

Senate Bill 17

By: Senators Harp of the 29th, Johnson of the 1st and Hooks of the 14th

A BILL TO BE ENTITLED  
AN ACT

1 To provide for a short title; to amend Chapter 5 of Title 21 of the Official Code of Georgia  
2 Annotated, relating to ethics in government, so as to substantially revise the "Ethics in  
3 Government Act"; to change and provide for definitions; to change the name of the State  
4 Ethics Commission to the Georgia Government Transparency and Campaign Finance  
5 Commission; to clarify provisions relating to the Georgia Government Transparency and  
6 Campaign Finance Commission; to change provisions relating to limitations of actions; to  
7 change provisions relating to campaign disclosure reports; to require county and municipal  
8 campaign disclosure reports be filed with the Georgia Government Transparency and  
9 Campaign Finance Commission; to require disclosure of investments held in campaign  
10 funds; to require reporting of campaign debt on campaign disclosure reports; to provide for  
11 increased fines for late filings; to require electronic filing of all reports to the Georgia  
12 Government Transparency and Campaign Finance Commission; to change provisions  
13 relating to the handling of complaints; to change provisions relating to financial disclosure  
14 statements; to require members of the State Transportation Board to file financial disclosure  
15 statements; to require that lobbyists disclose expenditures for members of the State  
16 Transportation Board; to remove provisions relating to filings by mail; to change provisions  
17 relating to the definition of expenditures, lobbyists, and state agencies; to change certain  
18 provisions relating to lobbyist registration and to change fees; to change provisions relating  
19 to information on lobbyists' disclosure reports and frequency of filing such reports; to change  
20 provisions relating to the prohibition of contingent fees for lobbying; to correct  
21 cross-references; to amend Article 1 of Chapter 10 of Title 16 of the Official Code of  
22 Georgia Annotated, relating to abuse of governmental office, so as to increase the  
23 punishment for influencing legislation or official action by certain public officials; to amend  
24 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
25 so as to provide for a method of addressing conflicts of interest, abuse of power, and  
26 improper use of state employees by General Assembly members; to provide for definitions;  
27 to provide for procedure; to abolish the Joint Legislative Ethics Committee; to provide that  
28 yearly disclosure statements concerning business transactions with the state be filed with the  
29 Georgia Government Transparency and Campaign Finance Commission rather than the

30 Secretary of State; to correct cross-references; to provide for related matters; to provide for  
31 an effective date and applicability; to repeal conflicting laws; and for other purposes.

32 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

33 **SECTION 1.**

34 This Act shall be known and may be cited as the "Georgia Government Transparency and  
35 Campaign Finance Act of 2010."

36 **SECTION 2.**

37 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in  
38 government, is amended by revising Code Section 21-5-3, relating to definitions, as follows:  
39 "21-5-3.

40 As used in this chapter, the term:

41 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited  
42 partnership, limited liability company, limited liability partnership, professional  
43 corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether  
44 for profit or nonprofit.

45 (2) 'Campaign committee' means the candidate, person, or committee which accepts  
46 contributions or makes expenditures designed to bring about the nomination or election  
47 of an individual to any elected office. The term 'campaign committee' also means any  
48 person or committee which accepts contributions or makes expenditures designed to  
49 bring about the recall of a public officer holding elective office or to oppose the recall of  
50 a public officer holding elective office or any person or any committee which accepts  
51 contributions or makes expenditures designed to bring about the approval or rejection by  
52 the voters of any proposed constitutional amendment, a state-wide referendum, or a  
53 proposed question which is to appear on the ballot in this state or in a county or a  
54 municipal election in this state.

55 (3) 'Campaign contribution disclosure report' means a report filed with the ~~appropriate~~  
56 ~~filing officer commission~~ by a candidate or the chairperson or treasurer of a campaign  
57 committee setting forth all expenditures of ~~\$101.00 or more than \$100.00~~ and all  
58 contributions of ~~\$101.00 or more than \$100.00~~, including contributions and expenditures  
59 of lesser amounts when the aggregate amount thereof by or to a person is ~~\$101.00 or~~  
60 ~~more than \$100.00~~ for the calendar year in which the report is filed. Such report shall  
61 also include the total amount of all individual contributions received or expenditures  
62 made of less than ~~\$101.00 \$100.00~~ each. The first report required in the calendar year  
63 of the election shall contain all such expenditures made and all such contributions

64 received by the candidate or the committee in prior years in support of the campaign in  
65 question.

66 (4) 'Candidate' means an individual who seeks nomination for election or election to any  
67 public office, whether or not such an individual is elected; and a person shall be deemed  
68 to seek nomination or election if such person has taken necessary action under the laws  
69 of this state to qualify such person for nomination for election or election or has received  
70 any contributions or made any expenditures in pursuit of such nomination or election or  
71 has given such person's consent for such person's campaign committee to receive  
72 contributions or make expenditures with a view to bringing about such person's  
73 nomination for election or election to such office.

74 (5) 'Commission' means the State Ethics Georgia Government Transparency and  
75 Campaign Finance Commission created under Code Section 21-5-4.

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

81 (7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
82 advance or deposit of money or anything of value conveyed or transferred for the purpose  
83 of influencing the nomination for election or election of any person for office, bringing  
84 about the recall of a public officer holding elective office or opposing the recall of a  
85 public officer holding elective office, or the influencing of voter approval or rejection of  
86 a proposed constitutional amendment, a state-wide referendum, or a proposed question  
87 which is to appear on the ballot in this state or in a county or a municipal election in this  
88 state. The term specifically shall not include the value of personal services performed by  
89 persons who serve without compensation from any source and on a voluntary basis. The  
90 term 'contribution' shall include other forms of payment made to candidates for office or  
91 who hold office when such fees and compensation made can be reasonably construed as  
92 a campaign contribution designed to encourage or influence a candidate or public officer  
93 holding elective office. The term 'contribution' shall also encompass transactions wherein  
94 a qualifying fee required of the candidate is furnished or paid by anyone other than the  
95 candidate.

96 (8) 'Direct ownership interest' means the holding or possession of good legal or rightful  
97 title of property or the holding or enjoyment of real or beneficial use of the property by  
98 any person and includes any interest owned or held by a spouse of such person if such  
99 interest is held jointly or as tenants in common between the person and spouse.

100 (9) 'Election' means a primary election; run-off election, either primary or general;  
101 special election; or general election. The term 'election' also means a recall election.

102 (10) 'Election cycle' means the period from the day following the date of an election or  
103 appointment of a person to elective public office through and including the date of the  
104 next such election of a person to the same public office and shall be construed and  
105 applied separately for each elective office.

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

109 ~~(11)~~(12) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,  
110 or any transfer of money or anything of value made for the purpose of influencing the  
111 nomination for election or election of any person, bringing about the recall of a public  
112 officer holding elective office or opposing the recall of a public officer holding elective  
113 office, or the influencing of voter approval or rejection of a proposed constitutional  
114 amendment, a state-wide referendum, or a proposed question which is to appear on the  
115 ballot in this state or in a county or a municipal election in this state. The term  
116 specifically shall not include the value of personal services performed by persons who  
117 serve without compensation from any source and on a voluntary basis. The term  
118 'expenditure' shall also include the payment of a qualifying fee for and ~~in~~ on behalf of a  
119 candidate.

120 ~~(12)~~(13) 'Fiduciary position' means any position imposing a duty to act primarily for the  
121 benefit of another person as an officer, director, manager, partner, guardian, or other  
122 designation of general responsibility of a business entity.

123 ~~(13) 'Filing officer' means that official or commission that is designated in Code Section~~  
124 ~~21-5-34 to receive campaign contribution disclosure reports.~~

125 (14) 'Gift' means any gratuitous transfer to a public officer or any member of the family  
126 of the public officer or a loan of property or services which is not a contribution as  
127 defined in paragraph (7) of this Code section and which is ~~in the amount of \$101.00 or~~ more  
128 than \$100.00.

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

135 (16) 'Intangible property' means property which is not real property and which is held for  
136 profit and includes stocks, bonds, interest in partnerships, choses in action, and other

137 investments but shall not include any ownership interest in any public or private  
138 retirement or pension fund, account, or system and shall not include any ownership  
139 interest in any public or private life insurance contract or any benefit, value, or proceeds  
140 of such life insurance contract.

141 (16.1) 'Investment' means the investment of money or capital to gain interest or income.

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

143 (17.1) 'Nonelection year' shall be construed and applied separately for each elective  
144 office and means for each elective office any calendar year during which there is no  
145 regular or special election to fill such office.

146 (17.2) 'Nonprofit organization' means a corporation, foundation, or other legal entity, no  
147 part of the net earnings of which inures to the benefit of any private shareholder or  
148 individual holding an interest in such entity.

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

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

161 (20) 'Political action committee' means:

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

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

168 Such term does not include a candidate campaign committee.

169 (21) 'Public employee' means every person employed by the executive, legislative, or  
170 judicial branch of state government, or any department, board, bureau, agency,  
171 commission, or authority thereof.

