

The Senate Ethics Committee offers the following substitute to SB 396:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,
2 relating to campaign finance and disclosure under the "Ethics in Government Act," so as to
3 provide that electronic filing of campaign contribution disclosure reports shall be permitted
4 but not required; to provide for filing of certain documentation when campaign contribution
5 disclosure reports are filed electronically; to provide for related matters; to provide for an
6 effective date and applicability; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
10 campaign finance and disclosure under the "Ethics in Government Act," is amended by
11 striking Code Section 21-5-34.1, relating to electronic filing, and inserting in its place a new
12 Code section to read as follows:

13 "21-5-34.1.

14 (a) Beginning ~~February 1, 2001~~ January 1, 2005, candidates seeking election to
15 constitutional offices, the Supreme Court, the Court of Appeals, ~~and the Public Service~~
16 ~~Commission, the General Assembly, the superior courts, the office of the district attorney,~~
17 political action committees, and any persons otherwise required by this article, other than
18 candidates seeking election to county or municipal offices, shall ~~use electronic means to~~
19 file their campaign contribution disclosure reports with the Secretary of State ~~upon having~~
20 ~~raised or spent a minimum of \$20,000.00 in an election cycle. Under that threshold,~~
21 ~~electronic filing is permitted and encouraged but not required~~ by electronic means or by
22 filing the original document.

23 (b) ~~Beginning January 1, 2003, candidates seeking election to the General Assembly,~~
24 ~~superior courts, and the office of district attorney shall use electronic means to file their~~
25 ~~campaign contribution disclosure reports with the Secretary of State, as specified in Code~~
26 ~~Section 21-5-34, upon having raised or spent a minimum of \$10,000.00 in an election~~

1 cycle, but contributions and expenditures received or made prior to reaching such threshold
 2 need not be electronically filed if previously reported, except as cumulative totals. Under
 3 that threshold, electronic filing is permitted and encouraged but not required.

4 ~~(e)(b)~~ Beginning January 1, 2003 2005, candidates seeking election to county or municipal
 5 offices shall ~~use electronic means to file their campaign contribution disclosure reports~~
 6 with the election superintendent of their county or the municipal clerk or chief executive
 7 officer of their municipality, ~~as specified in Code Section 21-5-34, upon having raised or~~
 8 ~~spent a minimum of \$10,000.00 in an election cycle, but contributions and expenditures~~
 9 ~~received or made prior to reaching such threshold need not be electronically filed if~~
 10 ~~previously reported, except as cumulative totals. Under that threshold, electronic filing is~~
 11 ~~permitted and encouraged but not required~~ by electronic means or by filing the original
 12 document.

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

18 ~~(e)(c)(1)~~ When campaign contribution disclosure reports are filed electronically as
 19 provided in subsections subsection (a) through (d) of this Code section, ~~the original report~~
 20 ~~shall be filed at the same location~~ the candidates, political action committees, independent
 21 committees, and any other person required by this article to file campaign contribution
 22 disclosure reports with the Secretary of State shall also file the original campaign
 23 contribution disclosure summary report showing the net balance on hand and the
 24 verification by oath or affirmation of the campaign contribution disclosure report with the
 25 Secretary of State.

26 (2) When campaign contribution disclosure reports are filed electronically as provided
 27 in subsection (b) of this Code section, candidates seeking election to county or municipal
 28 offices shall also file the original campaign contribution disclosure summary report
 29 showing the net balance on hand and the verification by oath or affirmation of the
 30 campaign contribution disclosure report with the election superintendent of their county
 31 or the municipal clerk or chief executive officer of their municipality.

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

34 ~~(g)(d)~~ The commission is authorized to promulgate rules and regulations to implement this
 35 Code section."

SECTION 2.

1

2

This Act shall become effective on January 1, 2005, and shall apply with respect to campaign contribution disclosure report filings due on or after January 1, 2005.

3

SECTION 3.

4

5

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