code  
15 section whose duties and activities do not include lobbying;

16 (6) Elected public officers performing the official duties of their public office; and

17 (7) A public employee who performs services at the direction of a member of the  
18 General Assembly including, but not limited to, drafting petitions, bills, or resolutions;  
19 attending the taking of testimony; collating facts; preparing arguments and memorials and  
20 submitting them orally or in writing to a committee or member of the General Assembly;  
21 and other services of like character intended to reach the reason of the legislators.

22 21-5-72.

23 (a) In addition to other penalties provided in this article, the commission may by order  
24 deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist  
25 if it finds that the lobbyist:

26 (1) Has filed an application for registration with the commission which was incomplete  
27 in a material respect or contained a statement that was, in light of the circumstances under  
28 which it was made, false or misleading with respect to a material fact;

29 (2) Has willfully violated or willfully failed to comply with this article or a rule  
30 promulgated by the commission under this article;

31 (3) Has failed to comply with the reporting requirements of this article; or

32 (4) Has engaged in lobbying practices in violation of this article.

33 (b) Application may be made to the commission for reinstatement. Such reinstatement  
34 shall be conducted in the same manner as required for an initial registration under this  
35 article and shall be conditioned upon payment of the same registration fees applicable to  
36 an initial registration and also any outstanding penalty fees.

1 (c) Any person failing to comply with or violating any of the provisions of this article shall  
2 be subject to a civil penalty not to exceed \$2,000.00 per violation.

3 21-5-73.

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

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

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

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

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

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

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

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

34 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures  
35 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during  
36 the reporting period; provided, however, expenses for travel and for food, beverage, and

lodging in connection therewith afforded a public officer shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph; and

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

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

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

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

21-5-74.

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

#### SECTION 1A.

Said title is further amended by adding a new article to the end of Chapter 5 to read as follows:

#### "ARTICLE 5

21-5-80.

Any candidate for the General Assembly who files a declaration of intent to accept campaign contributions pursuant to subsection (g) of Code Section 21-5-30 shall be issued

1 a pledge to engage in ethical campaigning by the Secretary of State as set forth in Code  
2 Section 21-5-81.

3 21-5-81.

4 The text of the pledge shall read as follows:

5 PLEDGE TO ENGAGE IN ETHICAL CAMPAIGNING

6 Realizing that the principles of morality, honesty, and civility are essential to the integrity  
7 of the democratic process, I pledge to conduct a campaign consistent with these  
8 principles. I will refrain from campaign practices that in any way detract from the  
9 honorable pursuit of elective office. I shall not use or permit the use of character  
10 defamation, libel, slander, or scurrilous attacks on any candidate or his or her personal  
11 or family life, nor shall I use or permit on my behalf misleading or untrue advertisements.

12 \_\_\_\_\_

13 Name of Candidate

\_\_\_\_\_

Name of Witness

14 \_\_\_\_\_

15 Signature

\_\_\_\_\_

Notary public's signature and seal

16 \_\_\_\_\_

17 Date

18 21-5-82.

19 Each candidate for the General Assembly who has filed the intention to accept campaign  
20 contributions shall acknowledge receipt of the pledge set forth in Code Section 21-5-81  
21 either by returning the pledge with his or her signature which has been witnessed and  
22 notarized or by returning a signed affidavit stating that he or she has received the pledge.  
23 The pledge shall be in effect for two years from the date of signing unless a candidate  
24 writes to the Secretary of State's office and requests that his or her pledge be revoked.

25 21-5-83.

26 The Secretary of State's office shall maintain on its website a list of candidates which  
27 indicates candidates who have signed the pledge or acknowledged the pledge in accordance  
28 with Code Section 21-5-82 or who have neither signed nor acknowledged the pledge.

29 21-5-84.

1 A registered voter may initiate a complaint pursuant to Code Section 21-5-7 against a  
 2 candidate who is running for the General Assembly in his or her district for alleged  
 3 violations of Code Section 21-5-82. The commission may issue an order after appropriate  
 4 proceedings as provided for by this chapter and penalize the person who violates Code  
 5 Section 21-5-82 by making public its conclusion as set forth in paragraph (15) of  
 6 subsection (b) of Code Section 21-5-6.