172 (22) 'Public officer' means:

173 (A) Every constitutional officer;

- (B) Every elected state official;
  - (C) The executive head of every state department or agency, whether elected or appointed;
  - (D) Each member of the General Assembly;
  - (E) The executive director of each state board, commission, or authority and the members thereof;
  - (F) Every elected county official and every elected member of a local board of education; and
  - (G) Every elected municipal official.

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

(24) 'Reporting period' means the period of time beginning the day after the last report due date, excluding any grace period, through the due date of the next report."

### SECTION 3.

Said chapter is further amended by revising subsections (a) and (b) of Code Section 21-5-4, relating to the State Ethics Commission, as follows:

"(a) The Georgia Government Transparency and Campaign Finance Commission shall be a successor to the State Ethics Commission, with such duties and powers as are set forth in this chapter. As the successor commission, it shall have all the powers and duties granted to the State Ethics Commission in all matters pending before the State Ethics Commission and may continue to investigate, prosecute, and act upon all such matters.

~~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) 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 four years and until such member's successor is duly appointed and qualified. If

210 a vacancy occurs in the membership of the commission, a new member shall be appointed  
211 to the unexpired term of office by the state official or the committee that appointed the  
212 vacating member. Members of the commission shall not serve for more than one complete  
213 term of office; ~~provided, however, that the members of the State Campaign and Financial~~  
214 ~~Disclosure Commission serving on March 1, 1987, shall be eligible for appointment as~~  
215 ~~initial members of the State Ethics Commission."~~

216 **SECTION 4.**

217 Said chapter is further amended by revising Code Section 21-5-5, relating to operating  
218 expenses, as follows:

219 "21-5-5.

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

225 **SECTION 5.**

226 Said chapter is further amended by revising Code Section 21-5-6, relating to the powers and  
227 duties of the State Ethics Commission, as follows:

228 "21-5-6.

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

- 230 (1) To meet at such times and places as it may deem necessary;
- 231 (2) To contract with other agencies, public or private, or persons as it deems necessary  
232 for the rendering and affording of such services, facilities, studies, and reports to the  
233 commission as will best assist it to carry out its duties and responsibilities;
- 234 (3) To cooperate with and secure the cooperation of every department, agency, or  
235 instrumentality in the state government or its political subdivisions in the furtherance of  
236 the purposes of this chapter;
- 237 (4) To employ an executive secretary and such additional staff as the commission deems  
238 necessary to carry out the powers delegated to the commission by this chapter;
- 239 (5) To issue subpoenas to compel any person to appear, give sworn testimony, or  
240 produce documentary or other evidence;
- 241 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to  
242 enjoin or restrain any violation or threatened violation of this chapter;

- 243       (7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
244       Procedure Act,' such rules and regulations as are specifically authorized in this chapter;  
245       and
- 246       (8) To do any and all things necessary or convenient to enable it to perform wholly and  
247       adequately its duties and to exercise the powers specifically authorized to it in this  
248       chapter.
- 249       (b) The commission shall have the following duties:
- 250       (1) To prescribe forms to be used in complying with this chapter;
- 251       (2) To prepare and publish a manual setting forth recommended uniform methods of  
252       accounting and reporting for use by persons required by this chapter to file statements and  
253       reports;
- 254       (3) To accept and file any information voluntarily supplied that exceeds the requirements  
255       of this chapter;
- 256       (4) To develop a filing, coding, and cross-indexing system consonant with the purposes  
257       of this chapter;
- 258       (5) To adopt a retention standard for records of the commission in accordance with  
259       Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';
- 260       (6) To prepare and publish such other reports and technical studies as in its judgment will  
261       tend to promote the purposes of this chapter;
- 262       (7) To provide for public dissemination of such summaries and reports;
- 263       (8) To determine whether the required statements and reports have been filed and, if so,  
264       whether they conform to the requirements of this chapter;
- 265       (9) To make investigations, subject to the limitations contained in Code Section 21-5-7.1,  
266       with respect to the statements and reports filed under this chapter and with respect to  
267       alleged failure to file any statements or reports required under this chapter and upon  
268       receipt of the written complaint of any person, verified under oath to the best information,  
269       knowledge, and belief by the person making such complaint with respect to an alleged  
270       violation of any provision of this chapter, provided that nothing in this Code section shall  
271       be construed to limit or encumber the right of the commission to initiate on probable  
272       cause an investigation on its own cognizance as it deems necessary to fulfill its  
273       obligations under this chapter;
- 274       (10)(A) To conduct a preliminary investigation, subject to the limitations contained in  
275       Code Section 21-5-7.1, of the merits of a written complaint by any person who believes  
276       that a violation of this chapter has occurred, verified under oath to the best information,  
277       knowledge, and belief by the person making such complaint. If there are found no  
278       reasonable grounds to believe that a violation has occurred, the complaint shall be  
279       dismissed, subject to being reopened upon discovery of additional evidence or relevant

280 material. If the commission determines that there are such reasonable grounds to  
281 believe that a violation has occurred, it shall give notice by summoning the persons  
282 believed to have committed the violation to a hearing. The hearing shall be conducted  
283 in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative  
284 Procedure Act.' The commission may file a complaint charging violations of this  
285 chapter, and any person aggrieved by the final decision of the commission is entitled  
286 to judicial review in accordance with Chapter 13 of Title 50; provided, however, that  
287 nothing in this Code section shall be construed to limit or encumber the right of the  
288 commission to initiate on probable cause an investigation on its own cognizance as it  
289 deems necessary to fulfill its obligations under this chapter.

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

295 (11) To report suspected violations of law to the appropriate law enforcement authority;  
296 (12) To investigate upon a written complaint any illegal use of public employees in a  
297 political campaign by any candidate;

298 (13) To issue, upon written request, and publish written advisory opinions on the  
299 requirements of this chapter, based on a real or hypothetical set of circumstances; and  
300 each such written advisory opinion shall be issued within 60 days of the written request  
301 for the advisory opinion. The commission shall make all advisory opinions that were  
302 issued after January 9, 2006, publicly available for review and shall post these and all  
303 future opinions on the commission's website, and the commission shall make all advisory  
304 opinions that were issued prior to January 9, 2006, publicly available for review and shall  
305 post these opinions on the commission's website. No liability shall be imposed under this  
306 chapter for any act or omission made in conformity with a written advisory opinion  
307 issued by the commission that is valid at the time of the act or omission;

308 (14) To issue orders, after the completion of appropriate proceedings, directing  
309 compliance with this chapter or prohibiting the actual or threatened commission of any  
310 conduct constituting a violation, ~~which~~. Such order may include a provision requiring  
311 the violator:

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

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

315 (C)(i) Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil  
316 penalty not to exceed \$1,000.00 for each violation contained in any report required

317 by this chapter or for each failure to comply with any other provision of this chapter  
318 or of any rule or regulation promulgated under this chapter; provided, however, that  
319 a civil penalty not to exceed \$5,000.00 \$10,000.00 may be imposed for a second  
320 occurrence of a violation of the same provision and a civil penalty not to exceed  
321 \$10,000.00 \$25,000.00 may be imposed for each third or subsequent occurrence of  
322 a violation of the same provision. In imposing a penalty or late filing fee under this  
323 chapter, the commission may waive or suspend such penalty or fee if the imposition  
324 of such penalty or fee would impose an undue hardship on the person required to pay  
325 such penalty or fee. For the purposes of the penalties imposed by this division, the  
326 same error, act, omission, or inaccurate entry shall be considered a single violation if  
327 the error, act, omission, or inaccurate entry appears multiple times on the same report  
328 or causes further errors, omissions, or inaccurate entries in that report or in any future  
329 reports or further violations in that report or in any future reports.

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

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

341 (iv) Any action brought by the Attorney General to enforce civil penalties for a  
342 violation of the provisions of this chapter or of any rule or regulation duly issued by  
343 the commission or any order issued by the commission ordering compliance or to  
344 cease and desist from further violations shall be brought in the superior court of the  
345 county of the residence of the party against whom relief is sought. Service of process  
346 shall lie in any jurisdiction within the state. In such actions, the superior court inquiry  
347 will shall be limited to whether notice was given by the commission to the violator  
348 in compliance with the Constitution and the rules of procedure of Chapter 13 of Title  
349 50, the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was  
350 given and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia  
351 Administrative Procedure Act,' the superior court shall enforce the orders of the  
352 commission and the civil penalties assessed under this chapter and the superior court  
353 shall not make independent inquiry as to whether the violations have occurred.

