

Senate Bill 243

By: Senator Unterman of the 45th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections and
2 ethics, so as to substantially revise Chapter 5, the "Ethics in Government Act"; to change
3 numerous provisions relating to the State Ethics Commission, campaign contributions and
4 campaign finance disclosure, public official and candidate personal financial disclosures, and
5 lobbyist regulation and disclosure; to define and redefine terms; to change provisions relating
6 to the composition and operations of the commission; to provide for annual ethics training
7 by the commission and require completion of training by certain elected officials and public
8 officers; to change provisions relating to permissible and impermissible campaign
9 contributions and expenditure and the reporting thereof; to provide for centralized electronic
10 filing of reports; to provide for enforcement matters, including provisions relating to venue
11 and additional fees for late filings; to make conforming amendments to other provisions of
12 the Official Code of Georgia Annotated; to provide for other matters related to the foregoing;
13 to provide an effective date and applicability; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Title 21 of the Official Code of Georgia Annotated, relating to elections and ethics, is
18 amended by revising Chapter 5, the "Ethics in Government Act," as follows:

19 "CHAPTER 5

20 ARTICLE 1

21 21-5-1.

22 This chapter shall be known as and may be cited as the 'Ethics in Government Act.'

1 21-5-2.

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

19 21-5-3.

20 As used in this chapter, the term:

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

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

29 (3) 'Agency' means:

30 (A) Every state department, agency, board, bureau, commission, and authority;

31 (B) Every county, municipal corporation, school district, or other political subdivision
 32 of this state;

33 (C) Every department, agency, board, bureau, commission, authority, or similar body
 34 of each such county, municipal corporation, or other political subdivision of this state;

35 and

1 (D) Every city, county, regional, or other authority established pursuant to the laws of
 2 this state.

3 ~~(1)(4)~~ '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 this state or in a county or a
 16 municipal election in this state.

17 (5) 'Campaign committee' incorporates the following definitions:

18 (A) 'Ballot measure committee' means any person or any committee which accepts
 19 contributions or makes expenditures designed to bring about the approval or rejection
 20 by the voters of any proposed constitutional amendment, a state-wide referendum, or
 21 a proposed question which is to appear on the ballot in this state or in a county or a
 22 municipal election in this state.

23 (B) 'Candidate campaign committee' means the candidate, person, or candidate's
 24 campaign committee which accepts contributions or makes expenditures designed to
 25 bring about the nomination or election of said candidate to any elected office.

26 (C) 'Independent committee' means any committee, club, association, partnership,
 27 corporation, labor union, or other group of persons, other than a political party or
 28 political action committee, which receives donations during a calendar year from
 29 persons who are members or supporters of the committee and which expends such
 30 funds without the knowledge, consent, direction, or control of any candidate or any
 31 other campaign committee either for the purpose of affecting the outcome of an election
 32 for any elected office or to advocate the election or defeat of any particular candidate.

33 (D) 'Noncandidate campaign committee' means any individual, business, partnership,
 34 committee, association, corporation, labor organization, political action committee,
 35 political party, or any other organization, group, or person, whether located inside or
 36 outside the State of Georgia, who accepts contributions for, makes contributions to, or
 37 makes expenditures:

1 (i) On behalf of candidates seeking to be elected to municipal, county, or state office
 2 in Georgia;

3 (ii) Seeking or opposing the recall of a public officer holding such elective office in
 4 Georgia;

5 (iii) Designed to bring about voter approval or rejection of a proposed constitutional
 6 amendment, a state-wide referendum, or a proposed ballot question in any county or
 7 municipal election; or

8 (iv) For any combination of the foregoing items.

9 (E)(i) 'Political action committee' means any committee, club, association,
 10 partnership, corporation, labor union, or other group of persons which receives
 11 donations aggregating in excess of \$1,000.00 during a calendar year from persons
 12 who are members or supporters of the committee and which contributes funds to one
 13 or more candidates for public office or campaign committees of candidates for public
 14 office or which maintains a separate segregated fund.

15 (ii) 'Political action committee' does not include a candidate campaign committee.

16 (F) 'Recall committee' means any person or committee which accepts contributions or
 17 makes expenditures designed to bring about the recall of a public officer holding
 18 elective office or to oppose the recall of a public officer holding elective office.

19 ~~(3)~~(6) 'Campaign contribution disclosure report' means a report filed with the appropriate
 20 ~~filing officer~~ commission by a candidate or the chairperson or treasurer of a campaign
 21 committee setting forth all expenditures of \$101.00 or more and all contributions of
 22 \$101.00 or more, including contributions and expenditures of lesser amounts when the
 23 aggregate amount thereof by or to a person is \$101.00 or more for the calendar year in
 24 which the report is filed. Such report shall also include the total amount of all individual
 25 contributions received or expenditures made of less than \$101.00 each. The first report
 26 required in the calendar year of the election shall contain all such expenditures made and
 27 all such contributions received by the candidate or the committee in prior years in support
 28 of the campaign in question.

29 ~~(4)~~(7) 'Candidate' means an individual who seeks nomination for election or election to
 30 any public office, whether or not such an individual is elected; and a person shall be
 31 deemed to seek nomination or election if such person has taken necessary action under
 32 the laws of this state to qualify such person for nomination for election or election or has
 33 received any contributions or made any expenditures in pursuit of such nomination or
 34 election or has given such person's consent for such person's candidate campaign
 35 committee to receive contributions or make expenditures with a view to bringing about
 36 such person's nomination for election or election to such office.

1 ~~(5)~~(8) 'Commission' means the State Ethics Commission created under Code Section
2 21-5-4.

3 ~~(6)~~(9) 'Connected organization' means any organization, including any business entity,
4 labor organization, membership organization, or cooperative, which is not a political
5 action committee, as defined in this Code section, but which, directly or indirectly,
6 establishes or administers a political action committee or which provides more than 40
7 percent of the funds of the political action committee for a calendar year.

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

23 ~~(8)~~(11) 'Direct ownership interest' means the holding or possession of good legal or
24 rightful title of property or the holding or enjoyment of real or beneficial use of the
25 property by any person and includes any interest owned or held by a spouse of such
26 person if such interest is held jointly or as tenants in common between the person and
27 spouse.

28 (12) 'Elected executive officer' means the Secretary of State, Attorney General, State
29 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and
30 Commissioner of Labor.

31 ~~(9)~~(13) 'Election' means a primary election; run-off election, either primary or general;
32 special election; or general election. The term 'election' also means a recall election.

33 ~~(10)~~(14) 'Election cycle' means the period from the day following the date of an election
34 or appointment of a person to elective public office through and including the date of the
35 next such election of a person to the same public office and shall be construed and
36 applied separately for each elective office.

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

4 (16) 'Elector' means any person who shall possess all of the qualifications for voting now
 5 or hereafter prescribed by the laws of this state and who shall have registered in
 6 accordance with Chapter 2 of this title.

7 ~~(11)~~(17) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,
 8 or any transfer of money or anything of value made for the purpose of influencing the
 9 nomination for election or election of any person, bringing about the recall of a public
 10 officer holding elective office or opposing the recall of a public officer holding elective
 11 office, or the influencing of voter approval or rejection of a proposed constitutional
 12 amendment, a state-wide referendum, or a proposed question which is to appear on the
 13 ballot in this state or in a county or a municipal election in this state. The term
 14 specifically shall not include the value of personal services performed by persons who
 15 serve without compensation from any source and on a voluntary basis. The term
 16 'expenditure' shall also include the payment of a qualifying fee for and in behalf of a
 17 candidate.

18 ~~(12)~~(18) 'Fiduciary position' means any position imposing a duty to act primarily for the
 19 benefit of another person as an officer, director, manager, partner, guardian, or other
 20 designation of general responsibility of a business entity.

21 ~~(13) 'Filing officer' means that official or commission that is designated in Code Section~~
 22 ~~21-5-34 to receive campaign contribution disclosure reports.~~

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

26 ~~(14)~~(20) 'Gift' means any gratuitous transfer to a public officer or any member of the
 27 family of the public officer or a loan of property or services which is not a contribution
 28 as defined in paragraph ~~(7)~~(10) of this Code section and which is in the amount of
 29 \$101.00 or more.

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

36 (21) 'In-kind contribution' means anything of value other than money.

1 ~~(16)~~(22) 'Intangible property' means property which is not real property and which is
 2 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and
 3 other investments but shall not include any ownership interest in any public or private
 4 retirement or pension fund, account, or system and shall not include any ownership
 5 interest in any public or private life insurance contract or any benefit, value, or proceeds
 6 of such life insurance contract.

7 ~~(17)~~(23) 'Member of the family' or 'family member' means a spouse and all dependent
 8 children.

9 (24) 'Nonelection year' shall be construed and applied separately for each elective office
 10 and means for each elective office any calendar year during which there is no regular or
 11 special election to fill such office.

12 ~~(18)~~(25) 'Ordinary and necessary expenses' shall include, but shall not be limited to,
 13 expenditures made during the reporting period for office costs and rent, lodging,
 14 equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling,
 15 special events, volunteers, reimbursements to volunteers, repayment of any loans
 16 received except as restricted in subsection (i) of Code Section 21-5-41, contributions to
 17 nonprofit organizations, and flowers for special occasions, which shall include, but are
 18 not limited to, birthdays and funerals, and all other expenditures contemplated in Code
 19 Section 21-5-33.

20 ~~(19)~~(26) 'Person' means an individual, partnership, committee, association, corporation,
 21 limited liability company, limited liability partnership, trust, professional corporation, or
 22 other business entity recognized in the State of Georgia, labor organization, or any other
 23 organization or group of persons.