7 21-5-85.

8 (a) A candidate is liable for any slander or libel, as defined and provided for in Chapter 5  
 9 of Title 51, committed by a campaign committee that is controlled by that candidate if the  
 10 candidate willfully and knowingly directs or permits the libel or slander.

11 (b) In addition to the action provided for in this Code section, the commission may issue  
 12 an order after appropriate proceedings as provided for by this chapter, requiring the  
 13 candidate whose committee committed the libel or slander to be fined as set forth in  
 14 subparagraph (b)(14)(C) of Code Section 21-5-6 and may also make public its conclusion  
 15 as provided in paragraph (15) of subsection (b) of Code Section 21-5-6."

## 16 SECTION 2.

17 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
 18 by adding a new Code section immediately following Code Section 42-2-14, to be designated  
 19 Code Section 42-2-15, to read as follows:

20 "42-2-15.

21 (a) It shall be unlawful for members of the General Assembly or any other state elected  
 22 or appointed official to appear before the board or department on behalf of a person under  
 23 the jurisdiction of the board or department or advocate for a decision on behalf of such  
 24 person. Nothing in this Code section shall be construed so as to prohibit:

25 (1) Members of the General Assembly or state elected or appointed officials from  
 26 appearing before the board or department when their official duties require them to do so;

27 (2) Members of the General Assembly or state elected or appointed officials from  
 28 requesting information from the board or department;

29 (3) Members of the General Assembly or state elected or appointed officials from  
 30 forwarding correspondence or communications received from third parties to the board  
 31 or department, so long as the correspondence or communications are forwarded in  
 32 substantially the same form in which they were received;

33 (4) Members of the General Assembly who are lawyers representing probationers from  
 34 appearing before the board or department in connection with a probation revocation  
 35 hearing; or

1 (5) The Attorney General, assistant attorney general, judge, district attorney, assistant  
 2 district attorney, solicitor-general, assistant solicitor-general, or public defender while  
 3 acting in his or her official capacity.

4 (b) Any person who violates subsection (a) of this Code section shall be guilty of a  
 5 misdemeanor."

### 6 SECTION 3.

7 Said title is further amended by striking Code Section 42-9-17, relative to appearances before  
 8 the Board of Pardons and Paroles by members of the General Assembly or state elected or  
 9 appointed officials, and inserting in lieu thereof the following:

10 "42-9-17.

11 (a) It shall be unlawful for members of the General Assembly or any other state elected  
 12 or appointed official to ~~accept any compensation for appearing~~ appear before the board in  
 13 on behalf of a person under the jurisdiction of the board ~~and for seeking or advocate for~~  
 14 a decision on behalf of ~~the~~ such person. Nothing in this Code section shall be construed so  
 15 as to prohibit:

16 (1) Members of the General Assembly or state elected or appointed officials from  
 17 appearing before the board when their official duties require them to do so; ~~or~~

18 (2) Members of the General Assembly or state elected or appointed officials from  
 19 requesting information from ~~and presenting information to~~ the board ~~on behalf of~~  
 20 ~~constituents when no compensation, gift, favor, or anything of value is accepted, either~~  
 21 ~~directly or indirectly, for such services;~~

22 (3) Members of the General Assembly or state elected or appointed officials from  
 23 forwarding correspondence or communications received from third parties to the board,  
 24 so long as the correspondence or communications are forwarded in substantially the  
 25 same form in which they were received; or

26 (4) The Attorney General, assistant attorney general, judge, district attorney, assistant  
 27 district attorney, solicitor-general, assistant solicitor-general, or public defender while  
 28 acting in his or her official capacity.

29 ~~(b) Nothing in subsection (a) of this Code section shall be construed to apply to the~~  
 30 ~~acceptance of compensation, expenses, and allowances received by members of the~~  
 31 ~~General Assembly or any other state elected or appointed official for their duties as such~~  
 32 ~~members or officials.~~

33 ~~(c)~~(b) Any person who violates subsection (a) of this Code section shall be guilty of a  
 34 misdemeanor."

