

The House Committee on Ethics offers the following substitute to HB 48:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 21 and Titles 36 and 45 of the Official Code of Georgia  
2 Annotated, relating, respectively, to ethics in government, local government, and public  
3 officers, so as to provide for the comprehensive revision of provisions regarding ethics and  
4 conflicts of interest; to provide for and change certain definitions; to change certain  
5 provisions relative to declaration of policy; to provide for the timely issuance of advisory  
6 opinions by the State Ethics Commission and other matters relative to advisory opinions; to  
7 change provisions relating to the State Ethics Commission including its administrative  
8 attachment to the Secretary of State's office; to change provisions relating to mailing  
9 complaints; to provide for rule making with regard to technical defects and the time frame  
10 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 maximum allowable contributions; to change certain  
19 provisions relating to accounting for and expenditure of campaign contributions; to change  
20 certain provisions relating to filing of financial disclosure statements; to change provisions  
21 relating to filing by mail; to change certain provisions relating to lobbyist registration; to  
22 change provisions relating to lobbyist disclosure reports and the contents thereof and the  
23 definition of lobbyist; to create provisions relating to a lobbyist's eligibility for certain  
24 appointments; to provide for restrictions for lobbying activities for certain persons; to provide  
25 restrictions for lobbyists relating to contingency agreements; to provide for restrictions for  
26 lobbyists relating to presence on the floor of the House of Representatives and Senate; to  
27 correct cross-references; to provide for anti-nepotism provisions; to provide for penalties; to  
28 provide for restrictions on the Governor's appointment power under certain circumstances;

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1 to provide for related matters; to provide for applicability; to provide for an effective date;  
 2 to repeal conflicting laws; and for other purposes. conflicting laws; and for other purposes.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

4 **SECTION 1.**

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

8 "21-5-2.

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

26 **SECTION 2.**

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

29 "21-5-3.

30 As used in this chapter, the term:

31 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited  
 32 partnership, limited liability company, limited liability partnership, professional  
 33 corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether  
 34 profit or nonprofit.

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

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

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

29 (5) 'Commission' means the State Ethics Commission created under Code Section  
 30 21-5-4.

31 (6) 'Connected organization' means any organization, including any business entity, labor  
 32 organization, membership organization, or cooperative, which is not a political action  
 33 committee, as defined in this chapter, but which, directly or indirectly, establishes or  
 34 administers a political action committee or which provides more than 40 percent of the  
 35 funds of the political action committee for a calendar year.

36 ~~(6)~~(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
 37 advance or deposit of money or anything of value conveyed or transferred for the purpose

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

14 ~~(7)~~(8) 'Direct ownership interest' means the holding or possession of good legal or  
 15 rightful title of property or the holding or enjoyment of real or beneficial use of the  
 16 property by any person and includes any interest owned or held by a spouse of such  
 17 person if such interest is held jointly or as tenants in common between the person and  
 18 spouse.

19 ~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general;  
 20 special election; or general election. The term 'election' also means a recall election.

21 ~~(8.1)~~(10) 'Election cycle' means the period from the day following the date of an election  
 22 or appointment of a person to elective public office through and including the date of the  
 23 next such election of a person to the same public office and shall be construed and  
 24 applied separately for each elective office.

25 ~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,  
 26 or ~~gift~~ any transfer of money or anything of value made for the purpose of influencing the  
 27 nomination for election or election of any person, bringing about the recall of a public  
 28 officer holding elective office or opposing the recall of a public officer holding elective  
 29 office, or the influencing of voter approval or rejection of a proposed constitutional  
 30 amendment, a state-wide referendum, or a proposed question which is to appear on the  
 31 ballot in any state, county, or municipal election. The term specifically shall not include  
 32 the value of personal services performed by persons who serve without compensation  
 33 from any source and on a voluntary basis. The term 'expenditure' shall also include the  
 34 payment of a qualifying fee for and in behalf of a candidate.

35 ~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the  
 36 benefit of another person as an officer, director, manager, partner, guardian, or other  
 37 designation of general responsibility of a business entity.

1 ~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34  
 2 to receive campaign contribution disclosure reports; ~~provided, however, that such term~~  
 3 ~~shall not include the State Ethics Commission.~~

4 ~~(12)~~(14) 'Gift' means any gratuitous transfer to a public officer, ~~the spouse of the public~~  
 5 ~~officer, or any dependents of the public officer~~ member of the family of the public officer  
 6 or a loan of property or services which is not a contribution as defined in paragraph ~~(6)~~  
 7 (7) of this Code section and which is in the amount of \$101.00 or more.

8 ~~(12.1)~~(15) 'Independent committee' means any committee, club, association, partnership,  
 9 corporation, labor union, or other group of persons, other than a campaign committee,  
 10 political party, or political action committee, which receives donations during a calendar  
 11 year from persons who are members or supporters of the committee and which expends  
 12 such funds either for the purpose of affecting the outcome of an election for any elected  
 13 office or to advocate the election or defeat of any particular candidate.