24 (27) 'Personal financial disclosure statement' means a statement containing financial
 25 information on a public officer or candidate including but not limited to business,
 26 fiduciary, and property interests, fees and honorariums received, employment
 27 information, and certain payments received from a state agency, department, commission,
 28 or authority as further described in Code Section 21-5-50.

29 ~~(20) 'Political action committee' means:~~

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

35 ~~(B) A 'separate segregated fund' as defined in Code Section 21-5-40:~~

36 ~~Such term does not include a candidate campaign committee:~~

1 (28) 'Political committee' means: (A) any partnership, committee, club, association,
 2 organization, party caucus of the House of Representatives or the Senate, or similar entity
 3 (other than a business entity) or any other group of persons or entities which makes a
 4 contribution; or (B) any separate segregated fund.

5 (29) 'Political organization' means an affiliation of electors organized for the purpose of
 6 influencing or controlling the policies and conduct of government through the nomination
 7 of candidates for public office and, if possible, the election of its candidates to public
 8 office.

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

12 ~~(21)~~(31) 'Public employee' means every person employed by the executive, legislative,
 13 or judicial branch of state government, or any department, board, bureau, agency,
 14 commission, or authority thereof.

15 (32) 'Public meeting place' means any county, municipal, or other public building
 16 suitable and ordinarily used for public gatherings.

17 (33) 'Public office' means the office of each elected public officer as specified in
 18 paragraph (34) of this Code section.

19 ~~(22)~~(34) 'Public officer' means:

20 (A) Every constitutional officer;

21 (B) Every elected state official;

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

24 (D) Each member of the General Assembly;

25 (E) The executive director of each state board, commission, or authority and the
 26 members thereof;

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

29 (G) Every elected municipal official.

30 (35) 'Qualifying officer' means a person who qualifies a candidate for an election.

31 (36) 'Regulated entity' means any person who is required by law to be licensed by an
 32 elected executive officer or a board under the jurisdiction of an elected executive officer,
 33 any person who leases property owned by or for a state department, or any person who
 34 engages in a business or profession which is regulated by an elected executive officer or
 35 by a board under the jurisdiction of an elected executive officer.

36 (37) 'Reporting period' means that period of time beginning the day after the last report
 37 due date and ending on the due date of the next report.

1 (38) 'Separate segregated fund' means a fund which is established, administered, and
 2 used for political purposes by a business entity, labor organization, membership
 3 organization, or cooperative and to which the business entity, labor organization,
 4 membership organization, or cooperative solicits contributions.

5 (39) 'Substantial interest' means the direct or indirect ownership of 10 percent or more
 6 of the assets or stock of any business.

7 21-5-4.

8 ~~(a) Those members serving on the State Campaign and Financial Disclosure Commission~~
 9 ~~prior to March 1, 1987, shall serve for a term of office which expires March 1, 1987.~~

10 ~~(b)~~(a) There is created the State Ethics Commission, with such duties and powers as are
 11 set forth in this chapter. The commission shall be a successor to the State Campaign and
 12 Financial Disclosure Commission in all matters pending before the State Campaign and
 13 Financial Disclosure Commission on March 1, 1987, and may continue to investigate,
 14 prosecute, and act upon all such matters. The commission shall be governed by five
 15 members appointed as follows: three members, not more than two of whom shall be from
 16 the same political party, shall be appointed by the Governor, ~~two for terms of three years~~
 17 ~~and one for a term of two years~~; one member shall be appointed by the Senate Committee
 18 on Assignments, ~~for a term of four years~~; and one member shall be appointed by the
 19 Speaker of the House of Representatives ~~for a term of four years~~. ~~The initial members shall~~
 20 ~~take office on March 2, 1987.~~ Upon the expiration of a member's term of office, a new
 21 member, appointed in the same manner as the member whose term of office expired as
 22 provided in this subsection, shall become a member of the commission and shall serve for
 23 a term of not to exceed four years ~~and until such member's successor is duly appointed and~~
 24 ~~qualified~~. If a vacancy occurs in the membership of the commission, a new member shall
 25 be appointed to ~~the unexpired~~ a term of office by the state official ~~who~~ or the committee
 26 that appointed the vacating member. Members of the commission shall not serve for more
 27 than one ~~complete~~ term of office; ~~provided, however, that the members of the State~~
 28 ~~Campaign and Financial Disclosure Commission serving on March 1, 1987, shall be~~
 29 ~~eligible for appointment as initial members of the State Ethics Commission.~~

30 ~~(c)~~(b) All members of the commission shall be residents of this state.

31 ~~(d)~~(c) Any person who:

- 32 (1) Has qualified to run for any federal, state, or local public office within a period of
 33 five years prior to such person's appointment;
 34 (2) Has held any federal, state, or local public office within a period of five years prior
 35 to such person's appointment; or

1 (3) Serves as an officer of any political party, whether such office is elective or
 2 appointive and whether such office exists on a local, state, or national level shall be
 3 ineligible to serve as a member of the commission.

4 ~~(e)~~(d) The commission shall elect a chairperson, a vice chairperson, and other officers as
 5 it deems necessary. The members shall not be compensated for their services but they shall
 6 be reimbursed in an amount equal to the per diem received by the General Assembly for
 7 each day or portion thereof spent in serving as members of the commission. They shall be
 8 paid their necessary traveling expenses while engaged in the business of the commission.

9 ~~(f)~~(e) A majority of the members of the commission constitutes a quorum for the
 10 transaction of business. The vote of at least a majority of the members present at any
 11 meeting at which a quorum is present is necessary for any action to be taken by the
 12 commission. No vacancy in the membership of the commission impairs the right of a
 13 quorum to exercise all rights and perform all duties of the commission.

14 ~~(g)~~(f) Meetings of the members of the commission shall be held at the call of the
 15 chairperson or whenever any two members so request.

16 21-5-5.

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

22 21-5-6.

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

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

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

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

31 (4) To employ an executive ~~secretary~~ and director who shall hire such additional staff
 32 as ~~the commission deems~~ necessary to carry out the powers delegated to the commission
 33 by this chapter;

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

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

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

6 (8) To designate certain employees for the purpose of carrying out the provisions of this
7 chapter who shall meet all training requirements as peace officers as set forth in Code
8 Section 35-8-8. Such designated peace officers employed by the commission shall have
9 all the powers normally granted to a peace officer; and

10 ~~(8)~~(9) To do any and all things necessary or convenient to enable it to perform wholly
11 and adequately its duties and to exercise the powers granted to it.

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

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

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

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

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

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

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

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

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

28 (9) To make investigations, subject to the limitations contained in Code Section 21-5-7.1,
29 with respect to the statements and reports filed under this chapter and with respect to
30 alleged failure to file any statements or reports required under this chapter and upon
31 receipt of the written complaint of any person, verified under oath to the best information,
32 knowledge, and belief by the person making such complaint with respect to an alleged
33 violation of any provision of this chapter, provided that nothing in this Code section shall
34 be construed to limit or encumber the right of the commission to initiate on probable
35 cause an investigation on its own cognizance as it deems necessary to fulfill its
36 obligations under this chapter;

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

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

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

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

25 (13) To issue, upon written request, and publish written advisory opinions on the
26 requirements of this chapter, based on a real or hypothetical set of circumstances; and
27 each such written advisory opinion shall be issued within 60 days of the written request
28 for the advisory opinion. The commission shall make all advisory opinions that were
29 issued after January 9, 2006, publicly available for review and shall post these and all
30 future opinions on the commission's website and the commission shall make all advisory
31 opinions that were issued prior to January 9, 2006, publicly available for review and shall
32 post these opinions on the commission's website. No liability shall be imposed under this
33 chapter for any act or omission made in conformity with a written advisory opinion
34 issued by the commission that is valid at the time of the act or omission;

35 (14) To issue orders, after the completion of appropriate proceedings, directing
36 compliance with this chapter or prohibiting the actual or threatened commission of any

1 conduct constituting a violation, which order may include a provision requiring the
2 violator:

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

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

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

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

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

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

1 and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia
2 Administrative Procedure Act,' the superior court shall enforce the orders of the
3 commission and the civil penalties assessed under this chapter and the superior court
4 shall not make independent inquiry as to whether the violations have occurred.

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

10 The commission shall make all such orders that were issued after January 9, 2006,
11 publicly available for review and shall post these and all future orders on the
12 commission's website and the commission shall make all advisory orders that were issued
13 prior to January 9, 2006, publicly available for review and shall post these orders on the
14 commission's website. Such orders shall serve as precedent for all future orders and
15 opinions of the commission;

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

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

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

24 (18) To carry out the procedures, duties, and obligations relative to the commission set
25 forth in this chapter;

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

32 (20) To publish overall lobbyist spending by category. Such categories shall include
33 gifts, meals, entertainment, office supplies, lodging, equipment, advertising, travel, and
34 postage;

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

36 (22) To provide and conduct semiannual training on the mechanics of electronic filing
37 and registration; and

1 (23) To periodically provide continuing education programs on this chapter and related
2 laws, rules, and regulations for all elected officials, public officers, and filing officers.
3 The program shall be provided at least twice annually and shall consist of continuing
4 education units. At the commission's discretion such training may be offered through an
5 interactive web-based format. The commission shall provide participants with certificates
6 showing the date and number of continuing education units completed. All elected
7 officials, public officers, and filing officers shall complete at least eight continuing
8 education units per year.

9 21-5-7.

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

22 21-5-7.1.

