

Senate Bill 243

By: Senator Unterman of the 45th

**AS PASSED SENATE**

**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 certain reports; to provide for enforcement matters, including provisions relating to  
11 venue and additional fees for late filings; to make conforming amendments to other  
12 provisions of the Official Code of Georgia Annotated; to provide for other matters related  
13 to the foregoing; to provide an effective date and applicability; to repeal conflicting laws; and  
14 for other 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.'

21-5-2.

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

21-5-3.

As used in this chapter, the term:

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

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

(3) 'Agency' means:

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

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

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

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

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

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

(iv) For any combination of the foregoing items.

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

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

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

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

~~(4)~~(7) 'Candidate' means an individual who seeks nomination for election or election to any public office, whether or not such an individual is elected; and a person shall be deemed to seek nomination or election if such person has taken necessary action under the laws of this state to qualify such person for nomination for election or election or has received any contributions or made any expenditures in pursuit of such nomination or election or has given such person's consent for such person's candidate campaign committee to receive contributions or make expenditures with a view to bringing about 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)~~(19) 'Filing officer' means that official or commission that is designated in Code  
22 Section 21-5-34 to receive campaign contribution disclosure reports.

23 (20) '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)~~(21) '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 (22) 'In-kind contribution' means anything of value other than money.

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

~~(17)~~(24) 'Member of the family' or 'family member' means a spouse and all dependent children.

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

~~(18)~~(26) 'Ordinary and necessary expenses' shall include, but shall not be limited to, expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted in subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.

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

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

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

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

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

~~Such term does not include a candidate campaign committee.~~

1 (29) '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 (30) '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 (31) '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)~~(32) '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 (33) 'Public meeting place' means any county, municipal, or other public building  
16 suitable and ordinarily used for public gatherings.

17 (34) 'Public office' means the office of each elected public officer as specified in  
18 paragraph (35) of this Code section.

19 ~~(22)~~(35) '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~~ any  
26 elected or appointed members and officials 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 (36) 'Qualifying officer' means a person who qualifies a candidate for an election.

31 (37) '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 (38) '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.



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

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

21-5-4.

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

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

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

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

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

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

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

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

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

21-5-5.

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

21-5-6.

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

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

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

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

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

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

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

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

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

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

(b) The commission shall have the following duties:

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

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

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

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

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

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

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

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

(9) To make investigations, subject to the limitations contained in Code Section 21-5-7.1, with respect to the statements and reports filed under this chapter and with respect to alleged failure to file any statements or reports required under this chapter and upon receipt of the written complaint of any person, verified under oath to the best information, knowledge, and belief by the person making such complaint with respect to an alleged violation of any provision of this chapter, provided that nothing in this Code section shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its 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 (a) 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 (b) The commission shall not accept any complaint submitted within 30 days prior to any  
23 election in which the respondent named in the complaint is a candidate or a campaign  
24 committee in such election. Any complaint filed within this prohibited time period shall  
25 be returned to the complainant.

26 21-5-7.1.

27 The commission shall adopt rules which shall provide that:

- 28 (1) Upon the commission's receipt of a complaint, a determination shall be made as to  
29 whether the complaint relates to a technical defect in a filing. For this purpose, a  
30 technical defect shall include, but not be limited to, a defect such as a failure to include  
31 a date or an incorrect date, a failure to include a contributor's occupation or an incorrect  
32 occupation, a failure to include an address or an incorrect address, a failure to include an  
33 employer or an incorrect employer, accounting errors, or any other similar defects;
- 34 (2) When the commission determines that a complaint relates to a technical defect in a  
35 filing, the subject of the complaint shall be issued a notice of the technical defect by

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

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

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

24 21-5-8.

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

28 21-5-9.

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

31 21-5-10.

32 The provisions of this chapter, so far as they are the same as those of existing laws, are  
33 intended as a continuation of such laws and not as new enactments. The repeal by this  
34 chapter of any Act of the General Assembly, or part thereof, shall not revive any Act, or



part thereof, heretofore repealed or superseded. This chapter shall not affect any act done, liability or penalty incurred, or right accrued or vested prior to the taking effect of this chapter; nor shall this chapter affect any actions or prosecution then pending, or to be instituted, to enforce any right or penalty then accrued or to punish any offense theretofore committed.

21-5-11.

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

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

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

21-5-12.

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

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

21-5-13.

