

The Senate Ethics Committee offered the following substitute to SB 168:

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 eliminate duplicate copy filing of certain
4 disclosure reports with county election superintendents; to provide that electronic filing shall
5 constitute an affirmation that a report is true, complete, and correct and that no written
6 affirmation shall be required for electronic filings; to provide for related matters; to provide
7 for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government
11 Act," is amended by revising subparagraph (a)(1)(A) and the introductory language of
12 subsection (e) of Code Section 21-5-34, relating to disclosure reports, as follows:

13 "(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
14 organized to bring about the nomination or election of a candidate for any office, except
15 county and municipal offices, ~~or the General Assembly~~ and the chairperson or treasurer
16 of every campaign committee designed to bring about the recall of a public officer or
17 to oppose the recall of a public officer or designed to bring about the approval or
18 rejection by the voters of any proposed constitutional amendment, state-wide proposed
19 question, or state-wide referendum shall sign and file with the commission the required
20 campaign contribution disclosure reports. ~~A candidate for membership in the General
21 Assembly or the chairperson or treasurer of such candidate's campaign committee shall
22 file such candidate's reports with the commission and a copy of such report with the
23 election superintendent of the county of such candidate's residence."~~

24 "(e) Any person who makes contributions to, accepts contributions for, or makes
25 expenditures on behalf of candidates, and any independent committee, shall file a
26 registration with the commission in the same manner as is required of campaign

27 committees prior to accepting or making contributions or expenditures. Such persons,
 28 other than independent committees, shall also file campaign contribution disclosure reports
 29 in the same places and at the same times as required of the candidates they are supporting;
 30 ~~but such persons shall not be required to file copies of campaign contribution disclosure~~
 31 ~~reports with local election superintendents as is required of candidates for membership in~~
 32 ~~the General Assembly.~~ The following persons shall be exempt from the foregoing
 33 registration and reporting requirements:"

34 **SECTION 2.**

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

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

43 **SECTION 3.**

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

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

53 **SECTION 4.**

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

57 "21-5-51.

58 The financial disclosure statements required under this article shall be verified by oath or
 59 affirmation of the public officer filing the statement, such oath or affirmation to be taken
 60 before an officer authorized to administer oaths, unless filed electronically in which case

61 the electronic filing shall constitute an affirmation that the statement is true, complete, and
62 correct.

63 21-5-52.

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

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

73 **SECTION 5.**

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

76 **SECTION 6.**

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