23 The commission shall adopt rules which shall provide that:

24 (1) Upon the commission's receipt of a complaint, a determination shall be made as to
25 whether the complaint relates to a technical defect in a filing. For this purpose, a
26 technical defect shall include, but not be limited to, a defect such as a failure to include
27 a date or an incorrect date, a failure to include a contributor's occupation or an incorrect
28 occupation, a failure to include an address or an incorrect address, a failure to include an
29 employer or an incorrect employer, accounting errors, or any other similar defects;

30 (2) When the commission determines that a complaint relates to a technical defect in a
31 filing, the subject of the complaint shall be issued a notice of the technical defect by
32 certified mail, return receipt requested, or statutory overnight delivery and shall be given
33 a period of 30 calendar days from the receipt of the notice to correct the technical defect.
34 During the 30 day period the complaint shall be considered as received by the

1 commission but not yet filed with the commission and shall not be considered a violation
 2 of this chapter. If during the 30 day period the technical defect is cured by an amended
 3 filing or otherwise, or if during the 30 day period the subject of the complaint
 4 demonstrates that there is no technical defect as alleged, the complaint shall be disposed
 5 of without filing or further proceedings and no penalty shall be imposed. If the subject
 6 of the complaint fails to respond to the notice of a technical defect, make an amended
 7 filing, or demonstrate that there is no technical defect as alleged by the thirty-first day,
 8 the commission shall impose and collect an administrative fee not to exceed \$50.00 per
 9 technical defect. For the purposes of the penalties imposed by this paragraph, the same
 10 error or inaccurate entry shall be considered a single technical violation if the error or
 11 inaccurate entry appears multiple times on a single report or causes further errors or
 12 inaccurate entries in that report or in any future reports;

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

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

21 21-5-8.

22 Venue for prosecution of civil violations of this chapter or for any other action by or on
 23 behalf of the commission shall be in ~~the county of the residence of the candidate or public~~
 24 ~~officer at the time of the alleged violation or action~~ Fulton County, Georgia.

25 21-5-9.

26 Except as otherwise provided in this chapter, any person who knowingly fails to comply
 27 with or who knowingly violates this chapter shall be guilty of a misdemeanor.

28 21-5-10.

29 The provisions of this chapter, so far as they are the same as those of existing laws, are
 30 intended as a continuation of such laws and not as new enactments. The repeal by this
 31 chapter of any Act of the General Assembly, or part thereof, shall not revive any Act, or
 32 part thereof, heretofore repealed or superseded. This chapter shall not affect any act done,
 33 liability or penalty incurred, or right accrued or vested prior to the taking effect of this
 34 chapter; nor shall this chapter affect any actions or prosecution then pending, or to be

1 instituted, to enforce any right or penalty then accrued or to punish any offense theretofore
2 committed.

3 21-5-11.

4 (a) No public officer other than a public officer elected state wide shall accept a monetary
5 fee or honorarium in excess of \$101.00 for a speaking engagement, participation in a
6 seminar, discussion panel, or other activity which directly relates to the official duties of
7 that public officer or the office of that public officer.

8 (b) No public officer elected state wide shall accept any monetary fee or honorarium for
9 a speaking engagement, participation in a seminar, discussion panel, or other such activity.

10 (c) For purposes of this chapter, actual and reasonable expenses for food, beverages,
11 travel, lodging, and registration for a meeting which are provided to permit participation
12 in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.

13 21-5-12.

14 (a) The name of each political action committee, noncandidate campaign committee, or
15 independent committee shall include the name of its connected organization.

16 (b) The name of any separate segregated fund, as defined in Code Section ~~21-5-40~~ 21-5-3,
17 shall include the name of its connected organization.

18 21-5-13.

19 Any action alleging a violation of this chapter shall be commenced within three years after
20 the date of filing of the first report containing the alleged violation involving any person
21 elected to serve for a term of two years, and any action alleging a violation of this chapter
22 shall be commenced within five years after the date of filing of the first report containing
23 the alleged violation involving any person elected to serve for a term of four or more years.
24 For purposes of this Code section, an action shall be deemed to have commenced against
25 a person only when either:

26 (1) A complaint has been accepted by the commission in compliance with Code Section
27 21-5-7; or

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

31 21-5-14.

32 Any person assessed a late fee or a late fine pursuant to this chapter may contest by petition
33 such assessment to the executive director in writing under oath and shall document with

1 sufficient proof the reason or reasons for failure to comply with the reporting requirements
 2 under this chapter. All petitions must be received within 30 days of the date of the invoice
 3 generated and mailed by the commission. The executive director shall grant or deny any
 4 petition within 30 days from the receipt of the petition.

5 ARTICLE 2

6 21-5-30.

7 (a) Except as provided in subsection ~~(e)~~(d) of Code Section 21-5-34, no contributions to
 8 bring about the nomination or election of a candidate for any office shall be made or
 9 accepted except directly to or by a candidate or such candidate's campaign committee
 10 which is organized for the purpose of bringing about the nomination or election of any such
 11 candidate; and no contributions to bring about the recall of a public officer or to oppose the
 12 recall of a public officer or to bring about the approval or rejection by the voters of a
 13 proposed constitutional amendment, state-wide referendum, or proposed question at the
 14 state, municipal, or county level shall be made or accepted except directly to or by a
 15 campaign committee organized for that purpose.

16 (b) Each candidate shall maintain records and file reports as required by this chapter or
 17 shall have a campaign committee for the purposes of maintaining records and filing reports
 18 as required by this chapter. Every campaign committee shall have a chairperson and a
 19 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a
 20 campaign committee accepts contributions, the name and address of the chairperson and
 21 treasurer shall be filed with the commission. When a candidate has been elected to public
 22 office, the registration of that candidate's campaign committee with the commission shall
 23 remain in effect so long as the candidate remains in office until and unless the registration
 24 is canceled by the campaign committee or the candidate. The same person may serve as
 25 chairperson and treasurer. No contributions shall be accepted by or on behalf of the
 26 campaign committee at a time when there is a vacancy in the office of chairperson or
 27 treasurer of the campaign committee.

28 (c) Contributions of money received pursuant to subsection (a) of this Code section shall
 29 be deposited in a single campaign depository account opened and maintained in the State
 30 of Georgia for campaign purposes by the candidate or the campaign committee. The
 31 account may be an interest-bearing account; provided, however, that any interest earned
 32 on such account shall be reported and may only be used for the purposes allowed for
 33 contributions under this chapter. ~~Those who elect the separate accounting option as~~
 34 ~~provided in Code Section 21-5-43 may also open, but are not required to open, a separate~~
 35 ~~campaign depository account for each election for which contributions are accepted and~~

1 ~~allocated beyond their next upcoming election.~~ Campaign expenditures shall not be made
2 by a candidate or campaign committee except by or through such separate depository
3 account.

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

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

19 (f) A person acting on behalf of a public utility corporation regulated by the Public Service
20 Commission shall not make, directly or indirectly, any contribution to a political campaign.
21 This subsection shall not apply to motor carriers whose rates are not regulated by the Public
22 Service Commission. Any person who knowingly violates this subsection with respect to
23 a member of the Public Service Commission, a candidate for the Public Service
24 Commission, or the campaign committee of a candidate for the Public Service Commission
25 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor
26 more than five years or by a fine not to exceed \$10,000.00, or both; and any person who
27 knowingly violates this subsection with respect to any other public officer, a candidate for
28 such other public office, or the campaign committee of a candidate for such other public
29 office shall be guilty of a misdemeanor.

30 (g) Neither a candidate who is not a public officer nor his or her campaign committee may
31 lawfully accept a campaign contribution until the candidate has filed with the commission
32 ~~or appropriate local filing officer~~ a declaration of intention to accept campaign
33 contributions which shall include the name and address of the candidate and the names and
34 addresses of his or her campaign committee officers, if any.

1 21-5-30.1.

2 ~~(a) Except as otherwise provided in this subsection, the definitions set forth in Code~~
3 ~~Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this~~
4 ~~Code section, the term:~~

5 ~~(1) 'Campaign committee' means the candidate, person, or committee which accepts~~
6 ~~contributions to bring about the nomination for election or election of an individual to the~~
7 ~~office of an elected executive officer.~~

8 ~~(2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,~~
9 ~~advance or deposit of money, or anything of value conveyed or transferred for the~~
10 ~~purpose of influencing the nomination for election or election of an individual to the~~
11 ~~office of an elected executive officer or encouraging the holder of such office to seek~~
12 ~~reelection. The term 'contribution' shall include the payment of a qualifying fee for and~~
13 ~~on behalf of a candidate for the office of an elected executive officer and any other~~
14 ~~payment or purchase made for and on behalf of the holder of the office of an elected~~
15 ~~executive officer or for or on behalf of a candidate for that office when such payment or~~
16 ~~purchase is made for the purpose of influencing the nomination for election or election~~
17 ~~of the candidate and is made pursuant to the request or authority of the holder of such~~
18 ~~office, the candidate, the campaign committee of the candidate, or any other agent of the~~
19 ~~holder of such office or the candidate. The term 'contribution' shall not include the value~~
20 ~~of personal services performed by persons who serve on a voluntary basis without~~
21 ~~compensation from any source.~~

22 ~~(3) 'Elected executive officer' means the Secretary of State, Attorney General, State~~
23 ~~School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and~~
24 ~~Commissioner of Labor.~~

25 ~~(4) 'Political action committee' means any committee, club, association, partnership,~~
26 ~~corporation, labor union, or other group of persons which receives donations aggregating~~
27 ~~in excess of \$1,000.00 during a calendar year from persons who are members or~~
28 ~~supporters of the committee and which distributes these funds as contributions to one or~~
29 ~~more campaign committees of candidates for public office. Such term does not mean a~~
30 ~~campaign committee.~~

31 ~~(5) 'Regulated entity' means any person who is required by law to be licensed by an~~
32 ~~elected executive officer or a board under the jurisdiction of an elected executive officer,~~
33 ~~any person who leases property owned by or for a state department, or any person who~~
34 ~~engages in a business or profession which is regulated by an elected executive officer or~~
35 ~~by a board under the jurisdiction of an elected executive officer.~~

36 ~~(b)(a)~~ No regulated entity and no person or political action campaign committee acting on
37 behalf of a regulated entity shall make a contribution to or on behalf of a person holding

1 office as an elected executive officer regulating such entity or to or on behalf of a candidate
 2 for the office of an elected executive officer regulating such entity or to or on behalf of a
 3 campaign committee of any such candidate.