14 ~~(13)~~(16) 'Intangible property' means property which is not real property and which is  
 15 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and  
 16 other investments but shall not include any ownership interest in any public or private  
 17 retirement or pension fund, account, or system and shall not include any ownership  
 18 interest in any public or private life insurance contract or any benefit, value, or proceeds  
 19 of such life insurance contract.

20 (17) 'Member of the family' means a spouse and all dependent children.

21 (18) 'Ordinary and necessary expenses' shall include, but shall not be limited to, all  
 22 expenditures made during the reporting period for office costs and rent, lodging,  
 23 equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling,  
 24 special events, volunteers, reimbursements to volunteers, contributions to nonprofit  
 25 organizations, and flowers for special occasions, which shall include, but are not limited  
 26 to, birthdays and funerals, and all other expenditures made by a campaign committee.

27 ~~(14)~~(19) 'Person' means an individual, partnership, committee, association, corporation,  
 28 limited liability company, limited liability partnership, trust, professional corporation, or  
 29 other business entity recognized in the State of Georgia, labor organization, or any other  
 30 organization or group of persons.

31 ~~(14.1)~~(20) 'Political action committee' means:

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

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

1 Such term does not include a candidate campaign committee.

2 ~~(14.2)~~(21) 'Public employee' means every person employed by the executive, legislative,  
3 or judicial branch of state government, or any department, board, bureau, agency,  
4 commission, or authority thereof.

5 ~~(15)~~(22) 'Public officer' means:

6 (A) Every constitutional officer;

7 (B) Every elected state official;

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

10 (D) Each member of the General Assembly;

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

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

14 (G) Every elected municipal official."

### 15 SECTION 3.

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

18 "21-5-5.

19 The funds necessary to carry out this chapter shall come from the funds appropriated to and  
20 available to the State Ethics Commission and from any other available funds. The  
21 commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title  
22 45, the 'Budget Act'; provided, however, that the commission shall be assigned for  
23 administrative purposes only to the Secretary of State."

### 24 SECTION 4.

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

27 "21-5-6.

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

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

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

33 (3) To cooperate with and secure the cooperation of every department, agency, or  
34 instrumentality in the state government or its political subdivisions in the furtherance of  
35 the purposes of this chapter;

- 1 (4) To employ an executive secretary and such additional staff as the commission deems  
2 necessary to carry out the powers delegated to the commission by this chapter;
  - 3 (5) To issue subpoenas to compel any person to appear, give sworn testimony, or  
4 produce documentary or other evidence;
  - 5 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to  
6 enjoin or restrain any violation or threatened violation of this chapter;
  - 7 (7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
8 Procedure Act,' such rules and regulations as are necessary to carry out the purposes of  
9 this chapter; and
  - 10 (8) To do any and all things necessary or convenient to enable it to perform wholly and  
11 adequately its duties and to exercise the power granted to it.
- 12 (b) The commission shall have the following duties:
- 13 (1) To prescribe forms to be used in complying with this chapter;
  - 14 (2) To prepare and publish a manual setting forth recommended uniform methods of  
15 accounting and reporting for use by persons required by this chapter to file statements and  
16 reports;
  - 17 (3) To accept and file any information voluntarily supplied that exceeds the requirements  
18 of this chapter;
  - 19 (4) To develop a filing, coding, and cross-indexing system consonant with the purposes  
20 of this chapter;
  - 21 (5) To adopt a retention standard for records of the commission in accordance with  
22 Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';
  - 23 (6) To prepare and publish such other reports and technical studies as in its judgment will  
24 tend to promote the purposes of this chapter;
  - 25 (7) To provide for public dissemination of such summaries and reports;
  - 26 (8) To determine whether the required statements and reports have been filed and, if so,  
27 whether they conform to the requirements of this chapter;
  - 28 (9) To make investigations, subject to the limitations contained in Code Section 21-5-7,  
29 with respect to the statements and reports filed under this chapter and with respect to  
30 alleged failure to file any statements or reports required under this chapter and upon  
31 receipt of the written complaint of any person, verified under oath to the best information,  
32 knowledge, and belief by the person making such complaint with respect to an alleged  
33 violation of any provision of this chapter, provided that nothing in this Code section shall  
34 be construed to limit or encumber the right of the commission to initiate on probable  
35 cause an investigation on its own cognizance as it deems necessary to fulfill its  
36 obligations under this chapter;

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

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

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

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

25 (13) To issue, upon written request, and publish written advisory opinions on the  
 26 requirements of this chapter, based on a real or hypothetical set of circumstances; and  
 27 each such written advisory opinion shall be issued within 60 days of the written request  
 28 for the advisory opinion. The commission shall make all advisory opinions that were  
 29 issued prior to July 1, 2005, publicly available for review and shall post these and all  
 30 future opinions on the commission's website. No liability shall be imposed under this  
 31 chapter for any act or omission made in conformity with a written advisory opinion  
 32 issued by the commission that is valid at the time of the act or omission;