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

359       The commission shall make all such orders that were issued after January 9, 2006,  
360       publicly available for review and shall post these and all future orders on the  
361       commission's website, and the commission shall make all advisory orders that were  
362       issued prior to January 9, 2006, publicly available for review and shall post these orders  
363       on the commission's website. Such orders shall serve as precedent for all future orders  
364       and opinions of the commission;

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

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

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

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

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

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

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

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

387       (23) To award attorneys' fees to the party complained against if the commission deems  
388       the complaint to be frivolous, legally or factually, or if the complaining party fails,  
389       without good cause, to appear at the preliminary hearing on the complaint; and

390       (24) To issue a warning letter to persons who have not filed any statement or report  
391       required by this chapter."

## SECTION 6.

393 Said chapter is further amended by revising paragraph (1) of Code Section 21-5-7.1, relating  
394 to technical defects in filings, as follows:

395       "(1) Upon the commission's receipt of a complaint, a determination shall be made as to  
396       whether the complaint relates to a technical defect in a filing. For this purpose, a  
397       technical defect shall include, but not be limited to, a defect such as an incorrect date or  
398       a failure to include a date ~~or an incorrect date~~, an incorrect contributor's occupation or a  
399       failure to include a contributor's occupation ~~or an incorrect occupation~~, an incorrect  
400       address or e-mail address or a failure to include an address or ~~an incorrect e-mail~~ address,  
401       an incorrect employer or a failure to include an employer ~~or an incorrect employer~~,  
402       accounting errors, or any other similar defects;"

## SECTION 7.

404 Said chapter is further amended by revising subsection (a) of Code Section 21-5-11, relating  
405 to acceptance by public officers of monetary fees or honoraria, as follows:

406     "(a) No public officer other than a public officer elected state wide shall accept a monetary  
407     fee or honorarium in excess of \$101.00 \$100.00 for a speaking engagement, participation  
408     in a seminar, discussion panel, or other activity which directly relates to the official duties  
409     of that public officer or the office of that public officer."

## SECTION 8.

411 Said chapter is further amended by revising Code Section 21-5-13, relating to limitations of  
412 actions, as follows:

413 "21-5-13.

414 Any action alleging a violation of this chapter shall be commenced within three years after  
415 the date of filing of the first report containing the alleged violation involving any person  
416 elected to serve for a term of two years; and; provided, however, that any action alleging  
417 a violation of this chapter shall be commenced within five years after the date of filing of  
418 the first report containing the alleged violation involving any person elected to serve for  
419 a term of four or more years or any candidate for an office with a term of four or more  
420 years. For purposes of this Code section, an action shall be deemed to have commenced  
421 against a person only when either:

422 (1) A complaint has been accepted by the commission in compliance with Code Section  
423 21-5-7; or

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

## SECTION 9.

428 Said chapter is further amended by adding a new Code section to read as follows:

429      "21-5-14.

430 Each individual required by this chapter to file a report or disclosure statement with the  
431 commission shall provide the commission, in writing, with a current e-mail address and  
432 shall advise the commission, in writing, of any change to such address within ten days of  
433 any change to such address. Such information shall be provided to the commission prior  
434 to January 31 each year."

## SECTION 10.

436 Said chapter is further amended by revising subsections (d) and (g) of Code Section 21-5-30,  
437 relating to contributions made to candidate or campaign committee or for recall of a public  
438 officer, as follows:

439     "(d) Unless otherwise reported individually, where separate contributions of less than  
440     \$101.00 \$100.00 are knowingly received from a common source, such contributions shall  
441     be aggregated for reporting purposes. For purposes of fulfilling such aggregation  
442     requirement, members of the family, members of the same firm or partnership, or  
443     employees of the same person, as defined in paragraph (19) of Code Section 21-5-3, shall  
444     be considered to be a common source; provided, however, that the purchase of tickets for  
445     not more than \$25.00 each and for or attendance at a fundraising event by members of the  
446     family, members of the same firm or partnership, or employees of the same person shall  
447     not be considered to be contributions from a common source except to the extent that  
448     tickets are purchased as a block."

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

## SECTION 11.

455 Said chapter is further amended by revising Code Section 21-5-34, relating to disclosure  
456 reports, as follows:

457 "21-5-34.

458       (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee  
459       organized to bring about the nomination or election of a candidate for any office,~~except~~  
460       ~~county and municipal offices~~, and the chairperson or treasurer of every campaign  
461       committee designed to bring about the recall of a public officer or to oppose the recall  
462       of a public officer or designed to bring about the approval or rejection by the voters of  
463       any proposed constitutional amendment, state-wide proposed question, or state-wide  
464       referendum shall electronically sign and file with the commission the required  
465       campaign contribution disclosure reports.

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

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

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

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

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

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

491       (A) As to any contributions contribution of \$101.00 or more than \$100.00, its amount  
492       and date of receipt, the election for which the contribution has been accepted and  
493       allocated, along with the name and mailing address of the contributor, and, if the  
494       contributor is an individual, that individual's occupation and the name of his or her

495 employer. Such contributions shall include, but shall not be limited to, the purchase of  
496 tickets for events such as dinners, luncheons, rallies, and similar fundraising events  
497 coordinated for the purpose of raising campaign contributions for the reporting person;  
498 (B) As to any expenditure of \$101.00 or more than \$100.00, its amount and date of  
499 expenditure, the name and mailing address of the recipient receiving the expenditure,  
500 and, if that recipient is an individual, that individual's occupation and the name of his  
501 or her employer and the general purpose of the expenditure;  
502 (C) When a contribution consists of a loan, advance, or other extension of credit, the  
503 report shall also contain the name of the lending institution or party making the advance  
504 or extension of credit and the names, mailing addresses, occupations, and places of  
505 employment of all persons having any liability for repayment of the loan, advance, or  
506 extension of credit; and, if any such persons shall have a fiduciary relationship to the  
507 lending institution or party making the advance or extension of credit, the report shall  
508 specify such relationship;  
509 (D) Total contributions received and total expenditures made shall be reported for an  
510 election cycle as follows:  
511 (i) Contributions and expenditures shall be reported for the applicable reporting  
512 cycle;  
513 (ii) A reporting cycle shall commence on January 1 of the year in which an election  
514 is to be held for the public office to which a candidate seeks election and shall  
515 conclude:  
516 (I) At the expiration of the term of office if such candidate is elected and does not  
517 seek reelection or election to some other office;  
518 (II) On December 31 of the year in which such election was held if such candidate  
519 is unsuccessful; or  
520 (III) If such candidate is successful and seeks reelection or seeks election to some  
521 other office the current reporting cycle shall end when the reporting cycle for  
522 reelection or for some other office begins;  
523 (iii) The first report of a reporting an election cycle shall list the net balance cash on  
524 hand brought forward from the previous reporting election cycle, if any, and the total  
525 contributions received during the period covered by the report;  
526 (iv)(ii) Subsequent reports shall list the total contributions received during the period  
527 covered by the report and the cumulative total of contributions received during the  
528 reporting election cycle;  
529 (v)(iii) The first report of a reporting an election cycle shall list the total expenditures  
530 made during the period covered by the report;

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

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

539       (E) The corporate, labor union, or other affiliation of any political action committee or  
540       independent committee making a contribution of \$101.00 ~~or~~ more than \$100.00;

541       (F) Any investment made with funds of a campaign committee, independent  
542       committee, or political action committee and held outside such committee's official  
543       depository account during each reporting period for which an investment exists or a  
544       transaction applying to an identifiable investment is made. The report shall identify the  
545       name of the entity or person with whom such investment was made, the initial and any  
546       subsequent amount of such investment if such investment was made during the  
547       reporting period, and any profit or loss from the sale of such investment occurred  
548       during such reporting period; and

549       (G) Total debt owed on the last day of the reporting period.

550       (2) Each report shall be in such form as will allow for the separate identification of a  
551       contribution or contributions which are less than \$101.00 \$100.00 but which become  
552       reportable due to the receipt of an additional contribution or contributions which when  
553       combined with such previously received contribution or contributions cumulatively equal  
554       or exceed \$101.00 \$100.00.

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

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

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

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

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

565           (C) During the period of time between the last report due prior to the date of any  
566           election for which the candidate is qualified and the date of such election, all  
567           contributions of \$1,000.00 or more shall be reported within two business days of receipt

568 to the location where the original disclosure report for such candidate or committee was  
569 filed commission and also reported on the next succeeding regularly scheduled  
570 campaign contribution disclosure report;

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

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

575 All persons or entities required to file reports shall have a five-day grace period in filing  
576 the required reports, except that the grace period shall be two days for required reports  
577 prior to run-off primaries or run-off elections, and no grace period shall apply to  
578 contributions required to be reported within two business days. Except as provided for  
579 electronic filing, the mailing of such reports by United States mail with adequate postage  
580 affixed, within the required filing time as determined by the official United States postage  
581 date cancellation, shall be prima-facie evidence of filing but reports Reports required to be  
582 filed within two business days of a contribution shall also be reported by facsimile; or  
583 electronic transmission to the commission, or otherwise within those two business days to  
584 the location where the original disclosure report for such candidate or committee was filed.  
585 A report or statement required to be filed by this Code section other than a report of  
586 contributions required to be reported within two business days shall be verified by the oath  
587 or affirmation of the person filing such report or statement taken before an officer  
588 authorized to administer oaths. Each report required in the calendar year of the election  
589 shall contain cumulative totals of all contributions which have been received and all  
590 expenditures which have been made in support of the campaign in question and which are  
591 required, or previously have been required, to be reported.

