

Senate Bill 17

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

**AS PASSED**

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~~  
 128 more 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;

- 174 (B) Every elected state official;
- 175 (C) The executive head of every state department or agency, whether elected or  
176 appointed;
- 177 (D) Each member of the General Assembly;
- 178 (E) The executive director of each state board, commission, or authority and the  
179 members thereof;
- 180 (F) Every elected county official and every elected member of a local board of  
181 education; and
- 182 (G) Every elected municipal official.
- 183 (23) 'Qualifying officer' means a person who qualifies a candidate for an election.
- 184 (24) 'Reporting period' means the period of time beginning the day after the last report  
185 due date, excluding any grace period, through the due date of the next report."

### 186 SECTION 3.

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

- 189 "(a) The Georgia Government Transparency and Campaign Finance Commission shall be  
190 a successor to the State Ethics Commission, with such duties and powers as are set forth  
191 in this chapter. As the successor commission, it shall have all the powers and duties  
192 granted to the State Ethics Commission in all matters pending before the State Ethics  
193 Commission and may continue to investigate, prosecute, and act upon all such matters.  
194 ~~Those members serving on the State Campaign and Financial Disclosure Commission prior~~  
195 ~~to March 1, 1987, shall serve for a term of office which expires March 1, 1987.~~
- 196 (b) ~~There is created the State Ethics Commission, with such duties and powers as are set~~  
197 ~~forth in this chapter. The commission shall be a successor to the State Campaign and~~  
198 ~~Financial Disclosure Commission in all matters pending before the State Campaign and~~  
199 ~~Financial Disclosure Commission on March 1, 1987, and may continue to investigate,~~  
200 ~~prosecute, and act upon all such matters. The commission shall be governed by five~~  
201 ~~members appointed as follows: three members, not more than two of whom shall be from~~  
202 ~~the same political party, shall be appointed by the Governor, two for terms of three years~~  
203 ~~and one for a term of two years; one member shall be appointed by the Senate Committee~~  
204 ~~on Assignments for a term of four years; and one member shall be appointed by the~~  
205 ~~Speaker of the House of Representatives for a term of four years. The initial members shall~~  
206 ~~take office on March 2, 1987. Upon the expiration of a member's term of office, a new~~  
207 ~~member, appointed in the same manner as the member whose term of office expired as~~  
208 ~~provided in this subsection, shall become a member of the commission and shall serve for~~  
209 ~~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."

392 **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;"

403 **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."

410 **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."

427 **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."

435 **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."

454 **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 year 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 ~~year in which the election is held~~ 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 ~~(j)~~(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 ~~filing late~~ 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)~~(l) 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."~~

760

### SECTION 13.

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

763 "21-5-36.

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

771 (2) A filing qualifying officer shall notify the commission in writing of:

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

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

778 ~~A filing officer shall immediately notify the commission when such officer shall receive~~  
779 ~~any complaint against any candidate offering for any office specified in Code Section~~  
780 ~~21-5-2 or against any campaign committee and shall forward the complaint to the~~  
781 ~~commission and shall retain a copy of the complaint. In the event any complaint is against~~  
782 ~~a county or municipal candidate, a copy of the reports filed by such candidate shall be~~  
783 ~~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)~~ (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~~  
 904 \$5,000.00 or more. The disclosure shall contain the county and state, general  
 905 description of the property, and whether the fair market value is between (i) ~~\$10,000.00~~  
 906 \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to \$200,000.00; (iii) or more than  
 907 \$200,000.00;

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

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

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

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

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

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

919 ~~(9)~~(7) If the filer has actual knowledge of such ownership interest, the name of any  
 920 business or subsidiary thereof or investment, exclusive of the individual stocks ~~and~~  
 921 ~~bonds in,~~ or mutual funds, as of December 31 of the covered year in which the filer's  
 922 spouse or dependent children, jointly or severally, own a direct ownership interest which  
 923 interest:

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

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

927 or in which the filer's spouse or any dependent child serves as an officer, director,  
 928 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

1003 ~~used to pay such penalty. Any disclosure report, statement, or other document required~~  
 1004 ~~to be filed under this chapter which is in the possession of the Secretary of State shall be~~  
 1005 ~~transferred to the commission.~~

1006 (2) The commission shall retain \$25.00 of the first late fee received for processing  
 1007 pursuant to the provisions of Code Section 45-12-92.1.