### 35 SECTION 4.

1 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended  
 2 by striking Code Section 45-1-4, relating to complaints or information regarding fraud,  
 3 waste, and abuse in state programs and operations, and inserting in its place a new Code  
 4 Section 45-1-4 to read as follows:

5 "45-1-4.

6 (a) As used in this Code section, the term:

7 (1) 'Government agency' means any agency of federal, state, or local government  
 8 charged with the enforcement of laws, rules, or regulations.

9 (2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or  
 10 any rule or regulation adopted according to any federal, state, or local statute or  
 11 ordinance.

12 ~~(1)(3)~~ (3) 'Public employee' means any person who is employed by the executive, judicial,  
 13 or legislative branch of the state or by any other department, board, bureau, commission,  
 14 authority, or other agency of the state except the office of the Governor, the judicial  
 15 branch, or the legislative branch. This term also includes all employees, officials, or  
 16 administrators of any agency covered under the State Merit System of Personnel  
 17 Administration and any local or regional governmental entity that receives any funds  
 18 from the State of Georgia or any state agency.

19 ~~(2)(4)~~ (4) 'Public employer' means the executive, judicial, or legislative branch of the state  
 20 and or any other department, board, bureau, commission, authority, or other agency of  
 21 the state which employs or appoints a public employee or public employees except the  
 22 office of the Governor, the judicial branch, or the legislative branch or any local or  
 23 regional governmental entity that receives any funds from the State of Georgia or any  
 24 state agency.

25 (5) 'Retaliate' or 'retaliation' refers to the discharge, suspension, or demotion by a public  
 26 employer of a public employee or any other adverse employment action taken by a public  
 27 employer against a public employee in the terms or conditions of employment.

28 (6) 'Supervisor' means any individual:

29 (A) To whom a public employer has given authority to direct and control the work  
 30 performance of the affected public employee;

31 (B) To whom a public employer has given authority to take corrective action regarding  
 32 a violation of or noncompliance with a law, rule, or regulation of which the public  
 33 employee complains; or

34 (C) Who has been designated by a public employer to receive complaints regarding a  
 35 violation of or noncompliance with a law, rule, or regulation.

36 (b) A public employer may receive and investigate complaints or information from any  
 37 public employee concerning the possible existence of any activity constituting fraud, waste,

1 and abuse in or relating to any state programs and operations under the jurisdiction of such  
2 public employer.

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

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

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

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

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

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

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

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

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

3 (A) An injunction restraining continued violation of this Code section;

4 (B) Reinstatement of the employee to the same position held before the retaliation or  
 5 to an equivalent position;

6 (C) Reinstatement of full fringe benefits and seniority rights;

7 (D) Compensation for lost wages, benefits, and other remuneration; and

8 (E) Any other compensatory damages allowable at law.

9 (f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing  
 10 public employee.

11 (g) Nothing in this Code section shall apply to institutions or facilities permitted or  
 12 licensed under Title 31."

### 13 SECTION 5.

14 Said title is further amended by striking Article 1 of Chapter 10, relating to codes of ethics,  
 15 in its entirety and inserting in its place a new Article 1, relating to ethics and conflicts of  
 16 interest, to read as follows:

#### 17 "ARTICLE 1

##### 18 Part 1

19 45-10-1.

20 There is established for and within the state and for and in all governments therein a code  
 21 of ethics for government service which shall read as follows:

#### 22 CODE OF ETHICS FOR GOVERNMENT SERVICE

23 Any person in government service should:

24 I. Put loyalty to the highest moral principles and to country above loyalty to persons,  
 25 party, or government department.

26 II. Uphold the Constitution, laws, and legal regulations of the United States and the  
 27 State of Georgia and of all governments therein and never be a party to their evasion.

28 III. Give a full day's labor for a full day's pay and give to the performance of his or her  
 29 duties his or her earnest effort and best thought.

