

House Bill 370

By: Representatives Golick of the 34<sup>th</sup>, Scott of the 153<sup>rd</sup>, and Willard of the 49<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics  
2 in government, so as to provide that disclosure reports shall be filed electronically with the  
3 State Ethics Commission; to provide exceptions; to provide for a definition; to provide that  
4 such filing constitutes an affirmation as to the truth, completeness, and accuracy of such  
5 report; to require certain reports by qualifying officers; to provide for related matters; to  
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in  
10 government, is amended by revising Code Section 21-5-3, relating to definitions, as follows:  
11 "21-5-3.

12 As used in this chapter, the term:

13 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited  
14 partnership, limited liability company, limited liability partnership, professional  
15 corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether  
16 profit or nonprofit.

17 (2) 'Campaign committee' means the candidate, person, or committee which accepts  
18 contributions or makes expenditures designed to bring about the nomination or election  
19 of an individual to any elected office. The term 'campaign committee' also means any  
20 person or committee which accepts contributions or makes expenditures designed to  
21 bring about the recall of a public officer holding elective office or to oppose the recall of  
22 a public officer holding elective office or any person or any committee which accepts  
23 contributions or makes expenditures designed to bring about the approval or rejection by  
24 the voters of any proposed constitutional amendment, a state-wide referendum, or a  
25 proposed question which is to appear on the ballot in this state or in a county or a  
26 municipal election in this state.

27 (3) 'Campaign contribution disclosure report' means a report filed with the ~~appropriate~~  
28 ~~filing officer~~ commission by a candidate or the chairperson or treasurer of a campaign  
29 committee setting forth all expenditures of \$101.00 or more and all contributions of  
30 \$101.00 or more, including contributions and expenditures of lesser amounts when the  
31 aggregate amount thereof by or to a person is \$101.00 or more for the calendar year in  
32 which the report is filed. Such report shall also include the total amount of all individual  
33 contributions received or expenditures made of less than \$101.00 each. The first report  
34 required in the calendar year of the election shall contain all such expenditures made and  
35 all such contributions received by the candidate or the committee in prior years in support  
36 of the campaign in question.

37 (4) 'Candidate' means an individual who seeks nomination for election or election to any  
38 public office, whether or not such an individual is elected; and a person shall be deemed  
39 to seek nomination or election if such person has taken necessary action under the laws  
40 of this state to qualify such person for nomination for election or election or has received  
41 any contributions or made any expenditures in pursuit of such nomination or election or  
42 has given such person's consent for such person's campaign committee to receive  
43 contributions or make expenditures with a view to bringing about such person's  
44 nomination for election or election to such office.

45 (5) 'Commission' means the State Ethics Commission created under Code  
46 Section 21-5-4.

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

52 (7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
53 advance or deposit of money or anything of value conveyed or transferred for the purpose  
54 of influencing the nomination for election or election of any person for office, bringing  
55 about the recall of a public officer holding elective office or opposing the recall of a  
56 public officer holding elective office, or the influencing of voter approval or rejection of  
57 a proposed constitutional amendment, a state-wide referendum, or a proposed question  
58 which is to appear on the ballot in this state or in a county or a municipal election in this  
59 state. The term specifically shall not include the value of personal services performed by  
60 persons who serve without compensation from any source and on a voluntary basis. The  
61 term 'contribution' shall include other forms of payment made to candidates for office or  
62 who hold office when such fees and compensation made can be reasonably construed as  
63 a campaign contribution designed to encourage or influence a candidate or public officer

64 holding elective office. The term 'contribution' shall also encompass transactions wherein  
65 a qualifying fee required of the candidate is furnished or paid by anyone other than the  
66 candidate.