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

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

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

3 (C)(i) ~~To~~ Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil  
4 penalty not to exceed \$1,000.00 for each violation contained in any report required  
5 by this chapter or for each failure to comply with any other provision of this chapter  
6 or of any rule or regulation promulgated under this chapter; provided, however, that  
7 a civil penalty not to exceed \$5,000.00 may be imposed for a second subsequent  
8 occurrence of the same violation and a civil penalty not to exceed \$10,000.00 may be  
9 imposed for each subsequent occurrence of the same violation. For the purposes of  
10 the penalties imposed by this division, the same error, act, omission, or inaccurate  
11 entry shall be considered a single violation if the error, act, omission, or inaccurate  
12 entry appears multiple times on that report or causes further errors, omissions, or  
13 inaccurate entries in that report or in any future reports or further violations in that  
14 report or in any future reports.

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

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

27 (iv) Any action brought by the Attorney General to enforce civil penalties ~~assessed~~  
28 against any person for violating for a violation of the provisions of this chapter or any  
29 rule or regulation duly issued by the commission or any order issued by the  
30 commission ordering compliance or to cease and desist from further violations shall  
31 be brought in the superior court of the county of the residence of the party against  
32 whom relief is sought. Service of process shall lie in any jurisdiction within the state.  
33 In such actions, the superior court inquiry will be limited to whether notice was given  
34 by the commission to the violator in compliance with the Constitution and the rules  
35 of procedure of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'  
36 Upon satisfaction that notice was given and a hearing was held pursuant to Chapter  
37 13 of Title 50, the 'Georgia Administrative Procedure Act,' the superior court shall

1 enforce the orders of the commission and the civil penalties assessed under this  
 2 chapter and the superior court shall not make independent inquiry as to whether the  
 3 violations have occurred.

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

9 The commission shall make all such orders that were issued prior to July 1, 2005,  
 10 publicly available for review and shall post these and all future orders on the  
 11 commission's website. Such orders shall serve as precedent for all future orders.

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

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

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

20 ~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~  
 21 ~~ministerial functions which the commission may require. The office of the Secretary of~~  
 22 ~~State shall be designated as the place where members of the public may file papers or~~  
 23 ~~correspond with the commission and receive any form or instruction from the commission.~~  
 24 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~  
 25 ~~commission."~~

## 26 SECTION 5.

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

29 "21-5-7.

30 (a) The commission shall not initiate any investigation or inquiry into any matter under its  
 31 jurisdiction based upon the complaint of any person unless that person shall reduce the  
 32 same in writing and verify the same under oath to the best information, knowledge, and  
 33 belief of such person, the falsification of which shall be punishable as false swearing under  
 34 Code Section 16-10-71. The person against whom any complaint is made shall be furnished  
 35 by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt  
 36 requested, a copy of the complaint by the commission immediately upon within 48 hours

1 of the commission's receipt of such complaint and prior to any other public dissemination  
 2 of such complaint. Nothing in this Code section, however, shall be construed to limit or  
 3 encumber the right of the commission to initiate on probable cause an investigation on its  
 4 own cognizance as it deems necessary to fulfill its obligations under this chapter.

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

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

12 ~~(2) When the commission determines that a complaint relates to a technical defect in a~~  
 13 ~~filing, the subject of the complaint shall be given a period of ten days to correct the~~  
 14 ~~alleged technical defect. During such ten-day period the complaint shall be considered~~  
 15 ~~as received by the commission but not yet filed with the commission. If during such~~  
 16 ~~ten-day period the alleged technical violation is cured by an amended filing or otherwise,~~  
 17 ~~or if during such ten-day period the subject of the complaint demonstrates that there is~~  
 18 ~~no technical violation as alleged, the complaint shall be disposed of without filing or~~  
 19 ~~further proceedings and no penalty shall be imposed."~~

## 20 SECTION 6.

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

23 "21-5-7.1.

24 The commission shall adopt rules which shall provide that:

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

31 (2) When the commission determines that a complaint relates to a technical defect in a  
 32 filing, the subject of the complaint shall be issued a notice of an alleged technical defect  
 33 by certified mail, return receipt requested, or statutory overnight delivery and shall be  
 34 given a period of 30 calendar days from the receipt of the notice to correct the alleged  
 35 technical defect. During the 30 day period the complaint shall be considered as received  
 36 by the commission but not yet filed with the commission and shall not be considered a

1 violation of this chapter. If during the 30 day period the alleged technical violation is  
 2 cured by an amended filing or otherwise or if during the 30 day period the subject of the  
 3 complaint demonstrates that there is no technical violation as alleged, the complaint shall  
 4 be disposed of without filing or further proceedings and no penalty shall be imposed. If  
 5 the subject of the complaint fails to respond to the notice of an alleged technical defect,  
 6 make an amended filing, or demonstrate that there is no technical violation as alleged by  
 7 the thirty-first day, the commission shall impose and collect an administrative fee not to  
 8 exceed \$50.00 per technical defect.