592 (d) In the event any candidate covered by this chapter has no opposition in either a primary  
593 or a general election and receives no contribution of \$101.00 or more than \$100.00, such  
594 candidate shall only be required to make the initial and final report as required under this  
595 chapter.

596 (e) Any person who makes contributions to, accepts contributions for, or makes  
597 expenditures on behalf of candidates, and any independent committee, shall file a  
598 registration with the commission in the same manner as is required of campaign  
599 committees prior to accepting or making contributions or expenditures. Such persons,  
600 other than independent committees, shall also file campaign contribution disclosure reports  
601 in the same places and with the commission at the same times as required of the candidates  
602 they are supporting. The following persons shall be exempt from the foregoing registration  
603 and reporting requirements:

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

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

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

609 (f)(1) Any independent committee which accepts contributions or makes expenditures  
610 for the purpose of affecting the outcome of an election or advocates the election or defeat  
611 of any candidate shall register with the commission prior to accepting contributions or  
612 making expenditures and shall file disclosure reports with the commission as follows:

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

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

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

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

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

623 (A) The amount and date of receipt, along with the name, mailing address, occupation,  
624 and employer of any person making a contribution of ~~\$101.00 or more than \$100.00~~;

625 (B) The name, mailing address, occupation, and employer of any person to whom an  
626 expenditure or provision of goods or services of the value of ~~\$101.00 or more than~~  
627 \$100.00 is made and the amount, date, and general purpose thereof, including the name  
628 of the candidate or candidates, if any, on behalf of whom, or in support of or in  
629 opposition to whom, the expenditure or provision was made;

630 (C) Total expenditures made as follows:

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

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

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

637 (D) The corporate, labor union, or other affiliation of any political action committee,  
638 candidate, campaign committee, or independent committee making a contribution of  
639 the value of ~~\$101.00 or more than \$100.00~~.

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

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

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

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

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

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

656       (5) ~~In the case of state officials or county officials, a copy of each of the reports shall~~  
657       ~~also be filed with the election superintendent in the county of residence of the official~~  
658       ~~sought to be recalled. In the case of municipal officials, a copy of the reports shall also~~  
659       ~~be filed with the municipal clerk in the municipality of residence of the official sought~~  
660       ~~to be recalled or, if there is no clerk, with the chief executive officer of the municipality.~~  
661       Each filing officer shall forward a copy of the reporting forms required by this Code

662       section to each candidate or public officer holding elective office required to file such  
663       report within a reasonable time prior to each filing.

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

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

672       (f)(i)(1) Any person elected to a public office who is required to file campaign  
673       contribution disclosure reports pursuant to this article shall, upon leaving public office  
674       with excess contributions, be required to file supplemental campaign contribution  
675       disclosure reports on June 30 and December 31 of each year until such contributions are

676 expended in a campaign for elective office or used as provided in subsection (b) of Code  
677 Section 21-5-33.

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

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

694 ~~(k)(1)~~ In addition to other penalties provided under this chapter, ~~an additional filing~~  
695 ~~a late fee of \$25.00 \$125.00~~ shall be imposed for each report that is filed late, ~~and notice~~  
696 ~~of such late fee shall be sent to the candidate and the candidate's committee by registered~~  
697 ~~or certified mail or statutory overnight delivery, return receipt requested, and shall~~  
698 ~~include the schedule of increasing late fees for late filings and the dates upon which such~~  
699 ~~late fees shall be increased.~~ In addition, a ~~filin~~ ~~late~~ fee of ~~\$50.00 \$250.00~~ shall be  
700 imposed on the fifteenth day after the due date ~~for such report~~ if the report has ~~still~~ not  
701 been filed ~~by such date~~; provided, however, a 15 day extension period shall be granted  
702 on the final report. ~~A late fee of \$1,000.00 shall be imposed on the forty-fifth day after~~  
703 ~~the due date for such report if such report has not been filed. Campaign committee funds~~  
704 ~~shall not be used to pay such penalty.~~

705 (2) The commission shall retain \$25.00 of the first late fee received for processing  
706 pursuant to the provisions of Code Section 45-12-92.1.

707 ~~(m)(1)~~ It shall be the duty of the commission ~~or any other officer or body which when it~~  
708 receives for filing any disclosure report or statement or other document ~~required to that~~  
709 ~~may be filed under this chapter by mail~~ to maintain with the filed document a copy of the  
710 postal markings or statutory overnight delivery service markings of any envelope, package,  
711 or wrapping in which the document was delivered for filing if mailed or sent after the date  
712 such filing was due.

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

716 (m) Any person or entity which is required to be registered with the commission shall file  
717 a termination statement together with its final campaign contribution disclosure report as  
718 required by this Code section. The termination statement shall identify the person  
719 responsible for maintaining campaign records as required by this chapter.

720 (n) The commission shall not require the reporting of any more information in a campaign  
721 contribution disclosure report than is expressly required to be disclosed by this Code  
722 section."

## 723 SECTION 12.

724 Said chapter is further amended by revising Code Section 21-5-34.1, relating to filing  
725 campaign contribution disclosure reports electronically, as follows:

726 "21-5-34.1.

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

734 ~~(b) The electronic filing of any campaign disclosure report required under this article shall~~  
735 ~~constitute an affirmation that such report is true, complete, and correct. Candidates seeking~~  
736 ~~election to the General Assembly, superior courts, and the office of district attorney shall~~  
737 ~~use electronic means to file their campaign contribution disclosure reports with the~~  
738 ~~commission, as specified in Code Section 21-5-34, upon having raised or spent a minimum~~  
739 ~~of \$10,000.00 in an election cycle, but contributions and expenditures received or made~~  
740 ~~prior to reaching such threshold need not be electronically filed if previously reported,~~  
741 ~~except as cumulative totals. Under that threshold, electronic filing is permitted and~~  
742 ~~encouraged but not required.~~

743 ~~(c) Candidates seeking election to county or municipal offices shall use electronic means~~  
744 ~~to file their campaign contribution disclosure reports with the election superintendent of~~  
745 ~~their county or the municipal clerk or chief executive officer of their municipality, as~~  
746 ~~specified in Code Section 21-5-34, commission upon having raised or spent a minimum of~~  
747 ~~\$10,000.00 \$20,000.00 in an election cycle, but contributions and expenditures received~~  
748 ~~or made prior to reaching such threshold need not be electronically filed if previously~~

749 reported, except as cumulative totals. Under that threshold, electronic filing is permitted  
750 and encouraged but not required.

751 (d) Political action committees, independent committees, and any persons otherwise  
752 required by this article to file campaign contribution disclosure reports shall use electronic  
753 means to file such reports with the commission upon having raised or spent \$5,000.00 in  
754 a calendar year, and no paper copy of the report shall be filed. Under that threshold,  
755 electronic filing is permitted and encouraged but not required.

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

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

### SECTION 13.

760 Said chapter is further amended by revising Code Section 21-5-36, relating to disposition of  
761 reports, handling of complaints, and violations, as follows:

762 "21-5-36.

763 (a)(1) It shall be the duty of the ~~filings officer~~ commission to make the campaign  
764 contribution disclosure reports available for public inspection and copying during regular  
765 office hours commencing as soon as practicable after such ~~filings~~. Such ~~filings officer~~  
766 reports are filed. The commission shall have the authority to charge a fee for copying  
767 such reports not to exceed the actual cost of such copying. The ~~filings officer~~ commission  
768 shall preserve such reports for a period of five years from the date upon which they are  
769 received.

770 (2) A filings qualifying officer shall notify the commission in writing of:

771 (1) ~~The the names and addresses~~ of all candidates and offices sought in a ~~special any~~  
772 election, ~~when held at a time other than election dates scheduled by law or charter~~, within  
773 ten days of the close of the qualification period; and

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

777 A ~~filings officer~~ shall immediately notify the ~~commission~~ when such ~~officer~~ shall receive  
778 any complaint against any candidate offering for any office specified in Code Section  
779 21-5-2 or against any campaign committee and shall forward the complaint to the  
780 commission and shall retain a copy of the complaint. In the event any complaint is against  
781 a county or municipal candidate, a copy of the reports filed by such candidate shall be  
782 forwarded to the commission along with the complaint.

784 (b) After receiving original reports, the ~~The commission or filing officer receiving original~~  
785 ~~reports~~ has the duty to inspect each report filed ~~with such commission or officer~~ by  
786 candidates or by a campaign committee for conformity with the law and to notify the  
787 candidate or campaign committee immediately if the report does not conform with the law;  
788 ~~is unsigned, or is otherwise~~ in technical violation of filing requirements. Such notification  
789 shall be by electronic means and regular United States mail.

