

The Senate Ethics Committee offered 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 change certain provisions relating to the Ethics  
6 Commission; to provide for the timely issuance of advisory opinions by the State Ethics  
7 Commission and other matters relative to advisory opinions; to change provisions relating  
8 to the State Ethics Commission including its administrative attachment to the Secretary of  
9 State's office; to change provisions relating to mailing complaints; to provide for rule making  
10 with regard to technical defects and the time frame for correction of technical defects in  
11 financial disclosure statements; to change certain provisions regarding connected  
12 organizations; to create certain restrictions on receipt or award of state contracts; to change  
13 certain provisions regarding contributions made to candidates and the location where certain  
14 reports are filed; to change provisions relating to contributions or expenditures other than  
15 through candidates or campaign committees and disclosure of extensions of credit; to change  
16 certain provisions regarding disclosure reports; to change certain provisions regarding  
17 electronic filing of reports; to change certain provisions relating to acceptance of campaign  
18 contributions during legislative sessions; to change certain provisions relating to maximum  
19 allowable contributions; to change certain provisions relating to accounting for and  
20 expenditure of campaign contributions; to change certain provisions relating to filing of  
21 financial disclosure statements; to change provisions relating to filing by mail; to change  
22 certain provisions relating to lobbyist registration; to change provisions relating to lobbyist  
23 disclosure reports and the contents thereof and the definition of lobbyist; to create provisions  
24 relating to a lobbyist's eligibility for certain appointments; to provide for restrictions for  
25 lobbying activities for certain persons; to provide restrictions for lobbyists relating to  
26 contingency agreements; to provide for restrictions for lobbyists relating to presence on the  
27 floor of the House of Representatives and Senate; to correct cross-references; to change  
28 certain provisions relating to complaints or information regarding fraud, waste, and abuse in

1 state programs and operations; to change certain provisions relating to the code of ethics for  
 2 members of boards, commissions, and authorities; to change provisions relating to a board,  
 3 commission, or authority's authority to enact rules and regulations; to create the Legislative  
 4 Ethics Committee; to provide for powers and duties of the committee; to provide for  
 5 initiation of complaints; to provide for anti-nepotism provisions; to provide for penalties; to  
 6 provide for restrictions on the Governor's appointment power under certain circumstances;  
 7 to provide for related matters; to provide for applicability; to provide for an effective date;  
 8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

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

14 "21-5-2.

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

32 **SECTION 2.**

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

1 "21-5-3.

2 As used in this chapter, the term:

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

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

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

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

35 (5) 'Commission' means the State Ethics Commission created under Code Section  
36 21-5-4.

1 (6) 'Connected organization' means any organization, including any business entity, labor  
 2 organization, membership organization, or cooperative, which is not a political action  
 3 committee, as defined in this Code section, but which, directly or indirectly, establishes  
 4 or administers a political action committee or which provides more than 40 percent of the  
 5 funds of the political action committee for a calendar year.

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

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

26 ~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general;  
 27 special election; or general election. The term 'election' also means a recall election.

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

32 ~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,  
 33 or ~~gift~~ any transfer of money or anything of value made for the purpose of influencing the  
 34 nomination for election or election of any person, bringing about the recall of a public  
 35 officer holding elective office or opposing the recall of a public officer holding elective  
 36 office, or the influencing of voter approval or rejection of a proposed constitutional  
 37 amendment, a state-wide referendum, or a proposed question which is to appear on the

1 ballot in ~~any~~ this state, or a county, or a municipal election in this state. The term  
 2 specifically shall not include the value of personal services performed by persons who  
 3 serve without compensation from any source and on a voluntary basis. The term  
 4 'expenditure' shall also include the payment of a qualifying fee for and in behalf of a  
 5 candidate.

6 ~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the  
 7 benefit of another person as an officer, director, manager, partner, guardian, or other  
 8 designation of general responsibility of a business entity.

9 ~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34  
 10 to receive campaign contribution disclosure reports; ~~provided, however, that such term~~  
 11 ~~shall not include the State Ethics Commission.~~

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

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

22 ~~(13)~~(16) 'Intangible property' means property which is not real property and which is  
 23 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and  
 24 other investments but shall not include any ownership interest in any public or private  
 25 retirement or pension fund, account, or system and shall not include any ownership  
 26 interest in any public or private life insurance contract or any benefit, value, or proceeds  
 27 of such life insurance contract.

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

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

36 ~~(14)~~(19) 'Person' means an individual, partnership, committee, association, corporation,  
 37 limited liability company, limited liability partnership, trust, professional corporation, or

1 other business entity recognized in the State of Georgia, labor organization, or any other  
2 organization or group of persons.

3 ~~(14.1)~~(20) 'Political action committee' means:

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

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

10 Such term does not include a candidate campaign committee.

11 ~~(14.2)~~(21) 'Public employee' means every person employed by the executive, legislative,  
12 or judicial branch of state government, or any department, board, bureau, agency,  
13 commission, or authority thereof.

14 ~~(15)~~(22) 'Public officer' means:

15 (A) Every constitutional officer;

16 (B) Every elected state official;

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

19 (D) Each member of the General Assembly;

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

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

23 (G) Every elected municipal official."

### 24 SECTION 3.

25 Said chapter is further amended by striking subsection (b) of Code Section 21-5-4, relating  
26 to the Ethics Commission, and inserting in lieu thereof the following:

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

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

#### 11 SECTION 4.

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

14 "21-5-5.

15 The funds necessary to carry out this chapter shall come from the funds appropriated to and  
 16 available to the State Ethics Commission and from any other available funds. The  
 17 commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title  
 18 45, the 'Budget Act'; provided, however, that the commission shall be assigned for  
 19 administrative purposes only to the Secretary of State."

#### 20 SECTION 5.

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

23 "21-5-6.

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

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

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

29 (3) To cooperate with and secure the cooperation of every department, agency, or  
 30 instrumentality in the state government or its political subdivisions in the furtherance of  
 31 the purposes of this chapter, of Code Sections 45-10-3 and 45-10-4, and of Part 1 of  
 32 Article 2 of Chapter 10 of Title 45, except as said part applies to persons employed by or  
 33 elected to the legislative branch of state government;

34 (4) To employ an executive secretary and such additional staff as the commission deems  
 35 necessary to carry out the powers delegated to the commission by this chapter, by Code

1 Sections 45-10-3 and 45-10-4, and by Part 1 of Article 2 of Chapter 10 of Title 45, except  
2 as said part applies to persons employed by or elected to the legislative branch of state  
3 government;

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

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

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

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

13 (b) The commission shall have the following duties:

14 (1) To prescribe forms to be used in complying with this chapter and, insofar as practical,  
15 produce forms which may allow a filer to use a single form in complying with multiple  
16 Code sections, including but not limited to the filings required by Code Sections 21-5-50  
17 and 45-10-26;

