

The Senate Ethics Committee offered the following substitute to SB 517:

A BILL TO BE ENTITLED

AN ACT

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

1 certain provisions relating to the code of ethics for members of boards, commissions, and
 2 authorities; to change provisions relating to a board, commission, or authority's authority to
 3 enact rules and regulations; to provide for restrictions on activities for persons who were a
 4 member, employee, or appointee of the legislative, executive, or judicial branch or other
 5 agencies or authorities of the state; to provide for penalties; to provide for restrictions on the
 6 Governor's appointment power under certain circumstances; to provide for an effective date;
 7 to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
 11 government, is amended by striking Code Section 21-5-2, relating to declaration of policy,
 12 and inserting in lieu thereof the following:

13 "21-5-2.

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

31 **SECTION 2.**

32 Said chapter is further amended by striking Code Section 21-5-3, relating to definitions, and
 33 inserting in lieu thereof the following:

1 "21-5-3.

2 As used in this chapter, the term:

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

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

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

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

33 (5) 'Commission' means the State Ethics Commission created under Code Section
34 21-5-4.

35 (6) 'Connected organization' means any organization, including any corporation, labor
36 organization, membership organization, or cooperative, which is not a political action
37 committee, as defined in this chapter, but which, directly or indirectly, establishes or

1 administers a political action committee or which provides more than 40 percent of the
 2 funds of the political action committee for a calendar year.

3 ~~(6)~~(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 4 advance or deposit of money or anything of value conveyed or transferred for the purpose
 5 of influencing the nomination for election or election of any person for office, bringing
 6 about the recall of a public officer holding elective office or opposing the recall of a
 7 public officer holding elective office, or the influencing of voter approval or rejection of
 8 a proposed constitutional amendment, a state-wide referendum, or a proposed question
 9 which is to appear on the ballot in any county or municipal election. The term specifically
 10 shall not include the value of personal services performed by persons who serve without
 11 compensation from any ~~sources~~ source and on a voluntary basis. The term 'contribution'
 12 shall include other forms of payment made to candidates for office or who hold office
 13 when such fees and compensation made can be reasonably construed as a campaign
 14 contribution designed to encourage or influence a candidate or public officer holding
 15 elective office. The term 'contribution' shall also encompass transactions wherein a
 16 qualifying fee required of the candidate is furnished or paid by anyone other than the
 17 candidate.

18 ~~(7)~~(8) 'Direct ownership interest' means the holding or possession of good legal or
 19 rightful title of property or the holding or enjoyment of real or beneficial use of the
 20 property by any person and includes any interest owned or held by a spouse of such
 21 person if such interest is held jointly or as tenants in common between the person and
 22 spouse.

23 ~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general;
 24 special election; or general election. The term 'election' also means a recall election.

25 ~~(8.1)~~(10) 'Election cycle' means the period from the day following the date of an election
 26 or appointment of a person to elective public office through and including the date of the
 27 next such election of a person to the same public office and shall be construed and
 28 applied separately for each elective office.

29 ~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,
 30 or gift of money or anything of value made for the purpose of influencing the nomination
 31 for election or election of any person, bringing about the recall of a public officer holding
 32 elective office or opposing the recall of a public officer holding elective office, or the
 33 influencing of voter approval or rejection of a proposed constitutional amendment, a
 34 state-wide referendum, or a proposed question which is to appear on the ballot in any
 35 county or municipal election. The term specifically shall not include the value of personal
 36 services performed by persons who serve without compensation from any source and on

1 a voluntary basis. The term 'expenditure' shall also include the payment of a qualifying
2 fee for and in behalf of a candidate.

3 ~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the
4 benefit of another person as an officer, director, manager, partner, or other designation
5 of general responsibility of a business entity.

6 ~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34
7 to receive campaign contribution disclosure reports; ~~provided, however, that such term~~
8 ~~shall not include the State Ethics Commission.~~

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

13 ~~(12.1)~~(14) 'Independent committee' means any committee, club, association, partnership,
14 corporation, labor union, or other group of persons, other than a campaign committee,
15 political party, or political action committee, which receives donations during a calendar
16 year from persons who are members or supporters of the committee and which expends
17 such funds either for the purpose of affecting the outcome of an election for any elected
18 office or to advocate the election or defeat of any particular candidate.

19 ~~(13)~~(15) 'Intangible property' means property which is not real property and which is
20 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and
21 other investments but shall not include any ownership interest in any public or private
22 retirement or pension fund, account, or system and shall not include any ownership
23 interest in any public or private life insurance contract or any benefit, value, or proceeds
24 of such life insurance contract.

25 (16) 'Ordinary and necessary expenses' shall include, without limitation, reasonable
26 expenditures made during the reporting period for office costs and rent, lodging,
27 equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling,
28 special events, volunteers, reimbursements to volunteers, contributions to nonprofit
29 organizations, and flowers for special occasions, which shall include, but are not limited
30 to, birthdays and funerals, and any other expenditure that is deemed appropriate for the
31 purposes of Code Section 21-5-33. In determining whether an expense is ordinary and
32 necessary in compliance with subsection (a) of Code Section 21-5-33 or whether an
33 expense constitutes an improper conversion of campaign contributions to personal assets
34 under subsection (c) of Code Section 21-5-33, candidates, campaign committees, and the
35 commission may be guided by the provisions of 2 U.S.C.A. Section 439a(b), as it existed
36 on January 1, 2004, and 11 C.F.R. Section 113.1(g), as it existed on January 1, 2004,

1 relating to prohibited personal uses of campaign contributions for candidates for federal
 2 office and federal officeholders.