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

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

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

77 (11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit, or  
78 any transfer of money or anything of value made for the purpose of influencing the  
79 nomination for election or election of any person, bringing about the recall of a public  
80 officer holding elective office or opposing the recall of a public officer holding elective  
81 office, or the influencing of voter approval or rejection of a proposed constitutional  
82 amendment, a state-wide referendum, or a proposed question which is to appear on the  
83 ballot in this state or in a county or a municipal election in this state. The term  
84 specifically shall not include the value of personal services performed by persons who  
85 serve without compensation from any source and on a voluntary basis. The term  
86 'expenditure' shall also include the payment of a qualifying fee for and in behalf of a  
87 candidate.

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

91 (13) ~~'Filing officer' means that official or commission that is designated in Code Section~~  
92 ~~21-5-34 to receive campaign contribution disclosure reports~~ Reserved.

93 (14) 'Gift' means any gratuitous transfer to a public officer or any member of the family  
94 of the public officer or a loan of property or services which is not a contribution as  
95 defined in paragraph (7) of this Code section and which is in the amount of \$101.00 or  
96 more.

97 (15) 'Independent committee' means any committee, club, association, partnership,  
98 corporation, labor union, or other group of persons, other than a campaign committee,  
99 political party, or political action committee, which receives donations during a calendar  
100 year from persons who are members or supporters of the committee and which expends

101 such funds either for the purpose of affecting the outcome of an election for any elected  
102 office or to advocate the election or defeat of any particular candidate.

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

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

110 (18) 'Ordinary and necessary expenses' shall include, but shall not be limited to,  
111 expenditures made during the reporting period for office costs and rent, lodging,  
112 equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling,  
113 special events, volunteers, reimbursements to volunteers, contributions to nonprofit  
114 organizations, and flowers for special occasions, which shall include, but are not limited  
115 to, birthdays and funerals, and all other expenditures contemplated in Code  
116 Section 21-5-33.

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

121 (20) 'Political action committee' means:

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

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

128 Such term does not include a candidate campaign committee.

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

132 (22) 'Public officer' means:

133 (A) Every constitutional officer;

134 (B) Every elected state official;

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

137 (D) Each member of the General Assembly;

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

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

142 (G) Every elected municipal official.

143 (23) 'Qualifying officer' means the official who qualifies a candidate for an election.'

144 **SECTION 2.**

145 Said chapter is further amended by revising subsection (g) of Code Section 21-5-30, relating  
146 to contributions made to candidate or campaign committee or for recall of a public officer,  
147 as follows:

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

153 **SECTION 3.**

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

156 "21-5-34.

157 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee  
158 organized to bring about the nomination or election of a candidate for any office ~~except~~  
159 ~~county and municipal offices or the General Assembly~~ and the chairperson or treasurer  
160 of every campaign committee designed to bring about the recall of a public officer or  
161 to oppose the recall of a public officer or designed to bring about the approval or  
162 rejection by the voters of any proposed constitutional amendment, state-wide proposed  
163 question, or state-wide referendum shall electronically sign and file with the  
164 commission the required campaign contribution disclosure reports. ~~A candidate for~~  
165 ~~membership in the General Assembly or the chairperson or treasurer of such candidate's~~  
166 ~~campaign committee shall file such candidate's reports with the commission and a copy~~  
167 ~~of such report with the election superintendent of the county of such candidate's~~  
168 ~~residence.~~

169 (B) Candidates for municipal office who raise or spend no more than \$5,000.00 in an  
170 election cycle shall file campaign contribution disclosure reports with the commission  
171 on paper forms prescribed by the commission or by electronic means prescribed by the  
172 commission. Except as provided for electronic filing, the mailing of such reports by the

173 United States mail with adequate postage affixed within the required filing time as  
 174 determined by the official United States postage date cancellation shall be prima-facie  
 175 evidence of filing. If a candidate chooses to file by paper form, the candidate shall sign  
 176 the report and such signing shall constitute an affirmation that the statement is true,  
 177 complete, and correct.