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

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

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

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

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

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

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

32 (9) To make investigations, subject to the limitations contained in Code Section ~~21-5-7~~  
33 21-5-7.1, with respect to the statements and reports filed under this chapter and with  
34 respect to alleged failure to file any statements or reports required under this chapter and  
35 upon receipt of the written complaint of any person, ~~verified under oath to the best~~  
36 ~~information, knowledge, and belief by the person making such complaint~~ with respect to  
37 an alleged violation of any provision of this chapter, provided that nothing in this Code

1 section shall be construed to limit or encumber the right of the commission to initiate on  
 2 probable cause an investigation on its own cognizance as it deems necessary to fulfill its  
 3 obligations under this chapter;

4 (10)(A) To conduct a preliminary investigation, subject to the limitations contained in  
 5 Code Section ~~21-5-7~~ 21-5-7.1, of the merits of a written complaint by any person who  
 6 believes that a violation of this chapter has occurred; ~~verified under oath to the best~~  
 7 ~~information, knowledge, and belief by the person making such complaint.~~ If there are  
 8 found no reasonable grounds to believe that a violation has occurred, the complaint  
 9 shall be dismissed, subject to being reopened upon discovery of additional evidence or  
 10 relevant material. If the commission determines that there are such reasonable grounds  
 11 to believe that a violation has occurred, it shall give notice by summoning the persons  
 12 believed to have committed the violation to a hearing. The hearing shall be conducted  
 13 in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
 14 Procedure Act.' The commission may file a complaint charging violations of this  
 15 chapter, and any person aggrieved by the final decision of the commission is entitled  
 16 to judicial review in accordance with Chapter 13 of Title 50; provided, however, that  
 17 nothing in this Code section shall be construed to limit or encumber the right of the  
 18 commission to initiate on probable cause an investigation on its own cognizance as it  
 19 deems necessary to fulfill its obligations under this chapter.

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

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

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

28 (13) To issue, upon written request, and publish written advisory opinions on the  
 29 requirements of this chapter, of Code Sections 45-10-3 and 45-10-4, and of Part 1 of  
 30 Article 2 of Chapter 10 of Title 45, except as said part applies to persons employed by or  
 31 elected to the legislative branch of state government, based on a real or hypothetical set  
 32 of circumstances; and each such written advisory opinion shall be issued within 60 days  
 33 of the written request for the advisory opinion. The commission shall make all advisory  
 34 opinions that were issued after January 9, 2006, publicly available for review and shall  
 35 post these and all future opinions on the commission's website and to the extent possible,  
 36 the commission shall make all advisory opinions that were issued prior to January 9,  
 37 2006, publically available for review and shall post these opinions on the commission's

1 website. No liability shall be imposed under this chapter for any act or omission made in  
 2 conformity with a written advisory opinion issued by the commission that is valid at the  
 3 time of the act or omission;

4 (14) To issue orders, after the completion of appropriate proceedings, directing  
 5 compliance with this chapter or Code Sections 45-10-3 and 45-10-4 and Part 1 of Article  
 6 2 of Chapter 10 of Title 45, except as said part applies to persons employed by or elected  
 7 to the legislative branch of state government, or prohibiting the actual or threatened  
 8 commission of any conduct constituting a violation, which order may include a provision  
 9 requiring the violator:

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

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

13 (C)(i) ~~To~~ Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil  
 14 penalty not to exceed \$1,000.00 for each violation contained in any report required  
 15 by this chapter or for each failure to comply with any other provision of this chapter  
 16 or of any rule or regulation promulgated under this chapter or with Code Sections  
 17 45-10-3 and 45-10-4 and with Part 1 of Article 2 of Chapter 10 of Title 45, except as  
 18 said part applies to persons employed by or elected to the legislative branch of state  
 19 government; provided, however, that a civil penalty not to exceed \$5,000.00 may be  
 20 imposed for a second occurrence of a violation of the same provision and a civil  
 21 penalty not to exceed \$10,000.00 may be imposed for each third or subsequent  
 22 occurrence of a violation of the same provision.

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

28 (iii) The Attorney General of this state shall, upon complaint by the commission, or  
 29 may, upon the Attorney General's own initiative if after examination of the complaint  
 30 and evidence the Attorney General believes a violation has occurred, bring an action  
 31 in the superior court in the name of the commission for a temporary restraining order  
 32 or other injunctive relief or for civil penalties ~~assessed against any person violating~~  
 33 for a violation of any provision of this chapter or of Code Sections 45-10-3 and  
 34 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45, except as said part applies  
 35 to persons employed by or elected to the legislative branch of state government, or  
 36 any rule or regulation duly issued by the commission.

1 (iv) Any action brought by the Attorney General to enforce civil penalties assessed  
 2 ~~against any person for violating~~ for a violation of the provisions of this chapter, of  
 3 Code Sections 45-10-3 and 45-10-4 and of Part 1 of Article 2 of Chapter 10 of Title  
 4 45, except as said part applies to persons employed by or elected to the legislative  
 5 branch of state government, or of any rule or regulation duly issued by the  
 6 commission or any order issued by the commission ordering compliance or to cease  
 7 and desist from further violations shall be brought in the superior court of the county  
 8 of the residence of the party against whom relief is sought. Service of process shall  
 9 lie in any jurisdiction within the state. In such actions, the superior court inquiry will  
 10 be limited to whether notice was given by the commission to the violator in  
 11 compliance with the Constitution and the rules of procedure of Chapter 13 of Title 50,  
 12 the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was given  
 13 and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia  
 14 Administrative Procedure Act,' the superior court shall enforce the orders of the  
 15 commission and the civil penalties assessed under this chapter and the superior court  
 16 shall not make independent inquiry as to whether the violations have occurred.

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

22 The commission shall make all such orders that were issued after January 9, 2006,  
 23 publicly available for review and shall post these and all future orders on the  
 24 commission's website and to the extent possible, the commission shall make all advisory  
 25 orders that were issued prior to January 9, 2006, publically available for review and shall  
 26 post these orders on the commission's website. Such orders shall serve as precedent for  
 27 all future orders.

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

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

32 (17) To report to the General Assembly and the Governor at the close of each fiscal year  
 33 concerning the action taken during that time,₂ the names, salaries, and duties of all  
 34 individuals employed,₂ and the funds disbursed and to make such further report on the  
 35 matters within its jurisdiction as may appear desirable;₂

36 (18) To carry out the procedures, duties, and obligations relative to the commission set  
 37 forth in this chapter, in Code Sections 45-10-3 and 45-10-4, and in Part 1 of Article 2 of

1 Chapter 10 of Title 45, except as said part applies to persons employed by or elected to  
 2 the legislative branch of state government;

3 (19) On a quarterly basis, to prepare, update, and publish a report and post such report  
 4 on its website, listing the name of each filer who has not filed the campaign contribution  
 5 disclosure report required by Code Sections 21-5-34 and 21-5-34.1, the financial  
 6 disclosure statement required by Code Section 21-5-50, or the disclosure report required  
 7 by Code Section 21-5-73 within 30 days of the date such report was due to be filed;

8 (20) To publish overall lobbyist spending by category. Such categories shall be  
 9 established by rule of the commission and may, without limitation, include gifts, meals,  
 10 entertainment, office supplies, lodging, equipment, advertising, travel, and postage;

11 (21) To promulgate rules and regulations with respect to electronic filings; and

12 (22) To provide and conduct semiannual training on the mechanics of electronic filing  
 13 and registration.