4 ~~(e)~~(b) No person holding office as an elected executive officer and no candidate for the
 5 office of an elected executive officer and no campaign committee of a candidate for the
 6 office of an elected executive officer shall accept a contribution in violation of subsection
 7 ~~(b)~~(a) of this Code section.

8 ~~(d)~~(c) Nothing contained in this Code section shall be construed to prevent any person who
 9 may be employed by a regulated entity, including a person in whose name a license or lease
 10 is held, from voluntarily making a campaign contribution from that person's personal funds
 11 to or on behalf of a person holding office as an elected executive officer regulating such
 12 entity or to or on behalf of a candidate for the office of an elected executive officer
 13 regulating such entity or to or on behalf of a campaign committee of any such candidate.
 14 It shall be unlawful and a violation of this Code section for any regulated entity or other
 15 person to require another by coercive action to make any such contribution.

16 21-5-30.2.

17 ~~(a) Except as otherwise provided in this subsection, the definitions set forth in Code~~
 18 ~~Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this~~
 19 ~~Code section, the term:~~

20 (1) 'Agency' means:

21 (A) ~~Every state department, agency, board, bureau, commission, and authority;~~

22 (B) ~~Every county, municipal corporation, school district, or other political subdivision~~
 23 ~~of this state;~~

24 (C) ~~Every department, agency, board, bureau, commission, authority, or similar body~~
 25 ~~of each such county, municipal corporation, or other political subdivision of this state;~~
 26 and

27 (D) ~~Every city, county, regional, or other authority established pursuant to the laws of~~
 28 ~~this state.~~

29 (2) 'Contribution' means ~~a gift, subscription, membership, loan, forgiveness of debt,~~
 30 ~~advance or deposit of money, or anything of value conveyed or transferred by or on~~
 31 ~~behalf of an agency, without receipt of payment therefor, to any campaign committee,~~
 32 ~~political action committee, or political organization or to any candidate for campaign~~
 33 ~~purposes.~~

34 (3) 'Elector' means ~~any person who shall possess all of the qualifications for voting now~~
 35 ~~or hereafter prescribed by the laws of this state and who shall have registered in~~
 36 ~~accordance with Chapter 2 or 3 of this title.~~

1 ~~(4) 'Political action committee' means any committee, club, association, partnership,~~
 2 ~~corporation, labor union, or other group of persons which receives donations aggregating~~
 3 ~~in excess of \$1,000.00 during a calendar year from persons who are members or~~
 4 ~~supporters of the committee and which distributes these funds as contributions to one or~~
 5 ~~more campaign committees of candidates for public office. Such term does not mean a~~
 6 ~~campaign committee.~~

7 ~~(5) 'Political organization' means an affiliation of electors organized for the purpose of~~
 8 ~~influencing or controlling the policies and conduct of government through the nomination~~
 9 ~~of candidates for public office and, if possible, the election of its candidates to public~~
 10 ~~office.~~

11 ~~(6) 'Public meeting place' means any county, municipal, or other public building suitable~~
 12 ~~and ordinarily used for public gatherings.~~

13 ~~(b)(a)~~ No agency and no person acting on behalf of an agency shall make, directly or
 14 indirectly, any contribution gift, subscription, membership, loan, forgiveness of debt,
 15 advance or deposit of money, or anything of value conveyed or transferred by or on behalf
 16 of an agency to any campaign committee, political action committee, or political
 17 organization or to any candidate; but nothing in this Code section shall prohibit the
 18 furnishing of office space, facilities, equipment, goods, or services to a public officer for
 19 use by the public officer in such officer's fulfillment of such office.

20 ~~(e)(b)~~ No campaign committee, political action committee, or political organization or
 21 candidate shall accept a contribution in violation of subsection ~~(b)(a)~~ of this Code section.

22 ~~(d)(c)~~ Nothing contained in this Code section shall be construed to:

23 (1) Affect the authority of the State Personnel Board regarding the regulation of certain
 24 political activities of public employees in the classified service of the state merit system;

25 (2) Affect the authority of any agency regarding the regulation of the political activities
 26 of such agency's employees;

27 (3) Affect the use of the capitol building and grounds as specified in Code Section
 28 50-16-4; or

29 (4) Prohibit the use of public meeting places by political organizations when such
 30 meeting places are made available to different political organizations on an equal basis;
 31 provided, however, this paragraph shall not be construed to create a right for a political
 32 organization to use a public meeting place.

33 21-5-31.

34 Reserved.

1 21-5-32.

2 (a) The candidate or treasurer of each campaign committee shall keep detailed accounts,
3 current within not more than five business days after the date of receiving a contribution
4 or making an expenditure, of all contributions received and all expenditures made by or on
5 behalf of the candidate or committee. The candidate or treasurer shall also keep detailed
6 accounts of all deposits and of all withdrawals made to the separate campaign depository
7 and of all interest earned on any such deposits.

8 (b) Accounts kept by the candidate or treasurer of a campaign committee pursuant to this
9 Code section may be inspected under reasonable circumstances before, during, or after the
10 election to which the accounts refer by any authorized representative of the commission.
11 The right of inspection may be enforced by appropriate writ issued by any court of
12 competent jurisdiction.

13 (c) Records of such accounts kept by ~~the~~ a candidate or any campaign committee shall be
14 preserved for three years from the filing of a ~~termination date of the campaign for elective~~
15 ~~office conducted by the candidate or of the campaign committee for any candidate or for~~
16 ~~three years from the election to bring about the approval or rejection by the voters of any~~
17 ~~proposed constitutional amendment, referendum, or local issue or of any recall vote~~
18 statement.

19 21-5-33.

20 (a) Contributions to ~~a candidate, a~~ any campaign committee, candidate, or a public officer
21 holding elective office and any proceeds from investing such contributions shall be utilized
22 only to defray ordinary and necessary expenses, ~~which may include any loan of money~~
23 ~~from a candidate or public officer holding elective office to the campaign committee of~~
24 ~~such candidate or such public officer, incurred in connection with such candidate's~~
25 ~~campaign for elective office or such public officer's fulfillment or retention of such office.~~

26 (b)(1) All contributions received by a any campaign committee, candidate, ~~or such~~
27 ~~candidate's campaign committee~~ or a public officer holding elective office in excess of
28 those necessary to defray expenses pursuant to subsection (a) of this Code section and as
29 determined by such candidate or such public officer may only be used as follows:

30 (A) As contributions to any charitable organization described in 26 U.S.C. 170(c) as
31 said federal statute exists on March 1, 1986, and which additionally shall include
32 educational, eleemosynary, and nonprofit organizations;

33 (B) Except as otherwise provided in subparagraph (D) of this paragraph, for transferral
34 without limitation to any national, state, or local committee of any political party or to
35 any candidate;

1 (C) For transferral without limitation to persons making such contributions, not to
2 exceed the total amount cumulatively contributed by each such transferee;

3 (D) For use in future campaigns for only that elective office for which those
4 contributions were received. With respect to contributions held on January 1, 1992, or
5 received thereafter, in the event the candidate, campaign committee, or public officer
6 holding elective office has not designated, prior to receiving contributions to which this
7 Code section is applicable, the office for which campaign contributions are received
8 thereby, those contributions shall be deemed to have been received for the elective
9 office which the candidate held at the time the contributions were received or, if the
10 candidate did not then hold elective office, those contributions shall be deemed to have
11 been received for that elective office for which that person was a candidate most
12 recently following the receipt of such contributions; or

13 (E) For repayment of any prior campaign obligations ~~incurred as a candidate~~.

14 (2) Any candidate or public officer holding elective office may provide in the will of
15 such candidate or such public officer that the contributions shall be spent in any of the
16 authorized manners upon the death of such candidate or such public officer; and, in the
17 absence of any such direction in the probated will of such candidate or such public
18 officer, the contributions shall be paid to the treasury of the state party with which such
19 candidate or such public officer was affiliated in such candidate's or such public officer's
20 last election or elective office after the payment of any expenses pursuant to subsection
21 (a) of this Code section. Notwithstanding any other provisions of this paragraph, the
22 personal representative or executor of the estate shall be allowed to use or pay out funds
23 in the campaign account in any manner authorized in subparagraphs (A) through (E) of
24 paragraph (1) of this subsection.

25 (c) Contributions and interest thereon, if any, shall not constitute personal assets of such
26 candidate or such public officer.

27 (d)(1) Contributions received by a campaign committee designed to bring about the
28 recall of a public officer holding elective office or to oppose the recall of a public officer
29 holding elective office or any person or to bring about the approval or rejection by the
30 voters of any proposed constitutional amendment, a state-wide referendum, or a proposed
31 question which is to appear on the ballot in any county or municipal election and any
32 proceeds derived from investing such contributions shall be utilized only to defray
33 ordinary and necessary expenses associated with influencing the voters on such issue.

34 (2) All contributions received by a campaign committee as provided in paragraph (1) of
35 this subsection in excess of those necessary to defray expenses relative to the influencing
36 of voters on such issue or support or opposition of candidates as determined by the
37 campaign committee may only be used as follows:

1 (A) Contributions to any charitable organization described in 26 U.S.C. 170(c) as such
 2 federal statute exists on March 1, 1986, and which additionally shall include
 3 educational, eleemosynary, and nonprofit organizations; or

4 (B) For repayment on a pro rata basis to persons making such contributions.

5 21-5-34.