3 ~~(14)~~(17) 'Person' means an individual, partnership, committee, association, corporation,
 4 limited liability company, limited liability partnership, trust, labor organization, or any
 5 other organization or group of persons.

6 ~~(14.1)~~(18) 'Political action committee' means:

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

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

13 Such term does not include a campaign committee.

14 ~~(14.2)~~(19) 'Public employee' means every person employed by the executive, legislative,
 15 or judicial branch of state government, or any department, board, bureau, agency,
 16 commission, or authority thereof.

17 ~~(15)~~(20) 'Public officer' means:

18 (A) Every constitutional officer;

19 (B) Every elected state official;

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

22 (D) Each member of the General Assembly;

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

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

26 (G) Every elected municipal official."

27 **SECTION 3.**

28 Said chapter is further amended by striking Code Section 21-5-5, relating to operating
 29 expenses, and inserting in lieu thereof the following:

30 "21-5-5.

31 The funds necessary to carry out this chapter shall come from the funds appropriated to and
 32 available to the State Ethics Commission and from any other available funds. The
 33 commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title
 34 45, the 'Budget Act'; provided, however, the commission shall be assigned for
 35 administrative purposes only to the Secretary of State."

SECTION 4.

Said chapter is further amended by striking Code Section 21-5-6, relating to powers and duties of the commission, and inserting in lieu thereof the following:

"21-5-6.

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

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

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

(3) To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this chapter and Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45;

(4) To employ an executive secretary and such additional staff as the commission deems necessary to carry out the powers delegated to the commission by this chapter and Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45;

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

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

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

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

(b) The commission shall have the following duties:

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

(2) To prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons required by this chapter to file statements and reports;

(3) To accept and file any information voluntarily supplied that exceeds the requirements of this chapter;

(4) To develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter;

(5) To adopt a retention standard for records of the commission in accordance with Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';

1 (6) To prepare and publish such other reports and technical studies as in its judgment will
2 tend to promote the purposes of this chapter;

3 (7) To provide for public dissemination of such summaries and reports;

4 (8) To determine whether the required statements and reports have been filed and, if so,
5 whether they conform to the requirements of this chapter;

6 (9) To make investigations, subject to the limitations contained in Code Section 21-5-7,
7 with respect to the statements and reports filed under this chapter and with respect to
8 alleged failure to file any statements or reports required under this chapter and upon
9 receipt of the written complaint of any person, verified under oath to the best information,
10 knowledge, and belief by the person making such complaint with respect to an alleged
11 violation of any provision of this chapter, provided that nothing in this Code section shall
12 be construed to limit or encumber the right of the commission to initiate on probable
13 cause an investigation on its own cognizance as it deems necessary to fulfill its
14 obligations under this chapter;

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

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

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

1 (12) To investigate upon a written complaint any illegal use of ~~state~~ public employees
2 in a political campaign by any candidate;

3 (13) To issue, upon written request, and publish advisory opinions on the requirements
4 of this chapter and Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter
5 10 of Title 45, based on a real or hypothetical set of circumstances; and each such
6 advisory opinion shall be issued within 60 days of the written request for the advisory
7 opinion;

8 (14) To issue orders, after the completion of appropriate proceedings, directing
9 compliance with this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of Article
10 2 of Chapter 10 of Title 45 or prohibiting the actual or threatened commission of any
11 conduct constituting a violation, which order may include a provision requiring the
12 violator:

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

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

16 (C)(i) To pay a civil penalty not to exceed ~~\$1,000.00~~ \$10,000.00 for each violation
17 contained in any report required by this chapter or for each failure to comply with any
18 other provision of this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of
19 Article 2 of Chapter 10 of Title 45 or of any rule or regulation promulgated under this
20 chapter.

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

26 (iii) The Attorney General of this state shall, upon complaint by the commission, or
27 may, upon the Attorney General's own initiative if after examination of the complaint
28 and evidence the Attorney General believes a violation has occurred, bring an action
29 in the superior court in the name of the commission for a temporary restraining order
30 or other injunctive relief or for civil penalties assessed against any person violating
31 any provision of this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of
32 Article 2 of Chapter 10 of Title 45 or any rule or regulation duly issued by the
33 commission.

34 (iv) Any action brought by the Attorney General to enforce civil penalties assessed
35 against any person for violating the provisions of this chapter or Code Sections
36 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 or any rule or
37 regulation duly issued by the commission or any order issued by the commission

1 ordering compliance or to cease and desist from further violations shall be brought in
 2 the superior court of the county of the residence of the party against whom relief is
 3 sought. Service of process shall lie in any jurisdiction within the state. In such actions,
 4 the superior court inquiry will be limited to whether notice was given by the
 5 commission to the violator in compliance with the Constitution and the rules of
 6 procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
 7 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter
 8 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall
 9 enforce the orders of the commission and the civil penalties assessed under this
 10 chapter and the superior court shall not make independent inquiry as to whether the
 11 violations have occurred.

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

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

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

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

25 (18) To carry out the procedures, duties, and obligations relative to the commission set
 26 forth in Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title
 27 45.

