

Senate Bill 168

By: Senators Unterman of the 45th, Johnson of the 1st, Heath of the 31st, Hooks of the 14th, Jackson of the 2nd and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

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

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

**SECTION 1.**

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

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

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

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

## SECTION 2.

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

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

## SECTION 3.

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

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

## SECTION 4.

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

"21-5-51.

The financial disclosure statements required under this article shall be verified by oath or affirmation of the public officer filing the statement, such oath or affirmation to be taken 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.