14 ~~(c) The Secretary of State, through the Secretary of State's office, shall perform the~~  
 15 ~~ministerial functions which the commission may require. The office of the Secretary of~~  
 16 ~~State shall be designated as the place where members of the public may file papers or~~  
 17 ~~correspond with the commission and receive any form or instruction from the commission.~~  
 18 ~~The Secretary of State or the Secretary of State's designee shall serve as secretary to the~~  
 19 ~~commission. The State Ethics Commission shall have the same powers and duties with~~  
 20 ~~respect to Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title~~  
 21 ~~45, except as said part applies to persons employed by or elected to the legislative branch~~  
 22 ~~of state government, as the commission has with respect to this chapter.~~

23 (d) The Attorney General shall have the same powers and duties with respect to Code  
 24 Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter 10 of Title 45 as the  
 25 Attorney General has with respect to this chapter. Without limiting the generality of the  
 26 foregoing, it is specifically provided that the Attorney General may bring civil actions for  
 27 the enforcement of Code Sections 45-10-3 and 45-10-4 and Part 1 of Article 2 of Chapter  
 28 10 of Title 45 in the same general manner as provided in this chapter."

## 29 SECTION 6.

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

32 "21-5-7.

33 (a) The commission shall not initiate any investigation or inquiry into any matter under its  
 34 jurisdiction based upon the complaint of any person unless that person shall ~~reduce~~ produce  
 35 the same in writing and verify the same under oath to the best information, knowledge, and  
 36 belief of such person, the falsification of which shall be punishable as false swearing under

1 Code Section 16-10-71. The person against whom any complaint is made shall be furnished  
 2 by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt  
 3 requested, a copy of the complaint by the commission ~~immediately upon~~ within two  
 4 business days of the commission's receipt of such complaint and prior to any other public  
 5 dissemination of such complaint. Nothing in this Code section, however, shall be construed  
 6 to limit or encumber the right of the commission to initiate on probable cause an  
 7 investigation on its own cognizance as it deems necessary to fulfill its obligations under  
 8 this chapter.

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

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

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

## 24 SECTION 7.

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

27 "21-5-7.1.

28 The commission shall adopt rules which shall provide that:

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

1 (2) When the commission determines that a complaint relates to a technical defect in a  
 2 filing, the subject of the complaint shall be issued a notice of an alleged technical defect  
 3 by certified mail, return receipt requested, or statutory overnight delivery and shall be  
 4 given a period of 30 calendar days from the receipt of the notice to correct the alleged  
 5 technical defect. During the 30 day period the complaint shall be considered as received  
 6 by the commission but not yet filed with the commission and shall not be considered a  
 7 violation of this chapter. If during the 30 day period the alleged technical violation is  
 8 cured by an amended filing or otherwise or if during the 30 day period the subject of the  
 9 complaint demonstrates that there is no technical violation as alleged, the complaint shall  
 10 be disposed of without filing or further proceedings and no penalty shall be imposed. If  
 11 the subject of the complaint fails to respond to the notice of an alleged technical defect,  
 12 make an amended filing, or demonstrate that there is no technical violation as alleged by  
 13 the thirty-first day, the commission shall impose and collect an administrative fee not to  
 14 exceed \$50.00 per technical defect. For the purposes of the penalties imposed by this  
 15 paragraph, the same error or inaccurate entry shall be considered a single technical  
 16 violation if the error or inaccurate entry appears multiple times on that report or causes  
 17 further errors or inaccurate entries in that report or in any future reports or further  
 18 technical violations in that report or in any future reports;

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

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

## 27 SECTION 8.

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

30 "21-5-12.

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

- 1 ~~(b)~~(a) The name of each political action committee shall include the name of its connected  
 2 organization.  
 3 ~~(c)~~(b) The name of any separate segregated fund, as defined in Code Section 21-5-40, shall  
 4 include the name of its connected organization."

#### 5 **SECTION 9.**

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

8 "21-5-13.

9 Any action alleging a violation of this chapter shall be commenced within three years after  
 10 the date of filing of the first report containing the alleged violation involving any person  
 11 elected to serve for a term of two years, and any action alleging a violation of this chapter  
 12 shall be commenced within five years after the date of filing of the first report containing  
 13 the alleged violation involving any person elected to serve for a term of four years. For  
 14 purposes of this Code section, an action shall be deemed to have commenced against a  
 15 person only when either:

16 (1) A complaint has been accepted by the commission in compliance with Code Section  
 17 21-5-7; or

18 (2) The commission serves on such person notice that it has found probable cause to  
 19 initiate an investigation on its own cognizance."

#### 20 **SECTION 10.**

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

24 "21-5-30.

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

34 (b) Each candidate shall maintain records and file reports as required by this chapter or  
 35 shall have a campaign committee for the purposes of maintaining records and filing reports

1 as required by this chapter. Every campaign committee shall have a chairperson and a  
 2 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a  
 3 campaign committee accepts contributions, the name and address of the chairperson and  
 4 treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been  
 5 elected to public office, the registration of that candidate's campaign committee with the  
 6 ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in  
 7 office until and unless: ~~(1) the registration is canceled by the campaign committee or the~~  
 8 ~~candidate; or (2) a new campaign committee for that candidate is registered with the~~  
 9 ~~Secretary of State~~. The same person may serve as chairperson and treasurer. No  
 10 contributions shall be accepted by or on behalf of the campaign committee at a time when  
 11 there is a vacancy in the office of chairperson or treasurer of the campaign committee.

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

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

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

36 (f) A person acting on behalf of a public utility corporation regulated by the Public Service  
 37 Commission shall not make, directly or indirectly, any contribution to a political campaign.

1 This subsection shall not apply to motor carriers whose rates are not regulated by the Public  
 2 Service Commission. Any person who knowingly violates this subsection with respect to  
 3 a member of the Public Service Commission, a candidate for the Public Service  
 4 Commission, or the campaign committee of a candidate for the Public Service Commission  
 5 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor  
 6 more than five years or by a fine not to exceed ~~\$5,000.00~~ \$10,000.00, or both; and any  
 7 person who knowingly violates this subsection with respect to any other public officer, a  
 8 candidate for such other public office, or the campaign committee of a candidate for such  
 9 other public office shall be guilty of a misdemeanor.