28 ~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~
 29 ~~ministerial functions which the commission may require. The office of the Secretary of~~
 30 ~~State shall be designated as the place where members of the public may file papers or~~
 31 ~~correspond with the commission and receive any form or instruction from the commission.~~
 32 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~
 33 ~~commission.~~

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

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

4 (d) The State Ethics Commission shall have the same powers and duties with respect to
 5 Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 as the
 6 commission has with respect to this chapter.

7 (e) The Attorney General shall have the same powers and duties with respect to Code
 8 Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 as the
 9 Attorney General has with respect to this chapter. Without limiting the generality of the
 10 foregoing it is specifically provided that the Attorney General may bring civil actions for
 11 the enforcement of Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter
 12 10 of Title 45 in the same general manner as provided in this chapter."

13 SECTION 5.

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

16 "21-5-7.

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

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

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

35 ~~(2) When the commission determines that a complaint relates to a technical defect in a~~
 36 ~~filing, the subject of the complaint shall be given a period of ten days to correct the~~

1 ~~alleged technical defect. During such ten-day period the complaint shall be considered~~
 2 ~~as received by the commission but not yet filed with the commission. If during such~~
 3 ~~ten-day period the alleged technical violation is cured by an amended filing or otherwise,~~
 4 ~~or if during such ten-day period the subject of the complaint demonstrates that there is~~
 5 ~~no technical violation as alleged, the complaint shall be disposed of without filing or~~
 6 ~~further proceedings and no penalty shall be imposed."~~

7 **SECTION 6.**

8 Said chapter is further amended by inserting a new Code Section 21-5-7.1 to follow Code
 9 Section 21-5-7 to read as follows:

10 "21-5-7.1.

11 The commission shall adopt rules which shall provide that:

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

18 (2) When the commission determines that a complaint relates to a technical defect in a
 19 filing, the subject of the complaint shall be issued a notice of an alleged technical defect
 20 by certified mail, return receipt requested, or statutory overnight delivery and shall be
 21 given a period of 30 calendar days from the receipt of the notice to correct the alleged
 22 technical defect. During the 30 day period the complaint shall be considered as received
 23 by the commission but not yet filed with the commission and shall not be considered a
 24 violation of this chapter. If during the 30 day period the alleged technical violation is
 25 cured by an amended filing or otherwise or if during the 30 day period the subject of the
 26 complaint demonstrates that there is no technical violation as alleged, the complaint shall
 27 be disposed of without filing or further proceedings and no penalty shall be imposed. If
 28 the subject of the complaint fails to respond to the notice of an alleged technical defect,
 29 make an amended filing, or demonstrate that there is no technical violation as alleged by
 30 the thirty-first day, the commission shall impose and collect an administrative fee not to
 31 exceed \$50.00 per technical defect. If the subject of the complaint does not pay the
 32 administrative fee, if any, and does not otherwise also comply with this paragraph by the
 33 sixtieth day from the receipt of the notice of an alleged technical defect, the commission
 34 shall conduct further investigation and the complaint may proceed further in accordance
 35 with the provisions 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 SECTION 7.

5 Said chapter is further amended by striking Code Section 21-5-12, relating to connected
 6 organizations, and inserting in lieu thereof the following:

7 "21-5-12.

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

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

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

17 SECTION 8.

18 Said chapter is further amended by inserting a new Code Section 21-5-13 to follow Code
 19 Section 21-5-12 to read as follows:

20 "21-5-13.

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

25 (b) No elected public officer or employee or agent of an elected public officer shall
 26 advocate for or cause the receipt or award of any state contract to any person who employs
 27 the elected public officer."

28 SECTION 9.

29 Said chapter is further amended by striking Code Section 21-5-30, relating to contributions
 30 made to a candidate or a campaign committee or for the recall of a public officer, and
 31 inserting in lieu thereof the following:

32 "21-5-30.

33 (a) Except as provided in subsection (e) of Code Section 21-5-31 21-5-34, no contributions
 34 to bring about the nomination or election of a candidate for any office shall be made except

1 directly to a candidate or such candidate's campaign committee which is organized for the
 2 purpose of bringing about the nomination or election of any such candidate; and no
 3 contributions to bring about the recall of a public officer or to oppose the recall of a public
 4 officer or to bring about the approval or rejection by the voters of a proposed constitutional
 5 amendment, state-wide referendum, or other issue at the municipal or county level shall be
 6 accepted except directly by a campaign committee organized for that purpose.

7 (b) Each candidate shall maintain records and file reports as required by this chapter or
 8 shall have a campaign committee for the purposes of maintaining records and filing reports
 9 as required by this chapter. Every campaign committee shall have a chairperson and a
 10 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a
 11 campaign committee accepts contributions, the name and address of the chairperson and
 12 treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been
 13 elected to public office, the registration of that candidate's campaign committee with the
 14 ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in
 15 office until and unless:

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

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

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

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

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

1 shall not be considered to be contributions from a common source except to the extent that
2 tickets are purchased as a block.

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

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

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

24 **SECTION 10.**

25 Said chapter is further amended by striking Code Section 21-5-31, relating to contributions
26 or expenditures other than through candidate or committee and disclosure of extensions of
27 credit, and inserting in lieu thereof the following:

28 "21-5-31.