1008 (g) The commission shall not require the reporting of any more information in a financial  
 1009 disclosure statement than is expressly required to be disclosed by this Code section."

1010 **SECTION 17.**

1011 Said chapter is further amended by revising Code Section 21-5-51, relating to verification  
 1012 of statement, as follows:

1013 "21-5-51.

1014 ~~The financial disclosure statements required under this article shall be verified by oath or~~  
 1015 ~~affirmation of the public officer filing the statement, such oath or affirmation to be taken~~  
 1016 ~~before an officer authorized to administer oaths, unless filed electronically in which case~~  
 1017 ~~the electronic filing shall constitute an affirmation that the statement is true, complete, and~~  
 1018 ~~correct~~ Financial disclosure statements filed pursuant to this article shall be public records  
 1019 and shall be subject to inspection and copying by any member of the public as provided by  
 1020 law for other public records."

1021 **SECTION 18.**

1022 Said chapter is further amended by repealing Code Section 21-5-52, relating to filing by mail,  
 1023 which reads as follows:

1024 "21-5-52.

1025 (a) The mailing of the notarized financial disclosure affidavit by United States mail, with  
 1026 adequate postage affixed, within the required filing time as determined by the official  
 1027 United States postage date cancellation, shall be prima-facie proof of filing when the  
 1028 disclosure statement is not filed electronically.

1029 (b) It shall be the duty of the commission or any other officer or body which receives for  
 1030 filing any document required to be filed under this chapter to maintain with the filed  
 1031 document a copy of the postal markings or statutory overnight delivery service markings  
 1032 of any envelope, package, or wrapping in which the document was delivered for filing if  
 1033 mailed or sent after the date such filing was due."

1034 **SECTION 19.**

1035 Said chapter is further amended by repealing Code Section 21-5-53, relating to public record,  
 1036 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  
 1096 General Assembly, or any committee thereof, or the approval or veto of legislation by  
 1097 the Governor;
- 1098 (C) Any natural person who as an employee of the executive branch or judicial branch  
 1099 of state government engages in any activity covered under subparagraph (A) of this  
 1100 paragraph;
- 1101 (D) Any natural person who, for compensation, either individually or as an employee  
 1102 of another person, undertakes to promote or oppose the passage of any ordinance or  
 1103 resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22)  
 1104 of Code Section 21-5-3, or any committee of such public officers, or the approval or  
 1105 veto of any such ordinance or resolution;
- 1106 (E) Any natural person who makes a total expenditure of more than \$250.00 in a  
 1107 calendar year, not including the person's own travel, food, lodging expenses, or  
 1108 informational material, to promote or oppose the passage of any ordinance or resolution  
 1109 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code

1110 Section 21-5-3, or any committee of such public officers, or the approval or veto of any  
1111 such ordinance or resolution;

1112 (F) Any natural person who as an employee of the executive branch or judicial branch  
1113 of local government engages in any activity covered under subparagraph (D) of this  
1114 paragraph;

1115 (G) Any natural person who, for compensation, either individually or as an employee  
1116 of another person is hired specifically to undertake influencing a public officer or state  
1117 agency in the selection of a vendor to supply any goods or services to any state agency  
1118 but does not include any employee of the vendor solely on the basis that such employee  
1119 participates in soliciting a bid or in preparing a written bid, written proposal, or other  
1120 document relating to a potential sale to a state agency; ~~or~~

1121 (H) Any natural person who, for compensation, either individually or as an employee  
1122 of another person, is hired specifically to undertake to promote or oppose the passage  
1123 of any rule or regulation of any state agency;

1124 (I) Any natural person who, for compensation, either individually or as an employee  
1125 of another person undertakes to promote or oppose any matter before the State  
1126 Transportation Board; or

1127 (J) Any natural person who makes a total expenditure of more than \$250.00 in a  
1128 calendar year, not including the person's own travel, food, lodging expenses, or  
1129 informational material, to promote or oppose any matter before the State Transportation  
1130 Board.