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

180 (2)(A) Any campaign committee which accepts contributions or makes expenditures  
 181 designed to bring about the approval or rejection by the voters of any proposed question  
 182 which is to appear on the ballot in this state or in a county or a municipal election in this  
 183 state shall register and file a campaign contribution disclosure ~~report~~ reports as  
 184 prescribed by this chapter; provided, however, that such ~~report~~ reports shall only be  
 185 required if such campaign committee has received contributions which total more than  
 186 \$500.00 or if such campaign committee has made expenditures which total more than  
 187 \$500.00. All advertising pertaining to referendums shall identify the principal officer  
 188 of such campaign committee by listing or stating the name and title of the principal  
 189 officer.

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

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

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

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

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

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

214 (C) When a contribution consists of a loan, advance, or other extension of credit, the  
215 report shall also contain the name of the lending institution or party making the advance  
216 or extension of credit and the names, mailing addresses, occupations, and places of  
217 employment of all persons having any liability for repayment of the loan, advance, or  
218 extension of credit; and, if any such persons shall have a fiduciary relationship to the  
219 lending institution or party making the advance or extension of credit, the report shall  
220 specify such relationship;

221 (D) Total contributions received and total expenditures made as follows:

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

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

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

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

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

234 (iii) The first report of a reporting cycle shall list the net balance on hand brought  
235 forward from the previous reporting cycle, if any, and the total contributions received  
236 during the period covered by the report;

237 (iv) Subsequent reports shall list the total contributions received during the period  
238 covered by the report and the cumulative total of contributions received during the  
239 reporting cycle;

240 (v) The first report of a reporting cycle shall list the total expenditures made during  
241 the period covered by the report;

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

245 (vii) If a public officer seeks reelection to the same public office, or if the public  
246 officer is a member of the General Assembly seeking reelection in another district as

247 a result of redistricting, the net balance on hand at the end of the current reporting  
 248 cycle shall be carried forward to the first report of the applicable new reporting cycle;  
 249 and

250 (E) The corporate, labor union, or other affiliation of any political action committee or  
 251 independent committee making a contribution of \$101.00 or more.

252 (2) Each report shall be in such form as will allow for the separate identification of a  
 253 contribution or contributions which are less than \$101.00 but which become reportable  
 254 due to the receipt of an additional contribution or contributions which when combined  
 255 with such previously received contribution or contributions cumulatively equal or exceed  
 256 \$101.00.

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

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

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

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

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

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

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

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

277 All persons or entities required to file reports shall have a five-day grace period in filing  
 278 the required reports, except that the grace period shall be two days for required reports  
 279 prior to run-off primaries or run-off elections, and no grace period shall apply to  
 280 contributions required to be reported within two business days. ~~Except as provided for~~  
 281 ~~electronic filing, the mailing of such reports by United States mail with adequate postage~~  
 282 ~~affixed, within the required filing time as determined by the official United States postage~~  
 283 ~~date cancellation, shall be prima-facie evidence of filing but reports~~ Reports required to be

284 filed within two business days of a contribution shall also be reported by facsimile;  
 285 electronic transmission, or otherwise within those two business days to the location where  
 286 the original disclosure report for such candidate or committee was filed. A report or  
 287 statement required to be filed by this Code section other than a report of contributions  
 288 required to be reported within two business days shall be verified by the oath or affirmation  
 289 of the person filing such report or statement taken before an officer authorized to  
 290 administer oaths. Each report required in the calendar year of the election shall contain  
 291 cumulative totals of all contributions which have been received and all expenditures which  
 292 have been made in support of the campaign in question and which are required, or  
 293 previously have been required, to be reported.

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

297 (e) Any person who makes contributions to, accepts contributions for, or makes  
 298 expenditures on behalf of candidates, and any independent committee, shall file a  
 299 registration with the commission in the same manner as is required of campaign  
 300 committees prior to accepting or making contributions or expenditures. Such persons,  
 301 other than independent committees, shall also file campaign contribution disclosure reports  
 302 in the same places and at the same times as required of the candidates they are supporting;  
 303 but such persons shall not be required to file copies of campaign contribution disclosure  
 304 reports with local election superintendents as is required of candidates for membership in  
 305 the General Assembly. The following persons shall be exempt from the foregoing  
 306 registration and reporting requirements:

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

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

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

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

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

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

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

320 The independent committee shall file a final report prior to December 31 of the year in  
321 which the election is held and shall file supplemental reports on June 30 and December  
322 31 of each year that such independent committee continues to accept contributions or  
323 make expenditures.