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

#### 15 SECTION 11.

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

19 "21-5-31.

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

30 ~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of~~  
 31 ~~credit, the campaign contribution disclosure report shall also contain the name of the~~  
 32 ~~lending institution or party making the advance or extension of credit and the names,~~  
 33 ~~mailing addresses, occupations, and places of employment of all persons having any~~  
 34 ~~liability for repayment of the loan, advance, or extension of credit; and, if any such persons~~  
 35 ~~shall have a fiduciary relationship to the lending institution or party making the advance~~  
 36 ~~or extension of credit, the report shall specify such relationship. Reserved.~~"



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

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

5 (A) ~~The~~ As to any contributions of \$101.00 or more, its amount and date of receipt, the  
 6 election for which the contribution has been accepted, along with the name; and mailing  
 7 address, ~~occupation, and employer of any person making a contribution of \$101.00 or~~  
 8 ~~more, including~~ of the contributor, and, if the contributor is an individual, that  
 9 individual's occupation and the name of his or her employer. Such contributions shall  
 10 include, but shall not be limited to, the purchase of tickets for events such as dinners,  
 11 luncheons, rallies, and similar fundraising events coordinated for the purpose of raising  
 12 campaign contributions for the reporting ~~candidate~~ person;

13 (B) ~~The name and mailing address and occupation or place of employment of any~~  
 14 ~~person to whom an expenditure of \$101.00 or more is made and the amount, date, and~~  
 15 ~~general purpose of such expenditure;~~ As to any expenditure of \$101.00 or more, its  
 16 amount and date of expenditure, the name and mailing address of the recipient  
 17 receiving the expenditure, and, if that recipient is an individual, that individual's  
 18 occupation and the name of his or her employer and the general purpose of the  
 19 expenditure;

20 (C) When a contribution consists of a loan, advance, or other extension of credit, the  
 21 report shall also contain the name of the lending institution or party making the advance  
 22 or extension of credit and the names, mailing addresses, occupations, and places of  
 23 employment of all persons having any liability for repayment of the loan, advance, or  
 24 extension of credit; and, if any such persons shall have a fiduciary relationship to the  
 25 lending institution or party making the advance or extension of credit, the report shall  
 26 specify such relationship;

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

28 (i) Contributions and expenditures shall be reported for the applicable reporting  
 29 cycle;

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

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

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

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

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

7 (iv) Subsequent reports shall list the total contributions received during the period  
8 covered by the report and the cumulative total of contributions received during the  
9 reporting cycle;

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

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

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

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

22 (2) Each report shall be in such form as will allow for the separate identification of a  
23 contribution or contributions which are less than \$101.00 but which become reportable  
24 due to the receipt of an additional contribution or contributions which when combined  
25 with such previously received contribution or contributions cumulatively equal or exceed  
26 \$101.00.

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

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

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

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

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

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

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

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

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

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

31 (e) Any person who makes contributions to, accepts contributions for, or makes  
 32 expenditures on behalf of candidates, and any independent committee, shall file a  
 33 registration with the ~~Secretary of State~~ commission in the same manner as is required of  
 34 campaign committees prior to accepting or making contributions or expenditures. Such  
 35 persons, other than independent committees, shall also file campaign contribution  
 36 disclosure reports in the same places and at the same times as required of the candidates  
 37 they are supporting, but such persons shall not be required to file copies of campaign

1 contribution disclosure reports with local election superintendents as is required of  
 2 candidates for membership in the General Assembly. The following persons shall be  
 3 exempt from the foregoing registration and reporting requirements:

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

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

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

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

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

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

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

19 The independent committee shall file a final report prior to December 31 of the year in  
 20 which the election is held and shall file supplemental reports on June 30 and December  
 21 31 of each year that such independent committee continues to accept contributions or  
 22 make expenditures.

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

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

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

31 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (l) In addition to other penalties provided under this chapter, an additional filing fee of  
24 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00  
25 shall be imposed on the fifteenth day after the due date if the report has still not been filed;  
26 provided, however, a 15 day extension period shall be granted on the final report.

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

32 (n) The sending of the campaign contribution disclosure report may be proven by evidence  
33 from the filer's archived computer mailbox files or any other proof demonstrating when  
34 the filer sent the campaign contribution disclosure report.

35 (o) Any disclosure report, statement, or other document required to be filed under this  
36 chapter which is in the possession of the Secretary of State shall be transferred to the  
37 commission."

**SECTION 13.**

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

"21-5-34.1.

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

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

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

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

(e) ~~At least 20 days prior to filing the initial~~ When campaign contribution disclosure reports ~~report, the filer shall submit to the commission a notarized statement requesting a personal identification number, and thereafter when campaign disclosure reports~~ are filed electronically as provided in subsections (a) through (d) of this Code section, the original report shall be filed at the same location pursuant to this Code section or Code Section

1 21-5-34, the filer shall use a confidential personal identification number to provide for  
 2 secure electronic filing and shall submit the campaign disclosure reports pursuant to a  
 3 verification statement that reads as follows: 'I hereby swear or affirm that I have examined  
 4 this report which is a complete, true, and accurate representation of my campaign  
 5 contribution disclosure report.'

6 (f) ~~No funds raised or spent prior to the implementation date of electronic filing shall be~~  
 7 ~~counted toward the appropriate threshold. When campaign contribution disclosure reports~~  
 8 ~~are filed electronically, no paper copy of the report shall be filed.~~

9 (g) ~~The commission is authorized to promulgate rules and regulations to implement this~~  
 10 ~~Code section."~~

#### 11 **SECTION 14.**

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

14 "21-5-35.

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

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

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

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

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

#### 27 **SECTION 15.**

28 Said chapter is further amended by striking Code Section 21-5-40, relating to definitions  
 29 applicable to campaign contributions, and inserting in lieu thereof the following:

30 "21-5-40.

31 As used in this article, the term:

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

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

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

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

12 (4.1) 'Nonelection year' shall be construed and applied separately for each elective office  
 13 and means for each elective office any calendar year during which there is no regular or  
 14 special election to fill such office.

15 (5) 'Person' means an individual.

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

20 (6.1) 'Political party' means any political party as that term is defined in paragraph (25)  
 21 of Code Section 21-2-2, as amended; provided, however, that for purposes of this article,  
 22 local, state, and national committees shall be separate political parties.

23 (6.2) 'Public office' means the office of each elected public officer as specified in  
 24 paragraph ~~(15)~~(22) of Code Section 21-5-3.

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

## 29 SECTION 16.

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

32 "21-5-41.

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

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

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

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

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

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

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

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

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

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

12 (c) No business entity shall make any election contributions to any candidate which when  
13 aggregated with contributions to the same candidate for the same election from any  
14 affiliated corporations exceed the per election maximum allowable contribution limits for  
15 such candidate as specified in subsection (a) of this Code section.