29 ~~(a) Any person who accepts contributions for, makes contributions to, or makes~~
30 ~~expenditures on behalf of candidates is subject to the same disclosure requirements of this~~
31 ~~chapter as a candidate, except that contributions from individuals made directly to a~~
32 ~~candidate or his campaign committee do not require separate reporting, except that~~
33 ~~contributions from persons as defined in paragraph (14) of Code Section 21-5-3 which do~~
34 ~~not exceed \$500.00 in the aggregate or which are made to only one candidate, regardless~~
35 ~~of the amount, do not require separate reporting, and except that copies of campaign~~
36 ~~contribution disclosure reports do not have to be filed with local election superintendents~~

1 as required of candidates for membership in the General Assembly pursuant to paragraph
2 (1) of subsection (a) of Code Section 21-5-34.

3 ~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of~~
4 ~~credit, the campaign contribution disclosure report shall also contain the name of the~~
5 ~~lending institution or party making the advance or extension of credit and the names,~~
6 ~~mailing addresses, occupations, and places of employment of all persons having any~~
7 ~~liability for repayment of the loan, advance, or extension of credit; and, if any such persons~~
8 ~~shall have a fiduciary relationship to the lending institution or party making the advance~~
9 ~~or extension of credit, the report shall specify such relationship. Reserved."~~

10 SECTION 11.

11 Said chapter is further amended by striking Code Section 21-5-34, relating to disclosure
12 reports, and inserting in lieu thereof the following:

13 "21-5-34.

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

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

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

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

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

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

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

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

21 (B) ~~The name and mailing address and occupation or place of employment of any~~
 22 ~~person to whom an expenditure of \$101.00 or more is made and the amount, date, and~~
 23 ~~general purpose of such expenditure;~~ As to any expenditure of \$101.00 or more, its
 24 amount and date of expenditure, the name and mailing address of the person receiving
 25 the expenditure, and, if that person is an individual, that person's occupation and the
 26 name and address of his or her employer and the general purpose of the expenditure;

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

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

35 (i) Contributions and expenditures shall be reported for the applicable reporting
 36 cycle;

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

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

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

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

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

14 (iv) Subsequent reports shall list the total contributions received during the period
15 covered by the report and the cumulative total of contributions received during the
16 reporting cycle;

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

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

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

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

27 (2) Each report shall be in such form as will allow for the separate identification of a
28 contribution or contributions which are less than \$101.00 but which become reportable
29 due to the receipt of an additional contribution or contributions which when combined
30 with such previously received contribution or contributions cumulatively equal or exceed
31 \$101.00.

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

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

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

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

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

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

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

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

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

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

34 (e) Any person who makes contributions to, accepts contributions for, or makes
35 expenditures on behalf of candidates, and any independent committee, shall file a
36 registration with the ~~Secretary of State~~ commission in the same manner as is required of
37 campaign committees prior to accepting or making contributions or expenditures. Such

1 persons, other than independent committees, shall also file campaign contribution
 2 disclosure reports in the same places and at the same times as required of the candidates
 3 they are supporting, but such persons are not required to file copies of campaign
 4 contribution disclosure reports with local election superintendents as is required of
 5 candidates for membership in the General Assembly. The following persons shall be
 6 exempt from the foregoing registration and reporting requirements:

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

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

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

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

17 (A) ~~On~~ On the first day of each of the two calendar months preceding any such
 18 election;

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

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

23 The independent committee shall file a final report prior to December 31 of the year in
 24 which the election is held and shall file supplemental reports on June 30 and December
 25 31 of each year that such independent committee continues to accept contributions or
 26 make expenditures.

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

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

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

35 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

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

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

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

34 (h) Any campaign committee which accepts contributions or makes expenditures designed
35 to bring about the approval or rejection by the voters of a proposed constitutional
36 amendment or a state-wide referendum shall file a campaign contribution disclosure report

1 with the ~~Secretary of State~~ commission 75, 45, and 15 days prior to the date of the election
2 and shall file a final report prior to December 31 of the year in which the election is held.

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

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

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

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

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

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

SECTION 12.

Said chapter is further amended by striking Code Section 21-5-34.1, relating to filing campaign contribution disclosure reports electronically, and inserting in lieu thereof the following:

"21-5-34.1.

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

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

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

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

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

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

1 (g) The commission is authorized to promulgate rules and regulations to implement this
2 Code section."

3 SECTION 13.

4 Said chapter is further amended by striking Code Section 21-5-35, relating to acceptance of
5 contributions during legislative sessions, and inserting in lieu thereof the following:

6 "21-5-35.

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

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

11 (1) The receipt of a contribution which is returned with reasonable promptness to the
12 donor or the donor's agent;

13 (2) The receipt and acceptance during a legislative session of a contribution consisting
14 of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the
15 legislative session; or

16 (3) A judicial officer elected state wide or campaign committee of such judicial officer."

17 SECTION 14.

18 Said chapter is further amended by striking paragraph (6.2) of Code Section 21-5-40, relating
19 to definitions applicable to campaign contributions, and inserting in lieu thereof the
20 following:

21 "(6.2) 'Public office' means the office of each elected public officer as specified in
22 paragraph ~~(15)~~(20) of Code Section 21-5-3."

23 SECTION 15.

24 Said chapter is further amended by striking Code Section 21-5-50, relating to filing by public
25 officers and filings by candidates for public office, and inserting in lieu thereof the following:

26 "21-5-50.

