

Senate Bill 70

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

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

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

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

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

14 "21-5-31.

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

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

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

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

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

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

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

30 (2) The contribution is made by:

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

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

36 (3) The contribution is made by:

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

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

42 (4) The contribution is made by:

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

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

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

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

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

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

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

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

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

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

92 **SECTION 2.**

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