30 IV. Seek to find and employ more efficient and economical ways of getting tasks  
 31 accomplished.

32 V. Never discriminate unfairly by the dispensing of special favors or privileges to  
 33 anyone, whether for remuneration or not, and never accept, for himself or herself or his

1 or her family, favors or benefits under circumstances which might be construed by  
2 reasonable persons as influencing the performance of his or her governmental duties.

3 VI. Make no private promises of any kind binding upon the duties of office, since a  
4 government employee has no private word which can be binding on public duty.

5 VII. Engage in no business with the government, either directly or indirectly, which  
6 is inconsistent with the conscientious performance of his or her governmental duties.

7 VIII. Never use any information coming to him or her confidentially in the  
8 performance of governmental duties as a means for making private profit.

9 IX. Expose corruption wherever discovered.

10 X. Afford all constituents fair and equal opportunity to express their concerns and ideas  
11 regarding state programs and policies without regard to their political affiliation,  
12 sophistication, or affluence.

13 XI. Carry out his or her duties and responsibilities without bias.

14 XII Never engage in conduct which is unbecoming to a person in government service  
15 or which constitutes a breach of public trust.

16 ~~XIII~~. Uphold these principles, ever conscious that public office is a public trust.

17 45-10-2.

18 (a) The Secretary of State is authorized and directed to have the code of ethics for  
19 government service established in Code Section 45-10-1 printed upon an appropriately  
20 designed card which would be suitable for framing and exhibiting to the public and  
21 employees of the state and all governments therein.

22 (b) The Secretary of State is authorized and directed to have such number of said code of  
23 ethics for government service printed as, in his or her discretion, will be sufficient for  
24 distribution to the various departments, boards, bureaus, and other agencies of the state and  
25 all governments therein.

26 (c) The Secretary of State is authorized and directed to furnish said printed code of ethics  
27 for government service to the various departments, boards, bureaus, and other agencies of  
28 the state and all governments therein without cost.

29 (d) The expenses incurred by the Secretary of State in carrying out this Code section shall  
30 be paid from the funds appropriated to or otherwise available to the legislative branch of  
31 government.

32 ~~45-10-3.~~

33 ~~Notwithstanding any provisions of law to the contrary, each member of all boards,~~  
34 ~~commissions, and authorities created by general statute shall:~~

- 1 ~~(1) Uphold the Constitution, laws, and regulations of the United States, the State of~~  
 2 ~~Georgia, and all governments therein and never be a party to their evasion;~~  
 3 ~~(2) Never discriminate by the dispensing of special favors or privileges to anyone,~~  
 4 ~~whether or not for remuneration;~~  
 5 ~~(3) Not engage in any business with the government, either directly or indirectly, which~~  
 6 ~~is inconsistent with the conscientious performance of his governmental duties;~~  
 7 ~~(4) Never use any information coming to him confidentially in the performance of~~  
 8 ~~governmental duties as a means for making private profit;~~  
 9 ~~(5) Expose corruption wherever discovered;~~  
 10 ~~(6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors,~~  
 11 ~~hospitality, or services from any person, association, or corporation under circumstances~~  
 12 ~~from which it could reasonably be inferred that a major purpose of the donor is to~~  
 13 ~~influence the performance of the member's official duties;~~  
 14 ~~(8) Never engage in other conduct which is unbecoming to a member or which~~  
 15 ~~constitutes a breach of public trust; and~~

16 ~~45-10-4.~~

17 ~~Upon formal charges being filed with the Governor relative to a violation of Code Section~~  
 18 ~~45-10-3 on the part of a member of any such board, commission, or authority, the Governor~~  
 19 ~~or his designated agent shall conduct a hearing for the purpose of receiving evidence~~  
 20 ~~relative to the merits of such charges. The member so charged shall be given at least 30~~  
 21 ~~days' notice prior to such hearing. If such charges are found to be true, the Governor shall~~  
 22 ~~forthwith remove such member from office and the vacancy shall be filled as provided by~~  
 23 ~~law. Such hearing shall be held in accordance with Chapter 13 of Title 50, the 'Georgia~~  
 24 ~~Administrative Procedure Act,' and judicial review of any such decision shall be in~~  
 25 ~~accordance with such chapter.~~

## 26 Part 2

27 45-10-5.