790 (c) Within ten business days of the close of the qualification period, qualifying officers  
791 shall electronically report to the commission the names and addresses of all candidates and  
792 offices sought by each candidate in an election and the qualifying date for such candidate."

#### 793 SECTION 14.

794 Said chapter is further amended by striking in their entirety paragraphs (4) and (4.1) of Code  
795 Section 21-5-40, relating to definitions, and designating paragraph (4) as reserved.

#### 796 SECTION 15.

797 Said chapter is further amended by revising subsection (k) of Code Section 21-5-41, relating  
798 to maximum allowable contributions, as follows:

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

#### 808 SECTION 16.

809 Said chapter is further amended by revising Code Section 21-5-50, relating to filing financial  
810 disclosure statements, as follows:

811 "21-5-50.

812 (a)(1) Except as modified in subsection (c) of this Code section with respect to  
813 candidates for state-wide elected public office, each public officer, as defined in  
814 subparagraphs (A) through ~~(E)~~ (D), (F), and (G) of paragraph (22) of Code Section  
815 21-5-3, shall file with the commission not before the first day of January nor later than  
816 July 1 of each year in which such public officer holds office other than ~~the~~ an election  
817 ~~year in which an election is held for such public office~~, a financial disclosure statement

818 for the preceding calendar year; and each person who qualifies as a candidate for election  
819 as a public officer, as defined in subparagraphs (A) through ~~(E)~~ (D), (F), and (G) of  
820 paragraph (22) of Code Section 21-5-3, shall file with the commission, no later than the  
821 fifteenth day following the date of qualifying as a candidate, a financial disclosure  
822 statement for the preceding calendar year.

823 (2) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in  
824 subparagraph (E) of paragraph (22) of Code Section 21-5-3, shall not be required to file  
825 a financial disclosure statement pursuant to this Code section. Each such public officer  
826 shall, however, be deemed to be a public official for purposes of Code Section 45-10-26  
827 and shall be subject to the disclosure requirements set forth in Code Section 45-10-26.  
828 In addition, each such public officer shall file with the commission, prior to January 31  
829 each year, an affidavit confirming that such public officer took no official action in the  
830 previous calendar year that had a material effect on such public officer's private financial  
831 or business interests. Each public officer, as defined in subparagraph (F) of paragraph  
832 ~~(22) of Code Section 21-5-3, shall file with the election superintendent of the county of~~  
833 ~~election of such public officer, not before the first day of January nor later than July 1 of~~  
834 ~~each year in which such public officer holds office other than the year in which an~~  
835 ~~election is held for such public office, a financial disclosure statement for the preceding~~  
836 ~~calendar year.~~ Each person who qualifies as a candidate for election as a public officer,  
837 ~~as defined in subparagraph (F) of paragraph (22) of Code Section 21-5-3, shall file with~~  
838 ~~the election superintendent of the county of election, no later than the fifteenth day~~  
839 ~~following the date of qualifying as a candidate, a financial disclosure statement for the~~  
840 ~~preceding calendar year.~~

841 (3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section  
842 21-5-3, who serves as a member of the commission shall be subject to the requirements  
843 for filing financial disclosure statements set forth in paragraph (1) of this subsection. In  
844 addition, each such public officer shall file with the commission, together with the  
845 financial disclosure statement, an affidavit confirming that such public officer took no  
846 official action in the previous calendar year that had a material effect on such public  
847 officer's private financial or business interests. Each public officer, as defined in  
848 ~~subparagraph (G) of paragraph (22) of Code Section 21-5-3, shall file with the municipal~~  
849 ~~clerk of the municipality of election or, if there is no clerk, with the chief executive~~  
850 ~~officer of such municipality, not before the first day of January nor later than July 1 of~~  
851 ~~each year in which such public officer holds office other than the year in which an~~  
852 ~~election is held for such public office, a financial disclosure statement for the preceding~~  
853 ~~calendar year.~~ Each person who qualifies as a candidate for election as a public officer,  
854 ~~as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3, shall file with~~

855       the ~~municipal clerk of the municipality of election or, if there is no clerk, with the chief~~  
856       ~~executive officer of such municipality, no later than the fifteenth day following the date~~  
857       ~~of qualifying as a candidate, a financial disclosure statement for the preceding calendar~~  
858       ~~year.~~

859       (4) Each member of the State Transportation Board shall file a financial disclosure  
860       statement for the preceding calendar year no later than the sixtieth day following such  
861       member's election to the State Transportation Board. Thereafter, each board member  
862       shall file by January 31 of each year a financial disclosure statement for the preceding  
863       year. In addition, each board member shall file with the commission, prior to January 31  
864       of each year, an affidavit confirming that such board member took no official action in  
865       the previous calendar year that had a material effect on such board member's private  
866       financial or business interests.

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

869       (5)(6) A public officer shall not, however, be required to file such a financial disclosure  
870       statement for the preceding calendar year in a ~~an election~~ year in which there occurs  
871       qualifying for election to succeed such public officer; if such public officer does not  
872       qualify for nomination for election to succeed himself or herself or for election to any  
873       other public office subject to this chapter. For purposes of this ~~subsection~~ paragraph, a  
874       public officer shall not be deemed to hold office in a year in which the public officer  
875       holds office for ~~less~~ fewer than 15 days.

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

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

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

886       (3) The name, address, and principal activity of any business entity ~~or investment,~~  
887       exclusive of the names of individual stocks and bonds in mutual funds, and the office  
888       held by and the duties of the candidate for public office or ~~public officer filer~~ within such  
889       business entity as of December 31 of the covered year in which such candidate or officer  
890       has a direct ownership interest which ~~interest~~:

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

- 892 (B) Has a net fair market value of ~~more than \$10,000.00~~ \$5,000.00 or more;
- 893 (4)(A) Each tract of real property in which the candidate for public office or ~~public~~  
894 ~~officer filer~~ has a direct ownership interest as of December 31 of the covered year when  
895 that interest has a fair market value ~~in excess of \$10,000.00~~ \$5,000.00 or more. As  
896 used in this paragraph, the term 'fair market' value means the appraised value of the  
897 property for ad valorem tax purposes. The disclosure shall contain the county and state,  
898 general description of the property, and whether the fair market value is between (i)  
899 ~~\$10,000.00~~ \$5,000.00 and \$100,000.00; (ii) \$100,000.01 and \$200,000.00; or (iii) more  
900 than \$200,000.00;\_
- 901 (B) Each tract of real property in which the candidate for public office's spouse or  
902 ~~public officer's filer's~~ spouse has a direct ownership interest as of December 31 of the  
903 covered year when that interest has a fair market value ~~in excess of \$10,000.00~~ \$5,000.00 or more. The disclosure shall contain the county and state, general  
904 description of the property, and whether the fair market value is between (i) ~~\$10,000.00~~  
905 \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to \$200,000.00; (iii) or more than  
906 \$200,000.00;
- 907 (5) The filer's occupation, employer, and the principal activity and address of such  
908 employer;
- 909 (6) The filer's spouse's name, occupation, employer, and the principal activity and  
910 address of such employer;
- 911 (7) ~~The names of the filer's dependent children;~~
- 912 (8) ~~The name of any business or subsidiary thereof or investment, exclusive of the~~  
913 ~~individual stocks and bonds in mutual funds, in which the filer, jointly or severally, owns~~  
914 ~~a direct ownership interest which interest:~~
- 915 (A) ~~Is more than 5 percent of the total interests in such business or investment,~~  
916 ~~exclusive of the individual stocks and bonds in mutual funds; or~~
- 917 (B) ~~Has a net fair market value of more than \$10,000.00;~~
- 918 (9)(7) If the filer has actual knowledge of such ownership interest, the name of any  
919 business or subsidiary thereof or investment, exclusive of the individual stocks ~~and~~,  
920 bonds ~~in, or~~ mutual funds, as of December 31 of the covered year in which the filer's  
921 spouse or dependent children, jointly or severally, own a direct ownership interest which  
922 interest:
- 923 (A) Is more than 5 percent of the total interests in such business or investment,  
924 exclusive of the individual stocks and bonds in mutual funds; or
- 925 (B) Has a net fair market value of more than \$10,000.00  
926 or in which the filer's spouse or any dependent child serves as an officer, director,  
927 equitable partner, or trustee; and

929       (10)(8) All annual payments in excess of \$20,000.00 \$10,000.00 received by the public  
930       officer filer or any business entity identified in paragraph (3) of this subsection from the  
931       state, any agency, department, commission, or authority created by the state, and  
932       authorized and exempted from disclosure under Code Section 45-10-25, and the agency,  
933       department, commission, or authority making the payments, and the general nature of the  
934       consideration rendered for the source of the payments; and

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

938       (c)(1) Each person who qualifies with a political party as a candidate for party  
939       nomination to a public office elected state wide (including an incumbent public officer  
940       elected state wide qualifying to succeed himself or herself) shall file with the  
941       commission, not later than seven days after so qualifying, a financial disclosure  
942       statement. Each person who qualifies as a candidate for election to a public office elected  
943       state wide through a nomination petition or convention shall likewise file a financial  
944       disclosure statement not later than seven days after filing his or her notice of candidacy.  
945       Such financial disclosure statement shall comply with the requirements of subsections (a)  
946       and (b) of this Code section and shall in addition identify, for the preceding five calendar  
947       years:

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

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

960       (2) The financial disclosure statement required by paragraph (1) of this subsection shall  
961       include an itemized list of the transactions required to be reported, including the date of,  
962       dollar amount of, and parties to each such transaction. However, with respect to any  
963       transactions of a privileged nature only the total amount of such transactions shall be  
964       required to be reported, and names, dates, amounts of individual transactions, and other  
965       identifying data may be omitted; and for this purpose 'transactions of a privileged nature'

966 shall include transactions between attorney and client, transactions between psychiatrist  
967 and patient, transactions between physician and patient, and any other transactions which  
968 are by law of a similar privileged and confidential nature.

