

The House Committee on Judiciary offered the following substitute to SB 31:

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 21, 36, 42, and 45 of the Official Code of Georgia Annotated, relating,  
2 respectively, to elections; local government; penal institutions; and public officers, so as to  
3 provide for the comprehensive revision of provisions regarding ethics and conflicts of  
4 interest; to provide for and change certain definitions; to change certain provisions relative  
5 to the appointment of members of the State Ethics Commission and provide additional  
6 eligibility requirements for appointed persons; to provide for the timely issuance of advisory  
7 opinions by the State Ethics Commission and other matters relative to advisory opinions; to  
8 change provisions relating to the State Ethics Commission including its administrative  
9 attachment to the Secretary of State's office; to change provisions relating to civil penalties;  
10 to change provisions relating to mailing complaints; to provide for rule making with regard  
11 to technical defects and the time frame for correction of technical defects in financial  
12 disclosure statements; to change certain provisions regarding connected organizations; to  
13 create certain restrictions on receipt or award of state contracts; to change certain provisions  
14 regarding contributions made to candidates and the location where certain reports are filed;  
15 to change provisions relating to contributions or expenditures other than through candidates  
16 or campaign committees and disclosure of extensions of credit; to change certain provisions  
17 relating to disposition of contributions; to change certain provisions regarding disclosure  
18 reports; to change certain provisions regarding electronic filing of reports; to change certain  
19 provisions relating to acceptance of campaign contributions during legislative sessions; to  
20 change provisions relating to maximum allowable contributions; to change certain provisions  
21 relating to filing of financial disclosure statements; to change provisions relating to filing by  
22 mail; to change certain provisions relating to lobbyist registration; to change provisions  
23 relating to lobbyist disclosure reports and the contents thereof and the definition of lobbyist;  
24 to create provisions relating to a lobbyist's eligibility for certain appointments; to create  
25 conflict of interest provisions relating to gifts; to correct cross-references; to provide for  
26 limitations relative to appearances before the Board of Corrections or the Department of  
27 Corrections by members of the General Assembly or state elected or appointed officials; to  
28 provide for criminal penalties; to change provisions relative to appearances before the Board  
29 of Pardons and Paroles by members of the General Assembly or state elected or appointed

1 officials; to change certain provisions relating to complaints or information regarding fraud,  
 2 waste, and abuse in state programs and operations; to provide for restrictions on activities for  
 3 persons who were a member, employee, or appointee of the legislative, executive, or judicial  
 4 branch or other agencies or authorities of the state; to provide for penalties; to provide for  
 5 restrictions on the Governor's appointment power under certain circumstances; to provide  
 6 for effective dates and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

12 "CHAPTER 5

13 ARTICLE 1

14 21-5-1.

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

16 21-5-2.

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

1 reasonable access to the disclosure of the significant private interests of the public officers  
2 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 services performed by persons who serve without  
 14 compensation from any ~~sources~~ source and on a voluntary basis. The term 'contribution'  
 15 shall include other forms of payment made to candidates for office or who hold office  
 16 when such fees and compensation made can be reasonably construed as a campaign  
 17 contribution designed to encourage or influence a candidate or public officer holding  
 18 elective office. The term 'contribution' shall also encompass transactions wherein a  
 19 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)~~(14) '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)~~ (7) of this Code section and which is in the  
 14 amount of \$101.00 or more.

15 ~~(12.1)~~(15) '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)~~(16) '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 (17) 'Net fair market' value means the fair market value of property less any indebtedness  
 28 thereon.

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

1 ~~(14)~~(19) 'Person' means an individual, partnership, committee, association, corporation,  
 2 limited liability company, limited liability partnership, trust, labor organization, or any  
 3 other organization or group of persons.

4 ~~(14.1)~~(20) 'Political action committee' means:

5 (A) ~~any~~ Any committee, club, association, partnership, corporation, labor union, or  
 6 other group of persons which receives donations during a calendar year from persons  
 7 who are members or supporters of the committee and which distributes these funds as  
 8 contributions to one or more candidates for public office or campaign committees of  
 9 candidates for public office; and

10 (B) a A 'separate segregated fund' as defined in Code Section 21-5-40.

11 Such term does not include a campaign committee.

12 ~~(14.2)~~(21) 'Public employee' means every person employed by the executive, legislative,  
 13 or judicial branch of state government, or any department, board, bureau, agency,  
 14 commission, or authority thereof.

15 ~~(15)~~(22) 'Public officer' means:

16 (A) Every constitutional officer;

17 (B) Every elected state official;

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

20 (D) Each member of the General Assembly;

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

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

24 (G) Every elected municipal official.

25 21-5-4.

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

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

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

12 (a) The State Ethics Commission shall have the duties and powers as are set forth in this  
13 chapter. The commission is governed by five members. Each commission member shall  
14 serve a term of four years and until such member's successor is duly appointed and  
15 qualified. If a vacancy occurs in the membership of the commission, a new member shall  
16 be appointed to the unexpired term of office by the state official or entity who appointed  
17 the vacating member as set forth in subsection (b) of this Code section. Those members  
18 serving on the commission on the effective date of this subsection shall continue to serve  
19 on the commission until the expiration of their terms of office which shall be on November  
20 30 of the particular year of the expiration of their term so that all members' terms shall  
21 expire on the same day of the year.