28 As used in this part, the term:

- 29 (1) 'Charitable organization' means any charitable organization as defined in Code  
 30 Section 45-20-51.  
 31 (2) 'Employee' means every person employed by the executive, legislative, or judicial  
 32 branch of state government or any department, board, bureau, agency, commission, or  
 33 authority thereof, including every public officer.

1 (3) 'Family member' means an individual who is related to the public officer as husband,  
2 wife, father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, first  
3 cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law,  
4 sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister,  
5 half-brother, or half-sister.

6 (4) 'Gift' means anything of value exceeding \$25.00 including, but not limited to, food,  
7 beverages, lodging, travel, transportation, personal services, gratuities, subscriptions,  
8 memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or  
9 deposits of money. Gift shall not include a bona fide loan made by a state or federally  
10 chartered financial institution or a depository institution whose deposits are insured by  
11 the Federal Deposit Insurance Corporation if such loan is made in the normal course of  
12 business with the expectation on the part of all parties that such loan shall be repaid and  
13 such loan is based on the credit worthiness of the borrower and the borrower is personally  
14 liable for the repayment of the loan.

15 (5) 'Participant' includes, but is not limited to, an owner, shareholder, partner, employee,  
16 or agent of a business entity involved in the proceeding.

17 (6) 'Person' means any natural person, corporation, partnership, proprietorship, firm,  
18 enterprise, franchise, association, organization, or other legal entity.

19 (7) 'Public officer' means every constitutional officer, elected state official, elected or  
20 appointed executive head of every state department or agency, member of the General  
21 Assembly, and executive director and member of each state board, authority, or  
22 commission.

23 45-10-6.

24 No public officer shall accept any economic opportunity under circumstances where he or  
25 she knows or should know that there is a substantial possibility that the opportunity is being  
26 afforded him or her with intent to influence his or her conduct in the performance of his or  
27 her official duties.

28 45-10-7.

29 No public officer shall take any official action with regard to any matter under  
30 circumstances in which he or she knows or should know that he or she has a direct or  
31 indirect monetary interest, unique to the public office, in the subject matter of such matter  
32 or in the outcome of such official action.

1 ~~45-10-5~~ 45-10-8.

2 ~~No member of any board, commission, or authority created by general statute shall enact~~  
3 ~~any rules or regulations or publicize such as being general laws and such rules and~~  
4 ~~regulations shall in no way have the effect of law. A public officer shall recuse himself or~~  
5 ~~herself from any proceeding in which the public officer's impartiality might reasonably be~~  
6 ~~questioned due to the public officer's personal or financial relationship with a participant~~  
7 ~~in the proceeding. If the public officer is uncertain whether the relationship justifies~~  
8 ~~recusal, then the public officer shall disclose the relationship to the person presiding over~~  
9 ~~the proceeding. The presiding officer shall determine the extent to which, if any, the public~~  
10 ~~officer will be permitted to participate. If the affected public officer is the person~~  
11 ~~presiding, then the vice chairperson or such other substitute presiding officer shall make~~  
12 ~~the determination.~~

13 45-10-9.

14 On and after January 1, 2004, every public officer shall be prohibited from registering as  
15 a lobbyist or engaging in lobbying under Article 4 of Chapter 5 of Title 21, as amended,  
16 for a period of one year after leaving such office.

17 45-10-10.

18 (a) Every public officer is prohibited from advocating for or causing the advancement,  
19 appointment, employment, promotion, or transfer of a family member to an office or  
20 position that pays an annual salary of \$10,000.00 or more or its equivalent.