9 (3) If the subject of the complaint does not pay the administrative fee required by  
 10 paragraph (2) of this Code section, if any, and does not otherwise also comply with  
 11 paragraph (2) of this Code section by the sixtieth day from the receipt of the notice of an  
 12 alleged technical defect, the commission shall conduct further investigation and the  
 13 complaint may proceed further in accordance with the provisions of this chapter; and

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

#### 17 SECTION 7.

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

20 "21-5-12.

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

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

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

#### 30 SECTION 8.

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

1 "21-5-13.

2 Any action alleging a violation of this chapter shall be commenced within three years after  
3 the date of filing of the first report containing the alleged violation. For purposes of this  
4 Code section, an action shall be deemed to have commenced against a person only when  
5 either:

6 (1) A complaint has been accepted by the commission in compliance with Code Section  
7 21-5-7; or

8 (2) The commission serves on such person a notice of summons or hearing, in  
9 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' that  
10 alleges that such person has violated this chapter."

### 11 SECTION 9.

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

15 "21-5-30.

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

25 (b) Each candidate shall maintain records and file reports as required by this chapter or  
26 shall have a campaign committee for the purposes of maintaining records and filing reports  
27 as required by this chapter. Every campaign committee shall have a chairperson and a  
28 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a  
29 campaign committee accepts contributions, the name and address of the chairperson and  
30 treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been  
31 elected to public office, the registration of that candidate's campaign committee with the  
32 ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in  
33 office until and unless: ~~(1) the registration is canceled by the campaign committee or the~~  
34 ~~candidate; or (2) a new campaign committee for that candidate is registered with the~~  
35 ~~Secretary of State~~. The same person may serve as chairperson and treasurer. No

1 contributions shall be accepted by or on behalf of the campaign committee at a time when  
2 there is a vacancy in the office of chairperson or treasurer of the campaign committee.

3 (c) Contributions of money received pursuant to subsection (a) of this Code section shall  
4 be deposited in ~~the separate~~ a campaign depository account opened and maintained by the  
5 candidate or the campaign committee ~~for the purpose for which such campaign committee~~  
6 ~~was organized. Such~~ The account may be an interest-bearing account; provided, however,  
7 that any interest earned on such account shall be ~~deemed contributions reported~~ and may  
8 only be used for the purposes allowed for contributions under this chapter. Those who elect  
9 the separate accounting option as provided in Code Section 21-5-43 may also open, but are  
10 not required to open, a separate campaign depository account for each election for which  
11 contributions are accepted beyond their next upcoming election.

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

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

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

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

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

#### 8 SECTION 10.

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

12 "21-5-31.

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

23 ~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of~~  
24 ~~credit, the campaign contribution disclosure report shall also contain the name of the~~  
25 ~~lending institution or party making the advance or extension of credit and the names,~~  
26 ~~mailing addresses, occupations, and places of employment of all persons having any~~  
27 ~~liability for repayment of the loan, advance, or extension of credit; and, if any such persons~~  
28 ~~shall have a fiduciary relationship to the lending institution or party making the advance~~  
29 ~~or extension of credit, the report shall specify such relationship. Reserved.~~"

#### 30 SECTION 11.

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

33 "21-5-34.

34 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee  
35 organized to bring about the nomination or election of a candidate for any office except

1 county and municipal offices or the General Assembly and the chairperson or treasurer  
 2 of every campaign committee designed to bring about the recall of a public officer or  
 3 to oppose the recall of a public officer or designed to bring about the approval or  
 4 rejection by the voters of any proposed constitutional amendment, state-wide proposed  
 5 question, or state-wide referendum shall sign and file with the ~~Secretary of State~~  
 6 commission the required campaign contribution disclosure reports. A candidate for  
 7 membership in the General Assembly or the chairperson or treasurer of such  
 8 candidate's campaign committee shall file such candidate's reports with the ~~Secretary~~  
 9 ~~of State~~ commission and a copy thereof with the election superintendent of the county  
 10 of such candidate's residence.

