

House Bill 370

By: Representatives Golick of the 34th, Scott of the 153rd, and Willard of the 49th

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.