21 (b) Any person advanced, appointed, employed, promoted, or transferred in violation of  
22 this Code section shall not be entitled to any payment, salary, or benefits received for any  
23 position so illegally obtained; and any person who receives payment, salary, or benefits for  
24 a position obtained in violation of this Code section shall be required to reimburse the state  
25 for all amounts so received.

26 45-10-11.

27 No public officer shall use confidential information gained in the course of governmental  
28 duties as a means for private benefit.

29 45-10-12.

30 (a) Except as provided in subsection (c) of this Code section, no public officer or employee  
31 nor any person on such public officer's or employee's behalf shall accept, directly or  
32 indirectly, any gift from any person with whom the public officer or employee interacts on  
33 official state business, including, but not limited to, lobbyists within the meaning of Article

1 4 of Chapter 5 of Title 21, as amended. If a gift has been accepted, it must be returned to  
 2 the donor or transferred to a charitable organization.

3 (b)(1) Except as provided in subsection (c) of this Code section, no public officer shall  
 4 accept any monetary fee or honorarium for a speaking engagement, participation in a  
 5 seminar, discussion panel, or other such activity; provided, however, that a part-time  
 6 public officer may accept a monetary fee or honorarium if:

7 (A) The public officer's private employment or profession requires public speaking;  
 8 and

9 (B) The speaking engagement, seminar, discussion panel, or other activity does not  
 10 relate to the official duties of the public officer.

11 (2) A part-time public officer who accepts a monetary fee or honorarium in accordance  
 12 with this Code section shall file a financial disclosure statement in accordance with Code  
 13 Section 21-5-50.

14 (c)(1) For purposes of this Code section, reimbursement or payment of actual and  
 15 reasonable expenses for food, beverages, travel, transportation, lodging, and registration  
 16 for a meeting which is provided to a public officer or employee to permit such public  
 17 officer's or employees' participation in a panel or speaking engagement at the meeting  
 18 shall not be considered gifts, monetary fees, or honoraria.

19 (2) Where appropriate for purposes of tradition, ceremony, or intergovernmental  
 20 relations or when acting as a representative of a department, board, bureau, agency,  
 21 commission, or authority, a public officer or employee may accept a gift on behalf of  
 22 such department, board, bureau, agency, commission, or authority. If the gift retains  
 23 value after its acceptance, the public officer or employee must maintain custody of the  
 24 gift no longer than reasonably necessary to arrange for the transfer of custody of the gift  
 25 to the public officer's or employee's department, board bureau, agency, commission, or  
 26 authority or to a charitable organization on behalf of such department, board, bureau,  
 27 agency, commission, or authority.

28 45-10-13.

29 No elected public officer or employee or agent of an elected public officer shall advocate  
 30 for or cause the receipt or award of any state contract to a person who has made a campaign  
 31 contribution to the elected public officer or the elected public officer's campaign  
 32 committee in the current or immediately preceding election cycle.

33 45-10-14.

34 (a) For purposes of this Code section, the term 'commission' shall mean the State Ethics  
 35 Commission, as defined in paragraph (5) of Code Section 21-5-3.

1 (b) Any complaint alleging a violation of this part or Part 1 of Article 2 of this chapter  
2 shall be filed with the commission and shall be in writing and verified under oath to the  
3 best information, knowledge, and belief of the person making such complaint, the  
4 falsification of which shall be punishable as a false swearing under Code Section 16-10-71.  
5 The person against whom any complaint is made shall be furnished or mailed a copy of the  
6 complaint by the commission upon the commission's receipt of such complaint and prior  
7 to any other public dissemination of such complaint.