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

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

34 (d) Any person who:

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

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

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

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

6 (e) The commission shall elect a chairperson, a vice chairperson, and other officers as it  
7 deems necessary. The members shall not be compensated for their services but they shall  
8 ~~be reimbursed in an amount equal to the per diem received by~~ receive a daily expense  
9 allowance as fixed by the Legislative Services Committee and mileage or travel allowance  
10 equal to the amount received by members of the General Assembly for each day or portion  
11 thereof spent in serving as members of the commission. They shall be paid their necessary  
12 traveling expenses while engaged in the business of the commission.

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

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

20 (h) In any matter pending before the commission, if a member of the commission has  
21 made or caused to be made a contribution in the current or immediately preceding election  
22 cycle to any respondent, any other party to the complaint, any candidate who opposed the  
23 respondent in any election in the current or immediately preceding election cycle, or the  
24 campaign committee of any of the foregoing, that member shall recuse himself or herself  
25 from consideration of the matter. The commission may, upon motion, order the recusal of  
26 a member.

27 (i) Appointees to the commission shall not require confirmation by the Senate.

28 21-5-5.

29 The funds necessary to carry out this chapter shall come from the funds appropriated to and  
30 available to the State Ethics Commission and from any other available funds. The  
31 commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title  
32 45, the 'Budget Act'; provided, however, the commission shall be assigned for  
33 administrative purposes only to the Secretary of State.

34 21-5-6.

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

- 1 (1) To meet at such times and places as it may deem necessary;
  - 2 (2) To contract with other agencies, public or private, or persons as it deems necessary  
3 for the rendering and affording of such services, facilities, studies, and reports to the  
4 commission as will best assist it to carry out its duties and responsibilities;
  - 5 (3) To cooperate with and secure the cooperation of every department, agency, or  
6 instrumentality in the state government or its political subdivisions in the furtherance of  
7 the purposes of this chapter;
  - 8 (4) To employ an executive secretary and such additional staff as the commission deems  
9 necessary to carry out the powers delegated to the commission by this chapter;
  - 10 (5) To issue subpoenas to compel any person to appear, give sworn testimony, or  
11 produce documentary or other evidence;
  - 12 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to  
13 enjoin or restrain any violation or threatened violation of this chapter;
  - 14 (7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
15 Procedure Act,' such rules and regulations as are necessary to carry out the purposes of  
16 this chapter; and
  - 17 (8) To do any and all things necessary or convenient to enable it to perform wholly and  
18 adequately its duties and to exercise the power granted to it.
- 19 (b) The commission shall have the following duties:
- 20 (1) To prescribe forms to be used in complying with this chapter;
  - 21 (2) To prepare and publish a manual setting forth recommended uniform methods of  
22 accounting and reporting for use by persons required by this chapter to file statements and  
23 reports;
  - 24 (3) To accept and file any information voluntarily supplied that exceeds the requirements  
25 of this chapter;
  - 26 (4) To develop a filing, coding, and cross-indexing system consonant with the purposes  
27 of this chapter;
  - 28 (5) To adopt a retention standard for records of the commission in accordance with  
29 Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';
  - 30 (6) To prepare and publish such other reports and technical studies as in its judgment will  
31 tend to promote the purposes of this chapter;
  - 32 (7) To provide for public dissemination of such summaries and reports;
  - 33 (8) To determine whether the required statements and reports have been filed and, if so,  
34 whether they conform to the requirements of this chapter;
  - 35 (9) To make investigations, subject to the limitations contained in Code Section 21-5-7,  
36 with respect to the statements and reports filed under this chapter and with respect to  
37 alleged failure to file any statements or reports required under this chapter and upon

1 receipt of the written complaint of any person, verified under oath to the best information,  
 2 knowledge, and belief by the person making such complaint with respect to an alleged  
 3 violation of any provision of this chapter, provided that nothing in this Code section shall  
 4 be construed to limit or encumber the right of the commission to initiate on probable  
 5 cause an investigation on its own cognizance as it deems necessary to fulfill its  
 6 obligations under this chapter;

7 (10)(A) To conduct a preliminary investigation, subject to the limitations contained in  
 8 Code Section 21-5-7, of the merits of a written complaint by any person who believes  
 9 that a violation of this chapter has occurred, verified under oath to the best information,  
 10 knowledge, and belief by the person making such complaint. If there are found no  
 11 reasonable grounds to believe that a violation has occurred, the complaint shall be  
 12 dismissed, subject to being reopened upon discovery of additional evidence or relevant  
 13 material. If the commission determines that there are such reasonable grounds to  
 14 believe that a violation has occurred, it shall give notice by summoning the persons  
 15 believed to have committed the violation to a hearing. The hearing shall be conducted  
 16 in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
 17 Procedure Act.' The commission may file a complaint charging violations of this  
 18 chapter, and any person aggrieved by the final decision of the commission is entitled  
 19 to judicial review in accordance with Chapter 13 of Title 50; provided, however, that  
 20 nothing in this Code section shall be construed to limit or encumber the right of the  
 21 commission to initiate on probable cause an investigation on its own cognizance as it  
 22 deems necessary to fulfill its obligations under this chapter.