1131 (6) 'Public officer' means a member of the State Transportation Board and those public  
1132 officers specified under paragraph (22) of Code Section 21-5-3, except as otherwise  
1133 provided in this article and also includes any public officer or employee who has any  
1134 discretionary authority over, or is a member of a public body which has any discretionary  
1135 authority over, the selection of a vendor to supply any goods or services to any state  
1136 agency.

1137 (7) 'State agency' means any branch of state government; or any agency, authority,  
1138 department, board, bureau, commission, council, corporation, entity, or instrumentality  
1139 ~~of the this state but does not include or of a local political subdivision of this state, such~~  
1140 ~~as a county, city, or local school district or an instrumentality of such a local political~~  
1141 ~~subdivision."~~

1142 **SECTION 21.**

1143 Said chapter is further amended by revising subsections (a), (b), (c), and (f) and paragraph  
1144 (4) of subsection (i) of Code Section 21-5-71, relating to lobbyist registration requirements,  
1145 fees, identification cards, and exemptions, as follows:



1146 "(a) No person shall engage in lobbying as defined by this article unless such person is  
 1147 registered with the commission as a lobbyist. The commission shall not allow a person  
 1148 who has been convicted of a felony involving moral turpitude in the courts of this state or  
 1149 an offense that, had it occurred in this state, would constitute a felony involving moral  
 1150 turpitude under the laws of this state to become a registered lobbyist unless ten years or  
 1151 more have elapsed since the completion of the person's sentence. The administration of  
 1152 this article is vested in the commission.

1153 (b) Each lobbyist shall file an application for registration with the commission. The  
 1154 application shall be verified by the applicant and shall contain:

1155 (1) The applicant's name, address, and telephone number;

1156 (2) The name, address, and telephone number of the person or agency that employs,  
 1157 appoints, or authorizes the applicant to lobby on its behalf;

1158 (3) A statement of the general business or purpose of each person, firm, corporation,  
 1159 association, or agency the applicant represents;

1160 (4) If the applicant represents a membership group other than an agency or corporation,  
 1161 the general purpose and approximate number of members of the organization;

1162 (5) A statement signed by the person or agency employing, appointing, or authorizing  
 1163 the applicant to lobby on its behalf;

1164 (6) If the applicant is a lobbyist within the meaning of subparagraph (G) or (H) of  
 1165 paragraph (5) of Code Section 21-5-70, the name of the state agency or agencies before  
 1166 which the applicant engages in lobbying; ~~and~~

1167 (7) A statement disclosing each individual or entity on whose behalf the applicant is  
 1168 registering if such individual or entity has agreed to pay him or her an amount exceeding  
 1169 \$10,000.00 in a calendar year for lobbying activities; and

1170 (8) A statement verifying that the applicant has not been convicted of a felony involving  
 1171 moral turpitude in the courts of this state or an offense that, had it occurred in this state,  
 1172 would constitute a felony involving moral turpitude under the laws of this state or, if the  
 1173 applicant has been so convicted, a statement identifying such conviction, the date thereof,  
 1174 a copy of the person's sentence, and a statement that more than ten years have elapsed  
 1175 since the completion of his or her sentence.

1176 (c) The lobbyist shall, within seven days of any substantial or material change or addition,  
 1177 file a supplemental registration indicating such substantial or material change or addition  
 1178 to the registration prior to its expiration. Previously filed information may be incorporated  
 1179 by reference. Substantial or material changes or additions shall include, but are not limited  
 1180 to, the pertinent information concerning changes or additions to client and employment  
 1181 information required by paragraphs (2), (3), (4), (6), and (7) and conviction status required  
 1182 by paragraph (8) of subsection (b) of this Code section."