16 ~~(c)~~(d) Candidates and campaign committees may separately account for contributions  
17 pursuant to Code Section 21-5-43. Candidates and campaign committees not separately  
18 accounting for contributions pursuant to such Code section shall not accept contributions  
19 for any election in an election cycle prior to the conclusion of the immediately preceding  
20 election in such cycle; provided, however, that contributions may be accepted for a primary  
21 election at any time in the election cycle prior to and including the date of such primary  
22 election. Upon ~~At the~~ conclusion of an each election, contributions remaining unexpended  
23 may be expended on succeeding elections in the election cycle, and contributions not  
24 exceeding the contribution limits of this Code section may continue to be accepted for  
25 repayment of campaign obligations incurred as a candidate in that election except as  
26 provided in subsection (h) of this Code section.

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

31 ~~(e)~~(f) A contribution by a partnership shall be deemed to have been made pro rata by the  
32 partners as individuals for purposes of this Code section, as well as by the partnership in  
33 toto unless the partnership by proper action under its partnership agreement otherwise  
34 directs allocation of the contribution among the partners. At such direction of the  
35 partnership, the contribution may be allocated in any proportion among the partners,  
36 including to one or some but not all. Such allocation shall be indicated on the face of any

1 instrument constituting the contribution or on an accompanying document referencing such  
2 instrument.

3 ~~(f)~~(g) The limits established by this Code section shall not apply to a loan or other  
4 contribution made to a campaign committee or candidate by the candidate ~~or a member of~~  
5 ~~the candidate's immediate family, a member of the family of the candidate, or by any~~  
6 business entity wholly owned by the candidate or owned by a member of the family of the  
7 candidate.

8 (h) Any candidate who incurs personal loans on or after January 9, 2006, in connection  
9 with the candidate's campaign for election shall not repay, directly or indirectly, such loans  
10 from any contributions made to such candidate or any authorized committee of such  
11 candidate after the date of the election for which the loan was made to the extent that such  
12 loans exceed \$250,000.00.

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

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

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

21 ~~(h)~~(j) The limitations provided for in this Code section shall not include contributions or  
22 expenditures made by a political party in support of a party ticket or a group of named  
23 candidates.

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

### 33 SECTION 17.

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



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

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

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

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

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

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

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

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

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

9 (B) Has a net fair market value of more than ~~\$20,000.00~~ \$10,000.00;

10 (4)(A) Each tract of real property in which the candidate for public office or public  
 11 officer has a direct ownership interest as of December 31 of the covered year when that  
 12 interest has a ~~net~~ fair market value in excess of ~~\$20,000.00~~ \$10,000.00. As used in this  
 13 paragraph, the term '~~net~~ fair market' value means the appraised value of the property for  
 14 ad valorem tax purposes ~~less any indebtedness thereon~~. The disclosure shall contain the  
 15 county and state, ~~and general location therein where the property is located~~ description  
 16 of the property, and whether the fair market value is between (i) \$10,000.00 and  
 17 \$100,000.00; (ii) \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00;

18 (B) Each tract of real property in which the candidate for public office's spouse or  
 19 public officer's spouse has a direct ownership interest as of December 31 of the covered  
 20 year when that interest has a fair market value in excess of \$10,000.00. The disclosure  
 21 shall contain the county and state, general description of the property, and whether the  
 22 fair market value is between (i) \$10,000.00 and \$100,000.00; (ii) \$100,000.01 to  
 23 \$200,000.00; (iii) or more than \$200,000.00;

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

26 (6) The filer's spouse's name, occupation, employer, and the principal activity and  
 27 address of such employer;

28 (7) The names of the filer's dependent children;

29 (8) The name of any business or subsidiary thereof or investment, exclusive of the  
 30 individual stocks and bonds in mutual funds, in which the filer, jointly or severally, owns  
 31 a direct ownership interest which interest:

32 (A) Is more than 5 percent of the total interests in such business or investment,  
 33 exclusive of the individual stocks and bonds in mutual funds; or

34 (B) Has a net fair market value of more than \$10,000.00;

35 (9) If the filer has actual knowledge of such ownership interest, the name of any business  
 36 or subsidiary thereof or investment, exclusive of the individual stocks and bonds in

1 mutual funds, in which the filer's spouse or dependent children, jointly or severally, own  
 2 a direct ownership interest which interest:

3 (A) Is more than 5 percent of the total interests in such business or investment,  
 4 exclusive of the individual stocks and bonds in mutual funds; or

5 (B) Has a net fair market value of more than \$10,000.00

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

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

14 ~~(6)~~(11) 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) At least 20 days prior to filing the initial financial disclosure statement, the filer shall  
 2 submit to the commission a notarized statement requesting a personal identification  
 3 number, and thereafter when financial disclosure statements required by paragraph (1) of  
 4 subsection (a) of this Code section are filed electronically, the public officer, as that term  
 5 is defined in subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall  
 6 use a confidential personal identification number to provide for secure electronic filing and  
 7 shall submit the financial disclosure statements pursuant to a verification statement that  
 8 reads as follows: 'I hereby swear or affirm that I have examined this financial disclosure  
 9 statement which is a complete, true, and accurate representation of my financial disclosure  
 10 statement.'

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

#### 14 **SECTION 19.**

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

17 "21-5-52.

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

20 (a) The sending of the lobbyist disclosure report may be proven by evidence from the  
 21 filer's archived computer mailbox files or any other proof demonstrating when the filer sent  
 22 the lobbyist disclosure report.

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

#### 28 **SECTION 20.**

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

31 "21-5-70.

32 As used in this article, the term:

33 (1) 'Expenditure':

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

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

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

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

12 (E) The term shall not include:

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

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

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

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

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

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

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

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

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

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

35 (2) 'Filed' means the delivery to the ~~State Ethics Commission~~ commission, as specified  
 36 in this article, of a document that satisfies the requirements of this article. A document  
 37 is considered delivered when it is electronically delivered to the commission or placed

1 in the United States mail within the required filing time, properly addressed to the ~~State~~  
 2 ~~Ethics Commission~~ commission, as specified in this article, with adequate postage  
 3 affixed.

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

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

7 ~~(5)~~(4) 'Lobbying' means the activity of a lobbyist while acting in that capacity.

8 ~~(6)~~(5) 'Lobbyist' means:

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

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

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

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

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

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

35 (G) Any natural person who, for compensation, either individually or as an employee  
 36 of another person is hired specifically to undertake influencing a public officer or state  
 37 agency in the selection of a vendor to supply any goods or services to any state agency

1 but does not include any employee of the vender solely on the basis that such employee  
 2 participates in soliciting a bid or in preparing a written bid, written proposal, or other  
 3 document relating to a potential sale to a state agency; or

4 (H) Any natural person who, for compensation, either individually or as an employee  
 5 of another person, is hired specifically to undertake to promote or oppose the passage  
 6 of any rule or regulation of any state agency.