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

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

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

1 21-5-14.

2 Any person assessed a late fee or a late fine pursuant to this chapter may contest by petition  
3 such assessment to the executive director in writing under oath and shall document with  
4 sufficient proof the reason or reasons for failure to comply with the reporting requirements  
5 under this chapter. All petitions must be received within 30 days of the date of the invoice  
6 generated and mailed by the commission. The executive director shall grant or deny any  
7 petition within 30 days from the receipt of the petition.

8 ARTICLE 2

9 21-5-30.

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

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

31 (c) Contributions of money received pursuant to subsection (a) of this Code section shall  
32 be deposited in a single campaign depository account opened and maintained in the State  
33 of Georgia for campaign purposes by the candidate or the campaign committee. The  
34 account may be an interest-bearing account; provided, however, that any interest earned  
35 on such account shall be reported and may only be used for the purposes allowed for

1 contributions under this chapter. ~~Those who elect the separate accounting option as~~  
2 ~~provided in Code Section 21-5-43 may also open, but are not required to open, a separate~~  
3 ~~campaign depository account for each election for which contributions are accepted and~~  
4 ~~allocated beyond their next upcoming election. Campaign expenditures shall not be made~~  
5 ~~by a candidate or campaign committee except by or through such separate depository~~  
6 ~~account.~~

7 (d) Unless otherwise reported individually, where separate contributions of less than  
8 \$101.00 are knowingly received from a common source, such contributions shall be  
9 aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement,  
10 members of the family, members of the same firm or partnership, or employees of the same  
11 person, as defined in paragraph ~~(19)~~(27) of Code Section 21-5-3, shall be considered to be  
12 a common source; provided, however, that the purchase of tickets for not more than \$25.00  
13 each and for or attendance at a fundraising event by members of the family, members of  
14 the same firm or partnership, or employees of the same person shall not be considered to  
15 be contributions from a common source except to the extent that tickets are purchased as  
16 a block.

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

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

33 (g) Neither a candidate who is not a public officer nor his or her campaign committee may  
34 lawfully accept a campaign contribution until the candidate has filed with the commission  
35 or, where total campaign contributions in a local election are less than \$5,000.00, with the  
36 appropriate local filing officer a declaration of intention to accept campaign contributions

1 which shall include the name and address of the candidate and the names and addresses of  
2 his or her campaign committee officers, if any.

3 21-5-30.1.

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

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

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

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

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

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

engages in a business or profession which is regulated by an elected executive officer or by a board under the jurisdiction of an elected executive officer.

~~(b)~~(a) No regulated entity and no person or political action campaign committee acting on behalf of a regulated entity shall make a contribution to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate.

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

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

21-5-30.2.

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

~~(1) 'Agency' means:~~

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

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

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

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

~~(2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money, or anything of value conveyed or transferred by or on behalf of an agency, without receipt of payment therefor, to any campaign committee;~~

~~political action committee, or political organization or to any candidate for campaign purposes.~~

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

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

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

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

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

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

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

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

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

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

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

21-5-31.

Reserved.

21-5-32.

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

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

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

21-5-33.

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

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

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

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

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

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

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

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

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

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



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

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

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

21-5-34.

(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office ~~except county and municipal offices or the General Assembly~~ and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall ~~sign and~~ file with the commission the required campaign contribution disclosure reports. ~~A candidate for membership in the General Assembly or the chairperson or treasurer of such candidate's campaign committee shall file such candidate's reports with the commission and a copy of such report with the election superintendent of the county of such candidate's residence. If total campaign contributions for a county or municipal election are less than \$5,000.00 then the report may be filed with the appropriate local filing officer.~~

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

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

(B) If a campaign committee is required to file a report under subparagraph (A) of this paragraph, such report shall be filed with the commission for a state election or, in a

county or municipal election if the total campaign contributions are less than \$5,000.00,  
the report may be filed with the election superintendent of the county in the case of a  
 county election or with the municipal clerk or, if there is no clerk, with the chief  
executive officer of the municipality in the case of a municipal election. Any such  
 report shall be filed 15 days prior to the date of the election; and a final report shall be  
 filed prior to December 31 ~~of the year in which the election is held.~~