8 (c) Within 60 days following the filing of a complaint alleging a violation of this part or  
9 Part 1 of Article 2 of this chapter with the commission, the commission shall conduct a  
10 preliminary investigation into such complaint to determine whether there are reasonable  
11 grounds to believe that such a violation has occurred. If there are found no reasonable  
12 grounds to believe that a violation has occurred, the complaint shall be dismissed, subject  
13 to being reopened upon discovery of additional evidence or relevant material. If the  
14 commission determines that there are such reasonable grounds to believe that a violation  
15 has occurred, the commission shall conduct a hearing for purposes of receiving evidence  
16 relative to the merits of the complaint. The hearing shall be conducted in accordance with  
17 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' If the commission  
18 reaches a final decision that no violation of this part or Part 1 of Article 2 of this chapter  
19 has occurred, the complaint shall be dismissed. If the commission reaches a final decision  
20 that such a violation has occurred, the commission shall issue an order directing  
21 compliance with this part or Part 1 of Article 2 of this chapter or prohibiting the actual or  
22 threatened commission of any conduct constituting a violation of this part or Part 1 of  
23 Article 2 of this chapter. In addition, the commission may:

24 (1) Order the violator to cease and desist from committing further violations;

25 (2) Order the violator to pay a civil penalty not to exceed \$10,000.00 for each violation  
26 of this part or Part 1 of Article 2 of this chapter. The amount of any civil penalty finally  
27 assessed shall be recoverable by a civil action brought in the name of the commission.  
28 All moneys recovered pursuant to this Code section shall be deposited in the state  
29 treasury; or

30 (3) Issue a recommendation to the appropriate body that the violator be removed from  
31 office or otherwise disciplined, to the extent permitted by applicable law.

32 Any person found to have violated this part or Part 1 of Article 2 of this chapter by a final  
33 decision of the commission is entitled to judicial review in accordance with Chapter 13 of  
34 Title 50, the 'Georgia Administrative Procedure Act.'

35 (d) The Attorney General shall, upon complaint by the commission, or may, upon the  
36 Attorney General's own initiative if after examination of the complaint and evidence the  
37 Attorney General believes a violation has occurred, bring an action in the superior court

1 in the name of the commission for a temporary restraining order or other injunctive relief  
2 or for civil penalties assessed against any person violating this part or Part 1 of Article 2  
3 of this chapter. Any action brought by the Attorney General to enforce civil penalties  
4 assessed against any person for violating this part or Part 1 of Article 2 of this chapter or  
5 any order issued by the commission ordering compliance or to cease and desist from  
6 further violations shall be brought in the superior court of the county of the residence of the  
7 party against whom relief is sought. Service of process shall lie in any jurisdiction within  
8 the state. In such an action, the superior court inquiry will be limited to whether notice was  
9 given by the commission to the violator in compliance with the Constitution and the rules  
10 of procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' Upon  
11 satisfaction that notice was given and a hearing was held pursuant to Chapter 13 of Title  
12 50, the 'Georgia Administrative Procedure Act,' the superior court shall enforce the orders  
13 of the commission and the civil penalties assessed under this Code section and the superior  
14 court shall not make independent inquiry as to whether the violations have occurred. The  
15 judgment of the superior court, if in favor of the commission, shall provide that the  
16 defendant pay to the commission the costs, including reasonable attorneys' fees, incurred  
17 by the commission in the prosecution of such an action.

18 45-10-15.

19 (a) The State Ethics Commission shall have the same powers and duties with respect to  
20 this part and to Part 1 of Article 2 of this chapter as the commission has with respect to  
21 Chapter 5 of Title 21. Without limiting the generality of the foregoing, it is specifically  
22 provided that the State Ethics Commission shall have the following powers and duties with  
23 respect to this part and Part 1 of Article 2 of this chapter, such powers and duties to be  
24 exercised and construed in the same general manner provided for in Chapter 5 of Title 21:

25 (1) To issue subpoenas;

26 (2) To institute and prosecute actions in the superior courts;

27 (3) To adopt rules and regulations;

28 (4) To prescribe forms;

29 (5) To make investigations;

30 (6) To report suspected violations of law;

31 (7) To issue advisory opinions;

32 (8) To issue orders directing compliance with this part or Part 1 of Article 2 of this  
33 chapter or prohibiting the violation of this part or Part 1 of Article 2 of this chapter and  
34 to impose civil penalties not to exceed \$10,000.00 for each violation of this part or Part  
35 1 of Article 2 of this chapter.