27 (a)(1) Except as modified in subsection (c) of this Code section with respect to
28 candidates for state-wide elected public office, each public officer, as defined in
29 subparagraphs (A) through (E) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, shall file
30 with the ~~Secretary of State~~ commission not before the first day of January nor later than
31 July 1 of each year in which such public officer holds office other than the year in which
32 an election is held for such public office, a financial disclosure statement for the
33 preceding calendar year; and each person who qualifies as a candidate for election as a
34 public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (20) of

1 Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission, no later than the
 2 fifteenth day following the date of qualifying as a candidate, a financial disclosure
 3 statement for the preceding calendar year.

4 (2) Each public officer, as defined in subparagraph (F) of paragraph ~~(15)~~ (20) of Code
 5 Section 21-5-3, shall file with the election superintendent of the county of election of
 6 such public officer, not before the first day of January nor later than July 1 of each year
 7 in which such public officer holds office other than the year in which an election is held
 8 for such public office, a financial disclosure statement for the preceding calendar year.
 9 Each person who qualifies as a candidate for election as a public officer, as defined in
 10 subparagraph (F) of paragraph ~~(15)~~ (20) of Code Section 21-5-3, shall file with the
 11 election superintendent of the county of election, no later than the fifteenth day following
 12 the date of qualifying as a candidate, a financial disclosure statement for the preceding
 13 calendar year.

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

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

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

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

36 (1) Each monetary fee or honorarium ~~of \$101.00 or less~~ which is accepted by a public
 37 officer ~~from speaking engagements, participation in seminars, discussion panels, or other~~

1 ~~activities which directly relate to the official duties of the public officer or the office of~~
 2 ~~the public officer, with a statement identifying the fee or honorarium accepted and the~~
 3 ~~person from whom it was accepted~~ as permitted by subsection (b) of Code Section
 4 21-5-75;

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

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

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

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

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

21 (5) The filer's occupation, employer, and the principal activity and address of such
 22 employer;

23 (6) If he or she has actual knowledge of such ownership interest or knowledge of facts
 24 which would put a reasonable and prudent person on notice of such ownership interest,
 25 the filer shall name any business or subsidiary thereof in Georgia in which the filer's
 26 spouse or dependent children, jointly or severally, own a direct ownership interest which
 27 interest:

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

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

30 or in which the filer's spouse or any dependent child serves as an officer, director,
 31 equitable partner, or trustee;

32 (7) If the filer has engaged in a business in a fiduciary position during the last reporting
 33 year which provides legal, investment, accounting, medical or health related, real estate,
 34 banking, insurance, educational, farming, engineering, architectural, construction, or
 35 other professional services or consultations, then the filing party shall report each
 36 category from which the gross income received from all combined clients in such
 37 category exceeds \$10,000.00 and the amount of the gross income. Such categories shall

1 be established by rule of the commission and may include a stock investment portfolio,
 2 electric utilities, gas utilities, telephone utilities, water utilities, cable television
 3 companies, intrastate transportation companies, pipeline companies, oil or gas exploration
 4 companies or both, oil and gas retail companies, banks, savings and loan associations,
 5 loan or finance companies or both, manufacturing firms, mining companies, life
 6 insurance companies, casualty insurance companies, other insurance companies, retail
 7 companies, beer, wine, or liquor companies or distributors or any combination thereof,
 8 trade associations, professional associations, governmental associations, associations of
 9 public employees or public officials, and counties;

10 ~~(5)~~(8) All annual payments in excess of \$20,000.00 received by the public officer or any
 11 business entity identified in paragraph (3) of this subsection from the state, any agency,
 12 department, commission, or authority created by the state, and authorized and exempted
 13 from disclosure under Code Section 45-10-25, and the agency, department, commission,
 14 or authority making the payments, and the general nature of the consideration rendered
 15 for the source of the payments; and

16 ~~(6)~~(9) No form prescribed by the commission shall require more information or specify
 17 more than provided in the several paragraphs of this Code section with respect to what
 18 is required to be disclosed.

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

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

35 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
 36 year in which the candidate or any business in which such candidate or any member of
 37 his or her family has a substantial interest or is an officer of such business received any

1 income of any nature from any person who was at the time of such receipt of income
2 represented by a lobbyist registered with the commission pursuant to Article 4 of this
3 chapter.

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

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

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

18 (i)(A) 'Agency' means any agency, authority, department, board, bureau, commission,
19 committee, office, or instrumentality of the State of Georgia or any political subdivision
20 of the State of Georgia.

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

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

25 (i)(C) 'Member of the family' includes the candidate's spouse and dependent children;
26 ~~and.~~

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

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

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

35 (d) Beginning January 1, 2005, all state-wide elected officials and members of the General
36 Assembly shall file financial disclosure statements electronically. Prior to such date

1 electronic filing of financial disclosure statements by such persons is permitted and
 2 encouraged but not required."

3 SECTION 16.

4 Said chapter is further amended by striking Code Section 21-5-52, relating to filing by mail,
 5 and inserting in lieu thereof the following:

6 "21-5-52.

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

9 (a) The mailing of financial disclosure statements by United States mail, with adequate
 10 postage affixed, within the required filing time as determined by the official United States
 11 postage date cancellation, shall be prima-facie evidence of filing.