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

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

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

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

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

(C) When a contribution consists of a loan, advance, or other extension of credit, the  
 report shall also contain the name of the lending institution or party making the advance  
 or extension of credit, and the rate of interest if any, the time frame in which to satisfy  
the financial obligation, and the names, mailing addresses, occupations, and places of  
 employment of all persons having any liability for repayment of the loan, advance, or  
 extension of credit; and, if any such persons shall have a fiduciary relationship to the  
 lending institution or party making the advance or extension of credit, the report shall  
 specify such relationship;

(D) Total contributions received and total expenditures ~~made~~ shall be reported for an  
election cycle as follows:

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

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

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

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

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

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

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

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

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

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

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

~~(F) A detailed listing of all investments held outside of the committee's official depository account at any time during a reporting period shall be disclosed by description, amount, any identifying numbers, and the name and address of any institution or person in which it is held. Proceeds from an investment such as interest, dividends, or proceeds from its sale shall be reported by date and amount. Any interest, dividends, or proceeds earned on such investments shall only be used for the purposes~~

1 allowed for contributions under this chapter. In the case of the sale of an investment,  
2 the names and addresses of the persons involved in the transaction shall also be stated.

3 (2) Each report shall be in such form as will allow for the separate identification of a  
4 contribution or contributions which are less than \$101.00 but which become reportable  
5 due to the receipt of an additional contribution or contributions which when combined  
6 with such previously received contribution or contributions cumulatively equal or exceed  
7 \$101.00.

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

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

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

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

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

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

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

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

29 All persons or entities required to file reports shall have a five-day grace period in filing  
30 the required reports, except that the grace period shall be two days for required reports  
31 prior to run-off primaries or run-off elections, and no grace period shall apply to  
32 contributions required to be reported within two business days. ~~Except as provided for~~  
33 ~~electronic filing, the mailing of such reports by United States mail with adequate postage~~  
34 ~~affixed, within the required filing time as determined by the official United States postage~~  
35 ~~date cancellation, shall be prima-facie evidence of filing but reports~~ Reports required to be  
36 filed within two business days of a contribution shall also be reported by facsimile;  
37 electronic transmission, ~~or otherwise within those two business days to the location where~~

1 ~~the original disclosure report for such candidate or committee was filed to the commission;~~  
2 ~~provided, however, that if a report is for contributions in a county or municipal election~~  
3 ~~which total less than \$5,000.00 a report may be filed with the appropriate local filing~~  
4 ~~officer by electronic transmission or facsimile. A report or statement required to be filed~~  
5 ~~by this Code section other than a report of contributions required to be reported within two~~  
6 ~~business days shall be verified by the oath or affirmation of the person filing such report~~  
7 ~~or statement taken before an officer authorized to administer oaths. Each report required~~  
8 in the calendar year of the election shall contain cumulative totals of all contributions  
9 which have been received and all expenditures which have been made in support of the  
10 campaign in question and which are required, or previously have been required, to be  
11 reported.

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

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

~~(5) In the case of state officials or county officials, a copy of each of the reports shall also be filed with the election superintendent in the county of residence of the official sought to be recalled. In the case of municipal officials, a copy of the reports shall also be filed with the municipal clerk in the municipality of residence of the official sought to be recalled or, if there is no clerk, with the chief executive officer of the municipality. Each filing officer shall forward a copy of the reporting forms required by this Code section to each candidate or public officer holding elective office required to file such report within a reasonable time prior to each filing.~~

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

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

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

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

file a supplemental campaign contribution disclosure report no later than December 31 of each year until such unpaid expenditures from such campaign are satisfied.

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

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

~~(l)(i)~~ In addition to other penalties provided under this chapter, ~~an additional~~ a filing fee of ~~\$25.00~~ \$50.00 shall be imposed for each report that is filed late. In addition, a filing fee of ~~\$50.00~~ \$100.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed; ~~provided, however, a 15-day extension period shall be granted on the final report, 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.~~

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

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

21-5-34.1.

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



1 electronic means prescribed by the commission to file their reports with the commission;  
2 provided, however, that any report that must be filed with the commission for county or  
3 municipal elections prior to 2010 may be filed by mail or facsimile.

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

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

18 ~~(d)(b) Except as otherwise provided, political~~ Political action committees, independent  
19 committees, and any persons otherwise required by this article to file campaign  
20 contribution disclosure reports shall use electronic means prescribed by the commission  
21 to file such reports with the commission upon having raised or spent \$5,000.00 \$25,000.00  
22 in a calendar year. Under that threshold, electronic filing is permitted and encouraged but  
23 not required.