7 ~~(7)(6)~~ 'Public officer' means those public officers specified under subparagraphs (A)  
 8 through (G) of paragraph (15) (22) of Code Section 21-5-3, as amended, except as  
 9 otherwise provided in this article and also includes any public officer, person employed  
 10 by or elected to the legislative branch of state government, or employee who has any  
 11 discretionary authority over, or is a member of a public body which has any discretionary  
 12 authority over, the selection of a vendor to supply any goods or services to any state  
 13 agency.

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

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

## 20 SECTION 21.

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

25 "21-5-71.

26 (a) No person shall engage in lobbying as defined by this article unless such person is  
 27 registered with the ~~State Ethics Commission~~ commission as a lobbyist. The administration  
 28 of this article is vested in the ~~State Ethics Commission~~ commission. ~~The State Ethics~~  
 29 ~~Commission shall be the successor to the Secretary of State with respect to such officer's~~  
 30 ~~former regulation of registered agents.~~ At least 20 days prior to filing the initial lobbyist  
 31 registration with the commission, the applicant shall submit to the commission a notarized  
 32 statement requesting a personal identification number, and thereafter when a registration  
 33 is updated or lobbyist disclosure reports are filed, the filer shall use a confidential personal  
 34 identification number to provide for secure electronic filing. The lobbyist applicant shall  
 35 submit the registration or the lobbyist disclosure report pursuant to a verification statement  
 36 that reads as follows for the application: 'I hereby swear or affirm that I have examined this

1 application which is a complete, true, and accurate representation of my lobbyist  
 2 application' and for the lobbyist disclosure report the verification shall state: 'I hereby  
 3 swear or affirm that I have examined this report which is a complete, true, and accurate  
 4 representation of my lobbyist disclosure report.'

5 (b) Each lobbyist applicant shall electronically file an application for registration with the  
 6 commission. The application shall be electronically verified by the applicant and shall  
 7 contain:

8 (1) The applicant's name, address, ~~and~~ telephone number, and a color photograph;

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

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

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

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

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

20 (7) A statement disclosing each individual or entity on whose behalf the applicant is  
 21 registering if such individual or entity has agreed to pay him or her an amount exceeding  
 22 \$20,000.00 in a calendar year for lobbying activities.

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

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

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

36 (f)(1) Each person registering under this Code section shall pay the registration fees set  
 37 forth in paragraph (2) of this subsection; provided, however, that a person who represents

1 any state, county, municipal, or public agency, department, commission, or authority  
 2 shall be exempted from payment of such registration fees and a person employed by an  
 3 organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4)  
 4 of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be  
 5 exempted from payment of such registration fees except for payment of an initial  
 6 registration fee of \$25.00.

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

8 (A) Annual lobbyist registration filed pursuant to this Code section . . . . . \$ 200.00

9 (B) Lobbyist supplemental registration filed pursuant to this Code section 10.00

10 (C) Each lobbyist identification card issued pursuant to this Code section 5.00

11 (D) In addition to other penalties provided under this chapter, a filing fee of  
 12 \$50.00 shall be imposed for each report that is filed late. In addition, a filing  
 13 fee of \$25.00 shall be imposed on the fifteenth day after the due date if the  
 14 report has still not been filed.

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

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

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

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

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

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

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

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

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

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

## 14 SECTION 22.

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

17 "21-5-73.

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

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

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

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

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

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

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

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

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

12 (B) The amount, date, and description of the expenditure and a summary of all  
 13 spending classified by category. Such categories shall be established by rule of the  
 14 commission and may, without limitation, include gifts, meals, entertainment, office  
 15 supplies, lodging, equipment, advertising, travel, and postage;

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

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

24 (E) If applicable, the rule or regulation number or description of the rule or regulation  
 25 pending before the state agency in support of or opposition to which the expenditure  
 26 was made;

27 (2) ~~The names of any members of the immediate family of a public officer employed by~~  
 28 ~~or whose professional services are paid for by the lobbyist during the reporting period.~~  
 29 The amount, date, and name of any candidate or public officer to whom the lobbyist  
 30 made a campaign contribution;

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

1 (4) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (5)  
 2 of Code Section 21-5-70, the name of the individual or entity for which the lobbyist  
 3 undertook to influence the rule or regulation of a state agency.

4 (f) The sending of the lobbyist disclosure report may be proven by evidence from the  
 5 filer's archived computer mailbox files or any other proof demonstrating when the filer sent  
 6 the lobbyist disclosure report.

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

### 13 **SECTION 23.**

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

16 "21-5-74.

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

21 21-5-75.

22 (a) Except as provided in subsection (b) of this Code section, on and after January 9, 2006,  
 23 persons identified in subparagraphs (A) through (D) of paragraph (22) of Code Section  
 24 21-5-3 and the executive director of each state board or authority shall be prohibited from  
 25 registering as a lobbyist or engaging in lobbying under this article for a period of one year  
 26 after terminating such employment or leaving such office.

27 (b) The lobbying prohibition contained in subsection (a) of this Code section shall not  
 28 apply to persons who terminate such employment or leave such office but who remain  
 29 employed in state government and shall not apply to persons identified in subparagraphs  
 30 (A) through (D) of paragraph (22) of Code Section 21-5-3 and the executive director of  
 31 each state board or authority who were elected or appointed prior to January 9, 2006.

32 21-5-76.

33 (a) No person, firm, corporation, or association shall retain or employ an attorney at law  
 34 or an agent to aid or oppose legislation for compensation contingent, in whole or in part,

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

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

#### 9 SECTION 24.

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

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

#### 15 SECTION 25.

16 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 17 is amended by striking Code Section 45-1-4, relating to complaints or information regarding  
 18 fraud, waste, and abuse in state programs and operations, and inserting in lieu thereof the  
 19 following:

20 "45-1-4.

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

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

24 (2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or  
 25 any rule or regulation adopted according to any federal, state, or local statute or  
 26 ordinance.

27 ~~(1)(3)~~ (3) 'Public employee' means any person who is employed by the executive, judicial,  
 28 or legislative branch of the state or by any other department, board, bureau, commission,  
 29 authority, or other agency of the state ~~except the office of the Governor, the judicial~~  
 30 ~~branch, or the legislative branch.~~

31 ~~(2)(4)~~ (4) 'Public employer' means the executive, judicial, or legislative branch of the state  
 32 ~~and~~ or any other department, board, bureau, commission, authority, or other agency of  
 33 the state which employs or appoints a public employee or public employees ~~except the~~  
 34 ~~office of the Governor, the judicial branch, or the legislative branch.~~

1 (5) 'Retaliate' or 'retaliation' refers to the discharge, suspension, or demotion by a public  
 2 employer of a public employee or any other adverse employment action taken by a public  
 3 employer against a public employee in the terms or conditions of employment for  
 4 disclosing a violation of or noncompliance with a law, rule, or regulation to either a  
 5 supervisor or state agency.