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

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

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

332 (C) Total expenditures made as follows:

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

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

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

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

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

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

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

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

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

354 (4) A final report shall be filed prior to December 31 of the year in which the recall  
355 election is held or, in any case where such recall election is not held, a final report shall

356 be filed prior to December 31 of any year in which such campaign committee accepts  
 357 such contributions or makes such expenditures; and

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

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

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

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

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

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

396 ~~(k)~~(k) In addition to other penalties provided under this chapter, an additional filing fee of  
 397 \$25.00 shall be imposed for each report that is filed late. In addition, a filing fee of \$50.00  
 398 shall be imposed on the fifteenth day after the due date if the report has still not been filed;  
 399 provided, however, a 15 day extension period shall be granted on the final report.

400 ~~(m)(l)~~ It shall be the duty of the commission, ~~or any other officer or body which~~ when it  
 401 receives for filing any ~~disclosure report or statement or~~ other document not required to be  
 402 electronically filed under this chapter, to maintain with the filed document a copy of the  
 403 postal markings or statutory overnight delivery service markings of any envelope, package,  
 404 or wrapping in which the document was delivered for filing ~~if mailed or sent after the date~~  
 405 ~~such filing was due.~~

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

409 (m) Campaign contribution disclosure reports required to be electronically filed shall be  
 410 filed by electronic means prescribed by the commission.

411 (n) Any electronic filing under this chapter shall constitute an affirmation that the  
 412 statement is true, complete, and correct."

#### 413 SECTION 4.

414 Said chapter is further amended by repealing Code Section 21-5-34.1, relating to filing  
 415 campaign contribution disclosure reports electronically, in its entirety.

#### 416 SECTION 5.

417 Said chapter is further amended by revising Code Section 21-5-36, relating to disposition of  
 418 reports, as follows:

419 "21-5-36.

420 (a) It shall be the duty of the ~~filing officer~~ commission to make the campaign contribution  
 421 disclosure reports available for public inspection and copying during regular office hours  
 422 commencing as soon as practicable after such filing. ~~Such filing officer~~ The commission  
 423 shall have the authority to charge a fee for copying such reports not to exceed the actual  
 424 cost of such copying. The ~~filing officer~~ commission shall preserve such reports for a  
 425 period of five years from the date upon which they are received. ~~A filing officer shall~~  
 426 ~~notify the commission in writing of:~~

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

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

433 ~~A filing officer shall immediately notify the commission when such officer shall receive~~  
 434 ~~any complaint against any candidate offering for any office specified in Code Section~~  
 435 ~~21-5-2 or against any campaign committee and shall forward the complaint to the~~  
 436 ~~commission and shall retain a copy of the complaint. In the event any complaint is against~~  
 437 ~~a county or municipal candidate, a copy of the reports filed by such candidate shall be~~  
 438 ~~forwarded to the commission along with the complaint.~~

439 ~~(b) The commission or filing officer receiving original reports has the duty to inspect each~~  
 440 ~~report filed with such commission or officer by candidates or by a campaign committee for~~  
 441 ~~conformity with the law and to notify the candidate or campaign committee immediately~~  
 442 ~~if the report does not conform with the law, is unsigned, or is otherwise in technical~~  
 443 ~~violation of filing requirements. Such notification may be by electronic means.~~

444 ~~(c) Qualifying officers shall electronically report to the commission within two business~~  
 445 ~~days of the close of the qualification period the names and addresses of all candidates and~~  
 446 ~~offices sought in any election and the qualifying date for each candidate.~~

447 **SECTION 6.**

448 Said chapter is further amended by revising Code Section 21-5-50, relating to filing of  
 449 financial disclosure reports by public officers, as follows:

450 "21-5-50.