1183 "(f)(1) Each person registering under this Code section shall pay the registration fees set  
 1184 forth in paragraph (2) of this subsection; provided, however, that a person who represents  
 1185 any state, county, municipal, or public agency, department, commission, or authority  
 1186 shall be exempted from payment of such registration fees ~~and a person employed by an~~  
 1187 ~~organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4)~~  
 1188 ~~of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be~~  
 1189 ~~exempted from payment of such registration fees except for payment of an initial~~  
 1190 ~~registration fee of \$25.00.~~

1191 (2) The commission shall collect the following fees:

1192 (A) Annual lobbyist registration filed pursuant to this Code section \$ ~~200.00~~ 300.00

1193 (B) Lobbyist supplemental registration filed pursuant to this Code  
 1194 section ..... 10.00

1195 (C) Each lobbyist identification card issued pursuant to this Code  
 1196 section ..... ~~5.00~~ 20.00

1197 (D)(i) For reports filed when the General Assembly is not in session,  
 1198 in addition to other penalties provided under this chapter, a filing  
 1199 late fee of \$50.00 \$275.00 shall be imposed for each report that is  
 1200 filed late. In addition, a filing late fee of \$25.00 \$1,000.00 shall be  
 1201 imposed on the fifteenth day after the due date if the for such report  
 1202 if the report has still not been filed. A late fee of \$10,000.00 shall be  
 1203 imposed on the forty-fifth day after the due date for such report if the  
 1204 report has not been filed.

1205 (ii) The commission shall retain \$25.00 of the first late fee received  
 1206 for processing pursuant to the provisions of Code Section  
 1207 45-12-92.1.

1208 (E)(i) For reports filed when the General Assembly is in session, in  
 1209 addition to other penalties provided under this chapter, a late fee of  
 1210 \$275.00 shall be imposed for each report that is filed late. In  
 1211 addition, a late fee of \$1,000.00 shall be imposed on the seventh day  
 1212 after the due date for such report if the report has not been filed. A  
 1213 late fee of \$10,000.00 shall be imposed on the twenty-first day after  
 1214 the due date for such report if the report has not been filed.

1215 (ii) The commission shall retain \$25.00 of the first late fee received  
 1216 for processing pursuant to the provisions of Code Section  
 1217 45-12-92.1."

1218 "(4) Any licensed attorney appearing on behalf of a client in any adversarial proceeding  
1219 before an agency of this state or any political subdivision of this state;"

1220 **SECTION 22.**

1221 Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyists'  
1222 disclosure reports, as follows:

1223 "21-5-73.

1224 (a) Each lobbyist registered under this article shall file disclosure reports as provided for  
1225 in this Code section in the electronic format specified by the commission.

1226 (b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5)  
1227 of Code Section 21-5-70 shall file a ~~monthly~~ semimonthly disclosure report on the first and  
1228 fifteenth day of each month, current through the end of the preceding month, ~~on or before~~  
1229 ~~the fifth day of any month while~~ report, beginning January 15 and continuing throughout  
1230 the period that the General Assembly is in session.

1231 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (5) of  
1232 Code Section 21-5-70 shall:

1233 (1) File a disclosure report, current through the end of the preceding month, on or before  
1234 the fifth day of May, September, and January of each year instead of the reports required  
1235 by subsections (b) and (d) of this Code section; and

1236 (2) File such report with the commission, file a copy of such report with the election  
1237 superintendent of each county involved if the report contains any expenditures relating  
1238 to county or county school district affairs, and file a copy of such report with the  
1239 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the  
1240 municipality) of each municipality involved if the report contains any expenditures  
1241 relating to municipal affairs or independent school district affairs.

1242 (d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), ~~or~~ (H), (I),  
1243 ~~or~~ (J) of paragraph (5) of Code Section 21-5-70 shall file a monthly disclosure report,  
1244 current through the end of the preceding period ~~ending on July 31 and December 31 of~~  
1245 ~~each year, on or before August 5 and January 5 of each year~~ the fifth day of each month;  
1246 provided, however, that such monthly reports shall not be filed during any period that the  
1247 lobbyist files a semimonthly report pursuant to subsection (b) of this Code section.

1248 (e) Reports filed by lobbyists shall be verified and shall include:

1249 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value  
1250 thereof made on behalf or for the benefit of a public officer by the lobbyist or employees  
1251 of the lobbyist ~~on behalf or for the benefit of a public officer~~ or by any person on whose

1252 behalf the lobbyist is registered if the lobbyist has actual knowledge of such expenditure.