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

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

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

32 21-5-35.

33 (a) No member of the General Assembly or that member's campaign committee or public  
34 officer elected state wide or campaign committee of such public officer shall seek or accept  
35 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.

21-5-36.

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

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

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

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

## ARTICLE 2A

21-5-40.

As used in this article, the term:

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

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

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

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

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

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

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

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

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

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

21-5-41.

(a) No person, corporation, affiliated corporation, campaign committee, affiliated committee, political committee, or political party shall make, and no candidate or campaign

committee shall receive from any such entity, contributions to any candidate for state-wide elected office which in the aggregate for an election cycle exceed:

- (1) Five thousand dollars for a primary election;
- (2) Three thousand dollars for a primary run-off election;
- (3) Five thousand dollars for a general election; and
- (4) Three thousand dollars for a general election runoff.

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

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

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

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

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

~~(e)~~(f) Candidates and campaign committees shall designate on their disclosure reports the election for which a contribution has been accepted. Any contribution not so designated

1 shall be presumed to have been accepted for the election on or first following the date of  
2 the contribution.

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

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

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

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

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

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

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

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

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

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

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

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

21-5-42.

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

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

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

21-5-43.

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

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

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

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

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

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

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

### ARTICLE 3

21-5-50.

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

~~(a)~~(b)(1) Except as modified in subsection (c) of this Code section with respect to candidates for state-wide elected public office, each public officer, as defined in subparagraphs (A) through ~~(E)~~(G) of paragraph ~~(22)~~(35) of Code Section 21-5-3, shall file with the commission not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a personal financial disclosure statement for the preceding calendar year; and each person who qualifies as a candidate for election as a public officer, as defined in subparagraphs (A) through ~~(E)~~(G) of paragraph ~~(22)~~(35) of Code Section 21-5-3, shall file with the commission, no later than the fifteenth day following the date of qualifying as a candidate, a personal financial disclosure statement for the preceding calendar year.

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

~~(3) Each public officer, as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, not before the first~~



~~day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer, as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.~~

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

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

(4) 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 \$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.

~~(b)(c)~~ A personal financial disclosure statement shall be in the ~~form~~ electronic format specified by the commission, provided that prior to January 1, 2010, filing may be by United States mail with sufficient postage affixed for county or municipal elections. The financial disclosure statement and shall identify:

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

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

(3) The name, address, and principal activity of any business entity and the office held by and the duties of the candidate for public office or public officer within such business

entity as of December 31 of the covered year in which such candidate or officer has a direct ownership interest which interest:

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

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

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

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

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

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

(7) The names of the filer's dependent children 18 years of age and older;

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

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

(B) Has a net fair market value of more than \$10,000.00 for 30 or more consecutive days during the previous calendar year;

(9) If the filer has actual knowledge of such ownership interest, the name of any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in mutual funds, in which the filer's spouse or dependent children, jointly or severally, own a direct ownership interest which interest:

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

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

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

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

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

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

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

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

34 (2) The personal financial disclosure statement required by paragraph (1) of this  
35 subsection shall include an itemized list of the transactions required to be reported,  
36 including the date of, dollar amount of, and parties to each such transaction. However,  
37 with respect to any transactions of a privileged nature only the total amount of such

1 transactions shall be required to be reported, and names, dates, amounts of individual  
 2 transactions, and other identifying data may be omitted; and for this purpose 'transactions  
 3 of a privileged nature' shall include transactions between attorney and client, transactions  
 4 between psychiatrist and patient, transactions between physician and patient, and any  
 5 other transactions which are by law of a similar privileged and confidential nature.

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

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

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

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

17 ~~(C) 'Person' and 'transact business' shall have the meanings specified in Code Section~~  
 18 ~~45-10-20.~~

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

21 ~~(5)~~(4) Notwithstanding any other provisions of this subsection, if, due to a special  
 22 election or otherwise, a person does not qualify as a candidate for nomination or election  
 23 to public office until after the filing date otherwise applicable, such person shall make the  
 24 filings required by this subsection within seven days after so qualifying.

25 ~~(e)~~(d) Beginning January 9, 2006, all state-wide elected officials and members of the  
 26 General Assembly shall file financial disclosure statements electronically. Prior to ~~such~~  
 27 ~~date~~ January 1, 2010, electronic filing of financial disclosure statements by ~~such persons~~  
 28 municipal and county elected officials is permitted and encouraged but not required.

