

House Bill 551

By: Representative Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in
2 Government Act," so as to change certain provisions regarding filing campaign disclosure
3 reports and financial disclosure reports; to clarify the application of criminal law to knowing
4 and willful falsification in an electronic filing; to eliminate duplicate copy filing of certain
5 disclosure reports with county election superintendents; to provide that electronic filing shall
6 constitute an affirmation that a report is true, complete, and correct and that no written
7 affirmation shall be required for electronic filings; to provide for related matters; to provide
8 for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

10 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government
11 Act," is amended by adding a new Code section to read as follows:

12 "21-5-9.1.

13 (a) When any provision of this chapter provides that the making of an electronic filing
14 constitutes an affirmation that the filing is true, complete, and correct, any person who
15 knowingly and willfully makes or causes to be made a false, fictitious, or fraudulent
16 statement, report, or representation in such electronic filing shall, upon conviction thereof,
17 be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one
18 nor more than five years, or both.

19 (b) It is the intention of this Code section to adopt the existing body of law under Code
20 Section 16-10-20 and to clearly and expressly provide that falsification in an electronic
21 filing under this chapter is equivalent to falsification in a document under that Code
22 section. This Code section shall not be construed to imply that Code Section 16-10-20
23 does not apply to electronic transactions in other contexts."
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SECTION 2.

26 Said chapter is further amended by revising subparagraph (a)(1)(A) and the introductory
27 language of subsection (e) of Code Section 21-5-34, relating to disclosure reports, as follows:

28 "(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
29 organized to bring about the nomination or election of a candidate for any office, except
30 county and municipal offices, ~~or the General Assembly~~ and the chairperson or treasurer
31 of every campaign committee designed to bring about the recall of a public officer or
32 to oppose the recall of a public officer or designed to bring about the approval or
33 rejection by the voters of any proposed constitutional amendment, state-wide proposed
34 question, or state-wide referendum shall sign and file with the commission the required
35 campaign contribution disclosure reports. ~~A candidate for membership in the General
36 Assembly or the chairperson or treasurer of such candidate's campaign committee shall
37 file such candidate's reports with the commission and a copy of such report with the
38 election superintendent of the county of such candidate's residence."~~

39 "(e) Any person who makes contributions to, accepts contributions for, or makes
40 expenditures on behalf of candidates, and any independent committee, shall file a
41 registration with the commission in the same manner as is required of campaign
42 committees prior to accepting or making contributions or expenditures. Such persons,
43 other than independent committees, shall also file campaign contribution disclosure reports
44 in the same places and at the same times as required of the candidates they are supporting;
45 ~~but such persons shall not be required to file copies of campaign contribution disclosure
46 reports with local election superintendents as is required of candidates for membership in
47 the General Assembly.~~ The following persons shall be exempt from the foregoing
48 registration and reporting requirements:"

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SECTION 3.

50 Said chapter is further amended in Code Section 21-5-34.1, relating to filing campaign
51 contribution disclosure reports electronically, by revising subsection (e) as follows:

52 "(e) ~~When campaign contribution disclosure reports are filed electronically as provided in
53 subsections (a) through (d) of this Code section, the filer shall only submit to the
54 commission a notarized affidavit certifying that the electronic filing is correct by United
55 States mail, with adequate postage affixed. The electronic filing of any campaign
56 contribution disclosure report required under this article shall constitute an affirmation that
57 the report is true, complete, and correct.~~

58 **SECTION 4.**

59 Said chapter is further amended in Code Section 21-5-50, relating to filing of financial
60 disclosure statements by public officers and candidates, by revising subsection (e) as follows:

61 ~~"(e) Where the financial disclosure statements required by paragraph (1) of subsection (a)~~
62 ~~of this Code section are filed electronically, the public officer, as that term is defined in~~
63 ~~subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall file a~~
64 ~~notarized affidavit certifying that the electronic filing is correct and no paper copy of the~~
65 ~~financial disclosure statement shall be required to be filed. The electronic filing of any~~
66 ~~financial disclosure statement required under this article shall constitute an affirmation that~~
67 ~~the statement is true, complete, and correct."~~

68 **SECTION 5.**

69 Said chapter is further amended by revising Code Section 21-5-51, relating to verification
70 of financial disclosure statements, and Code Section 21-5-52, relating to mail filing of
71 financial disclosure statements, as follows:

72 "21-5-51.

73 The financial disclosure statements required under this article shall be verified by oath or
74 affirmation of the public officer filing the statement, such oath or affirmation to be taken
75 before an officer authorized to administer oaths, unless filed electronically in which case
76 the electronic filing shall constitute an affirmation that the statement is true, complete, and
77 correct.

78 21-5-52.

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

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

88 **SECTION 6.**

89 This Act shall become effective upon its approval by the Governor or upon its becoming law
90 without such approval.

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SECTION 7.

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