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

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

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

31 (13) To issue, on its own initiative or upon written request from a person who is subject  
 32 to the filing requirements of this chapter, and publish advisory opinions on the  
 33 requirements of this chapter, based ~~on~~ upon a real or hypothetical set of circumstances.  
 34 Each such advisory opinion shall be issued within 30 days of the written request for the  
 35 advisory opinion unless, in the commission's discretion, the time to respond is extended  
 36 an additional 30 days. No advisory opinion shall identify the person who is requesting  
 37 the opinion;

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

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

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

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

12 (ii) A civil penalty shall not be assessed against any person except after notice and  
 13 hearing as provided by Chapter 13 of Title 50, the 'Georgia Administrative Procedure  
 14 Act.' The amount of any civil penalty finally assessed shall be recoverable by a civil  
 15 action brought in the name of the commission. The civil penalty shall not be paid  
 16 from campaign funds unless expressly allowed by the commission. All moneys  
 17 recovered pursuant to this Code section shall be deposited in the state treasury.

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

24 (iv) Any action brought by the Attorney General to enforce civil penalties assessed  
 25 against any person for violating the provisions of this chapter or any rule or regulation  
 26 duly issued by the commission or any order issued by the commission ordering  
 27 compliance or to cease and desist from further violations shall be brought in the  
 28 superior court of the county of the residence of the party against whom relief is  
 29 sought. Service of process shall lie in any jurisdiction within the state. In such actions,  
 30 the superior court inquiry will be limited to whether notice was given by the  
 31 commission to the violator in compliance with the Constitution and the rules of  
 32 procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'  
 33 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter  
 34 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall  
 35 enforce the orders of the commission and the civil penalties assessed under this  
 36 chapter and the superior court shall not make independent inquiry as to whether the  
 37 violations have occurred.

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

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

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

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

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

20 21-5-7.

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

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

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

1 ~~include an address or an incorrect address, or any other similar technical defect as~~  
2 ~~specified by rule of the commission;~~

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

11 21-5-7.1.

12 The commission shall adopt rules which shall provide that:

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

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

1 (3) When the commission determines in its discretion that best efforts have been made  
 2 to complete a required filing, said filing shall be considered in compliance with this  
 3 chapter and any complaint relative to said filing shall be dismissed.

4 21-5-8.

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

8 21-5-9.

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

11 21-5-10.

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

20 21-5-11.

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

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

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

30 21-5-12.

31 ~~(a) As used in this Code section, the term 'connected organization' means any organization,~~  
 32 ~~including any corporation, labor organization, membership organization, or cooperative,~~

1 ~~which is not a political action committee, as defined in this article, but which, directly or~~  
 2 ~~indirectly, establishes or administers a political action committee or which provides more~~  
 3 ~~than 40 percent of the funds of the political action committee for a calendar year.~~

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

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

8 21-5-13.

9 (a) No elected public officer or employee or agent of an elected public officer shall  
 10 advocate for or cause the receipt or award of any state contract to a person who has made  
 11 a campaign contribution to the elected public officer or the elected public officer's  
 12 campaign committee in the current or immediately preceding election cycle.

13 (b) No elected public officer or employee or agent of an elected public officer shall  
 14 advocate for or cause the receipt or award of any state contract to any person who employs  
 15 the elected public officer.

16 ARTICLE 2

17 21-5-30.

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

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

1 (1) ~~the~~ The registration is canceled by the campaign committee or the candidate; or

2 (2) a A new campaign committee for that candidate is registered with the ~~Secretary of~~  
3 ~~State~~ commission.

4 The same person may serve as chairperson and treasurer. No contributions shall be  
5 accepted by or on behalf of the campaign committee at a time when there is a vacancy in  
6 the office of chairperson or treasurer of the campaign committee.

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

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

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

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

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

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

8 21-5-30.1.

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

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

15 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
16 advance or deposit of money, or anything of value conveyed or transferred for the  
17 purpose of influencing the nomination for election or election of an individual to the  
18 office of an elected executive officer or encouraging the holder of such office to seek  
19 reelection. The term 'contribution' shall include the payment of a qualifying fee for and  
20 on behalf of a candidate for the office of an elected executive officer and any other  
21 payment or purchase made for and on behalf of the holder of the office of an elected  
22 executive officer or for or on behalf of a candidate for that office when such payment or  
23 purchase is made for the purpose of influencing the nomination for election or election  
24 of the candidate and is made pursuant to the request or authority of the holder of such  
25 office, the candidate, the campaign committee of the candidate, or any other agent of the  
26 holder of such office or the candidate. The term 'contribution' shall not include the value  
27 of personal services performed by persons who serve on a voluntary basis without  
28 compensation from any source.

29 (3) 'Elected executive officer' means the Secretary of State, Attorney General, State  
30 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and  
31 Commissioner of Labor.