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

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

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

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

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

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

35 (A) ~~The~~ As to any contributions of \$101.00 or more, its amount and date of receipt, the  
 36 election to which the contribution has been allocated, along with the name; and mailing  
 37 address, ~~occupation, and employer of any person making a contribution of \$101.00 or~~

1 ~~more, including of the contributor, and, if the contributor is an individual, that~~  
2 ~~individual's occupation and the name and address of his or her employer. Such~~  
3 ~~contributions shall include, but shall not be limited to,~~ the purchase of tickets for events  
4 such as dinners, luncheons, rallies, and similar fundraising events coordinated for the  
5 purpose of raising campaign contributions for the reporting candidate person;

6 ~~(B) The name and mailing address and occupation or place of employment of any~~  
7 ~~person to whom an expenditure of \$101.00 or more is made and the amount, date, and~~  
8 ~~general purpose of such expenditure; As to any expenditure of \$101.00 or more, its~~  
9 ~~amount and date of expenditure, the name and mailing address of the recipient~~  
10 ~~receiving the expenditure, and, if that recipient is an individual, that individual's~~  
11 ~~occupation and the name and address of his or her employer and the general purpose~~  
12 ~~of the expenditure;~~

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

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

21 (i) Contributions and expenditures shall be reported for the applicable reporting  
22 cycle;

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

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

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

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

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

1 (iv) Subsequent reports shall list the total contributions received during the period  
 2 covered by the report and the cumulative total of contributions received during the  
 3 reporting cycle;

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

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

9 (vii) If a public officer seeks reelection to the same public office, or if the public  
 10 officer is a member of the General Assembly seeking reelection in another district as  
 11 a result of redistricting, the net balance on hand at the end of the current reporting  
 12 cycle shall be carried forward to the first report of the applicable new reporting cycle;  
 13 and

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

16 (2) Each report shall be in such form as will allow for the separate identification of a  
 17 contribution or contributions which are less than \$101.00 but which become reportable  
 18 due to the receipt of an additional contribution or contributions which when combined  
 19 with such previously received contribution or contributions cumulatively equal or exceed  
 20 \$101.00.

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

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

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

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

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

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

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

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

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

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

24 (e) Any person who makes contributions to, accepts contributions for, or makes  
25 expenditures on behalf of candidates, and any independent committee, shall be authorized  
26 to file a registration with the Secretary of State commission in the same manner as is  
27 required of campaign committees prior to accepting or making contributions or  
28 expenditures. Such persons, other than independent committees, shall also be authorized  
29 to file campaign contribution disclosure reports in the same places and at the same times  
30 as required of the candidates they are supporting, but such persons shall not be required to  
31 file copies of campaign contribution disclosure reports with local election superintendents  
32 as is required of candidates for membership in the General Assembly. The following  
33 persons shall be exempt from the foregoing registration and reporting requirements:

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

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

1 (3) Contributors who make contributions to only one candidate during one calendar year.

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

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

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

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

12 The independent committee shall file a final report prior to December 31 of the year in  
13 which the election is held and shall file supplemental reports on June 30 and December  
14 31 of each year that such independent committee continues to accept contributions or  
15 make expenditures.

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

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

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

24 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (j)(1) Any person elected to a public office who is required to file campaign contribution  
 31 disclosure reports pursuant to this article shall, upon leaving public office with excess  
 32 contributions, be required to file supplemental campaign contribution disclosure reports  
 33 on June 30 and December 31 of each year until such contributions are expended in a  
 34 campaign for elective office or used as provided in subsection (b) of Code Section  
 35 21-5-33.

36 (2) Any person who is an unsuccessful candidate in an election and who is required to  
 37 file campaign contribution disclosure reports pursuant to this article shall for the

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

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

15 (l) In addition to other penalties provided under this chapter, an additional filing fee of  
 16 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00  
 17 shall be imposed on the fifteenth day after the due date if the report has still not been filed;  
 18 provided, however, a 15 day extension period shall be granted on the final report.

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

24 (n) Any disclosure report, statement, or other document required to be filed under this  
 25 chapter which is in the possession of the Secretary of State shall be transferred to the  
 26 commission."

## 27 **SECTION 12.**

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

1 "21-5-34.1.

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

8 (b) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to the General  
9 Assembly, superior courts, and the office of district attorney shall use electronic means to  
10 file their campaign contribution disclosure reports with the ~~Secretary of State~~ commission,  
11 as specified in Code Section 21-5-34, upon having raised or spent a minimum of  
12 \$10,000.00 in an election cycle, but contributions and expenditures received or made prior  
13 to reaching such threshold need not be electronically filed if previously reported, except  
14 as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but  
15 not required.

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

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

29 (e) When campaign contribution disclosure reports are filed electronically as provided in  
30 subsections (a) through (d) of this Code section, the ~~original report shall be filed at the~~  
31 ~~same location~~ candidate, chairperson, treasurer, or any persons otherwise authorized shall  
32 submit to the commission a notarized affidavit certifying that the electronic filing is correct  
33 by United States mail, with adequate postage affixed.

34 (f) ~~No funds raised or spent prior to the implementation date of electronic filing shall be~~  
35 ~~counted toward the appropriate threshold.~~ When campaign contribution disclosure reports  
36 are filed electronically as provided in subsections (a) through (d) of this Code section, no  
37 paper copy of the report shall be required to be filed.

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 a  
9 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 in its entirety Code Section 21-5-40, relating to  
19 definitions applicable to campaign contributions, and inserting in lieu thereof the following:

20 "21-5-40.