1253 The description of each reported expenditure shall include:

1254 (A) The name and title of the public officer or, if the expenditure is simultaneously  
1255 incurred for an identifiable group of public officers the individual identification of  
1256 whom would be impractical, a general description of that identifiable group;

1257 (B) The amount, date, and description of the expenditure and a summary of all  
1258 spending classified by category. Such categories shall include gifts, meals,  
1259 entertainment, lodging, equipment, advertising, travel, and postage;

1260 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures  
1261 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during  
1262 the reporting period; provided, however, expenses for travel and for food, beverage, and  
1263 lodging in connection therewith afforded a public officer shall be reported in the same  
1264 manner as under subparagraphs (A), (B), and (D) of this paragraph;

1265 (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending  
1266 before the governmental entity in support of or opposition to which the expenditure was  
1267 made; and

1268 (E) If applicable, the rule or regulation number or description of the rule or regulation  
1269 pending before the state agency in support of or opposition to which the expenditure  
1270 was made;

1271 (2) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (5)  
1272 of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist  
1273 undertook to influence the awarding of a contract or contracts by any state agency  
1274 together with a description of the contract or contracts and the monetary amount of the  
1275 contract or contracts; and

1276 (3) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (5)  
1277 of Code Section 21-5-70, the name of the individual or entity for which the lobbyist  
1278 undertook to influence the rule or regulation of a state agency.

1279 (f) The reports required by this article shall be in addition to any reports required under  
1280 Code Section 45-1-6, relating to required reports by state vendors of gifts to public  
1281 employees. Compliance with this Code section shall not excuse noncompliance with that  
1282 Code section, and compliance with that Code section shall not excuse noncompliance with  
1283 this Code section, notwithstanding the fact that in some cases the same information may  
1284 be required to be disclosed under both Code sections.

1285 (g) The electronic filing of any disclosure report required by this article shall constitute an  
1286 affirmation that such report is true, complete, and correct.

1287 (h) The commission shall not require the reporting of any more information in a lobbyist  
1288 disclosure report than is expressly required to be disclosed by this Code section."

**SECTION 23.**

1289  
1290 Said chapter is further amended by revising subsection (a) of Code Section 21-5-76, relating  
1291 to the prohibition of contingent fees for lobbying, as follows:

1292 "~~(a) No person, firm, corporation, or association shall retain or employ an attorney at law~~  
1293 ~~or an agent to aid or oppose legislation~~ a lobbyist for compensation contingent, in whole  
1294 or in part, upon the passage or defeat of any legislative measure, upon the adoption or  
1295 decision not to adopt any state agency rule or regulation, or upon the ~~receipt or award~~  
1296 granting or awarding of any state contract. No ~~attorney at law or agent~~ lobbyist shall be  
1297 employed ~~to aid or oppose legislation~~ for compensation contingent, in whole or in part,  
1298 upon the passage or defeat of any legislation, upon the adoption or decision not to adopt  
1299 any state agency rule or regulation, or upon the ~~receipt or award~~ granting or awarding of  
1300 any state contract."

**SECTION 24.**

1301  
1302 Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
1303 abuse of governmental office, is amended by revising Code Section 16-10-4, relating to  
1304 influencing of legislative action by state and local governmental officers and employees, as  
1305 follows:

1306 "16-10-4.

1307 (a) Any officer or employee of the state or any agency thereof who asks for or receives  
1308 anything of value to which he or she is not entitled in return for an agreement to procure  
1309 or attempt to procure the passage or defeat the passage of any legislation by the General  
1310 Assembly, or procure or attempt to procure the approval or disapproval of the same by the  
1311 Governor, shall be guilty of a felony and, upon conviction thereof, shall be punished by a  
1312 fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than  
1313 five years, or both.

1314 (b) Any officer or employee of a political subdivision who asks for or receives anything  
1315 of value to which he or she is not entitled in return for an agreement to procure or attempt  
1316 to procure the passage or defeat the passage of any legislation by the legislative body of the  
1317 political subdivision of which he or she is an officer or employee shall be guilty of a felony  
1318 and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or  
1319 by imprisonment for not less than one nor more than five years, or both."

**SECTION 25.**

1320  
1321 Said article is further amended by revising Code Section 16-10-5, relating to influencing of  
1322 officer or employee of state or political subdivision by local officer or employee, as follows:

1323 "16-10-5.