6 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
 7 organized to bring about the nomination or election of a candidate for any office ~~except~~
 8 ~~county and municipal offices or the General Assembly~~ and the chairperson or treasurer
 9 of every campaign committee designed to bring about the recall of a public officer or
 10 to oppose the recall of a public officer or designed to bring about the approval or
 11 rejection by the voters of any proposed constitutional amendment, state-wide proposed
 12 question, or state-wide referendum shall ~~sign and~~ file with the commission the required
 13 campaign contribution disclosure reports. ~~A candidate for membership in the General~~
 14 ~~Assembly or the chairperson or treasurer of such candidate's campaign committee shall~~
 15 ~~file such candidate's reports with the commission and a copy of such report with the~~
 16 ~~election superintendent of the county of such candidate's residence.~~

17 (B) The chairperson or treasurer of each independent committee as defined in Code
 18 Section 21-5-3 shall file the required disclosure reports with the commission.

19 (2)(A) Any campaign committee which accepts contributions or makes expenditures
 20 designed to bring about the approval or rejection by the voters of any proposed question
 21 which is to appear on the ballot in this state or in a county or a municipal election in this
 22 state shall register and file a campaign contribution disclosure ~~report~~ reports as
 23 prescribed by this chapter; provided, however, that such ~~report~~ reports shall only be
 24 required if such campaign committee has received contributions which total more than
 25 \$500.00 or if such campaign committee has made expenditures which total more than
 26 \$500.00. All advertising pertaining to referendums shall identify the principal officer
 27 of such campaign committee by listing or stating the name and title of the principal
 28 officer.

29 (B) If a campaign committee is required to file a report under subparagraph (A) of this
 30 paragraph, such report shall be filed with the commission ~~for a state election or with the~~
 31 ~~election superintendent of the county in the case of a county election or with the~~
 32 ~~municipal clerk in the case of a municipal election.~~ Any such report shall be filed 15
 33 days prior to the date of the election; and a final report shall be filed prior to December
 34 31 ~~of the year in which the election is held.~~

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

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

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

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

15 (B) As to any expenditure of \$101.00 or more, its amount and date of expenditure, the
 16 name and mailing address of the recipient receiving the expenditure, and, if that
 17 recipient is an individual, that individual's occupation and the name of his or her
 18 employer and the general purpose of the expenditure;

19 (C) When a contribution consists of a loan, advance, or other extension of credit, the
 20 report shall also contain the name of the lending institution or party making the advance
 21 or extension of credit, and the rate of interest if any, the time frame in which to satisfy
 22 the financial obligation, 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~~ shall be reported for an
 28 election cycle as follows:

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

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

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

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

1 ~~(H) 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)(i)~~ The first report of a reporting an election cycle shall list the net balance on
 5 hand cash on hand, total amount of investments held, and total indebtedness brought
 6 forward from the previous reporting election cycle, if any, and the total contributions
 7 received during the period covered by the report;

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

11 ~~(v)(iii)~~ The first report of a reporting an election cycle shall list the total expenditures
 12 made during the period covered by the report;

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

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

22 (E) The corporate, labor union, or other affiliation of any campaign committee,
 23 political action committee, or independent committee making a contribution of \$101.00
 24 or more; and

25 (F) A detailed listing of all investments held outside of the committee's official
 26 depository account at any time during a reporting period shall be disclosed by
 27 description, amount, any identifying numbers, and the name and address of any
 28 institution or person in which it is held. Proceeds from an investment such as interest,
 29 dividends, or proceeds from its sale shall be reported by date and amount. Any interest,
 30 dividends, or proceeds earned on such investments shall only be used for the purposes
 31 allowed for contributions under this chapter. In the case of the sale of an investment,
 32 the names and addresses of the persons involved in the transaction shall also be stated.

33 (2) Each report shall be in such form as will allow for the separate identification of a
 34 contribution or contributions which are less than \$101.00 but which become reportable
 35 due to the receipt of an additional contribution or contributions which when combined
 36 with such previously received contribution or contributions cumulatively equal or exceed
 37 \$101.00.

1 (c) Candidates or campaign committees which accept contributions, make expenditures
 2 designed to bring about the nomination or election of a candidate, or have filed a
 3 declaration of intention to accept campaign contributions pursuant to subsection (g) of
 4 Code Section 21-5-30 and an incumbent or his or her committee that has not filed a
 5 termination statement shall file campaign contribution disclosure reports in compliance
 6 with the following schedule:

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

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

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

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

12 (C) During the period of time between the last report due prior to the date of any
 13 election for which the candidate is qualified and the date of such election, all
 14 contributions of \$1,000.00 or more shall be reported within two business days of receipt
 15 to the ~~location where the original disclosure report for such candidate or committee was~~
 16 ~~filed~~ commission and also reported on the next succeeding regularly scheduled
 17 campaign contribution disclosure report;

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

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

22 All persons or entities required to file reports shall have a five-day grace period in filing
 23 the required reports, except that the grace period shall be two days for required reports
 24 prior to run-off primaries or run-off elections, and no grace period shall apply to
 25 contributions required to be reported within two business days. ~~Except as provided for~~
 26 ~~electronic filing, the mailing of such reports by United States mail with adequate postage~~
 27 ~~affixed, within the required filing time as determined by the official United States postage~~
 28 ~~date cancellation, shall be prima-facie evidence of filing but reports~~ Reports required to be
 29 filed within two business days of a contribution shall also be reported by facsimile,
 30 electronic transmission, or otherwise within those two business days to the location where
 31 the original disclosure report for such candidate or committee was filed to the commission.
 32 ~~A report or statement required to be filed by this Code section other than a report of~~
 33 ~~contributions required to be reported within two business days shall be verified by the oath~~
 34 ~~or affirmation of the person filing such report or statement taken before an officer~~
 35 ~~authorized to administer oaths.~~ Each report required in the calendar year of the election
 36 shall contain cumulative totals of all contributions which have been received and all

1 expenditures which have been made in support of the campaign in question and which are
2 required, or previously have been required, to be reported.

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

6 ~~(e)(d)~~ Any person who makes contributions to, accepts contributions for, or makes
7 expenditures on behalf of candidates, and any independent committee, shall file a
8 registration with the commission in the same manner as is required of campaign
9 committees prior to accepting or making contributions or expenditures. ~~Such persons,
10 other than independent committees, shall also file campaign contribution disclosure reports
11 in the same places and at the same times as required of the candidates they are supporting,
12 but such persons shall not be required to file copies of campaign contribution disclosure
13 reports with local election superintendents as is required of candidates for membership in
14 the General Assembly.~~ The following persons shall be exempt from the foregoing
15 registration and reporting requirements:

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

18 (2) Persons other than individuals making aggregate contributions and expenditures to
19 or on behalf of candidates of \$25,000.00 or less in one calendar year; and

20 (3) Contributors who make contributions to only one candidate or one campaign
21 committee during one calendar year.

22 ~~(f)(e)~~(1) Any independent committee which accepts contributions or makes expenditures
23 for the purpose of affecting the outcome of an election or advocates the election or defeat
24 of any candidate shall file disclosure reports with the commission as follows:

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

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

27 (C) Within the two-week period prior to the date of such election the independent
28 committee shall report within two business days any contributions or expenditure of
29 more than \$1,000.00.

30 The independent committee shall file a final report prior to December 31 of the year in
31 which the election is held and shall file supplemental reports on June 30 and December
32 31 of each year that such independent committee continues to accept contributions or
33 make expenditures.

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

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

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

6 (C) Total expenditures made as follows:

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

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

10 (iii) Subsequent reports shall list the total expenditures made during the period
 11 covered by the report, the cumulative total of expenditures made during the reporting
 12 year, and net balance ~~on hand~~; and

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

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

20 ~~(g)~~(f) Any campaign committee which accepts contributions or makes expenditures
 21 designed to bring about the recall of a public officer or to oppose the recall of a public
 22 officer shall file campaign contribution disclosure reports with the commission as follows:

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

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

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

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

32 ~~(5) In the case of state officials or county officials, a copy of each of the reports shall~~
 33 ~~also be filed with the election superintendent in the county of residence of the official~~
 34 ~~sought to be recalled. In the case of municipal officials, a copy of the reports shall also~~
 35 ~~be filed with the municipal clerk in the municipality of residence of the official sought~~
 36 ~~to be recalled or, if there is no clerk, with the chief executive officer of the municipality.~~

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

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

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

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

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

30 (3) Upon termination of any campaign committee or candidate's campaign, a termination
 31 statement indicating dissolution shall be filed not later than ten days after the date of
 32 dissolution with the commission. The termination statement shall include: the name,
 33 mailing address, and telephone number of the individual responsible for preserving the
 34 committee's records and accounts as required in subsection (c) of Code Section 21-5-32.
 35 Said termination statement shall accompany the final campaign contribution disclosure
 36 report as prescribed in this Code section and shall provide a distribution record of all
 37 excess funds and the disposition of any deficits.

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

5 ~~(h)~~(j) In addition to other penalties provided under this chapter, ~~an additional~~ a filing fee
 6 of ~~\$25.00~~ \$50.00 shall be imposed for each report that is filed late. In addition, a filing fee
 7 of ~~\$50.00~~ \$100.00 shall be imposed on the fifteenth day after the due date if the report has
 8 still not been filed; ~~provided, however, a 15-day extension period shall be granted on the~~
 9 ~~final report, and a fine of \$500.00 shall be imposed on the forty-fifth day after the due date~~
 10 if the report has still not been filed.

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

17 ~~(n)~~ Any disclosure report, statement, or other document required to be filed under this
 18 chapter which is in the possession of the Secretary of State shall be transferred to the
 19 commission.

20 21-5-34.1.