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

461 ~~(2) Each public officer, as defined in subparagraph (F) of paragraph (22) of Code~~  
 462 ~~Section 21-5-3, shall file with the election superintendent of the county of election of~~

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

471 ~~(3) Each public officer, as defined in subparagraph (G) of paragraph (22) of Code~~  
 472 ~~Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if~~  
 473 ~~there is no clerk, with the chief executive officer of such municipality, not before the first~~  
 474 ~~day of January nor later than July 1 of each year in which such public officer holds office~~  
 475 ~~other than the year in which an election is held for such public office, a financial~~  
 476 ~~disclosure statement for the preceding calendar year. Each person who qualifies as a~~  
 477 ~~candidate for election as a public officer, as defined in subparagraph (G) of~~  
 478 ~~paragraph (22) of Code Section 21-5-3, shall file with the municipal clerk of the~~  
 479 ~~municipality of election or, if there is no clerk, with the chief executive officer of such~~  
 480 ~~municipality, no later than the fifteenth day following the date of qualifying as a~~  
 481 ~~candidate, a financial disclosure statement for the preceding calendar year.~~

482 ~~(4)~~(2) The filing officer commission shall review each financial disclosure statement to  
 483 determine that such statement is in compliance with the requirements of this chapter.

484 ~~(5)~~(3) A public officer shall not, however, be required to file such a financial disclosure  
 485 statement for the preceding calendar year in a year in which there occurs qualifying for  
 486 election to succeed such public officer, if such public officer does not qualify for  
 487 nomination for election to succeed himself or herself or for election to any other public  
 488 office subject to this chapter. For purposes of this subsection, a public officer shall not  
 489 be deemed to hold office in a year in which the public officer holds office for ~~less~~ fewer  
 490 than 15 days.

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

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

- 498 (2) All fiduciary positions held by the candidate for public office or the public officer,  
499 with a statement of the title of each such position, the name and address of the business  
500 entity, and the principal activity of the business entity;
- 501 (3) The name, address, and principal activity of any business entity and the office held  
502 by and the duties of the candidate for public office or public officer within such business  
503 entity as of December 31 of the covered year in which such candidate or officer has a  
504 direct ownership interest which interest:
- 505 (A) Is more than 5 percent of the total interests in such business; or  
506 (B) Has a net fair market value of more than \$10,000.00;
- 507 (4)(A) Each tract of real property in which the candidate for public office or public  
508 officer has a direct ownership interest as of December 31 of the covered year when that  
509 interest has a fair market value in excess of \$10,000.00. As used in this paragraph, the  
510 term 'fair market' value means the appraised value of the property for ad valorem tax  
511 purposes. The disclosure shall contain the county and state, general description of the  
512 property, and whether the fair market value is between (i) \$10,000.00 and \$100,000.00;  
513 (ii) \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00;
- 514 (B) Each tract of real property in which the candidate for public office's spouse or  
515 public officer's spouse has a direct ownership interest as of December 31 of the covered  
516 year when that interest has a fair market value in excess of \$10,000.00. The disclosure  
517 shall contain the county and state, general description of the property, and whether the  
518 fair market value is between (i) \$10,000.00 and \$100,000.00; (ii) \$100,000.01 to  
519 \$200,000.00; (iii) or more than \$200,000.00;
- 520 (5) The filer's occupation, employer, and the principal activity and address of such  
521 employer;
- 522 (6) The filer's spouse's name, occupation, employer, and the principal activity and address  
523 of such employer;
- 524 (7) The names of the filer's dependent children;
- 525 (8) The name of any business or subsidiary thereof or investment, exclusive of the  
526 individual stocks and bonds in mutual funds, in which the filer, jointly or severally, owns  
527 a direct ownership interest which interest:
- 528 (A) Is more than 5 percent of the total interests in such business or investment,  
529 exclusive of the individual stocks and bonds in mutual funds; or  
530 (B) Has a net fair market value of more than \$10,000.00;
- 531 (9) If the filer has actual knowledge of such ownership interest, the name of any business  
532 or subsidiary thereof or investment, exclusive of the individual stocks and bonds in  
533 mutual funds, in which the filer's spouse or dependent children, jointly or severally, own  
534 a direct ownership interest which interest:

535 (A) Is more than 5 percent of the total interests in such business or investment,  
536 exclusive of the individual stocks and bonds in mutual funds; or  
537 (B) Has a net fair market value of more than \$10,000.00  
538 or in which the filer's spouse or any dependent child serves as an officer, director,  
539 equitable partner, or trustee;

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

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

549 (c)(1) Each person who qualifies with a political party as a candidate for party  
550 nomination to a public office elected state wide (including an incumbent public officer  
551 elected state wide qualifying to succeed himself or herself) shall file with the  
552 commission, not later than seven days after so qualifying, a financial disclosure  
553 statement. Each person who qualifies as a candidate for election to a public office elected  
554 state wide through a nomination petition or convention shall likewise file a financial  
555 disclosure statement not later than seven days after filing his or her notice of candidacy.  
556 Such financial disclosure statement shall comply with the requirements of subsections (a)  
557 and (b) of this Code section and shall in addition identify, for the preceding five calendar  
558 years:

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

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

571 (2) The financial disclosure statement required by paragraph (1) of this subsection shall  
 572 include an itemized list of the transactions required to be reported, including the date of,  
 573 dollar amount of, and parties to each such transaction. However, with respect to any  
 574 transactions of a privileged nature only the total amount of such transactions shall be  
 575 required to be reported, and names, dates, amounts of individual transactions, and other  
 576 identifying data may be omitted; and for this purpose 'transactions of a privileged nature'  
 577 shall include transactions between attorney and client, transactions between psychiatrist  
 578 and patient, transactions between physician and patient, and any other transactions which  
 579 are by law of a similar privileged and confidential nature.

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

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

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

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

591 (C) 'Person' and 'transact business' shall have the meanings specified in Code Section  
 592 45-10-20.

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

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

599 ~~(d) Beginning January 9, 2006, all state-wide elected officials and members of the General~~  
 600 ~~Assembly shall~~ Persons required to file financial disclosure statements shall electronically  
 601 file with the commission. ~~Prior to such date, electronic filing of financial disclosure~~  
 602 ~~statements by such persons is permitted and encouraged but not required~~ The electronic  
 603 filing of a personal financial disclosure statement required under this article shall constitute  
 604 an affirmation that the statement is true, complete, and correct.

605 ~~(e) Where the financial disclosure statements required by paragraph (1) of subsection (a)~~  
 606 ~~of this Code section are filed electronically, the public officer, as that term is defined in~~  
 607 ~~subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall file a~~

608 ~~notarized affidavit certifying that the electronic filing is correct and no paper copy of the~~  
 609 ~~financial disclosure statement shall be required to be filed.~~  
 610 ~~(f)(e) Any disclosure report, statement, or other document required to be filed under this~~  
 611 ~~chapter which is in the possession of the Secretary of State shall be transferred to the~~  
 612 ~~commission."~~

613 **SECTION 7.**

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

616 "21-5-51.

617 ~~The financial disclosure statements required under this article shall be verified by oath or~~  
 618 ~~affirmation of the public officer filing the statement, such oath or affirmation to be taken~~  
 619 ~~before an officer authorized to administer oaths Reserved."~~

620 **SECTION 8.**

621 Said chapter is further amended by revising Code Section 21-5-52, relating to filing by mail,  
 622 as follows:

623 "21-5-52.

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

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

632 **SECTION 9.**

633 Said chapter is further amended by revising Code Section 21-5-53, relating to public records,  
 634 as follows:

635 "21-5-53.

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

**SECTION 10.**

642  
643 Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyist  
644 disclosure reports, as follows:

645 "21-5-73.

646 (a) Each lobbyist registered under this article shall electronically file disclosure reports  
647 with the commission as provided for in this Code section.

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

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

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

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

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

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

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

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

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

677 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures  
678 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during

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

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

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

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

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

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

702 **SECTION 11.**

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