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

17 SECTION 17.

18 Said chapter is further amended by striking Code Section 21-5-70, relating to definitions, and
 19 inserting in lieu thereof the following:

20 "21-5-70.

21 As used in this article, the term:

22 (1) 'Expenditure':

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

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

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

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

34 (E) The term shall not include:

- 1 (i) The value of personal services performed by persons who serve voluntarily
 2 without compensation from any source;
- 3 (ii) A gift received from a member of the public officer's immediate family;
- 4 (iii) Legal compensation or expense reimbursement provided public employees and
 5 public officers in the performance of their duties;
- 6 (iv) Promotional items generally distributed to the general public or to public officers
 7 and food and beverages produced in Georgia;
- 8 (v) An award, plaque, certificate, memento, or similar item given in recognition of
 9 the recipient's civic, charitable, political, professional, or public service;
- 10 (vi) Legitimate salary, benefits, fees, commissions, or expenses associated with a
 11 recipient's nonpublic business, employment, trade, or profession;
- 12 (vii) Food, beverages, and registration at group events to which all members of an
 13 agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are
 14 invited. An agency shall include the Georgia House of Representatives, the Georgia
 15 Senate, committees and subcommittees of such bodies, and the governing body of
 16 each political subdivision of this state;
- 17 (viii) Campaign contributions or expenditures reported as required by Article 2 of
 18 this chapter;
- 19 (ix) A commercially reasonable loan made in the ordinary course of business; or
- 20 (x) Food, beverage, or expenses afforded public officers, members of their immediate
 21 families, or others that are associated with normal and customary business or social
 22 functions or activities.

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

28 (2.1) 'Gift' means anything of value exceeding \$50.00 including, but not limited to, food,
 29 beverages, lodging, travel, transportation, personal services, gratuities, honoraria,
 30 subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or
 31 advances or deposits of money. Gift shall not include a bona fide loan made by a state
 32 or federally chartered financial institution or a depository institution whose deposits are
 33 insured by the Federal Deposit Insurance Corporation if such loan is made in the normal
 34 course of business with the expectation on the part of all parties that such loan shall be
 35 repaid and such loan is based on the credit worthiness of the borrower and the borrower
 36 is personally liable for the repayment of the loan. Gift shall not include those items
 37 identified in division (1)(E)(vii) of this Code section. For purposes of this paragraph,

1 reimbursement or payment of actual and reasonable expenses for food, beverages, travel,
 2 transportation, lodging, and registration for a meeting which is provided to a public
 3 officer or employee to permit such public officer's or employees's participation in a panel
 4 or speaking engagement at the meeting shall not be considered a gift.

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

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

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

9 (6) 'Lobbyist' means:

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

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

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

22 (D) 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 ordinance or
 24 resolution by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~
 25 (20) of Code Section 21-5-3, or any committee of such public officers, or the approval
 26 or veto of any such ordinance or resolution;

27 (E) Any natural person who makes a total expenditure of more than \$250.00 in a
 28 calendar year, not including the person's own travel, food, lodging expenses, or
 29 informational material to promote or oppose the passage of any ordinance or resolution
 30 by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~ (20) of
 31 Code Section 21-5-3, or any committee of such public officers, or the approval or veto
 32 of any such ordinance or resolution; ~~or~~

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

36 (G) Any natural person who, for compensation, either individually or as an employee
 37 of another person undertakes to influence a public officer or state agency in the

1 selection of a vendor to supply any goods or services to any state agency but does not
 2 include a person solely on the basis that such person participates in preparing a written
 3 bid, written proposal, or other document relating to a potential sale to a state agency.

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

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

14 (9) 'Vendor' means any person who sells to or contracts with any state agency for the
 15 provision of any goods or services."

16 SECTION 18.

17 Said chapter is further amended by striking Code Section 21-5-71, relating to lobbyist
 18 registration requirements, including the application, supplemental registration, expiration,
 19 docket, fees, identification cards, public rosters, and exemptions, and inserting in lieu thereof
 20 the following:

21 "21-5-71.

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

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

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

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

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

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

1 (5) A statement signed by the person or agency employing, appointing, or authorizing
2 the applicant to lobby on its behalf; and

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

6 (c) The lobbyist shall, within seven days of any substantial or material change or addition,
7 file a supplemental registration indicating such substantial or material change or addition
8 to the registration prior to its expiration. Previously filed information may be incorporated
9 by reference. Substantial or material changes or additions shall include, but are not limited
10 to, the pertinent information concerning changes or additions to client and employment
11 information required by paragraphs (2), (3), and (4), and (6) of subsection (b) of this Code
12 section.

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

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

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

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

- 28 (A) Annual lobbyist registration filed pursuant to this Code section \$ 200.00
- 29 (B) Lobbyist supplemental registration filed pursuant to this Code section 10.00
- 30 (C) Each lobbyist identification card issued pursuant to this Code section 5.00
- 31 (D) In addition to other penalties provided under this chapter, a filing fee of
- 32 \$50.00 shall be imposed for each report that is filed late. In addition, a filing
- 33 fee of \$25.00 shall be imposed on the fifteenth day after the due date if the
- 34 report has still not been filed.

35 (g) As soon as practicable after registering any such person, the commission shall issue to
36 such person an identification card which shall have printed thereon the name of the lobbyist

1 and the person or agency such lobbyist represents, provided that, when any such person
 2 represents more than one entity, such identification card shall have printed thereon the
 3 name of the registered person and the word 'LOBBYIST.' Each lobbyist while engaged in
 4 lobbying at the capitol or in a government facility shall display said identification in a
 5 readily visible manner.