21 ~~(a)~~ Candidates seeking election to constitutional offices, the Supreme Court, the Court of
 22 Appeals, and the Public Service Commission shall use electronic means to file their
 23 campaign contribution disclosure reports with the commission upon having raised or spent
 24 a minimum of \$20,000.00 in an election cycle. ~~Under that threshold, electronic filing is~~
 25 ~~permitted and encouraged but not required.~~ Candidates, candidate committees, and public
 26 officers who are required to file campaign contribution disclosure reports shall use
 27 electronic means prescribed by the commission to file their reports with the commission.

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

35 ~~(c)~~ Candidates seeking election to county or municipal offices shall use electronic means
 36 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)~~(b) Political action committees, independent committees, and any persons otherwise required by this article to file campaign contribution disclosure reports shall use electronic means prescribed by the commission to file such reports with the commission upon having raised or spent ~~\$5,000.00~~ \$25,000.00 in a calendar year. ~~Under that threshold, electronic filing is permitted and encouraged but not required.~~

(c) The electronic filing of any campaign contribution disclosure report required under this article shall constitute an affirmation that the statement is true, complete, and correct.

~~(e) When campaign contribution disclosure reports are filed electronically as provided in subsections (a) through (d) of this Code section, the filer shall only submit to the commission a notarized affidavit certifying that the electronic filing is correct by United States mail, with adequate postage affixed.~~

~~(f) When campaign contribution disclosure reports are filed electronically, as provided in subsections (a) through (d) of this Code section, no paper copy of the report shall be filed.~~

21-5-35.

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

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

- (1) The receipt of a contribution which is returned with reasonable promptness to the donor or the donor's agent;
- (2) The receipt and acceptance during a legislative session of a contribution consisting of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the legislative session;
- (3) The receipt of a contribution by a political party consisting of the proceeds from a dinner, luncheon, rally, or similar fundraising event in which a member of the General Assembly or a public officer elected state wide participates; or
- (4) A judicial officer elected state wide or campaign committee of such judicial officer.

1 21-5-36.

2 (a) It shall be the duty of the ~~filing officer~~ commission to make the campaign contribution
3 disclosure reports available for public inspection and copying during regular office hours
4 commencing as soon as practicable after such filing. ~~Such filing officer~~ The commission
5 shall have the authority to charge a fee for copying such reports not to exceed the actual
6 cost of such copying. The ~~filing officer~~ commission shall preserve such reports for a period
7 of five years from the date upon which they are received. ~~A filing officer~~ A qualifying
8 officer shall notify the commission in writing of: ~~(1) The~~ the names and addresses of all
9 candidates and offices sought in a ~~special~~ any election, ~~when held at a time other than~~
10 ~~election dates scheduled by law or charter,~~ within ten days of the close of the qualification
11 period, ~~and~~

12 (2) ~~Within ten days after the date a report is due, the names and addresses of candidates~~
13 ~~or campaign committees which have not filed required campaign disclosure reports as~~
14 ~~required by law in the election in question.~~

15 ~~A filing officer shall immediately notify the commission when such officer shall receive~~
16 ~~any complaint against any candidate offering for any office specified in Code Section~~
17 ~~21-5-2 or against any campaign committee and shall forward the complaint to the~~
18 ~~commission and shall retain a copy of the complaint. In the event any complaint is against~~
19 ~~a county or municipal candidate, a copy of the reports filed by such candidate shall be~~
20 ~~forwarded to the commission along with the complaint.~~

21 (b) ~~The commission or filing officer~~ After receiving original reports, the commission has
22 the duty to inspect each report filed with such commission ~~or officer~~ by candidates or by
23 a campaign committee for conformity with the law and to notify the candidate or campaign
24 committee immediately if the report does not conform with the law, ~~is unsigned,~~ or is
25 ~~otherwise~~ in technical violation of filing requirements.

26 ARTICLE 2A

27 21-5-40.

28 As used in this article, the term:

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

33 (2) ~~'Affiliated corporation'~~ means with respect to any business entity ~~any other business~~
34 ~~entity related thereto: as a parent business entity; as a subsidiary business entity; as a~~

1 ~~sister business entity; by common ownership or control; or by control of one business~~
 2 ~~entity by the other.~~

3 ~~(3) 'Business entity' shall have the same meaning as provided in Code Section 21-5-3.~~

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

7 ~~(4.1) 'Nonelection year' shall be construed and applied separately for each elective office~~
 8 ~~and means for each elective office any calendar year during which there is no regular or~~
 9 ~~special election to fill such office.~~

10 ~~(5) 'Person' means an individual.~~

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

15 ~~(6.1) 'Political party' means any political party as that term is defined in paragraph (25)~~
 16 ~~of Code Section 21-2-2, as amended; provided, however, that for purposes of this article,~~
 17 ~~local, state, and national committees shall be separate political parties.~~

18 ~~(6.2) 'Public office' means the office of each elected public officer as specified in~~
 19 ~~paragraph (22) of Code Section 21-5-3.~~

20 ~~(7) 'Separate segregated fund' means a fund which is established, administered, and used~~
 21 ~~for political purposes by a business entity, labor organization, membership organization,~~
 22 ~~or cooperative and to which the business entity, labor organization, membership~~
 23 ~~organization, or cooperative solicits contributions. Reserved.~~

24 21-5-41.

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

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

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

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

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

33 (b) No person, corporation, affiliated corporation, campaign committee, affiliated
 34 committee, political committee, or political party shall make, and no candidate or campaign
 35 committee shall receive from any such entity, contributions to any candidate for the

1 General Assembly or public office other than state-wide elected office which in the
2 aggregate for an election cycle exceed:

- 3 (1) Two thousand dollars for a primary election;
- 4 (2) One thousand dollars for a primary run-off election;
- 5 (3) Two thousand dollars for a general election; and
- 6 (4) One thousand dollars for a general election runoff.

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

11 (d) No campaign committee shall make any contributions to any candidate which when
12 aggregated with contributions to the same candidate for the same election from any
13 affiliated committee exceed the per election maximum allowable contribution limits for
14 such candidate as specified in this Code section.

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

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

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

1 ~~(g)~~(h) The contribution limitations established by this Code section shall not apply to a
 2 loan or other contribution made to a campaign committee or candidate by the candidate or
 3 a family member of the family of the candidate in conformity with the following
 4 conditions:

5 (1) A loan shall only be made by a candidate or a family member of the candidate to the
 6 candidate's campaign committee to defray immediate or clearly anticipated campaign
 7 expenses;

8 (2) A loan made by a candidate or a family member of the candidate to the candidate's
 9 campaign committee may not be repaid by the campaign committee with interest if the
 10 repayment schedule of the loan consists of on-demand repayments; and

11 (3) Loans made pursuant to this subsection must be made in accordance with a written
 12 loan agreement between the candidate or family member of the candidate and the
 13 candidate's campaign committee which clearly states the loan repayment schedule and
 14 the interest rate applicable to such loan. The terms of the repayment schedule, to include
 15 the interest rate, must be disclosed to the commission in campaign contribution disclosure
 16 reports.

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

22 ~~(i)~~(j) The contribution limits established by this Code section shall not apply to a bona fide
 23 loan made to a candidate or campaign committee by a state or federally chartered financial
 24 institution or a depository institution whose deposits are insured by the Federal Deposit
 25 Insurance Corporation if:

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

28 (2) Such loan is based on the credit worthiness of the candidate and the candidate is
 29 personally liable for the repayment of the loan; and

30 (3) Such loan, rate of interest, and repayment period are disclosed on the campaign
 31 contribution disclosure report for the reporting period in which the loan was received.

32 ~~(j)~~(k) The contribution limitations provided for in this Code section shall not include
 33 contributions or expenditures made by a political party in support of a party ticket or a
 34 group of named candidates.

35 ~~(k)~~(l) At the end of the election cycle applicable to each public office as to which
 36 campaign contributions are limited by this Code section and every four years for all other
 37 elections to which this Code section is applicable, the contribution limitations in this Code

1 section shall be raised or lowered in increments of \$100.00 by regulation of the State Ethics
 2 Commission pursuant to a determination by the commission of inflation or deflation during
 3 such cycle or four-year period, as determined by the Consumer Price Index published by
 4 the Bureau of Labor Statistics of the United States Department of Labor, and such
 5 limitations shall apply until next revised by the commission. The commission shall adopt
 6 rules and regulations for the implementation of this subsection.

7 21-5-42.

8 For purposes of this article, a contribution to a campaign committee of a candidate for any
 9 public office shall be deemed to be a contribution to such candidate. If during any calendar
 10 year there occur both a special election including a special primary, special primary runoff,
 11 and special election runoff as appropriate and a general election for the same public office
 12 and if the same person is a candidate for nomination or election at both such special
 13 election including a special primary, special primary runoff, and special election runoff as
 14 appropriate and such general election, then this Code section shall apply. Where this Code
 15 section applies, a person, corporation, political committee, or political party may contribute
 16 up to the maximum amount otherwise allowable under this article to such person or such
 17 person's campaign committee for the purpose of influencing such candidate's nomination
 18 or election at the special primary, special primary runoff, special election, or special
 19 election runoff; and the same person, corporation, political committee, or political party
 20 may contribute up to the maximum amount otherwise allowable under this article for the
 21 purpose of influencing such candidate's election at the general election or general election
 22 runoff. This Code section shall be construed according to the following rules:

23 (1) It is the general intent of this Code section to allow a person who is a candidate for
 24 election at both a special election and a general election in the same calendar year to
 25 receive up to but no more than twice the amount of contributions which could otherwise
 26 be received from any one donor during the year; and

27 (2) Seeking nomination at a special primary or general primary shall be considered as
 28 seeking election at the ensuing special election or general election for the purpose of
 29 determining whether a person is a candidate for election at both the special election and
 30 the general election and allowing the application of this Code section; but seeking
 31 election at only a single primary and its ensuing election shall not bring this Code section
 32 into effect.

33 21-5-43.