6 (6) 'Supervisor' means any individual:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 24 **SECTION 26.**

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

27 "45-10-3.

28 Notwithstanding any provisions of law to the contrary, each ~~member of all boards,~~  
 29 ~~commissions, and authorities created by general statute~~ public official and employee, as  
 30 those terms are defined in Code Section 45-10-20 except as said part applies to persons  
 31 employed by or elected to the legislative branch of state government, shall:

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

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

- 1 (3) Not engage in any business with the government, either directly or indirectly, which  
 2 is inconsistent with the conscientious performance of his or her governmental duties;
- 3 (4) Never use any information coming to him or her confidentially in the performance  
 4 of governmental duties as a means for making private profit;
- 5 (5) Expose corruption wherever discovered;
- 6 (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors,  
 7 hospitality, or services from any person, association, or corporation under circumstances  
 8 from which it could reasonably be inferred that a major purpose of the donor is to  
 9 influence the performance of the member's official duties;
- 10 (7) Never accept any economic opportunity under circumstances where he or she knows  
 11 or should know that there is a substantial possibility that the opportunity is being afforded  
 12 him or her with intent to influence his or her conduct in the performance of his or her  
 13 official duties;
- 14 (8) Never engage in other conduct which is unbecoming to a member or which  
 15 constitutes a breach of public trust; and
- 16 (9) Never take any official action with regard to any matter under circumstances in  
 17 which he or she knows or should know that he or she has a direct or indirect monetary  
 18 interest in the subject matter of such matter or in the outcome of such official action."

#### 19 SECTION 27.

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

23 "45-10-4.

24 (a)(1) Upon formal charges being filed with the Governor State Ethics Commission  
 25 relative to a violation of Code Section 45-10-3, Part 1 of Article 2 of this chapter, except  
 26 as said part applies to persons employed by or elected to the legislative branch of state  
 27 government, or both, on the part of a member of any such board, commission, or  
 28 authority public official or employee, the Governor or his State Ethics Commission or its  
 29 designated agent shall conduct a hearing for the purpose of receiving evidence relative  
 30 to the merits of such charges. The member so charged shall be given at least 30 days'  
 31 notice prior to such hearing. If such charges are found to be true, the Governor shall  
 32 forthwith remove such member from office and the vacancy shall be filled as provided  
 33 by law. Such hearing shall be held in accordance with Chapter 13 of Title 50, the 'Georgia  
 34 Administrative Procedure Act,' and judicial review of any such decision shall be in  
 35 accordance with such chapter preliminary investigation of the merits of a written  
 36 complaint by any person who believes that a violation of Code Section 45-10-3, Part 1

1 of Article 2 of this chapter, except as said part applies to persons employed by or elected  
2 to the legislative branch of state government, or both, has occurred, such complaint to be  
3 verified under oath to the best information, knowledge, and belief by the complainant. If  
4 there are found no reasonable grounds to believe that a violation has occurred, the  
5 complaint shall be dismissed, subject to being reopened upon discovery of additional  
6 evidence or relevant material. If the commission determines that there are such  
7 reasonable grounds to believe that a violation has occurred, it shall give notice by  
8 summoning the persons believed to have committed the violation to a hearing. The  
9 hearing shall be conducted in all respects in accordance with Chapter 13 of Title 50, the  
10 'Georgia Administrative Procedure Act.' The commission may file a complaint charging  
11 violations of Code Section 45-10-3, Part 1 of Article 2 of this chapter, except as said part  
12 applies to persons employed by or elected to the legislative branch of state government,  
13 or both, and any person aggrieved by the final decision of the commission is entitled to  
14 judicial review in accordance with Chapter 13 of Title 50; provided, however, that  
15 nothing in this Code section shall be construed to limit or encumber the right of the  
16 commission to initiate on probable cause an investigation on its own cognizance as it  
17 deems necessary to fulfill its obligations under Code Section 45-10-3, Part 1 of Article  
18 2 of this chapter, except as said part applies to persons employed by or elected to the  
19 legislative branch of state government, or both.

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

25 (b)(1) The State Ethics Commission shall have the same powers and duties with respect  
26 to this Code section, Code Section 45-10-3, and Part 1 of Article 2 of this chapter, except  
27 as said part applies to persons employed by or elected to the legislative branch of state  
28 government, as the commission has with respect to Chapter 5 of Title 21.

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

**SECTION 28.**

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

"45-10-5.

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

**SECTION 29.**

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

"Part 5

45-10-80.

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

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

**SECTION 30.**

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

## "Part 6

1

2 45-10-90.

3 As used in this part, the term:

4 (1) 'Committee' means the Legislative Ethics Committee created under Code Section  
5 45-10-91.6 (2) 'Member of the legislative branch of state government' means any person elected to  
7 the General Assembly and any person who, pursuant to a written or oral contract, is  
8 employed by the legislative branch of state government.

9 (3) 'Speaker' means the Speaker of the House of Representatives.

10 45-10-91.

11 (a) There is created the Legislative Ethics Committee, with such duties and powers as are  
12 set forth in this part. The committee shall be a part of the legislative branch of state  
13 government. The committee shall be governed by eight members appointed as follows:14 (1) Four members of the Senate, appointed by the President Pro Tempore of the Senate,  
15 two of whom shall be from a list of four nominees from the Majority Leader of the Senate  
16 and two of whom shall be from a list of four nominees from the Minority Leader of the  
17 Senate; and18 (2) Four members of the House of Representatives, appointed by the Speaker, two of  
19 whom shall be from a list of four nominees from the Majority Leader of the House of  
20 Representatives and two of whom shall be from a list of four nominees from the Minority  
21 Leader of the House of Representatives.22 One citizen member shall be appointed by the Majority Leader of the Senate; one citizen  
23 member shall be appointed by the Minority Leader of the Senate; one citizen member shall  
24 be appointed by the Majority Leader of the House of Representatives; and one citizen  
25 member shall be appointed by the Minority Leader of the House of Representatives. Such  
26 citizen members shall be Georgia citizens who are not employed by any branch of state  
27 government and who are not employed as lobbyists; shall not be serving as an officer of  
28 any political party, whether such office is elective or appointive and whether such office  
29 exists on a local, state, or national level; and shall not be officers in any political party. The  
30 citizen members shall be nonvoting members of the committee except as provided in  
31 subsection (e) of this Code section.32 (b) Each legislative member of the committee shall serve for a term of two years  
33 concurrent with the term of his or her office. The citizen members of the committee shall  
34 serve for terms of three years. If a vacancy occurs in the membership of the committee, a  
35 new member shall be appointed by the state official to the unexpired term of office. The

1 new member shall be selected in the same manner as provided in subsection (a) of this  
2 Code section.