1 (b) The Attorney General shall have the same powers and duties with respect to this part  
 2 or Part 1 of Article 2 of this chapter as the Attorney General has with respect to Chapter  
 3 5 of Title 21. Without limiting the generality of the foregoing it is specifically provided that  
 4 the Attorney General may bring civil actions for the enforcement of this part or Part 1 of  
 5 Article 2 of this chapter in the same general manner as provided in Chapter 5 of Title 21.

6 (c) Criminal penalties and other enforcement procedures provided in this part and Part 1  
 7 of Article 2 of this chapter shall be cumulative to and not in lieu of the enforcement  
 8 authority granted to the State Ethics Commission under this Code section or to the Supreme  
 9 Court and the Judicial Qualifications Commission with regard to public officers subject to  
 10 the jurisdiction of the Supreme Court or the Judicial Qualifications Commission; provided,  
 11 however, that if the State Ethics Commission imposes a civil monetary penalty for a  
 12 violation of this part or Part 1 of Article 2 of this chapter, no further civil monetary penalty  
 13 may be imposed for such violation under any other provision of this part and Part 1 of  
 14 Article 2 of this chapter.

15 45-10-16.

16 The provisions of this part or Part 1 of Article 2 of this chapter are in addition to or  
 17 cumulative of any other criminal penalties imposed by law. Notwithstanding any other  
 18 provision of law to the contrary, an administrative or civil enforcement action brought  
 19 pursuant to this part or Part 1 of Article 2 of this chapter shall not bar the prosecution of  
 20 any violation of the criminal law of this state."

#### 21 **SECTION 5A.**

22 Said title is further amended by striking subsection (a) of Code Section 45-10-26, relating  
 23 to yearly disclosure statements of public officials and employees concerning business  
 24 transactions with the state, and inserting in its place the following:

25 "(a) Except as provided in subsection (b) of this Code section, any public official or  
 26 employee, whether for himself or herself or on behalf of any business, or any business in  
 27 which such public official or employee or any member of his or her family has a substantial  
 28 interest who transacts business with the state or any agency thereof or with any political  
 29 subdivision of the state shall disclose such transactions. In addition, if any business in  
 30 which the children of any such public official have a substantial interest transacts business  
 31 with the state or any agency or any political subdivision, such public official shall also  
 32 disclose such transactions if the public official has actual knowledge of such ownership  
 33 interest or knowledge of facts which put a reasonable and prudent person on notice of such  
 34 ownership. Such disclosure shall be submitted ~~prior to January 31~~ not before the first day  
 35 of January nor later than July 1 of each year to the Secretary of State on such forms as he

1 or she shall prescribe and shall include an itemized list of the previous year's transactions  
 2 with the dollar amount of each transaction reported and totaled. Such disclosure statements  
 3 shall be public records. As used in this subsection, the term "political subdivision" means  
 4 the state or any local subdivision of the state or public instrumentality or public corporate  
 5 body created by or under authority of state law, including, but not limited to,  
 6 municipalities, counties, school districts, special taxing districts, conservation districts,  
 7 authorities, and any other state or local public instrumentality or corporation which has the  
 8 right to bring and defend actions or to issue its bonds or other obligations as evidence of  
 9 indebtedness under any provision of law and also means any corporate or other entity  
 10 which leases a public improvement to such political subdivision; and the term also means  
 11 the governing body of such political subdivision and its members and officers in their  
 12 official capacity."

### 13 **SECTION 6.**

14 Said title is amended further by adding a new Code section at the end of Article 3 of Chapter  
 15 12, relating to appointments and vacancies, to be designated Code Section 45-12-61, to read  
 16 as follows:

17 "45-12-61.

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

20 (b) No person shall be eligible for appointment to fill a vacancy on any board, council,  
 21 commission, or authority or on the Supreme Court, the Court of Appeals, the superior  
 22 courts, or the state courts if the person has made a contribution to or expenditure on behalf  
 23 of the Governor or the Governor's campaign committee in the previous 90 days."

### 24 **SECTION 7.**

25 This Act shall become effective on July 1, 2003.

### 26 **SECTION 8.**

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