34 (a)(1) A candidate or campaign committee may separately account for contributions for
 35 each election in an election cycle for which contributions are accepted. If no

1 contributions are accepted for an election, no corresponding accounting shall be required.
2 Subject to the contribution limits of this chapter, contributions so separately accounted
3 for may be accepted at any time in the election cycle. Upon the conclusion of each
4 election, contributions not exceeding such limits may continue to be accepted for
5 repayment of campaign obligations incurred as a candidate in that election.

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

13 (3) A candidate who accepts contributions for more than one election at a time may
14 allocate contributions received from a single contributor to any election in the election
15 cycle, provided that the contributions shall not violate maximum allowable contribution
16 limits for any election; provided, however, that in order to allocate contributions to a past
17 election, the candidate shall have outstanding campaign debt from the previous election.

18 (b) Contributions separately accounted for shall not be expended on a prior election except
19 in conformance with this Code section. Contributions separately accounted for in a
20 primary election may be expended at any time during the election cycle prior to and
21 including the date of the primary.

22 (c) Contributions remaining unexpended after the date of the election may be expended
23 for any future election in the same election cycle without regard to the limitations of Code
24 Section 21-5-41. If there are no further elections in the election cycle or if the candidate
25 or the candidate of the campaign committee is not on the ballot of a further election in the
26 election cycle, such contributions may be used only as provided in Code Section 21-5-33.

27 (d) Contributions accepted and separately accounted for in an election which does not
28 occur or for which the candidate does not qualify, if unexpended, shall be returned to the
29 contributors thereof pro rata without interest. Any portion thereof which cannot be
30 returned to the original contributor thereof shall be expended only as provided in Code
31 Section 21-5-33.

32 (e) The commission shall adopt such rules and regulations as are necessary to carry out the
33 purposes of this Code section in accordance with Chapter 13 of Title 50, the 'Georgia
34 Administrative Procedure Act.'

ARTICLE 3

1
2 21-5-50.

3 (a) As used in this article, the terms 'person' and 'transact business' shall have the meanings
4 specified in Code Section 45-10-20.

5 ~~(a)~~(b)(1) Except as modified in subsection (c) of this Code section with respect to
6 candidates for state-wide elected public office, each public officer, as defined in
7 subparagraphs (A) through ~~(E)~~(G) of paragraph ~~(22)~~(34) of Code Section 21-5-3, shall
8 file with the commission not before the first day of January nor later than July 1 of each
9 year in which such public officer holds office other than the year in which an election is
10 held for such public office, a personal financial disclosure statement for the preceding
11 calendar year; and each person who qualifies as a candidate for election as a public
12 officer, as defined in subparagraphs (A) through ~~(E)~~(G) of paragraph ~~(22)~~(34) of Code
13 Section 21-5-3, shall file with the commission, no later than the fifteenth day following
14 the date of qualifying as a candidate, a personal financial disclosure statement for the
15 preceding calendar year.

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

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

1 ~~(4)~~(2) The ~~filing officer~~ commission shall review each personal financial disclosure
 2 statement to determine that such statement is in compliance with the requirements of this
 3 chapter.

4 ~~(5)~~(3) A public officer shall not, however, be required to file such a personal financial
 5 disclosure statement for the preceding calendar year in a year in which there occurs
 6 qualifying for election to succeed such public officer, if such public officer does not
 7 qualify for nomination for election to succeed himself or herself or for election to any
 8 other public office subject to this chapter. For purposes of this subsection, a public
 9 officer shall not be deemed to hold office in a year in which the public officer holds
 10 office for less than 15 days.

11 (4) In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall
 12 be imposed for each report that is filed late. In addition, a filing fee of \$100.00 shall be
 13 imposed on the fifteenth day after the due date if the report has still not been filed, and
 14 a fine of \$500.00 shall be imposed on the forty-fifth day after the due date if the report
 15 has still not been filed.

16 ~~(b)~~(c) A personal financial disclosure statement shall be in the ~~form~~ electronic format
 17 specified by the commission and shall identify:

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

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

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

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

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

32 (4)(A) Each tract of real property in which the candidate for public office or public
 33 officer has a direct ownership interest as of December 31 of the covered year when that
 34 interest has a fair market value in excess of \$10,000.00. As used in this paragraph, the
 35 term 'fair market' value means the appraised value of the property for ad valorem tax
 36 purposes. The disclosure shall contain the county and state, general description of the

- 1 property, and whether the fair market value is between (i) \$10,000.00 and \$100,000.00;
2 (ii) \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00;
- 3 (B) Each tract of real property in which the candidate for public office's spouse or
4 public officer's spouse has a direct ownership interest as of December 31 of the covered
5 year when that interest has a fair market value in excess of \$10,000.00. The disclosure
6 shall contain the county and state, general description of the property, and whether the
7 fair market value is between (i) \$10,000.00 and \$100,000.00; (ii) \$100,000.01 to
8 \$200,000.00; (iii) or more than \$200,000.00;
- 9 (5) The filer's occupation, employer, and the principal activity and address of such
10 employer;
- 11 (6) The filer's spouse's name, occupation, employer, and the principal activity and
12 address of such employer;
- 13 (7) The names of the filer's dependent children 18 years of age and older;
- 14 (8) The name of any business or subsidiary thereof or investment, exclusive of the
15 individual stocks and bonds in mutual funds, in which the filer, jointly or severally, owns
16 a direct ownership interest which interest:
- 17 (A) Is more than 5 percent of the total interests in such business or investment,
18 exclusive of the individual stocks and bonds in mutual funds; or
- 19 (B) Has a net fair market value of more than \$10,000.00 for 30 or more consecutive
20 days during the previous calendar year;
- 21 (9) If the filer has actual knowledge of such ownership interest, the name of any business
22 or subsidiary thereof or investment, exclusive of the individual stocks and bonds in
23 mutual funds, in which the filer's spouse or dependent children, jointly or severally, own
24 a direct ownership interest which interest:
- 25 (A) Is more than 5 percent of the total interests in such business or investment,
26 exclusive of the individual stocks and bonds in mutual funds; or
- 27 (B) Has a net fair market value of more than \$10,000.00
28 or in which the filer's spouse or any dependent child serves as an officer, director,
29 equitable partner, or trustee;
- 30 (10) All annual payments in excess of \$20,000.00 received by the public officer or any
31 business entity identified in paragraph (3) of this subsection from the state, any agency,
32 department, commission, or authority created by the state, and authorized and exempted
33 from disclosure under Code Section 45-10-25, and the agency, department, commission,
34 or authority making the payments, and the general nature of the consideration rendered
35 for the source of the payments; and

1 (11) No form prescribed by the commission shall require more information or specify
 2 more than provided in the several paragraphs of this Code section subsection with respect
 3 to what is required to be disclosed.

4 ~~(e)~~(d)(1) Each person who qualifies with a political party as a candidate for party
 5 nomination to a public office elected state wide (including an incumbent public officer
 6 elected state wide qualifying to succeed himself or herself) shall file with the
 7 commission, not later than seven days after so qualifying, a personal financial disclosure
 8 statement. Each person who qualifies as a candidate for election to a public office elected
 9 state wide through a nomination petition or convention shall likewise file a personal
 10 financial disclosure statement not later than seven days after filing his or her notice of
 11 candidacy. Such personal financial disclosure statement shall comply with the
 12 requirements of subsections ~~(a)~~(b) and ~~(b)~~(c) of this Code section and shall in addition
 13 identify, for the preceding five calendar years:

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

20 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
 21 year in which the candidate or any business in which such candidate or any member of
 22 his or her family has a substantial interest or is an officer of such business received any
 23 income of any nature from any person who was at the time of such receipt of income
 24 represented by a lobbyist registered with the commission pursuant to Article 4 of this
 25 chapter.

26 (2) The personal financial disclosure statement required by paragraph (1) of this
 27 subsection shall include an itemized list of the transactions required to be reported,
 28 including the date of, dollar amount of, and parties to each such transaction. However,
 29 with respect to any transactions of a privileged nature only the total amount of such
 30 transactions shall be required to be reported, and names, dates, amounts of individual
 31 transactions, and other identifying data may be omitted; and for this purpose 'transactions
 32 of a privileged nature' shall include transactions between attorney and client, transactions
 33 between psychiatrist and patient, transactions between physician and patient, and any
 34 other transactions which are by law of a similar privileged and confidential nature.

35 (3) The personal financial disclosure statement required by paragraph (1) of this
 36 subsection shall be accompanied by a personal financial statement of the candidate's

1 financial affairs for the calendar year prior to the year in which the election is held and
2 the first quarter of the calendar year in which the election is held.

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

4 ~~(A) 'Agency' means any agency, authority, department, board, bureau, commission,~~
5 ~~committee, office, or instrumentality of the State of Georgia or any political subdivision~~
6 ~~of the State of Georgia.~~

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

10 ~~(C) 'Person' and 'transact business' shall have the meanings specified in Code Section~~
11 ~~45-10-20.~~

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

14 ~~(5)(4)~~ Notwithstanding any other provisions of this subsection, if, due to a special
15 election or otherwise, a person does not qualify as a candidate for nomination or election
16 to public office until after the filing date otherwise applicable, such person shall make the
17 filings required by this subsection within seven days after so qualifying.

18 ~~(e)(d)~~ Beginning January 9, 2006, all state-wide elected officials and members of the
19 General Assembly shall All persons required to file personal financial disclosure statements
20 shall electronically file with the commission. Prior to such date, electronic filing of
21 financial disclosure statements by such persons is permitted and encouraged but not
22 required.

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

28 ~~(f)~~ Any disclosure report, statement, or other document required to be filed under this
29 chapter which is in the possession of the Secretary of State shall be transferred to the
30 commission.

31 21-5-51.