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

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

974 (A) 'Agency' means any agency, authority, department, board, bureau, commission,  
975 committee, office, or instrumentality of the State of Georgia or any political subdivision  
976 of the State of Georgia.

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

980 (C) 'Person' and 'transact business' shall have the meanings specified in Code Section  
981 45-10-20.

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

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

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

992 (e) The electronic filing of any financial disclosure statement required under this article  
993 shall constitute an affirmation that the statement is true, complete, and correct.

994 (f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall  
995 be imposed for each financial disclosure statement that is filed late, and notice of such  
996 late fee shall be sent to the board member, candidate, and the candidate's committee by  
997 registered or certified mail or statutory overnight delivery, return receipt requested, and  
998 shall include the schedule of increasing late fees for late filings and the dates upon which  
999 such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on  
1000 the fifteenth day after the due date for such statement if such statement has not been filed.  
1001 A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such  
1002 statement if the statement has not been filed. Campaign committee funds shall not be

used to pay such penalty. 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:

(2) The commission shall retain \$25.00 of the first late fee received for processing pursuant to the provisions of Code Section 45-12-92.1.

(g) The commission shall not require the reporting of any more information in a financial disclosure statement than is expressly required to be disclosed by this Code section."

## SECTION 17.

Said chapter is further amended by revising Code Section 21-5-51, relating to verification of statement, as follows:

"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, unless filed electronically in which case the electronic filing shall constitute an affirmation that the statement is true, complete, and correct. 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."

## SECTION 18.

Said chapter is further amended by repealing Code Section 21-5-52, relating to filing by mail, which reads as follows:

"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 when the disclosure statement is not filed electronically.

(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."

## SECTION 19.

Said chapter is further amended by repealing Code Section 21-5-53, relating to public record, which reads as follows:

1037 "21-5-53.  
1038 Financial disclosure statements filed pursuant to this article shall be public records and  
1039 shall be subject to inspection and copying by any member of the public as provided by law  
1040 for other public records. Within ten days after the date financial disclosure statements are  
1041 due, the filing officer shall notify the commission in writing of the names and addresses of  
1042 candidates or public officers who have not filed financial disclosure statements as required  
1043 by this article."

1044 **SECTION 20.**

1045 Said chapter is further amended by revising paragraphs (1) and (5) through (7) of Code  
1046 Section 21-5-70, relating to definitions, as follows:

1047 "(1) 'Expenditure':

1048 (A) Means a purchase, payment, distribution, loan, advance, deposit, or conveyance  
1049 of money or anything of value made for the purpose of influencing the actions of any  
1050 public officer or public employee;

1051 (B) Includes any other form of payment when such can be reasonably construed as  
1052 designed to encourage or influence a public officer;

1053 (B.1) Includes reimbursement or payment of actual and reasonable expenses provided  
1054 to a public officer for transportation, travel, lodging, registration, food, beverages, and  
1055 other activities related to attending a meeting or conference so as to permit such public  
1056 officer's participation in such meeting or conference;

1057 (C) Includes any gratuitous transfer, payment, subscription, advance, or deposit of  
1058 money, services, or anything of value, unless consideration of equal or greater value is  
1059 received;

1060 (D) Notwithstanding division (x) of subparagraph (E) of this paragraph, includes food  
1061 or beverage consumed at a single meal or event by a public officer or public employee  
1062 or a member of the family of such public officer or public employee; and

1063 (E) The term shall not include:

1064 (i) The value of personal services performed by persons who serve voluntarily  
1065 without compensation from any source;

1066 (ii) A gift received from a member of the public officer's family;

1067 (iii) Legal compensation or expense reimbursement provided to public employees  
1068 and to public officers in the performance of their duties;

1069 (iv) Promotional items generally distributed to the general public or to public officers  
1070 and food and beverages produced in Georgia;

1071 (v) An award, plaque, certificate, memento, or similar item given in recognition of  
1072 the recipient's civic, charitable, political, professional, or public service;

- 1073                 (vi) Legitimate salary, benefits, fees, commissions, or expenses associated with a  
1074                 recipient's nonpublic business, employment, trade, or profession;  
1075                 (vii) Food, beverages, and registration at group events to which all members of an  
1076                 agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are  
1077                 invited. An agency shall include the Georgia House of Representatives, the Georgia  
1078                 Senate, committees and subcommittees of such bodies, and the governing body of  
1079                 each political subdivision of this state;  
1080                 (viii) Campaign contributions or expenditures reported as required by Article 2 of  
1081                 this chapter;  
1082                 (ix) A commercially reasonable loan made in the ordinary course of business; ~~or~~  
1083                 (x) Food, beverage, or expenses afforded public officers, members of their immediate  
1084                 families, or others that are associated with normal and customary business or social  
1085                 functions or activities; or  
1086                 (xi) Transportation unless a lobbyist arranges for or participates in such  
1087                 transportation."

1088 "(5) 'Lobbyist' means:

- 1089                 (A) Any natural person who, for compensation, either individually or as an employee  
1090                 of another person, undertakes to promote or oppose the passage of any legislation by  
1091                 the General Assembly, or any committee thereof, or the approval or veto of legislation  
1092                 by the Governor;
- 1093                 (B) Any natural person who makes a total expenditure of more than \$250.00 in a  
1094                 calendar year, not including the person's own travel, food, lodging expenses, or  
1095                 informational material, to promote or oppose the passage of any legislation by the (C)  
1096                 Any natural person who as an employee of the executive branch or judicial branch of  
1097                 state government engages in any activity covered under subparagraph (A) of this  
1098                 paragraph;
- 1099                 (D) Any natural person who, for compensation, either individually or as an employee  
1100                 of another person, undertakes to promote or oppose the passage of any ordinance or  
1101                 resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22)  
1102                 of Code Section 21-5-3, or any committee of such public officers, or the approval or  
1103                 veto of any such ordinance or resolution;
- 1104                 (E) Any natural person who makes a total expenditure of more than \$250.00 in a  
1105                 calendar year, not including the person's own travel, food, lodging expenses, or  
1106                 informational material, to promote or oppose the passage of any ordinance or resolution  
1107                 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code  
1108                 Section 21-5-3, or any committee of such public officers, or the approval or veto of any  
1109                 such ordinance or resolution;

1110 (F) Any natural person who as an employee of the executive branch or judicial branch  
1111 of local government engages in any activity covered under subparagraph (D) of this  
1112 paragraph;

1113 (G) Any natural person who, for compensation, either individually or as an employee  
1114 of another person is hired specifically to undertake influencing a public officer or state  
1115 agency in the selection of a vendor to supply any goods or services to any state agency  
1116 but does not include any employee of the vendor solely on the basis that such employee  
1117 participates in soliciting a bid or in preparing a written bid, written proposal, or other  
1118 document relating to a potential sale to a state agency; or

1119 (H) Any natural person who, for compensation, either individually or as an employee  
1120 of another person, is hired specifically to undertake to promote or oppose the passage  
1121 of any rule or regulation of any state agency;

1122 (I) Any natural person who, for compensation, either individually or as an employee  
1123 of another person undertakes to promote or oppose any matter before the State  
1124 Transportation Board; or

1125 (J) Any natural person who makes a total expenditure of more than \$250.00 in a  
1126 calendar year, not including the person's own travel, food, lodging expenses, or  
1127 informational material, to promote or oppose any matter before the State Transportation  
1128 Board.

1129 (6) 'Public officer' means a member of the State Transportation Board and those public  
1130 officers specified under paragraph (22) of Code Section 21-5-3, except as otherwise  
1131 provided in this article and also includes any public officer or employee who has any  
1132 discretionary authority over, or is a member of a public body which has any discretionary  
1133 authority over, the selection of a vendor to supply any goods or services to any state  
1134 agency.

