

House Bill 1769

By: Representatives Skipper of the 116th, Smyre of the 111th, Porter of the 119th, Buckner of the 82nd, Orrock of the 51st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics
2 in government, so as to provide a statement of legislative intent; to define certain terms; to
3 provide a Code of Fair Campaign Practices; to provide that every candidate for public office
4 shall receive a blank form of such code; to provide for the printing of such forms; to provide
5 for the filing and public inspection of such forms; to provide that subscription of such code
6 shall be voluntary; to provide an effective date; to repeal conflicting laws; and for other
7 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 inserting at the end thereof the following:

12 "ARTICLE 5

13 21-5-90

14 (a) The General Assembly hereby declares that the purpose of this article is to encourage
15 every candidate for public office in this state to subscribe to the Code of Fair Campaign
16 Practices.

17 (b) It is the ultimate intent of the General Assembly that every candidate for public office
18 in this state who subscribes to the Code of Fair Campaign Practices will follow the basic
19 principles of decency, honesty, and fair play in order that, after vigorously contested, but
20 fairly conducted campaigns, the citizens of this state may exercise their constitutional right
21 to vote, free from dishonest and unethical practices which tend to prevent the full
22 expression of the will of the voters.

1 (c) The purpose in creating the Code of Fair Campaign Practices is to give voters
 2 guidelines in determining fair play and to encourage candidates to discuss issues instead
 3 of untruths or distortions.

4 21-5-91.

5 As used in this Code section, the term:

6 (1) 'Campaign advertising or communication' means a communication authorized by a
 7 candidate or a candidates' campaign committee, as defined in Code Section 21-5-3, or
 8 by a committee formed primarily to support or oppose a ballot measure for the purpose
 9 of advocating the election or defeat of a qualified candidate or ballot measure through any
 10 broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing,
 11 e-mail, Internet website, or other electronic means, or any other type of general, public,
 12 or political advertising.

13 (2) 'Candidate for public office' means an individual who has qualified to have his or her
 14 name listed on the ballot of any election, or who has qualified to have written votes on
 15 his or her behalf counted by election officials, for nomination for, or election to, any
 16 state, regional, county, municipal, or district office which is filled at an election.

17 (3) 'Code' means the Code of Fair Campaign Practices.

18 21-5-92.

19 The Secretary of State is directed to ensure that at the time any candidate declares his or
 20 her candidacy for or is nominated for public office, he or she shall receive a blank form of
 21 the Code of Fair Campaign Practices along with an express statement that subscription to
 22 the code is voluntary. The text of the code shall read as follows:

23 'Code of Fair Campaign Practices

24 There are basic principles of decency, honesty, and fair play which every candidate for
 25 public office in the State of Georgia has a moral obligation to observe and uphold, in
 26 order that, after vigorously contested, but fairly conducted campaigns, our citizens may
 27 exercise their constitutional right to a free and untrammled choice and the will of the
 28 people may be fully and clearly expressed on the issues.

29 THEREFORE:

30 (1) I shall conduct my campaign openly and publicly, discussing the issues as I see them,
 31 presenting my record and policies with sincerity and frankness, and criticizing without
 32 fear or favor the record and policies of my opponents or political parties which merit such
 33 criticism.

1 (2) I shall not use or permit the use of character defamation, libel, or slander on any
2 candidate or his or her personal or family life.

3 (3) I shall not use or permit any appeal to negative prejudice based on race, sex, religion,
4 national origin, physical health status, or age.

5 (4) I shall not use or permit any dishonest or unethical practice which tends to corrupt
6 or undermine our American system of free elections or which hampers or prevents the
7 full and free expression of the will of the voters, including acts intended to hinder or
8 prevent any eligible person from registering to vote, enrolling to vote, or voting.

9 (5) I shall not coerce election help or campaign contributions for myself or for any other
10 candidate from my employees.

11 (6) I shall immediately and publicly repudiate support deriving from any individual or
12 group which resorts, on behalf of my candidacy or in opposition to that of my opponent,
13 to campaign methods and tactics which I condemn. I shall accept responsibility to take
14 firm action against any subordinate who violates any provision of this code or the laws
15 governing elections.

16 (7) I shall not use or permit or condone the use of false, misleading, or incomplete facts,
17 quotations, statements, or statistics which are likely to leave in the minds of the public
18 a false or mistaken impression concerning myself, any opponent, or any issue.

19 (8) I shall defend and uphold the right of every qualified American voter to full and
20 equal participation in the electoral process.

21 I, the undersigned, candidate for election to public office in the State of Georgia, hereby
22 voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in
23 accordance with the above principles and practices, and I understand that any question
24 relating to compliance to this code may be submitted to the State Ethics Commission for
25 a decision and declaration of compliance or violation.

26 _____
27 (Date) (Signature)

28 21-5-93.
29 The Secretary of State shall print, or cause to be printed, blank forms of the code. The
30 Secretary of State shall supply the forms as necessary.

31 21-5-94.
32 The Secretary of State shall accept all completed forms submitted pursuant to this article
33 which are properly subscribed to by a candidate for public office before an officer duly
34 authorized to administer oaths and shall retain them for public inspection until 30 days after
35 the election. Such submissions shall be made not later than the end of the tenth day

1 following the last day for qualifying; provided, however, that in 2004 such submissions
2 shall be made not later than June 5, 2004. Every code subscribed to by a candidate for
3 public office pursuant to this article is a public record open for public inspection.

4 21-5-95.

5 In no event shall a candidate for public office be required to subscribe to or endorse the
6 code."

7 **SECTION 2.**

8 This Act shall become effective upon its approval by the Governor or upon its becoming law
9 without such approval.

10 **SECTION 3.**

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