32 ~~The financial disclosure statements required under this article shall be verified by oath or~~
33 ~~affirmation of the public officer filing the statement, such oath or affirmation to be taken~~
34 ~~before an officer authorized to administer oaths. The electronic filing of a personal~~
35 ~~financial disclosure statement required under this article shall constitute an affirmation that~~
36 ~~the statement is true, complete, and correct.~~

1 21-5-52.

2 ~~(a) The mailing of the notarized financial disclosure affidavit by United States mail, with~~
 3 ~~adequate postage affixed, within the required filing time as determined by the official~~
 4 ~~United States postage date cancellation, shall be prima-facie proof of filing.~~

5 ~~(b) It shall be the duty of the commission or any other officer or body which receives for~~
 6 ~~filing any document required to be filed under this chapter to maintain with the filed~~
 7 ~~document a copy of the postal markings or statutory overnight delivery service markings~~
 8 ~~of any envelope, package, or wrapping in which the document was delivered for filing if~~
 9 ~~mailed or sent after the date such filing was due. Reserved.~~

10 21-5-53.

11 ~~Financial Personal financial disclosure statements filed pursuant to this article shall be~~
 12 ~~public records and shall be subject to inspection and copying by any member of the public~~
 13 ~~as provided by law for other public records. ~~Within ten days after the date financial~~~~
 14 ~~disclosure statements are due, the filing officer shall notify the commission in writing of~~
 15 ~~the names and addresses of candidates or public officers who have not filed financial~~
 16 ~~disclosure statements as required by this article.~~

17 ARTICLE 4

18 21-5-70.

19 As used in this article, the term:

20 (1) 'Expenditure':

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

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

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

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

33 (E) The term shall not include:

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

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

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

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

31 (5) 'Lobbyist' means:

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

36 (B) Any natural person who makes a total expenditure of more than \$250.00 in a
 37 calendar year, not including the person's own travel, food, lodging expenses, or

1 informational material to promote or oppose the passage of any legislation by the
 2 General Assembly, or any committee thereof, or the approval or veto of legislation by
 3 the Governor;

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

7 (D) Any natural person who, for compensation, either individually or as an employee
 8 of another person, undertakes to promote or oppose the passage of any ordinance or
 9 resolution by a public officer specified under subparagraph (F) or (G) of paragraph
 10 ~~(22)~~(34) of Code Section 21-5-3, or any committee of such public officers, or the
 11 approval or veto of any such ordinance or resolution;

12 (E) Any natural person who makes a total expenditure of more than \$250.00 in a
 13 calendar year, not including the person's own travel, food, lodging expenses, or
 14 informational material to promote or oppose the passage of any ordinance or resolution
 15 by a public officer specified under subparagraph (F) or (G) of paragraph ~~(22)~~(34) of
 16 Code Section 21-5-3, or any committee of such public officers, or the approval or veto
 17 of any such ordinance or resolution;

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

21 (G) Any natural person who, for compensation, either individually or as an employee
 22 of another person is hired ~~specifically~~ to undertake influencing a public officer or state
 23 agency in the selection of a vendor to supply any goods or services to any state agency
 24 but does not include any employee of the vender solely on the basis that such employee
 25 participates in soliciting a bid or in preparing a written bid, written proposal, or other
 26 document relating to a potential sale to a state agency; or

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

30 (6) 'Public officer' means those public officers specified under paragraph ~~(22)~~(34) of
 31 Code Section 21-5-3, except as otherwise provided in this article and also includes any
 32 public officer or employee who has any discretionary authority over, or is a member of
 33 a public body which has any discretionary authority over, the selection of a vendor to
 34 supply any goods or services to any state agency.

35 (7) 'State agency' means any branch of state government, agency, authority, department,
 36 board, bureau, commission, council, corporation, entity, or instrumentality of the state but

1 does not include a local political subdivision, such as a county, city, or local school
2 district or an instrumentality of such a local political subdivision.

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

5 21-5-71.

6 (a) No person shall engage in lobbying as defined by this article unless such person is
7 registered with the commission as a lobbyist. The administration of this article is vested
8 in the commission.

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

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

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

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

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

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

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

23 (7) A statement disclosing each individual or entity on whose behalf the applicant is
24 registering if such individual or entity has agreed to pay him or her an amount exceeding
25 \$10,000.00 in a calendar year for lobbying activities.

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

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

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

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

(2) The commission shall collect the following fees:

- (A) Annual lobbyist registration or renewal filed pursuant to this Code section \$ ~~200.00~~ 50.00
- (B) Lobbyist supplemental registration filed pursuant to this Code section 10.00
- (C) Each copy of a lobbyist identification card issued pursuant to this Code section ~~5.00~~ \$20.00

(D) In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall be imposed for each report that is filed late. In addition, a filing fee of ~~\$25.00~~ \$100.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed, and a fine of \$500.00 shall be imposed on the forty-fifth day after the due date if the report has still not been filed.

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

(h) The commission shall regularly publish public rosters of lobbyists along with the respective persons, firms, corporations, associations, agencies, or governmental entities they represent. During sessions of the General Assembly, the commission shall weekly report to the Clerk of the House of Representatives, the Secretary of the Senate, and the Governor those persons who have registered as lobbyists since the convening of the

1 General Assembly. The commission shall be authorized to charge a reasonable fee for
2 providing copies of the roster to the public.

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

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

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

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

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

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

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

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

22 21-5-72.

23 (a) In addition to other penalties provided in this article, the commission may by order
24 deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist
25 if it finds that the lobbyist:

26 (1) Has filed an application for registration with the commission which was incomplete
27 in a material respect or contained a statement that was, in light of the circumstances under
28 which it was made, false or misleading with respect to a material fact;

29 (2) Has willfully violated or willfully failed to comply with this article or a rule
30 promulgated by the commission under this article;

31 (3) Has failed to comply with the reporting requirements of this article; or

32 (4) Has engaged in lobbying practices in violation of this article.

33 (b) Application may be made to the commission for reinstatement. Such reinstatement
34 shall be conducted in the same manner as required for an initial registration under this
35 article and shall be conditioned upon payment of the same registration fees applicable to
36 an initial registration and also any outstanding penalty fees.

1 (c) Any person failing to comply with or violating any of the provisions of this article shall
2 be subject to a civil penalty not to exceed \$2,000.00 per violation.

3 21-5-73.

4 (a) Each lobbyist registered under this article shall file disclosure reports ~~as provided for~~
5 ~~in this Code section~~ in the electronic format specified by the commission.

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

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

12 (1) File a disclosure report, current through the end of the preceding month, on or before
13 the fifth day of May, September, and January of each year instead of the reports required
14 by subsections (b) and (d) of this Code section; and

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

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

25 (e) Reports filed by lobbyists shall be verified and shall include:

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

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

32 (B) The amount, date, and description of the expenditure and a summary of all
33 spending classified by category. Such categories shall include gifts, meals,
34 entertainment, lodging, equipment, advertising, travel, and postage;

35 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures
36 described in ~~divisions~~ division (1)(E)(vii) ~~and (1)(E)(x)~~ of Code Section 21-5-70

1 incurred during the reporting period; provided, however, expenses for travel and for
 2 food, beverage, and lodging in connection therewith afforded a public officer shall be
 3 reported in the same manner as under subparagraphs (A), (B), and (D) of this
 4 paragraph;

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

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

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

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

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

25 (g) The electronic filing of any lobbyist disclosure report required under this article shall
 26 constitute an affirmation that the statement is true, complete, and correct.

27 21-5-74.

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

33 21-5-75.

34 (a) Except as provided in subsection (b) of this Code section, on and after January 8, 2007,
 35 persons identified in subparagraphs (A) through (D) of paragraph ~~(22)~~(34) of Code Section

1 21-5-3 and the executive director of each state board, commission, or authority shall be
 2 prohibited from registering as a lobbyist or engaging in lobbying under this article for a
 3 period of one year after terminating such employment or leaving such office.

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

7 21-5-76.

8 (a) No person, firm, corporation, or association shall retain or employ a lobbyist, an
 9 attorney at law, or an agent to aid or oppose legislation for compensation contingent, in
 10 whole or in part, upon the passage or defeat of any legislative measure, the adoption or
 11 decision not to adopt any rule or regulation, or upon the ~~receipt or award~~ granting or
 12 awarding of any state contract. No lobbyist, attorney at law, or agent shall be employed
 13 to aid or oppose legislation for compensation contingent, in whole or in part, upon the
 14 passage or defeat of any legislation, the adoption or decision not to adopt any rule or
 15 regulation, or upon the ~~receipt or award~~ granting or awarding of any state contract.

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

20 SECTION 2.

21 Code Section 36-67A-1 of the Official Code of Georgia Annotated, relating to definitions
 22 applicable to conflicts of interest in zoning proceedings, is amended by revising paragraph
 23 (2.1) as follows:

24 "(2.1) 'Campaign contribution' means a 'contribution' as defined in ~~paragraph (7)~~ of Code
 25 Section 21-5-3."

26 SECTION 3.

27 Code Section 45-10-80 of the Official Code of Georgia Annotated, relating to public officers
 28 who are prohibited from advancing, employing, or advocating the employment of family
 29 members, is amended by revising subsection (a) as follows:

30 "(a) A public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(22)~~(34)
 31 of Code Section 21-5-3, is prohibited from advocating for or causing the advancement,
 32 appointment, employment, promotion, or transfer of a member of his or her family, as such
 33 term is defined in Code Section 21-5-3, to an office or position to become a public

1 employee, as defined in paragraph (3) of subsection (a) of Code Section 45-1-4, that pays
2 an annual salary of \$10,000.00 or more or its equivalent."

3 **SECTION 4.**

4 This Act shall become effective on July 1, 2007, and apply to all registrations for and reports
5 due in subsequent year thereto.

6 **SECTION 5.**

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