32 (4) 'Political action committee' means any committee, club, association, partnership,  
33 corporation, labor union, or other group of persons which receives donations aggregating  
34 in excess of \$1,000.00 during a calendar year from persons who are members or  
35 supporters of the committee and which distributes these funds as contributions to one or

1 more campaign committees of candidates for public office. Such term does not mean a  
2 campaign committee.

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

8 (b) No regulated entity and no person or political action committee acting on behalf of a  
9 regulated entity shall make a contribution to or on behalf of a person holding office as an  
10 elected executive officer regulating such entity or to or on behalf of a candidate for the  
11 office of an elected executive officer regulating such entity or to or on behalf of a campaign  
12 committee of any such candidate.

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

17 (d) Nothing contained in this Code section shall be construed to prevent any person who  
18 may be employed by a regulated entity, including a person in whose name a license or lease  
19 is held, from voluntarily making a campaign contribution from that person's personal funds  
20 to or on behalf of a person holding office as an elected executive officer regulating such  
21 entity or to or on behalf of a candidate for the office of an elected executive officer  
22 regulating such entity or to or on behalf of a campaign committee of any such candidate.  
23 It shall be unlawful and a violation of this Code section for any regulated entity or other  
24 person to require another by coercive action to make any such contribution.

25 21-5-30.2.

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) 'Agency' means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (3) Affect the use of the capitol building and grounds as specified in Code Section  
36 50-16-4; or

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

5 21-5-31.

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

16 ~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of~~  
 17 ~~credit, the campaign contribution disclosure report shall also contain the name of the~~  
 18 ~~lending institution or party making the advance or extension of credit and the names,~~  
 19 ~~mailing addresses, occupations, and places of employment of all persons having any~~  
 20 ~~liability for repayment of the loan, advance, or extension of credit, and, if any such persons~~  
 21 ~~shall have a fiduciary relationship to the lending institution or party making the advance~~  
 22 ~~or extension of credit, the report shall specify such relationship. Reserved.~~

23 21-5-32.

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

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

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

6 21-5-33.

7 (a) Contributions to a candidate, a campaign committee, or a public officer holding  
 8 elective office and any proceeds from investing such contributions shall be utilized only  
 9 to defray ordinary and necessary expenses, which may include any loan of money from a  
 10 candidate or public officer holding elective office to the campaign committee of such  
 11 candidate or such public officer, incurred in connection with such candidate's campaign  
 12 for elective office or such public officer's fulfillment or retention of such office.

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

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

20 (B) Except as otherwise provided in subparagraph (D) of this paragraph, for transferral  
 21 ~~without limitation~~ not to exceed in the aggregate the amount of \$5,000.00 per election  
 22 cycle to any national, state, or local committee of any political party or to any  
 23 candidate;

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

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

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

1 (2) Any candidate or public officer holding elective office may provide in the will of  
 2 such candidate or such public officer that the contributions shall be spent in any of the  
 3 authorized manners upon the death of such candidate or such public officer; and, in the  
 4 absence of any such direction in the probated will of such candidate or such public  
 5 officer, the contributions shall be paid to the treasury of the state party with which such  
 6 candidate or such public officer was affiliated in such candidate's or such public officer's  
 7 last election or elective office after the payment of any expenses pursuant to  
 8 subsection (a) of this Code section. Notwithstanding any other provisions of this  
 9 paragraph, the personal representative or executor of the estate shall be allowed to use or  
 10 pay out funds in the campaign account in any manner authorized in subparagraphs (A)  
 11 through (E) of paragraph (1) of this subsection.

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

14 (d)(1) Contributions received by a campaign committee designed to bring about the  
 15 recall of a public officer holding elective office or to oppose the recall of a public officer  
 16 holding elective office or any person or to bring about the approval or rejection by the  
 17 voters of any proposed constitutional amendment, a state-wide referendum, or a proposed  
 18 question which is to appear on the ballot in any county or municipal election and any  
 19 proceeds derived from investing such contributions shall be utilized only to defray  
 20 ordinary and necessary expenses associated with influencing the voters on such issue.

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

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

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

29 21-5-34.

30 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee  
 31 organized to bring about the nomination or election of a candidate for any office except  
 32 county and municipal offices or the General Assembly and the chairperson or treasurer  
 33 of every campaign committee designed to bring about the recall of a public officer or  
 34 to oppose the recall of a public officer or designed to bring about the approval or  
 35 rejection by the voters of any proposed constitutional amendment or state-wide  
 36 referendum shall sign and file with the ~~Secretary of State~~ commission the required

1 campaign contribution disclosure reports. A candidate for membership in the General  
 2 Assembly or the chairperson or treasurer of such candidate's campaign committee shall  
 3 file such candidate's reports with the ~~Secretary of State~~ commission and a copy thereof  
 4 with the election superintendent of the county of such candidate's residence.