1324 (a) Any officer or employee of the state or any agency thereof who asks for or receives  
 1325 anything of value to which he or she is not entitled in return for an agreement to influence  
 1326 or attempt to influence official action by any other officer or employee of the state or any  
 1327 agency thereof shall be guilty of a felony and, upon conviction thereof, shall be punished  
 1328 by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more  
 1329 than five years, or both.

1330 (b) Any officer or employee of a political subdivision who asks for or receives anything  
 1331 of value to which he or she is not entitled in return for an agreement to influence or attempt  
 1332 to influence official action by any other officer or employee of that political subdivision  
 1333 shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not  
 1334 more than \$100,000.00 or by imprisonment for not less than one nor more than five years,  
 1335 or both."

1336 **SECTION 26.**

1337 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 1338 is amended by revising paragraph (1) of subsection (a) of Code Section 45-1-6, relating to  
 1339 gifts to employees by vendors, as follows:

1340 "(1) 'Commission' means the ~~State Ethics~~ Georgia Government Transparency and  
 1341 Campaign Finance Commission created under Code Section 21-5-4."

1342 **SECTION 27.**

1343 Said title is further amended by revising subsection (b) of Code Section 45-7-7, relating to  
 1344 compensation and allowances of certain officials not to be changed without giving public  
 1345 notice, as follows:

1346 "(b) Subsection (a) of this Code section shall apply to the compensation and allowances  
 1347 of the commissioner of community affairs, the director of the Employees' Retirement  
 1348 System of Georgia, the director of the State Forestry Commission, the director of the  
 1349 Georgia Bureau of Investigation, the executive director of the Georgia Franchise Practices  
 1350 Commission, the commissioner of human services, the commissioner of economic  
 1351 development, the commissioner of natural resources, the commissioner of public safety,  
 1352 the chancellor of the University System of Georgia, the president or executive director of  
 1353 the Georgia Student Finance Commission, the executive director of the State Soil and  
 1354 Water Conservation Commission, the executive secretary-treasurer of the Teachers  
 1355 Retirement System of Georgia, the commissioner of transportation, and the executive  
 1356 director of the ~~State Ethics~~ Georgia Government Transparency and Campaign Finance  
 1357 Commission."

1358 **SECTION 28.**

1359 Said title is further amended by revising subsection (a) of Code Section 45-10-26, relating  
1360 to public officials and employees filing yearly disclosure statements concerning business  
1361 transactions with the state, as follows:

1362 "(a) Except as provided in subsection (b) of this Code section, any public official or  
1363 employee, whether for himself, herself, or on behalf of any business, or any business in  
1364 which such public official or employee or any member of his or her family has a substantial  
1365 interest who transacts business with the state or any agency thereof shall disclose such  
1366 transactions. Such disclosure shall be submitted prior to January 31 each year to the  
1367 Secretary of State Georgia Government Transparency and Campaign Finance Commission  
1368 on such forms as he it shall prescribe and shall include an itemized list of the previous  
1369 year's transactions with the dollar amount of each transaction reported and totaled. Such  
1370 disclosure statements shall be public records."

1371 **SECTION 29.**

1372 Said title is further amended by revising in its entirety Part 6 of Chapter 10, relating to the  
1373 Joint Legislative Ethics Committee, as follows:

1374 "Part 6

1375 45-10-90.

1376 As used in this part, the term:

1377 (1) 'Abuse of official power' means threatening to use the powers or personnel of a state  
1378 entity for personal purposes of coercion, retaliation, or punishment.

1379 (2) 'Clerical officer' means the Clerk of the House of Representatives or the Secretary of  
1380 the Senate.

1381 (3) 'Committee' means the House Committee on Ethics or the Senate Ethics Committee.

1382 (4) 'Conflict of interest' means an individual has multiple interests and uses his or her  
1383 official position to exploit, in some way, his or her position for his or her own direct,  
1384 unique, pecuniary, and personal benefit.

1385 (5) 'Employee' means any person who is employed by the legislative branch of state  
1386 government.

1387 (6) 'Improper conduct' means a member of the General Assembly:

1388 (A) Engages in conduct that is a conflict of interest;

1389 (B) Engages in conduct that is an abuse of official power; or

1390 (C) Illegally uses an employee in a political campaign.