21 As used in this article, the term:

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

26 (2) 'Affiliated corporation' means with respect to any ~~corporation~~ business entity any  
27 other ~~corporation~~ business entity related thereto: as a parent ~~corporation~~ business entity;  
28 as a subsidiary ~~corporation~~ business entity; as a sister ~~corporation~~ business entity; by  
29 common ownership or control; or by control of one ~~corporation~~ business entity by the  
30 other.

31 (3) ~~'Corporation' means any business or nonprofit corporation organized under the laws~~  
32 ~~of this state, any other state, or the United States. 'Business entity' shall have the same~~  
33 meaning as provided in Code Section 21-5-3.

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

4 (4.1) 'Nonelection year' shall be construed and applied separately for each elective office  
 5 and means for each elective office any calendar year during which there is no regular or  
 6 special election to fill such office.

7 (5) 'Person' means an individual.

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

12 (6.1) 'Political party' means any political party as that term is defined in paragraph (25)  
 13 of Code Section 21-2-2, as amended; provided, however, that for purposes of this article,  
 14 local, state, and national committees shall be separate political parties.

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

17 (7) 'Separate segregated fund' means a fund which is established, administered, and used  
 18 for political purposes by a ~~corporation~~ business entity, labor organization, membership  
 19 organization, or cooperative and to which the ~~corporation~~ business entity, labor  
 20 organization, membership organization, or cooperative solicits contributions."

## 21 SECTION 15.

22 Said chapter is further amended by striking Code Section 21-5-41, relating to maximum  
 23 allowable contributions, and inserting in lieu thereof the following:

24 "21-5-41.

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

28 (1) Five thousand dollars for a primary election;

29 (2) Three thousand dollars for a primary run-off election;

30 (3) Five thousand dollars for a general election; and

31 (4) Three thousand dollars for a general election runoff.

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

36 (1) Two thousand dollars for a primary election;

1 (2) One thousand dollars for a primary run-off election;

2 (3) Two thousand dollars for a general election; and

3 (4) One thousand dollars for a general election runoff.

4 (b.1) No business entity shall make any election contributions to any candidate which  
5 when aggregated with contributions to the same candidate for the same election from any  
6 affiliated corporations exceed the per election maximum allowable contribution limits for  
7 such candidate as specified in subsection (a) of this Code section.

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

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

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

30 (f) The limits established by this Code section shall not apply to a loan or other  
31 contribution made to a campaign committee or candidate by the candidate ~~or a member of~~  
32 ~~the candidate's immediate family,~~ a member of the family of the candidate, or by any  
33 business entity wholly owned by the candidate or owned by a member of the family of the  
34 candidate.

35 (g) The limits established by this Code section shall not apply to a bona fide loan made to  
36 a candidate or campaign committee by a state or federally chartered financial institution

1 or a depository institution whose deposits are insured by the Federal Deposit Insurance  
2 Corporation if:

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

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

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

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

#### 19 SECTION 16.

20 Said chapter is further amended by striking subsection (a) of Code Section 21-5-43, relating  
21 to accounting for and expenditure of campaign contributions, and inserting in lieu thereof the  
22 following:

23 "(a)(1) A candidate or campaign committee may separately account for contributions for  
24 each election in an election cycle for which contributions are accepted. If no contributions  
25 are accepted for an election, no corresponding accounting shall be required. Subject to  
26 the contribution limits of this chapter, contributions so separately accounted for may be  
27 accepted at any time in the election cycle. Upon the conclusion of an each election,  
28 contributions not exceeding such limits may continue to be accepted for repayment of  
29 campaign obligations incurred as a candidate in that election.

30 (2) A candidate who wishes to accept contributions for more than one election at a time  
31 shall separately account for such campaign contributions and shall file an 'Option to  
32 Choose Separate Accounting' form with the commission prior to accepting contributions  
33 for any election other than the candidate's next upcoming election; provided, however,  
34 that a candidate shall only be required to file one such form which shall be utilized for  
35 all subsequent elections to the same elective office, regardless of whether an election  
36 occurs in a new election cycle.

1 (3) A candidate who accepts contributions for more than one election at a time may  
 2 allocate contributions received from a single contributor to any election in the election  
 3 cycle, provided that the contributions shall not violate maximum allowable contribution  
 4 limits for any election."

#### 5 **SECTION 17.**

6 Said chapter is further amended by striking Code Section 21-5-50, relating to filing by public  
 7 officers and filings by candidates for public office, and inserting in lieu thereof the following:  
 8 "21-5-50.

9 (a)(1) Except as modified in subsection (c) of this Code section with respect to  
 10 candidates for state-wide elected public office, each public officer, as defined in  
 11 subparagraphs (A) through (E) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file  
 12 with the ~~Secretary of State~~ commission not before the first day of January nor later than  
 13 July 1 of each year in which such public officer holds office other than the year in which  
 14 an election is held for such public office, a financial disclosure statement for the  
 15 preceding calendar year; and each person who qualifies as a candidate for election as a  
 16 public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (22) of  
 17 Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission, no later than the  
 18 fifteenth day following the date of qualifying as a candidate, a financial disclosure  
 19 statement for the preceding calendar year.