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

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

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

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

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

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

29 (A) ~~The~~ As to any contributions of \$101.00 or more, its amount and date of receipt,  
 30 ~~along with the name; and~~ mailing address; occupation, and employer of any person  
 31 ~~making a contribution of \$101.00 or more, including~~ of the person making the  
 32 contribution, and, if that person is an individual, that person's occupation and the name  
 33 and address of his or her employer. Such contributions shall include, but shall not be  
 34 limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and  
 35 similar fundraising events coordinated for the purpose of raising campaign  
 36 contributions for the reporting candidate person;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (2) Each report shall be in such form as will allow for the separate identification of a  
 7 contribution or contributions which are less than \$101.00 but which become reportable  
 8 due to the receipt of an additional contribution or contributions which when combined  
 9 with such previously received contribution or contributions cumulatively exceed \$101.00.

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

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

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

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

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

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

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

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

30 All persons or entities required to file reports shall have a five-day grace period in filing  
 31 the required reports, except that the grace period shall be two days for required reports  
 32 prior to run-off primaries or run-off elections, and no grace period shall apply to  
 33 contributions required to be reported within 48 hours. The mailing of such reports by  
 34 United States mail with adequate postage affixed, within the required filing time as  
 35 determined by the official United States postage date cancellation, shall be prima-facie  
 36 evidence of filing but reports required to be filed within 48 hours of a contribution ~~must~~  
 37 shall also be reported by facsimile, electronic transmission, or otherwise within those 48

1 hours to the location where the original disclosure report for such candidate or committee  
 2 was filed. A report or statement required to be filed by this Code section other than a report  
 3 of contributions required to be reported within 48 hours shall be verified by the oath or  
 4 affirmation of the person filing such report or statement taken before an officer authorized  
 5 to administer oaths. Each report required in the calendar year of the election shall contain  
 6 cumulative totals of all contributions which have been received and all expenditures which  
 7 have been made in support of the campaign in question and which are required, or  
 8 previously have been required, to be reported.

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

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

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

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

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

28 (f)(1) Any independent committee which accepts contributions or makes expenditures  
 29 for the purpose of affecting the outcome of an election or advocates the election or defeat  
 30 of any candidate shall file disclosure reports with the ~~Secretary of State~~ commission as  
 31 follows:

32 (A) ~~on~~ On the first day of each of the two calendar months preceding any such  
 33 election;

34 (B) ~~two~~ Two weeks prior to the date of such election; and

35 (C) ~~within~~ Within the two-week period prior to the date of such election the  
 36 independent committee shall report within 48 hours any contributions or expenditure  
 37 of more than \$1,000.00.

1 The independent committee shall file a final report prior to December 31 of the year in  
 2 which the election is held and shall file supplemental reports on June 30 and December  
 3 31 of each year that such independent committee continues to accept contributions or  
 4 make expenditures.

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

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

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

13 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

36 (4) A final report shall be filed prior to December 31 of the year in which the recall  
 37 election is held or, in any case where such recall election is not held, a final report shall

1 be filed prior to December 31 of any year in which such campaign committee accepts  
2 such contributions or makes such expenditures; and

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

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

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

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

19 (j)(1) Any person elected to a public office who is required to file campaign contribution  
20 disclosure reports pursuant to this article shall, upon leaving public office with excess  
21 contributions, be required to file supplemental campaign contribution disclosure reports  
22 on June 30 and December 31 of each year until such contributions are expended in a  
23 campaign for elective office or used as provided in subsection (b) of Code Section  
24 21-5-33.

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

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

5 (l) In addition to other penalties provided under this chapter, an additional filing fee of  
 6 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00  
 7 shall be imposed on the fifteenth day after the due date if the report has still not been filed;  
 8 provided, however, a 15 day extension period shall be granted on the final report.

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

14 21-5-34.1.

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

21 (b) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to the General  
 22 Assembly, superior courts, and the office of district attorney shall use electronic means to  
 23 file their campaign contribution disclosure reports with the ~~Secretary of State~~ commission,  
 24 as specified in Code Section 21-5-34, upon having raised or spent a minimum of  
 25 \$10,000.00 in an election cycle, but contributions and expenditures received or made prior  
 26 to reaching such threshold need not be electronically filed if previously reported, except  
 27 as cumulative totals. Under that threshold, electronic filing is permitted and encouraged  
 28 but not required.

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

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

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

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

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

13 21-5-35.

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

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

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

24 21-5-36.

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

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

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

4 A filing officer shall immediately notify the commission when such officer shall receive  
 5 any complaint against any candidate offering for any office specified in Code Section  
 6 21-5-2 or against any campaign committee and shall forward the complaint to the  
 7 commission and shall retain a copy of the complaint. In the event any complaint is against  
 8 a county or municipal candidate, a copy of the reports filed by such candidate shall be  
 9 forwarded to the commission along with the complaint.

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

## 15 ARTICLE 2A

16 21-5-40.

17 As used in this article, the term:

18 ~~(2)~~(1) 'Affiliated corporation business entity' means with respect to any ~~corporation~~  
 19 business entity any other ~~corporation~~ business entity related thereto: as a parent  
 20 ~~corporation~~ business entity; as a subsidiary ~~corporation~~ business entity; as a sister  
 21 ~~corporation~~ business entity; by common ownership or control; or by control of one  
 22 ~~corporation~~ business entity by the other.

23 ~~(1)~~(2) 'Affiliated committees' means any two or more political committees (including a  
 24 separate segregated fund) established, financed, maintained, or controlled by the same  
 25 corporation, labor organization, person, or group of persons, including any parent,  
 26 subsidiary, branch, division, department, or local unit thereof.

