

Senate Bill 70

By: Senators Hooks of the 14th, Adelman of the 42nd, Jackson of the 2nd, Harbison of the 15th, Ramsey, Sr. of the 43rd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,
2 relating to campaign finance regulation and disclosure, so as to require special expedited
3 reporting of certain campaign contributions; to provide that the contributions subject to such
4 reporting shall be those where there exists a contractual, grant, or regulatory relationship
5 between the contributor and the office of the public officer or candidate for public office; to
6 define terms; to provide for the manner and contents of reports; to provide for civil
7 enforcement; to provide for other related matters; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
12 campaign finance regulation and disclosure, is amended by adding a new Code section as
13 follows:

14 "21-5-31.

15 (a) A contribution shall be specially reported under this Code section if any of the
16 following circumstances exist:

17 (1) The contribution is made by a business entity and relates to a public office having
18 supervisory authority over an agency and:

19 (A) The business entity has had any contract with the agency within a period of two
20 years immediately prior to the date of the contribution;

21 (B) The business entity is seeking a contract with the agency at the time of the
22 contribution or has sought a contract with the agency within a period of two years
23 immediately prior to the date of the contribution;

24 (C) The business entity has received a grant from the agency within a period of two
25 years immediately prior to the date of the contribution;

26 (D) The business entity is seeking a grant from the agency at the time of the
 27 contribution or has sought a grant from the agency within a period of two years
 28 immediately prior to the date of the contribution; or

29 (E) The business entity is any manner regulated by the agency or the public office;

30 (2) The contribution is made by:

31 (A) A person having a substantial interest in a business entity which would be required
 32 to report the contribution under paragraph (1) of this subsection if the business entity
 33 made the contribution; or

34 (B) A member of the family of a person described in subparagraph (A) of this
 35 paragraph;

36 (3) The contribution is made by:

37 (A) An executive officer or fiduciary of a business entity which would be required to
 38 report the contribution under paragraph (1) of this subsection if the business entity
 39 made the contribution; or

40 (B) A member of the family of a person described in subparagraph (A) of this
 41 paragraph;

42 (4) The contribution is made by:

43 (A) An affiliated corporation of a business entity which would be required to report the
 44 contribution under paragraph (1) of this subsection if the business entity made the
 45 contribution;

46 (B) A person having a substantial interest in an affiliated corporation described in
 47 subparagraph (A) of this paragraph or a member of the family of such a person; or

48 (C) An executive officer or fiduciary of an affiliated corporation described in
 49 subparagraph (A) of this paragraph or a member of the family of such a person; or

50 (5) The contribution is made by a political action committee of which a connected
 51 organization is a business entity which would be required to report the contribution under
 52 paragraph (1) of this subsection if the business entity made the contribution.

53 (b) For purposes of subsection (a) of this Code section, a contribution relates to a public
 54 office if the contribution is made to:

55 (1) The public officer holding that public office or the campaign committee of that public
 56 officer;

57 (2) A candidate for that public office or the campaign committee of a person seeking that
 58 public office; or

59 (3) An employee of an agency over which that public officer exercises any supervisory
 60 authority.

61 (c) As used in this Code section, any term defined in Code Section 21-5-3 shall have the
 62 meaning provided in that Code section; and the term:

- 63 (1) 'Agency' shall have the meaning provided in Code Section 21-5-30.2.
- 64 (2) 'Substantial interest' means the direct or indirect ownership of 10 percent or more of
65 the assets or stock of any business entity.
- 66 (d) A contribution which is subject to special reporting under this Code section shall be
67 the subject of a disclosure report to be filed with the commission within two business days
68 after the date of the contribution. The report shall be filed electronically in the manner
69 specified by the commission. Each of the following shall have the duty to file the report
70 to the extent that each knew or reasonably should have known of facts giving rise to the
71 requirement to report:
- 72 (1) The person making the contribution; and
- 73 (2) The business entity described in paragraph (1) of subsection (a) of this Code section.
74 If both knew or should have known of such facts, then both shall have a duty to file.
- 75 (e) The disclosure report shall state:
- 76 (1) The name, address, and telephone number of the person or persons having the duty
77 to file the report;
- 78 (2) The name, address, and telephone number of the recipient of the contribution; and
- 79 (3) A description of any and all contracts or grants, existing or sought, triggering a
80 disclosure requirement under subsection (a) of this Code section, including the general
81 nature of the contract or grant, the date the contract or grant was entered into, the date the
82 contract or grant became effective, the date the contract or grant was or will be terminated
83 or complete, and the general terms of the contract or grant including the consideration
84 and compensation in a contract.
- 85 (f) This provisions of this Code section shall not apply to a one-time, nonrecurring contract
86 or grant in an amount under \$250.00.
- 87 (g) Any person violating any of the provisions of this Code section shall be subject to a
88 civil penalty, which shall not exceed the greater of the amount of the contribution or the
89 value of the contract or grant, existing or sought.
- 90 (h) Any contract or grant that results from a violation of this article shall be voidable by
91 the commission."

92 **SECTION 2.**

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