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

30 (3) Each public officer, as defined in subparagraph (G) of paragraph ~~(15)~~ (22) of Code  
 31 Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if  
 32 there is no clerk, with the chief executive officer of such municipality, not before the first  
 33 day of January nor later than July 1 of each year in which such public officer holds office  
 34 other than the year in which an election is held for such public office, a financial  
 35 disclosure statement for the preceding calendar year. Each person who qualifies as a  
 36 candidate for election as a public officer, as defined in subparagraph (G) of paragraph

1 ~~(15)~~ (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality  
 2 of election or, if there is no clerk, with the chief executive officer of such municipality,  
 3 no later than the fifteenth day following the date of qualifying as a candidate, a financial  
 4 disclosure statement for the preceding calendar year.

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

7 (5) A public officer shall not, however, be required to file such a financial disclosure  
 8 statement for the preceding calendar year in a year in which there occurs qualifying for  
 9 election to succeed such public officer, if such public officer does not qualify for  
 10 nomination for election to succeed himself or herself or for election to any other public  
 11 office subject to this chapter. For purposes of this subsection, a public officer shall not  
 12 be deemed to hold office in a year in which the public officer holds office for less than  
 13 15 days.

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

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

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

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

28 (A) Is more than ~~10~~ 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 (4) Each tract of real property in which the candidate for public office or public officer  
 31 has a direct ownership interest as of December 31 of the covered year when that interest  
 32 has a ~~net~~ fair market value in excess of \$20,000.00. As used in this paragraph, the term  
 33 '~~net~~ fair market' value means the appraised value of the property for ad valorem tax  
 34 purposes ~~less any indebtedness thereon~~. The disclosure shall contain the county and state  
 35 and general ~~location therein where the property is located~~ description of the property;

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

1 (6) If he or she has actual knowledge of such ownership interest, the filer shall name any  
 2 business or subsidiary thereof in Georgia in which the filer's spouse or dependent  
 3 children, jointly or severally, own a direct ownership interest which interest:

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

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

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

8 ~~(5)~~(7) All annual payments in excess of \$20,000.00 received by the public officer or any  
 9 business entity identified in paragraph (3) of this subsection from the state, any agency,  
 10 department, commission, or authority created by the state, and authorized and exempted  
 11 from disclosure under Code Section 45-10-25, and the agency, department, commission,  
 12 or authority making the payments, and the general nature of the consideration rendered  
 13 for the source of the payments; and

14 ~~(6)~~(8) No form prescribed by the commission shall require more information or specify  
 15 more than provided in the several paragraphs of this Code section with respect to what  
 16 is required to be disclosed.

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

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

33 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar  
 34 year in which the candidate or any business in which such candidate or any member of  
 35 his or her family has a substantial interest or is an officer of such business received any  
 36 income of any nature from any person who was at the time of such receipt of income

1 represented by a lobbyist registered with the commission pursuant to Article 4 of this  
2 chapter.

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

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

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

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

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

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

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

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

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

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

34 (d) Beginning January 9, 2006, all state-wide elected officials and members of the General  
35 Assembly shall file financial disclosure statements electronically. Prior to such date  
36 electronic filing of financial disclosure statements by such persons is permitted and  
37 encouraged but not required.

1 (e) Where the financial disclosure statement required by paragraph (1) of subsection (a)  
 2 of this Code section is filed electronically, the public officer, as that term is defined in  
 3 subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall submit a  
 4 notarized affidavit certifying that the electronic filing is correct and no paper copy of the  
 5 financial disclosure statement shall be required to be filed.

6 (f) Any disclosure report, statement, or other document required to be filed under this  
 7 chapter which is in the possession of the Secretary of State shall be transferred to the  
 8 commission."

### 9 SECTION 18.

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

12 "21-5-52.

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

15 (a) The mailing of notarized financial disclosure affidavits by United States mail, with  
 16 adequate postage affixed, within the required filing time as determined by the official  
 17 United States postage date cancellation, shall be prima-facie evidence of filing.

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

### 23 SECTION 19.

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

26 "21-5-70.

27 As used in this article, the term:

28 (1) 'Expenditure':

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

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

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

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

7 (E) The term shall not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~(5)~~(4) 'Lobbying' means the activity of a lobbyist while acting in that capacity.

2 ~~(6)~~(5) 'Lobbyist' means:

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

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

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

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

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

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

29 (G) Any natural person who, for compensation, either individually or as an employee  
30 of another person is hired specifically to undertake influencing a public officer or state  
31 agency in the selection of a vendor to supply any goods or services to any state agency  
32 but does not include any employee of the vendor solely on the basis that such employee  
33 participates in soliciting a bid or in preparing a written bid, written proposal, or other  
34 document relating to a potential sale to a state agency.