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

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

32 (4.1) 'Nonelection year' shall be construed and applied separately for each elective office  
 33 and means for each elective office any calendar year during which there is no regular or  
 34 special election to fill such office.

35 (5) 'Person' means an individual.

1 (6) 'Political committee' means:

2 (A) ~~any~~ Any partnership, committee, club, association, organization, party caucus of  
3 the House of Representatives or the Senate, or similar entity (other than a corporation)  
4 or any other group of persons or entities which makes a contribution; or

5 (B) ~~any~~ Any separate segregated fund.

6 (6.1) 'Political party' means any political party as that term is defined in paragraph (25)  
7 of Code Section 21-2-2, as amended; provided, however, that for purposes of this article,  
8 local, state, and national committees shall be separate political parties.

9 (6.2) 'Public office' means the office of each elected public officer as specified in  
10 paragraph ~~(15)~~ (22) of Code Section 21-5-3.

11 (7) 'Separate segregated fund' means a fund which is established, administered, and used  
12 for political purposes by a corporation, labor organization, membership organization, or  
13 cooperative and to which the corporation, labor organization, membership organization,  
14 or cooperative solicits contributions.

15 21-5-41.

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

20 (1) ~~Two Five~~ thousand dollars for a primary election or a special primary election;

21 (2) ~~One Three~~ thousand dollars for a primary run-off election or a special primary  
22 run-off election;

23 (3) ~~Three Five~~ thousand dollars for a general election or a special election; and

24 (4) ~~Two Three~~ thousand dollars for a general election runoff or a special election runoff.

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

29 (1) Two thousand dollars for a primary election or a special primary election;

30 (2) One thousand dollars for a primary run-off election or a special primary run-off  
31 election;

32 (3) Two thousand dollars for a general election or a special election; and

33 (4) One thousand dollars for a general election runoff or a special election runoff.

34 (c)(1) No person, corporation, affiliated business entity, political committee, or political  
35 party shall make contributions to any state or local political party in excess of \$5,000.00  
36 per calendar year.

1 (2) No corporation or affiliated business entity shall make for any election contributions  
 2 to any candidate which when aggregated with contributions to the same candidate for the  
 3 same election from any affiliated business entities exceed the per election contribution  
 4 limits for such candidate as specified in subsection (a) of this Code section.

5 (3) No political committee shall make for any election contributions to any candidate  
 6 which when aggregated with contributions to the same candidate for the same election  
 7 from any affiliated committees exceed the per election contribution limits for such  
 8 candidate as specified in subsection (a) of this Code section.

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

19 ~~(d)~~(e) Candidates and campaign committees shall designate on their disclosure reports the  
 20 election for which a contribution has been accepted. Any contribution not so designated  
 21 shall be presumed to have been accepted for the election on or first following the date of  
 22 the contribution.

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

31 ~~(f)~~(g) The limits established by this Code section shall not apply to a loan or other  
 32 contribution made to a campaign committee or candidate by the candidate or a member of  
 33 the candidate's immediate family.

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

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

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

5 ~~(h)~~(i) The limitations provided for in this Code section shall not include contributions or  
6 expenditures made by a political party in support of a party ticket or a group of named  
7 candidates.

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

17 21-5-42.

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

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

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

7 21-5-43.

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

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

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

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

32 ~~(d) Contributions received for an election beyond the candidate's next upcoming election~~  
 33 ~~may be placed in a separate campaign depository account and may not be spent or~~  
 34 ~~encumbered until:~~

35 ~~(1) The preceding election has been held; and~~

1 (2) It is determined that the candidate will be on the ballot for the election for which the  
 2 separately accounted for contributions were received.

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

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

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

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

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

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

23 ARTICLE 3

24 21-5-50.

25 (a)(1) Except as modified in subsection (c) of this Code section with respect to  
 26 candidates for state-wide elected public office, each public officer, as defined in  
 27 subparagraphs (A) through (E) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file  
 28 with the ~~Secretary of State~~ commission not before the first day of January nor later than  
 29 July 1 of each year in which such public officer holds office other than the year in which  
 30 an election is held for such public office, a financial disclosure statement for the  
 31 preceding calendar year; and each person who qualifies as a candidate for election as a  
 32 public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (22) of  
 33 Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission, no later than the  
 34 fifteenth day following the date of qualifying as a candidate, a financial disclosure  
 35 statement for the preceding calendar year.

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

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

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

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

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

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

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

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

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

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

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

17 (5) The filer's occupation and employer and the principal activity and address of such  
 18 employer;

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

25 ~~(6)~~(7) No form prescribed by the commission shall require more information or specify  
 26 more than provided in the several paragraphs of this Code section with respect to what  
 27 is required to be disclosed.

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

1 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar  
 2 year in which the candidate (whether for himself or herself or on behalf of any  
 3 business) or any business in which such candidate or any member of his or her family  
 4 has a substantial interest or is an officer of such business has transacted business with  
 5 the government of the State of Georgia, the government of any political subdivision of  
 6 the State of Georgia, or any agency of any such government; and

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

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

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

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

27 ~~(i)~~(A) 'Agency' means any agency, authority, department, board, bureau, commission,  
 28 committee, office, or instrumentality of the State of Georgia or any political subdivision  
 29 of the State of Georgia.