3 (c) The President Pro Tempore of the Senate and Speaker shall each select a  
4 cochairperson. The President Pro Tempore of the Senate's selection for cochairperson shall  
5 preside in odd-numbered years and the Speaker's selection for cochairperson shall preside  
6 in even-numbered years.

7 (d) The members shall not be compensated for their services but they shall be reimbursed  
8 in an amount equal to the per diem received by the General Assembly for each day or  
9 portion thereof spent in serving as members of the committee. They shall be paid their  
10 necessary traveling expenses while engaged in the business of the committee.

11 (e) Five members of the committee constitute a quorum for the transaction of business.  
12 The vote of at least a majority of the members present at any meeting at which a quorum  
13 is present is necessary for any action to be taken by the committee. If a decision of the  
14 committee results in a tie vote, the cochairpersons shall jointly select one of the citizen  
15 members of the committee to cast the tie-breaking vote. No vacancy in the membership of  
16 the committee impairs the right of a quorum to exercise all rights and perform all duties of  
17 the committee.

18 (f) If a complaint is filed alleging a violation by one of the members of the committee, the  
19 committee member shall recuse himself or herself and a temporary replacement member  
20 of the committee shall be appointed by the state official who appointed the recused  
21 member. The replacement member shall be selected in the same manner as provided for  
22 in subsection (a) of this Code section.

23 (g) Meetings of the members of the committee shall be held at the call of the  
24 cochairpersons.

25 45-10-92.

26 The funds necessary to carry out this part shall come from the funds appropriated to and  
27 available to the General Assembly and from any other available funds.

28 45-10-93.

29 (a) The committee is vested with the following powers:

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

31 (2) To cooperate with and secure the cooperation of every department, agency, or  
32 instrumentality in the state government or its political subdivisions in the furtherance of  
33 the purposes of this part;

34 (3) To employ an executive director and such additional staff as the committee deems  
35 necessary to carry out the powers delegated to the committee by this part;

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

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

5 (6) To adopt such rules and regulations as are necessary to carry out the purposes of this  
6 part; and

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

9 (b) The committee shall have the following duties:

10 (1) To adopt and publish a Code of Ethics for members of the legislative branch of state  
11 government;

12 (2) To advise and assist the General Assembly in establishing rules and regulations  
13 relating to conflicts between the private interests of a member of the legislative branch  
14 of state government and the duties as such;

15 (3) To receive and investigate all complaints alleging a violation of the Code of Ethics  
16 for members of the legislative branch of state government and Part 1 of this article as it  
17 relates to the legislative branch of state government;

18 (4) To prescribe forms to be used in complying with this part;

19 (5) To adopt a retention standard for records of the committee;

20 (6) To prepare and publish an annual report for the General Assembly summarizing the  
21 activities of the committee and recommending legislation that in its judgment will  
22 promote the purposes of this part;

23 (7) To make investigations upon receipt of the written complaint of any person with  
24 respect to an alleged violation of any provision of this part, the Code of Ethics for  
25 members of the legislative branch of state government, or Part 1 of this article as it relates  
26 to the legislative branch of state government, provided that nothing in this Code section  
27 shall be construed to limit or encumber the right of the committee to initiate on probable  
28 cause an investigation on its own cognizance as it deems necessary to fulfill its  
29 obligations under this part;

30 (8)(A) To conduct a preliminary investigation of the merits of a written complaint by  
31 any person who believes that a violation of this part, the Code of Ethics for members  
32 of the legislative branch of state government, or Part 1 of this article as it relates to the  
33 legislative branch of state government has occurred. If there are found no reasonable  
34 grounds to believe that a violation has occurred, the complaint shall be dismissed,  
35 subject to being reopened upon discovery of additional evidence or relevant material.  
36 If the committee determines that there are such reasonable grounds to believe that a  
37 violation has occurred, it shall give notice by summoning the persons believed to have

1 committed the violation to a hearing. The committee may file a complaint charging  
 2 violations of this part, the Code of Ethics for members of the legislative branch of state  
 3 government, or Part 1 of this article as it relates to the legislative branch of state  
 4 government. Nothing in this Code section shall be construed to limit or encumber the  
 5 right of the committee to initiate on probable cause an investigation on its own  
 6 cognizance as it deems necessary to fulfill its obligations under this part;

7 (B) In any such preliminary investigation referenced in subparagraph (A) of this  
 8 paragraph, until such time as the committee determines that there are reasonable  
 9 grounds to believe that a violation has occurred, it shall not be necessary to give the  
 10 notice by summons nor to conduct a hearing;

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

12 (10) With respect to matters involving the legislative branch of state government, to  
 13 investigate upon a written complaint any illegal use of state employees in a political  
 14 campaign by any candidate;

15 (11) To issue, upon written request, written advisory opinions, based on a real or  
 16 hypothetical set of circumstances;

17 (12) With respect to punishment for violations by employees of the legislative branch of  
 18 state government other than members of the General Assembly, the committee may order  
 19 the violator to cease and desist from committing further violations and may issue  
 20 employment related sanctions against such employee, including but not limited to  
 21 reprimand, suspension, demotion, and termination; with respect to members of the  
 22 General Assembly, the committee may make recommendations to the respective house  
 23 of the type of punishment to be imposed; and

24 (13) To petition the superior court within the county where the hearing was or is being  
 25 conducted for the enforcement of any order issued in connection with such hearing.

26 (c) The committee shall designate the place where members of the public may file papers  
 27 or correspond with the committee and receive any form or instruction from the committee.  
 28 The committee shall preserve all complaints, statements, and other documentation received  
 29 or generated by the committee.

30 45-10-94.

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

1 requested, a copy of the complaint by the committee within five business days of the  
2 committee's receipt of such complaint. Nothing contained in this Code section, however,  
3 shall be construed to limit or encumber the right of the committee to initiate on probable  
4 cause an investigation on its own cognizance as it deems necessary to fulfill its obligations  
5 under this part."

6 **SECTION 31.**

7 Said title is further amended by adding a new Code Section 45-12-61 to follow Code Section  
8 45-12-60 to read as follows:

9 "45-12-61.

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

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

18 **SECTION 32.**

19 The provisions of this Act shall not apply to any violation occurring prior to January 9, 2006.

20 **SECTION 33.**

21 This Act shall become effective on January 9, 2006, except the provisions of Section 30 of  
22 this Act shall become effective upon this Act's approval by the Governor or upon its  
23 becoming law without such approval for purposes of making the initial appointments to the  
24 Legislative Ethics Committee and for purposes of such committee's procedures as necessary  
25 for implementing Part 6 of Article 2 of Title 45.

26 **SECTION 34.**

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