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

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

21-5-51.

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

21-5-52.

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

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

21-5-53.

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

#### ARTICLE 4

21-5-70.

As used in this article, the term:

(1) 'Expenditure':

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

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

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

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

(E) The term shall not include:

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

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

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

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

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

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

(vii) Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph ~~(1)~~(3) of ~~subsection (a) of Code Section 21-5-30.2~~  
21-5-3, are invited. An agency shall include the Georgia House of Representatives, the Georgia Senate, committees and subcommittees of such bodies, and the governing body of each political subdivision of this state;

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

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

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

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

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

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

2 (5) 'Lobbyist' means:

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

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

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

15 (D) Any natural person who, for compensation, either individually or as an employee  
16 of another person, undertakes to promote or oppose the passage of any ordinance or  
17 resolution by a public officer specified under subparagraph (F) or (G) of paragraph  
18 ~~(22)~~(35) of Code Section 21-5-3, or any committee of such public officers, or the  
19 approval or veto of any such ordinance or resolution;

20 (E) Any natural person who makes a total expenditure of more than \$250.00 in a  
21 calendar year, not including the person's own travel, food, lodging expenses, or  
22 informational material to promote or oppose the passage of any ordinance or resolution  
23 by a public officer specified under subparagraph (F) or (G) of paragraph ~~(22)~~(35) of  
24 Code Section 21-5-3, or any committee of such public officers, or the approval or veto  
25 of any such ordinance or resolution;

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

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

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

(6) 'Public officer' means those public officers specified under paragraph ~~(22)~~(35) of Code Section 21-5-3, except as otherwise provided in this article and also includes any public officer or employee who has any discretionary authority over, or is a member of a public body which has any discretionary authority over, the selection of a vendor to supply any goods or services to any state agency.

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

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

21-5-71.

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

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

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

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

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

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

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

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

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

(c) The lobbyist shall, within seven days of any substantial or material change or addition, file a supplemental registration indicating such substantial or material change or addition to the registration prior to its expiration. Previously filed information may be incorporated by reference. Substantial or material changes or additions shall include, but are not limited



to, the pertinent information concerning changes or additions to client and employment information required by paragraphs (2), (3), (4), (6), and (7) of subsection (b) of this Code section.

(d) Each registration under this Code section shall expire on December 31 of each year. The commission may establish renewal procedures for those applicants desiring continuous 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 General Assembly. The commission shall be authorized to charge a reasonable fee for providing copies of the roster to the public.

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

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

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

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

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

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

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

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

21-5-72.

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

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

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

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

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

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

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

21-5-73.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21-5-74.

A lobbyist shall not be eligible for executive appointment to any board, authority, commission, or bureau created and established by the laws of this state which regulates the activities of a business, firm, corporation, or agency that the lobbyist represented until one

1 year after the expiration of the lobbyist's registration for that business, firm, corporation,  
2 or agency.

3 21-5-75.

4 (a) Except as provided in subsection (b) of this Code section, on and after January 8, 2007,  
5 persons identified in subparagraphs (A) through (D) of paragraph ~~(22)~~(35) of Code Section  
6 21-5-3 and the executive director of each state board, commission, or authority shall be  
7 prohibited from registering as a lobbyist or engaging in lobbying under this article for a  
8 period of one year after terminating such employment or leaving such office.

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

12 21-5-76.

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

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

## 25 SECTION 2.

26 Code Section 36-67A-1 of the Official Code of Georgia Annotated, relating to definitions  
27 applicable to conflicts of interest in zoning proceedings, is amended by revising paragraph  
28 (2.1) as follows:

29 "(2.1) 'Campaign contribution' means a 'contribution' as defined in ~~paragraph (7)~~ of Code  
30 Section 21-5-3."

**SECTION 3.**

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

"(a) A public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(22)~~(35) of Code Section 21-5-3, is prohibited from advocating for or causing the advancement, appointment, employment, promotion, or transfer of a member of his or her family, as such term is defined in Code Section 21-5-3, to an office or position to become a public employee, as defined in paragraph (3) of subsection (a) of Code Section 45-1-4, that pays an annual salary of \$10,000.00 or more or its equivalent."

**SECTION 4.**

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

**SECTION 5.**

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