35 ~~(7)~~(6) 'Public officer' means those public officers specified under subparagraphs (A)  
36 through (G) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, as amended, except as  
37 otherwise provided in this article and also includes any public officer or employee who

1 has any discretionary authority over, or is a member of a public body which has any  
 2 discretionary authority over, the selection of a vendor to supply any goods or services to  
 3 any state agency.

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

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

## 10 SECTION 20.

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

15 "21-5-71.

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

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

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

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

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

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

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

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

1 (7) A statement disclosing each individual or entity on whose behalf the lobbyist is  
 2 registering if such individual or entity has agreed to pay him or her an amount exceeding  
 3 \$20,000.00 in a calendar year for lobbying activities.

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

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

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

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

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

- 26 (A) Annual lobbyist registration filed pursuant to this Code section . . . . . \$ 200.00
- 27 (B) Lobbyist supplemental registration filed pursuant to this Code section 10
- 28 (C) Each lobbyist identification card issued pursuant to this Code section 5
- 29 (D) In addition to other penalties provided under this chapter, a filing fee of
- 30 \$50.00 shall be imposed for each report that is filed late. In addition, a filing
- 31 fee of \$25.00 shall be imposed on the fifteenth day after the due date if the
- 32 report has still not been filed.

33 (g) As soon as practicable after registering any such person, the commission shall issue to  
 34 such person an identification card which shall have printed thereon the name of the lobbyist  
 35 and the person or agency such lobbyist represents, provided that, when any such person  
 36 represents more than one entity, such identification card shall have printed thereon the

1 name of the registered person and the word 'LOBBYIST.' Each lobbyist while engaged in  
 2 lobbying at the capitol or in a government facility shall display said identification in a  
 3 readily visible manner.

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

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

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

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

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

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

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

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

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

### 30 **SECTION 21.**

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

33 "21-5-73.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 ~~(3)~~(2) For those who are lobbyists within the meaning of subparagraph (G) of  
4 paragraph (5) of Code Section 21-5-70, the name of any vendor or vendors for which the  
5 lobbyist undertook to influence the awarding of a contract or contracts by any state  
6 agency together with a description of the contract or contracts and the monetary amount  
7 of the contract or contracts.

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

## 14 SECTION 22.

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

17 "21-5-74.

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

22 21-5-75.

23 (a) Except as provided in subsection (b) of this Code section, on and after January 1, 2006,  
24 persons identified in subparagraphs (A) through (D) of paragraph (22) of Code Section  
25 21-5-3 and the executive director of each state board or authority shall be prohibited from  
26 registering as a lobbyist or engaging in lobbying under this article for a period of one year  
27 after terminating such employment or leaving such office.

28 (b) The lobbying prohibition contained in subsection (a) of this Code section shall not  
29 apply to persons who terminate such employment or leave such office but who remain  
30 employed in state government.

31 21-5-76.

32 (a) No person, firm, corporation, or association shall retain or employ an attorney at law  
33 or an agent to aid or oppose legislation for compensation contingent, in whole or in part,  
34 upon the passage or defeat of any legislative measure or upon the receipt or award of any

1 state contract. No attorney at law or agent shall be employed to aid or oppose legislation  
 2 for compensation contingent, in whole or in part, upon the passage or defeat of any  
 3 legislation or upon the receipt or award of any state contract.

4 (b) It shall be unlawful for any person registered pursuant to the requirements this article  
 5 or for any other person, except as authorized by the rules of the House of Representatives  
 6 or Senate, to be on the floor of either chamber of the General Assembly while the same is  
 7 in session."

8 **SECTION 23.**

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

12 "(2.1) 'Campaign contribution' means a 'contribution' as defined in paragraph ~~(6)~~ (7) of  
 13 Code Section 21-5-3."

14 **SECTION 24.**

15 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended  
 16 by adding a new part to the end of Article 2 of Chapter 10, relating to conflicts of interest,  
 17 to read as follows:

18 "Part 5

19 45-10-80.

20 (a) A public officer as defined in subparagraphs (A) through (E) of paragraph (22) of Code  
 21 Section 21-5-3, is prohibited from advocating for or causing the advancement,  
 22 appointment, employment, promotion, or transfer of a member of his or her family as such  
 23 term is defined in Code Section 21-5-3, to an office or position to become a public  
 24 employee as defined in paragraph (3) of Code Section 45-1-4 that pays an annual salary of  
 25 \$10,000.00 or more or its equivalent.

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

**SECTION 25.**

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

"45-12-61.

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

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

**SECTION 26.**

The provisions of this Act which increase penalties or punishment to be imposed shall not apply to any violation occurring prior to January 9, 2006.

**SECTION 27.**

This Act shall become effective on January 9, 2006.

**SECTION 28.**

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