30 ~~(ii)~~(B) 'Financial statement' means a statement of a candidate's financial affairs in a  
 31 form substantially equivalent to the short form financial statement required for bank  
 32 directors under the rules of the Department of Banking and Finance.

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

34 ~~(i)~~(C) 'Member of the family' includes the candidate's spouse and dependent children;  
 35 and

36 ~~(ii)~~(D) 'Person' and 'transact business' shall have the meanings specified in Code  
 37 Section 45-10-20.



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

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

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

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

12 (E) The term shall not include:

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

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

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

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

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

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

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

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

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

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

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

1 properly addressed to the State Ethics Commission, as specified in this article, with  
2 adequate postage affixed.

3 (2.1) 'Gift' means anything of value exceeding \$50.00 including, but not limited to, food,  
4 beverages, lodging, travel, transportation, personal services, gratuities, subscriptions,  
5 memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or  
6 deposits of money. Gift shall not include a bona fide loan made by a state or federally  
7 chartered financial institution or a depository institution whose deposits are insured by  
8 the Federal Deposit Insurance Corporation if such loan is made in the normal course of  
9 business with the expectation on the part of all parties that such loan shall be repaid and  
10 such loan is based on the credit worthiness of the borrower and the borrower is personally  
11 liable for the repayment of the loan. The term 'gift' shall not include those items  
12 identified in division (1)(E)(vii) of this Code section. For purposes of this paragraph,  
13 reimbursement or payment of actual and reasonable expenses for food, beverages, travel,  
14 transportation, lodging, and registration for a meeting which is provided to a public  
15 officer or employee to permit such public officer's or employees's participation in a panel  
16 or speaking engagement at the meeting shall not be considered a gift.

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

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

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

21 (6) 'Lobbyist' means:

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

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

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

34 (D) Any natural person who, for compensation, either individually or as an employee  
35 of another person, undertakes to promote or oppose the passage of any ordinance or  
36 resolution by a public officer specified under subparagraph (F) or (G) of paragraph (15)

1 (22) Code Section 21-5-3, or any committee of such public officers, or the approval or  
 2 veto of any such ordinance or resolution;

3 (E) Any natural person who makes a total expenditure of more than \$250.00 in a  
 4 calendar year, not including the person's own travel, food, lodging expenses, or  
 5 informational material to promote or oppose the passage of any ordinance or resolution  
 6 by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~ (22) of  
 7 Code Section 21-5-3, or any committee of such public officers, or the approval or veto  
 8 of any such ordinance or resolution; ~~or~~

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

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

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

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

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

28 21-5-71.

29 (a) No person shall engage in lobbying as defined by this article unless such person is  
 30 registered with the State Ethics Commission as a lobbyist. The administration of this article  
 31 is vested in the State Ethics Commission. ~~The State Ethics Commission shall be the~~  
 32 ~~successor to the Secretary of State with respect to such officer's former regulation of~~  
 33 ~~registered agents.~~

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

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

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

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

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

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

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

12 (c) The lobbyist shall, within seven days of any substantial or material change or addition,  
13 file a supplemental registration indicating such substantial or material change or addition  
14 to the registration prior to its expiration. Previously filed information may be incorporated  
15 by reference. Substantial or material changes or additions shall include, but are not limited  
16 to, the pertinent information concerning changes or additions to client and employment  
17 information required by paragraphs (2), (3), and (4) of subsection (b) of this Code section.

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

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

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

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

- 33 (A) Annual lobbyist registration filed pursuant to this Code section . . . . . \$ 200.00
- 34 (B) Lobbyist supplemental registration filed pursuant to this Code section 10.00
- 35 (C) Each lobbyist identification card issued pursuant to this Code section 5.00

1 (D) In addition to other penalties provided under this chapter, a filing fee of  
2 \$50.00 shall be imposed for each report that is filed late. In addition, a filing  
3 fee of \$25.00 shall be imposed on the fifteenth day after the due date if the  
4 report has still not been filed.

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

12 (h) The commission shall regularly publish public rosters of lobbyists along with the  
13 respective persons, firms, corporations, associations, agencies, or governmental entities  
14 they represent. During sessions of the General Assembly, the commission shall weekly  
15 report to the Clerk of the House of Representatives, the Secretary of the Senate, and the  
16 Governor those persons who have registered as lobbyists since the convening of the  
17 General Assembly. The commission shall be authorized to charge a reasonable fee for  
18 providing copies of the roster to the public.

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

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

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

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

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

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

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

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

1 21-5-72.

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

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

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

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

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

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

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

18 21-5-73.