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

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

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

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

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

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

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

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

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

32 **SECTION 19.**

33 Said chapter is further amended by striking Code Section 21-5-73, relating to disclosure
 34 reports, and inserting in lieu thereof the following:

1 "21-5-73.

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

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

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

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

14 (2) File ~~file~~ such report with the commission, file a copy of such report with the election
15 superintendent of each county involved if the report contains any expenditures relating
16 to county or county school district affairs, and file a copy of such report with the
17 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the
18 municipality) of each municipality involved if the report contains any expenditures
19 relating to municipal affairs or independent school district affairs.

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

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

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

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

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

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

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

4 (2) The names of any public officer or any members of the immediate family of a public
 5 officer employed by or whose professional services are paid for by the lobbyist or any
 6 person on whose behalf a lobbyist is registered during the reporting period;

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

12 (4) A good faith estimate of the total amount of all income from each person on whose
 13 behalf a lobbyist is registered, including any payments to the lobbyist by any other person
 14 for lobbying activities on behalf of the person on whose behalf a lobbyist is registered
 15 during the reporting period, other than income for matters that are unrelated to lobbying
 16 activities.

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

23 SECTION 20.

24 Said chapter is further amended by adding new Code Sections 21-5-74, 21-5-75, 21-5-76,
 25 and 21-5-77 to follow Code Section 21-5-73 to read as follows:

26 "21-5-74.

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

31 21-5-75.

32 (a) Neither a lobbyist nor any person on whose behalf a lobbyist is registered shall make
 33 any gift as defined in paragraph (2.1) of Code Section 21-5-70 to any public officer or
 34 employee or to any person on such public officer's or employee's staff or to the public
 35 officer's or employee's family, nor shall any such person accept a gift from a lobbyist or

1 from any person on whose behalf a lobbyist is registered. If a gift is accepted, it must be
2 returned or reimbursed to the donor. Where appropriate for purposes of tradition,
3 ceremony, or intergovernmental relations, or when acting as a representative of a
4 department, board, bureau, agency, commission, or authority, a public officer or employee
5 may accept a gift on behalf of such department, board, bureau, agency, commission, or
6 authority. If the gift retains value after its acceptance, the public officer or employee must
7 maintain custody of the gift no longer than reasonably necessary to arrange for the transfer
8 of custody of the gift to the public officer's or employee's department, board, bureau,
9 agency, commission, or authority or to a charitable organization on behalf of such
10 department, board, bureau, agency, commission, or authority.

11 (b)(1) Notwithstanding subsection (a) of this Code section, a part-time public officer may
12 accept a monetary fee or honorarium if:

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

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

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

20 21-5-76.

21 On and after January 1, 2005, every public officer shall be prohibited from registering as
22 a lobbyist or engaging in lobbying under this article for a period of one year after leaving
23 such office.

24 21-5-77.

25 (a) No person, firm, corporation, or association shall retain or employ an attorney at law
26 or an agent to aid or oppose legislation for compensation contingent, in whole or in part,
27 upon the passage or defeat of any legislative measure or upon the receipt or award of any
28 state contract. No attorney at law or agent shall be employed to aid or oppose legislation
29 for compensation contingent, in whole or in part, upon the passage or defeat of any
30 legislation or upon the receipt or award of any state contract.

31 (b) It shall be unlawful for any person registered pursuant to the requirements this article
32 or for any other person, except as authorized by the rules of the House or Senate, to be on
33 the floor of either house of the General Assembly while the same is in session to discuss
34 privately measures then pending in the General Assembly."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 **SECTION 24.**

16 Said title is further amended by striking Code Section 45-10-3, relating to code of ethics for
 17 members of boards, commissions, and authorities, and inserting in lieu thereof the following:
 18 "45-10-3.

19 Notwithstanding any provisions of law to the contrary, each ~~member of all boards,~~
 20 ~~commissions, and authorities created by general statute~~ public official and employee as
 21 those terms defined in Code Section 45-10-20 shall:

22 (1) Uphold the Constitution, laws, and regulations of the United States, the State of
 23 Georgia, and all governments therein and never be a party to their evasion;

24 (2) Never discriminate by the dispensing of special favors or privileges to anyone,
 25 whether or not for remuneration;

26 (3) Not engage in any business with the government, either directly or indirectly, which
 27 is inconsistent with the conscientious performance of his or her governmental duties;

28 (4) Never use any information coming to him or her confidentially in the performance
 29 of governmental duties as a means for making private profit;

30 (5) Expose corruption wherever discovered;

31 (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors,
 32 hospitality, or services from any person, association, or corporation under circumstances
 33 from which it could reasonably be inferred that a major purpose of the donor is to
 34 influence the performance of the member's official duties;

35 (7) Never accept any economic opportunity under circumstances where he or she knows
 36 or should know that there is a substantial possibility that the opportunity is being afforded

1 him or her with intent to influence his or her conduct in the performance of his or her
 2 official duties;

3 (8) Never engage in other conduct which is unbecoming to a member or which
 4 constitutes a breach of public trust; and

5 (9) Never take any official action with regard to any matter under circumstances in
 6 which he or she knows or should know that he or she has a direct or indirect monetary
 7 interest in the subject matter of such matter or in the outcome of such official action."