1135 (7) 'State agency' means any branch of state government; or any agency, authority,  
1136 department, board, bureau, commission, council, corporation, entity, or instrumentality  
1137 of the this state but does not include or of a local political subdivision of this state, such  
1138 as a county, city, or local school district or an instrumentality of such a local political  
1139 subdivision."

## 1140 SECTION 21.

1141 Said chapter is further amended by revising subsections (a), (b), (c), and (f) and paragraph  
1142 (4) of subsection (i) of Code Section 21-5-71, relating to lobbyist registration requirements,  
1143 fees, identification cards, and exemptions, as follows:

1144 "(a) No person shall engage in lobbying as defined by this article unless such person is  
1145 registered with the commission as a lobbyist. The commission shall not allow a person  
1146 who has been convicted of a felony involving moral turpitude in the courts of this state or

1147 an offense that, had it occurred in this state, would constitute a felony involving moral  
1148 turpitude under the laws of this state to become a registered lobbyist unless ten years or  
1149 more have elapsed since the completion of the person's sentence. The administration of  
1150 this article is vested in the commission.

1151 (b) Each lobbyist shall file an application for registration with the commission. The  
1152 application shall be verified by the applicant and shall contain:

- 1153 (1) The applicant's name, address, and telephone number;
- 1154 (2) The name, address, and telephone number of the person or agency that employs,  
1155 appoints, or authorizes the applicant to lobby on its behalf;
- 1156 (3) A statement of the general business or purpose of each person, firm, corporation,  
1157 association, or agency the applicant represents;
- 1158 (4) If the applicant represents a membership group other than an agency or corporation,  
1159 the general purpose and approximate number of members of the organization;
- 1160 (5) A statement signed by the person or agency employing, appointing, or authorizing  
1161 the applicant to lobby on its behalf;
- 1162 (6) If the applicant is a lobbyist within the meaning of subparagraph (G) or (H) of  
1163 paragraph (5) of Code Section 21-5-70, the name of the state agency or agencies before  
1164 which the applicant engages in lobbying; and
- 1165 (7) A statement disclosing each individual or entity on whose behalf the applicant is  
1166 registering if such individual or entity has agreed to pay him or her an amount exceeding  
1167 \$10,000.00 in a calendar year for lobbying activities; and
- 1168 (8) A statement verifying that the applicant has not been convicted of a felony involving  
1169 moral turpitude in the courts of this state or an offense that, had it occurred in this state,  
1170 would constitute a felony involving moral turpitude under the laws of this state or, if the  
1171 applicant has been so convicted, a statement identifying such conviction, the date thereof,  
1172 a copy of the person's sentence, and a statement that more than ten years have elapsed  
1173 since the completion of his or her sentence.

1174 (c) The lobbyist shall, within seven days of any substantial or material change or addition,  
1175 file a supplemental registration indicating such substantial or material change or addition  
1176 to the registration prior to its expiration. Previously filed information may be incorporated  
1177 by reference. Substantial or material changes or additions shall include, but are not limited  
1178 to, the pertinent information concerning changes or additions to client and employment  
1179 information required by paragraphs (2), (3), (4), (6), and (7) and conviction status required  
1180 by paragraph (8) of subsection (b) of this Code section."

1181 "(f)(1) Each person registering under this Code section shall pay the registration fees set  
1182 forth in paragraph (2) of this subsection; provided, however, that a person who represents  
1183 any state, county, municipal, or public agency, department, commission, or authority

1184 shall be exempted from payment of such registration fees and a person employed by an  
1185 organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4)  
1186 of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be  
1187 exempted from payment of such registration fees except for payment of an initial  
1188 registration fee of \$25.00.

1189 (2) The commission shall collect the following fees:

1190 (A) Annual lobbyist registration filed pursuant to this Code section \$ 200.00 300.00

1191 (B) Lobbyist supplemental registration filed pursuant to this Code  
1192 section ..... 10.00

1193 (C) Each lobbyist identification card issued pursuant to this Code  
1194 section ..... 5.00 20.00

1195 (D)(i) For reports filed when the General Assembly is not in session,  
1196 in H addition to other penalties provided under this chapter, a filing  
1197 late fee of \$50.00 \$275.00 shall be imposed for each report that is  
1198 filed late. In addition, a filing late fee of \$25.00 \$1,000.00 shall be  
1199 imposed on the fifteenth day after the due date if the for such report  
1200 if the report has still not been filed. A late fee of \$10,000.00 shall be  
1201 imposed on the forty-fifth day after the due date for such report if the  
1202 report has not been filed.

1203 (ii) The commission shall retain \$25.00 of the first late fee received  
1204 for processing pursuant to the provisions of Code Section  
1205 45-12-92.1.

1206 (E)(i) For reports filed when the General Assembly is in session, in  
1207 addition to other penalties provided under this chapter, a late fee of  
1208 \$275.00 shall be imposed for each report that is filed late. In  
1209 addition, a late fee of \$1,000.00 shall be imposed on the seventh day  
1210 after the due date for such report if the report has not been filed. A  
1211 late fee of \$10,000.00 shall be imposed on the twenty-first day after  
1212 the due date for such report if the report has not been filed.

1213 (ii) The commission shall retain \$25.00 of the first late fee received  
1214 for processing pursuant to the provisions of Code Section  
1215 45-12-92.1."

1216 "(4) Any licensed attorney appearing on behalf of a client in any adversarial proceeding  
1217 before an agency of this state or any political subdivision of this state;"

1218

**SECTION 22.**

1219 Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyists'  
1220 disclosure reports, as follows:

1222 "21-5-73.

1223 (a) Each lobbyist registered under this article shall file disclosure reports as provided for  
1224 in this Code section in the electronic format specified by the commission.

1225 (b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5)  
1226 of Code Section 21-5-70 shall file a monthly semimonthly disclosure report on the first and  
fifteenth day of each month, current through the end of the preceding month, on or before  
1227 the fifth day of any month while report, beginning January 15 and continuing throughout  
1228 the period that the General Assembly is in session.

1229 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (5) of  
1230 Code Section 21-5-70 shall:

1231 (1) File a disclosure report, current through the end of the preceding month, on or before  
1232 the fifth day of May, September, and January of each year instead of the reports required  
1233 by subsections (b) and (d) of this Code section; and

1234 (2) File such report with the commission, file a copy of such report with the election  
1235 superintendent of each county involved if the report contains any expenditures relating  
1236 to county or county school district affairs, and file a copy of such report with the  
1237 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the  
1238 municipality) of each municipality involved if the report contains any expenditures  
1239 relating to municipal affairs or independent school district affairs.

1240 (d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), or (H), (I),  
1241 or (J) of paragraph (5) of Code Section 21-5-70 shall file a monthly disclosure report,  
1242 current through the end of the preceding period ending on July 31 and December 31 of  
1243 each year, on or before August 5 and January 5 of each year the fifth day of each month;  
1244 provided, however, that such monthly reports shall not be filed during any period that the  
1245 lobbyist files a semimonthly report pursuant to subsection (b) of this Code section.

1246 (e) Reports filed by lobbyists shall be verified and shall include:

1247 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value  
1248 thereof made on behalf or for the benefit of a public officer by the lobbyist or employees  
1249 of the lobbyist on behalf or for the benefit of a public officer or by any person on whose  
1250 behalf the lobbyist is registered if the lobbyist has actual knowledge of such expenditure.

1251 The description of each reported expenditure shall include:

1252 (A) The name and title of the public officer or, if the expenditure is simultaneously  
1253 incurred for an identifiable group of public officers the individual identification of  
1254 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 (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 disclosure report required by this article shall constitute an affirmation that such report is true, complete, and correct.

(h) The commission shall not require the reporting of any more information in a lobbyist disclosure report than is expressly required to be disclosed by this Code section."

## SECTION 23.

1289 Said chapter is further amended by revising subsection (a) of Code Section 21-5-76, relating  
1290 to the prohibition of contingent fees for lobbying, as follows:

1291 "(a) No person, firm, corporation, or association shall retain or employ ~~an attorney at law~~  
1292 ~~or an agent to aid or oppose legislation~~ a lobbyist for compensation contingent, in whole  
1293 or in part, upon the passage or defeat of any legislative measure, upon the adoption or  
1294 decision not to adopt any state agency rule or regulation, or upon the ~~receipt or award~~  
1295 granting or awarding of any state contract. No ~~attorney at law or agent~~ lobbyist shall be  
1296 employed ~~to aid or oppose legislation~~ for compensation contingent, in whole or in part,  
1297 upon the passage or defeat of any legislation, upon the adoption or decision not to adopt  
1298 any state agency rule or regulation, or upon the ~~receipt or award~~ granting or awarding of  
1299 any state contract."

## **SECTION 24.**

Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to abuse of governmental office, is amended by revising Code Section 16-10-4, relating to influencing of legislative action by state and local governmental officers and employees, as follows:

1305 "16-10-4.