1391 (7) 'Member of the General Assembly' means any person elected and certified as a  
 1392 member of the General Assembly.

1393 (8) 'Sexual harassment' means making sexual advances, requesting sexual favors, or  
 1394 other verbal or physical conduct of a sexual nature when:

1395 (A) Submission to such conduct is made explicitly or implicitly a term or condition of  
 1396 an individual's employment;

1397 (B) Submission to or rejection of such conduct by an individual is used as a basis for  
 1398 employment decisions affecting the employee; or

1399 (C) Such conduct interferes with the employee's work performance or creates an  
 1400 intimidating, hostile, or offensive work environment.

1401 45-10-91.

1402 (a) Any person may file a complaint with the clerical officer of the appropriate chamber  
 1403 alleging improper conduct involving a member of the General Assembly. Any employee  
 1404 may file a complaint with the clerical officer of the appropriate chamber alleging sexual  
 1405 harassment by a member of the General Assembly. The clerical officer shall designate the  
 1406 place where such complaints may be filed, provide instruction necessary to properly submit  
 1407 a complaint, and prescribe forms for such complainants. Complaints shall be submitted in  
 1408 writing and verified under oath to the best information, knowledge, and belief of such  
 1409 person. Any person who knowingly provides false information in executing a complaint  
 1410 under this Code section commits the offense of false swearing within the meaning of Code  
 1411 Section 16-10-71.

1412 (b) The clerical officer shall forward, within one business day of receipt, the original  
 1413 complaint and all materials appended to such complaint in a confidential report to the  
 1414 presiding officer of the appropriate chamber and to the chairperson of the House  
 1415 Committee on Ethics or the chairperson of the Senate Ethics Committee, as appropriate.

1416 45-10-92.

1417 (a) The committee shall serve the person against whom any complaint is made a copy of  
 1418 the complaint by hand delivery or statutory overnight delivery or mailed by certified mail,  
 1419 return receipt requested, within five business days of the committee's receipt of such  
 1420 complaint.

1421 (b) The committee shall conduct a preliminary investigation of the merits of such  
 1422 complaint. If a complaint alleges a violation by one of the members of the committee, such  
 1423 member shall recuse himself or herself. If there are found no reasonable grounds to believe  
 1424 that improper conduct or sexual harassment has occurred, the complaint shall be dismissed,  
 1425 subject to being reopened upon discovery of additional evidence or relevant material. The



1426 committee shall not be required to conduct a hearing if there are no reasonable grounds to  
 1427 believe that improper conduct or sexual harassment has occurred. If the committee  
 1428 determines that there are such reasonable grounds to believe that improper conduct or  
 1429 sexual harassment has occurred, it shall give notice by summoning the persons believed to  
 1430 have committed the violation to a hearing. The rules of the committee shall be invoked if  
 1431 a hearing occurs. The committee may report suspected violations of law to the appropriate  
 1432 law enforcement authority.  
 1433 (c) Nothing in this Code section shall be construed to limit or encumber the right of the  
 1434 committee to initiate on probable cause an investigation on its own cognizance as it deems  
 1435 necessary to fulfill its obligations to investigate improper conduct or sexual harassment.  
 1436 (d) The committee shall adopt a retention standard for complaints and documents attached  
 1437 thereto."

### 1438 **SECTION 30.**

1439 This Act shall become effective on January 10, 2011, and shall apply to all reports filed on  
 1440 and after such date; provided, however, that if Code Section 45-12-92.1 as enacted by HB  
 1441 1055 at the regular session of the 2010 General Assembly does not become law, then the  
 1442 following provisions as enacted by this Act shall not become effective and shall be reserved  
 1443 instead:

- 1444 (1) Paragraph (2) of subsection (k) of Code Section 21-5-34;
- 1445 (2) Paragraph (2) of subsection (f) of Code Section 21-5-50;
- 1446 (3) Division (f)(2)(D)(ii) of Code Section 21-5-71; and
- 1447 (4) Division (f)(2)(E)(ii) of Code Section 21-5-71.

### 1448 **SECTION 31.**

1449 All laws and parts of laws in conflict with this Act are repealed.