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

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

25 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (6) of  
26 Code Section 21-5-70 shall:

27 (1) ~~file~~ File a disclosure report, current through the end of the preceding month, on or  
28 before the fifth day of May, September, and January of each year instead of the reports  
29 ~~otherwise~~ required by ~~subsection (c)~~ subsections (b) and (d) of this Code section ~~and the~~  
30 ~~first sentence of this subsection;~~ and

31 (2) ~~file~~ File such report with the commission, file a copy of such report with the election  
32 superintendent of each county involved if the report contains any expenditures relating  
33 to county or county school district affairs, and file a copy of such report with the  
34 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the  
35 municipality) of each municipality involved if the report contains any expenditures  
36 relating to municipal affairs or independent school district affairs.

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

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

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

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

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

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

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

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

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

30 (f) The reports required by this article shall be in addition to any reports required under  
 31 Code Section 45-1-6, relating to required reports by state vendors of gifts to public  
 32 employees. Compliance with this Code section shall not excuse noncompliance with that  
 33 Code section, and compliance with that Code section shall not excuse noncompliance with  
 34 this Code section, notwithstanding the fact that in some cases the same information may  
 35 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.

21-5-75.

A lobbyist shall not make gifts as defined in paragraph (2.1) of Code Section 21-5-70 to any public officer or employee nor to any person on such public officer's or employee's staff nor to the public officer's or employee's family. If a gift is accepted, it must be returned or reimbursed to the donor. Where appropriate for purposes of tradition, ceremony, or intergovernmental relations or when acting as a representative of a department, board, bureau, agency, commission, or authority, a public officer or employee may accept a gift on behalf of such department, board, bureau, agency, commission, or authority. If the gift retains value after its acceptance, the public officer or employee must maintain custody of the gift no longer than reasonably necessary to arrange for the transfer of custody of the gift to the public officer's or employee's department, board, bureau, agency, commission, or authority or to a charitable organization on behalf of such department, board, bureau, agency, commission, or authority."

**SECTION 2.**

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking paragraph (2.1) of Code Section 36-67A-1, relating to definitions for conflicts of interest in zoning actions, and inserting in lieu thereof the following:

"(2.1) 'Campaign contribution' means a 'contribution' as defined in paragraph ~~(6)~~ (7) of Code Section 21-5-3."

**SECTION 3.**

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

"42-2-15.

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

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

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

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

9 (4) Members of the General Assembly who are attorneys representing probationers from  
 10 appearing before the board or department in connection with a probation revocation  
 11 hearing; or

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

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

#### 17 SECTION 4.

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

21 "42-9-17.

22 (a) It shall be unlawful for members of the General Assembly or any other state elected  
 23 or appointed official to ~~accept any compensation for appearing before~~ contact the board in  
 24 ~~behalf of~~ with respect to a person under the jurisdiction of the board ~~and for seeking a~~  
 25 ~~decision on behalf of the person.~~ Nothing in this Code section shall be construed so as to  
 26 prohibit:

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

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

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

1 (4) 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; or

4 (5) Members of the General Assembly who are attorneys representing clients from  
 5 appearing before the board.

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

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

## 12 SECTION 5.

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

17 "45-1-4.

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

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

21 (2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or  
 22 any rule or regulation adopted according to any federal, state, or local statute or  
 23 ordinance.

24 ~~(1)~~(3) 'Public employee' means any person who is employed by the executive, judicial,  
 25 or legislative branch of the state or by any other department, board, bureau, commission,  
 26 authority, or other agency of the state except the office of the Governor, the judicial  
 27 branch, or the legislative branch. This term also includes all employees, officials, or  
 28 administrators of any agency covered under the State Merit System of Personnel  
 29 Administration and any local or regional governmental entity that receives any funds  
 30 from the State of Georgia or any state agency.

31 ~~(2)~~(4) 'Public employer' means the executive, judicial, or legislative branch of the state  
 32 and or any other department, board, bureau, commission, authority, or other agency of  
 33 the state which employs or appoints a public employee or public employees except the  
 34 office of the Governor, the judicial branch, or the legislative branch or any local or  
 35 regional governmental entity that receives any funds from the State of Georgia or any  
 36 state agency.

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

4 (6) 'Supervisor' means any individual:

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

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

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

12 (b) A public employer may receive and investigate complaints or information from any  
 13 public employee concerning the possible existence of any activity constituting fraud, waste,  
 14 and abuse in or relating to any state programs and operations under the jurisdiction of such  
 15 public employer.

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

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

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

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

36 (3) No public employer shall retaliate against a public employee for objecting to, or  
 37 refusing to participate in, any activity, policy, or practice of the public employer that the

1 public employee has reasonable cause to believe is in violation of or noncompliance with  
 2 a law, rule, or regulation.

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

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

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

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

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

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

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

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

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

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

## 24 SECTION 6.

25 Said title is further amended by adding a new part to the end of Article 2 of Chapter 10,  
 26 relating to conflicts of interest, to read as follows:

### 27 "Part 5

28 45-10-80.

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

**SECTION 7.**

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

"45-12-61.

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

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

(1) In the 60 day period preceding the vacancy; or

(2) On or after the date the vacancy occurs and during the period of time that the vacancy is unfilled and awaiting an appointment."

**SECTION 8.**

This Act shall become effective on October 1, 2003, and shall apply to all reports due on or after October 1, 2003; provided, however, subsection (i) of Code Section 21-5-4 shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 9.**

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