8 SECTION 25.

9 Said title is further amended by striking Code Section 45-10-4, relating to code of ethics for
 10 members of boards, commissions, and authorities, and inserting in lieu thereof the following:

11 "45-10-4.

12 (a)(1) Upon formal charges being filed with the Governor State Ethics Commission
 13 relative to a violation of Code Section 45-10-3, Part 1 of Article 2 of this chapter, or both,
 14 on the part of a member of any such board, commission, or authority public official or
 15 employee, the Governor or his State Ethics Commission or its designated agent shall
 16 conduct a hearing for the purpose of receiving evidence relative to the merits of such
 17 charges. The member so charged shall be given at least 30 days' notice prior to such
 18 hearing. If such charges are found to be true, the Governor shall forthwith remove such
 19 member from office and the vacancy shall be filled as provided by law. Such hearing
 20 shall be held in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
 21 Procedure Act,' and judicial review of any such decision shall be in accordance with such
 22 chapter preliminary investigation of the merits of a written complaint by any person who
 23 believes that a violation of Code Section 45-10-3, Part 1 of Article 2 of this chapter, or
 24 both, has occurred, verified under oath to the best information, knowledge, and belief by
 25 the person making such complaint. If there are found no reasonable grounds to believe
 26 that a violation has occurred, the complaint shall be dismissed, subject to being reopened
 27 upon discovery of additional evidence or relevant material. If the commission determines
 28 that there are such reasonable grounds to believe that a violation has occurred, it shall
 29 give notice by summoning the persons believed to have committed the violation to a
 30 hearing. The hearing shall be conducted in all respects in accordance with Chapter 13 of
 31 Title 50, the 'Georgia Administrative Procedure Act.' The commission may file a
 32 complaint charging violations of Code Section 45-10-3, Part 1 of Article 2 of this chapter,
 33 or both, and any person aggrieved by the final decision of the commission is entitled to
 34 judicial review in accordance with Chapter 13 of Title 50; provided, however, that
 35 nothing in this Code section shall be construed to limit or encumber the right of the
 36 commission to initiate on probable cause an investigation on its own cognizance as it

1 deems necessary to fulfill its obligations under Code Section 45-10-3, Part 1 of Article
 2 2 of this chapter, or both.

3 (2) In any preliminary investigation referenced in paragraph (1) of this subsection, until
 4 such time as the commission determines that there are reasonable grounds to believe that
 5 a violation has occurred, it shall not be necessary to give the notice by summons nor to
 6 conduct a hearing in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
 7 Procedure Act.'

8 (b) If such charges are found to be true as against a member of any board, commission, or
 9 authority created by general statute, the Governor may forthwith remove such member
 10 from office and the vacancy shall be filled as provided by law.

11 (c)(1) The State Ethics Commission shall have the same powers and duties with respect
 12 to this Code section, Code Section 45-10-3, and Part 1 of Article 2 of this chapter as the
 13 commission has with respect to Chapter 5 of Title 21.

14 (2) The Attorney General shall have the same powers and duties with respect to this
 15 Code section, Code Section 45-10-3, and Part 1 of Article 2 of this chapter as the
 16 Attorney General has with respect to Chapter 5 of Title 21. Without limiting the
 17 generality of the foregoing it is specifically provided that the Attorney General may bring
 18 civil actions for the enforcement of this Code section, Code Section 45-10-3, and Part 1
 19 of Article 2 of this chapter in the same general manner as provided in Chapter 5 of Title
 20 21."

21 **SECTION 26.**

22 Said title is further amended by striking Code Section 45-10-5, relating to authority to enact
 23 rules and regulations, and inserting in lieu thereof the following:

24 "45-10-5.

25 ~~No member of any board, commission, or authority created by general statute shall enact~~
 26 ~~any rules or regulations or publicize such as being general laws and such rules and~~
 27 ~~regulations shall in no way have the effect of law. The provisions of Code Sections~~
 28 ~~45-10-3 and 45-10-4 or Part 1 of Article 2 of this chapter are in addition to or cumulative~~
 29 ~~of any other criminal penalties imposed by law. Notwithstanding any other provision of~~
 30 ~~law to the contrary, an administrative or civil enforcement action brought pursuant to Code~~
 31 ~~Sections 45-10-3 and 45-10-4 or Part 1 of Article 2 of this chapter shall not bar the~~
 32 ~~prosecution of any violation of the criminal law of this state."~~

33 **SECTION 27.**

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

1 "Part 5

2 45-10-80.

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

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

11 **SECTION 28.**

12 Said title is further amended by adding a new Code Section 45-12-61 to follow Code Section
13 45-12-60 to read as follows:

14 "45-12-61.

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

17 (b) No person shall be eligible for appointment to fill a vacancy on the Supreme Court, the
18 Court of Appeals, the superior courts, or the state courts if such person has made a
19 contribution to or expenditure on behalf of the Governor or the Governor's campaign
20 committee either: (1) in the 30 day period preceding the vacancy, unless the person
21 requests and is provided a refund of such contribution or reimbursement for such
22 expenditure; or (2) on or after the date the vacancy occurs."

23 **SECTION 29.**

24 This Act shall become effective on January 1, 2005.

25 **SECTION 30.**

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