1306 (a) Any officer or employee of the state or any agency thereof who asks for or receives  
1307 anything of value to which he or she is not entitled in return for an agreement to procure  
1308 or attempt to procure the passage or defeat the passage of any legislation by the General  
1309 Assembly, or procure or attempt to procure the approval or disapproval of the same by the  
1310 Governor, shall be guilty of a felony and, upon conviction thereof, shall be punished by a  
1311 fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than  
1312 five years, or both.

1313 (b) Any officer or employee of a political subdivision who asks for or receives anything  
1314 of value to which he or she is not entitled in return for an agreement to procure or attempt  
1315 to procure the passage or defeat the passage of any legislation by the legislative body of the  
1316 political subdivision of which he or she is an officer or employee shall be guilty of a felony  
1317 and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or  
1318 by imprisonment for not less than one nor more than five years, or both."

## **SECTION 25.**

1320 Said article is further amended by revising Code Section 16-10-5, relating to influencing of  
1321 officer or employee of state or political subdivision by local officer or employee, as follows:

1322 "16-10-5.

1323 (a) Any officer or employee of the state or any agency thereof who asks for or receives  
1324 anything of value to which he or she is not entitled in return for an agreement to influence  
1325 or attempt to influence official action by any other officer or employee of the state or any

1326 agency thereof shall be guilty of a felony and, upon conviction thereof, shall be punished  
1327 by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more  
1328 than five years, or both.

1329 (b) Any officer or employee of a political subdivision who asks for or receives anything  
1330 of value to which he or she is not entitled in return for an agreement to influence or attempt  
1331 to influence official action by any other officer or employee of that political subdivision  
1332 shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not  
1333 more than \$100,000.00 or by imprisonment for not less than one nor more than five years,  
1334 or both."

## SECTION 26.

1335 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
1336 is amended by revising paragraph (1) of subsection (a) of Code Section 45-1-6, relating to  
1337 gifts to employees by vendors, as follows:

1339 "(1) 'Commission' means the ~~State Ethics~~ Georgia Government Transparency and  
1340 Campaign Finance Commission created under Code Section 21-5-4."

## SECTION 27.

1341 Said title is further amended by revising subsection (b) of Code Section 45-7-7, relating to  
1342 compensation and allowances of certain officials not to be changed without giving public  
1343 notice, as follows:

1345 "(b) Subsection (a) of this Code section shall apply to the compensation and allowances  
1346 of the commissioner of community affairs, the director of the Employees' Retirement  
1347 System of Georgia, the director of the State Forestry Commission, the director of the  
1348 Georgia Bureau of Investigation, the executive director of the Georgia Franchise Practices  
1349 Commission, the commissioner of human services, the commissioner of economic  
1350 development, the commissioner of natural resources, the commissioner of public safety,  
1351 the chancellor of the University System of Georgia, the president or executive director of  
1352 the Georgia Student Finance Commission, the executive director of the State Soil and  
1353 Water Conservation Commission, the executive secretary-treasurer of the Teachers  
1354 Retirement System of Georgia, the commissioner of transportation, and the executive  
1355 director of the ~~State Ethics~~ Georgia Government Transparency and Campaign Finance  
1356 Commission."

## SECTION 28.

1358 Said title is further amended by revising subsection (a) of Code Section 45-10-26, relating  
1359 to public officials and employees filing yearly disclosure statements concerning business  
1360 transactions with the state, as follows:

1361 "(a) Except as provided in subsection (b) of this Code section, any public official or  
1362 employee, whether for himself, herself, or on behalf of any business, or any business in  
1363 which such public official or employee or any member of his or her family has a substantial  
1364 interest who transacts business with the state or any agency thereof shall disclose such  
1365 transactions. Such disclosure shall be submitted prior to January 31 each year to the  
1366 ~~Secretary of State Georgia Government Transparency and Campaign Finance Commission~~  
1367 on such forms as ~~he~~ it shall prescribe and shall include an itemized list of the previous  
1368 year's transactions with the dollar amount of each transaction reported and totaled. Such  
1369 disclosure statements shall be public records."

## SECTION 29.

1371 Said title is further amended by revising in its entirety Part 6 of Chapter 10, relating to the  
1372 Joint Legislative Ethics Committee, as follows:

1373                             "Part 6

1374       45-10-90.

1375       As used in this part, the term:

1376       (1) 'Abuse of official power' means threatening to use the powers or personnel of a state  
1377       entity for personal purposes of coercion, retaliation, or punishment.

1378       (2) 'Clerical officer' means the Clerk of the House of Representatives or the Secretary of  
1379       the Senate.

1380       (3) 'Committee' means the House Committee on Ethics or the Senate Ethics Committee.

1381       (4) 'Conflict of interest' means an individual has multiple interests and uses his or her  
1382       official position to exploit, in some way, his or her position for his or her own direct,  
1383       unique, pecuniary, and personal benefit.

1384       (5) 'Employee' means any person who is employed by the legislative branch of state  
1385       government.

1386       (6) 'Improper conduct' means a member of the General Assembly:

1387           (A) Engages in conduct that is a conflict of interest;

1388           (B) Engages in conduct that is an abuse of official power; or

1389           (C) Illegally uses an employee in a political campaign.

1390       (7) 'Member of the General Assembly' means any person elected and certified as a  
1391       member of the General Assembly.

1392       (8) 'Sexual harassment' means making sexual advances, requesting sexual favors, or  
1393       other verbal or physical conduct of a sexual nature when:  
1394        (A) Submission to such conduct is made explicitly or implicitly a term or condition of  
1395       an individual's employment;  
1396        (B) Submission to or rejection of such conduct by an individual is used as a basis for  
1397       employment decisions affecting the employee; or  
1398        (C) Such conduct interferes with the employee's work performance or creates an  
1399       intimidating, hostile, or offensive work environment.

1400       45-10-91.

1401       (a) Any person may file a complaint with the clerical officer of the appropriate chamber  
1402       alleging improper conduct involving a member of the General Assembly. Any employee  
1403       may file a complaint with the clerical officer of the appropriate chamber alleging sexual  
1404       harassment by a member of the General Assembly. The clerical officer shall designate the  
1405       place where such complaints may be filed, provide instruction necessary to properly submit  
1406       a complaint, and prescribe forms for such complainants. Complaints shall be submitted in  
1407       writing and verified under oath to the best information, knowledge, and belief of such  
1408       person. Any person who knowingly provides false information in executing a complaint  
1409       under this Code section commits the offense of false swearing within the meaning of Code  
1410       Section 16-10-71.

1411       (b) The clerical officer shall forward, within one business day of receipt, the original  
1412       complaint and all materials appended to such complaint in a confidential report to the  
1413       presiding officer of the appropriate chamber and to the chairperson of the House  
1414       Committee on Ethics or the chairperson of the Senate Ethics Committee, as appropriate.

1415       45-10-92.

1416       (a) The committee shall serve the person against whom any complaint is made a copy of  
1417       the complaint by hand delivery or statutory overnight delivery or mailed by certified mail,  
1418       return receipt requested, within five business days of the committee's receipt of such  
1419       complaint.

1420       (b) The committee shall conduct a preliminary investigation of the merits of such  
1421       complaint. If a complaint alleges a violation by one of the members of the committee, such  
1422       member shall recuse himself or herself. If there are found no reasonable grounds to believe  
1423       that improper conduct or sexual harassment has occurred, the complaint shall be dismissed,  
1424       subject to being reopened upon discovery of additional evidence or relevant material. The  
1425       committee shall not be required to conduct a hearing if there are no reasonable grounds to  
1426       believe that improper conduct or sexual harassment has occurred. If the committee

1427 determines that there are such reasonable grounds to believe that improper conduct or  
1428 sexual harassment has occurred, it shall give notice by summoning the persons believed to  
1429 have committed the violation to a hearing. The rules of the committee shall be invoked if  
1430 a hearing occurs. The committee may report suspected violations of law to the appropriate  
1431 law enforcement authority.

1432 (c) Nothing in this Code section shall be construed to limit or encumber the right of the  
1433 committee to initiate on probable cause an investigation on its own cognizance as it deems  
1434 necessary to fulfill its obligations to investigate improper conduct or sexual harassment.

1435 (d) The committee shall adopt a retention standard for complaints and documents attached  
1436 thereto."

## SECTION 30.

This Act shall become effective on January 10, 2011, and shall apply to all reports filed on and after such date; provided, however, that if Code Section 45-12-92.1 as enacted by HB 1055 at the regular session of the 2010 General Assembly does not become law, then the following provisions as enacted by this Act shall not become effective and shall be reserved instead:

- 1443 (1) Paragraph (2) of subsection (k) of Code Section 21-5-34;

1444 (2) Paragraph (2) of subsection (f) of Code Section 21-5-50;

1445 (3) Division (f)(2)(D)(ii) of Code Section 21-5-71; and

1446 (4) Division (f)(2)(E)(ii) of Code Section 21-5-71.

## SECTION 31.

1448 All laws and parts of laws in conflict with this Act are repealed.