

Senate Bill 17

By: Senators Harp of the 29th, Johnson of the 1st and Hooks of the 14th

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To revise provisions relating to ethical conduct relating to public office; to amend Chapter  
2 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so  
3 as to increase filing fees and fines for campaign disclosure reports, financial disclosure  
4 statements, and lobbyist disclosure reports that are filed late; to change fees for lobbyist's  
5 registration and identification cards; to change certain provisions regarding filing campaign  
6 disclosure reports and financial disclosure reports; to eliminate duplicate copy filing of  
7 certain disclosure reports with county election superintendents; to provide that electronic  
8 filing shall constitute an affirmation that a report is true, complete, and correct; to change the  
9 date on which lobbyist disclosure reports are due; to amend Part 6 of Article 2 of Chapter 10  
10 of Title 45 of the Official Code of Georgia Annotated, relating to the Joint Legislative Ethics  
11 Committee, so as to revise the powers and duties of the committee and provide for reports  
12 to the committee of the names of members of the General Assembly who have not filed  
13 required state personal income tax returns; to provide for related matters; to repeal  
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in  
18 government, is amended by revising subsection (l) of Code Section 21-5-34, relating to  
19 disclosure reports, as follows:

20 "(l)(1) In addition to other penalties provided under this chapter, ~~an additional~~ the  
21 following filing fee of ~~\$25.00~~ fees shall be imposed for each report that is filed late:

- 22 (A) For filings pertaining to a candidate for an office representing less
- 23 than 40,000 persons: . . . . . \$25.00
- 24 (B) For filings pertaining to a candidate for an office representing not
- 25 less than 40,000 but not more than 500,000 persons: . . . . . \$50.00

26 (C) For filings pertaining to a candidate for an office representing  
 27 more than 500,000 persons: . . . . . \$100.00.

28 (2) In addition, a filing fee of \$50.00 the following filing fees shall be imposed on the  
 29 fifteenth day after the due date if the report has still not been filed; provided, however,  
 30 a 15-day extension period shall be granted on the final report:

31 (A) For filings pertaining to a candidate for an office representing less  
 32 than 40,000 persons: . . . . . \$50.00

33 (B) For filings pertaining to a candidate for an office representing not  
 34 less than 40,000 but not more than 500,000 persons: . . . . . \$100.00

35 (C) For filings pertaining to a candidate for an office representing  
 36 more than 500,000 persons: . . . . . \$200.00.

37 (3) If a report has not been filed by the forty-fifth day after the due date for such report,  
 38 the following fines shall be imposed:

39 (A) For filings pertaining to a candidate for an office representing less  
 40 than 40,000 persons: . . . . . \$75.00

41 (B) For filings pertaining to a candidate for an office representing not  
 42 less than 40,000 but not more than 500,000 persons: . . . . . \$250.00

43 (C) For filings pertaining to a candidate for an office representing  
 44 more than 500,000 persons: . . . . . \$750.00.

45 In the case of a candidate, such fine shall be paid from the personal funds of the candidate  
 46 and no other funds from any source may be used to pay such fine."

47 **SECTION 1.1.**

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

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

61 "(e) Any person who makes contributions to, accepts contributions for, or makes  
 62 expenditures on behalf of candidates, and any independent committee, shall file a  
 63 registration with the commission in the same manner as is required of campaign  
 64 committees prior to accepting or making contributions or expenditures. Such persons,  
 65 other than independent committees, shall also file campaign contribution disclosure reports  
 66 in the same places and at the same times as required of the candidates they are supporting;  
 67 ~~but such persons shall not be required to file copies of campaign contribution disclosure~~  
 68 ~~reports with local election superintendents as is required of candidates for membership in~~  
 69 ~~the General Assembly.~~ The following persons shall be exempt from the foregoing  
 70 registration and reporting requirements:"

71 **SECTION 1.2.**

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

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

80 **SECTION 2.**

81 Said chapter is further amended by adding a new paragraph to subsection (a) of Code  
 82 Section 21-5-50, relating to filing of financial disclosure statements, to read as follows:

83 "(6)(A) In addition to other penalties provided under this chapter, the following filing  
 84 fees shall be imposed for each financial disclosure statement that is filed late:

- 85 (i) For filings pertaining to a candidate for an office representing less
- 86 than 40,000 persons: ..... \$25.00
- 87 (ii) For filings pertaining to a candidate for an office representing
- 88 not less than 40,000 but not more than 500,000 persons: ..... \$50.00
- 89 (iii) For filings pertaining to a candidate for an office representing
- 90 more than 500,000 persons: ..... \$100.00.

91 (B) In addition, the following filing fees shall be imposed on the fifteenth day after the  
 92 due date if the financial disclosure statement has still not been filed:

- 93 (i) For filings pertaining to a candidate for an office representing less
- 94 than 40,000 persons: ..... \$50.00

95 (ii) For filings pertaining to a candidate for an office representing  
96 not less than 40,000 but not more than 500,000 persons: . . . . . \$100.00

97 (iii) For filings pertaining to a candidate for an office representing  
98 more than 500,000 persons: . . . . . \$200.00.

99 (C) If a financial disclosure statement has not been filed by the forty-fifth day after the  
100 due date for such financial disclosure statement, the following fines shall be imposed:

101 (i) For filings pertaining to a candidate for an office representing less  
102 than 40,000 persons: . . . . . \$75.00

103 (ii) For filings pertaining to a candidate for an office representing  
104 not less than 40,000 but not more than 500,000 persons: . . . . . \$250.00

105 (iii) For filings pertaining to a candidate for an office representing  
106 more than 500,000 persons: . . . . . \$750.00.

107 In the case of a candidate, such fine shall be paid from the personal funds of the  
108 candidate and no other funds from any source may be used to pay such fine."

109

110 **SECTION 2.1.**

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

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

120

**SECTION 2.2.**

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

123 "21-5-51.

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

**SECTION 3.**

129  
130 Said chapter is further amended by revising subsection (f) of Code Section 21-5-71, relating  
131 to registration of lobbyists, as follows:

132 "(f)(1) Each person registering under this Code section shall pay the registration fees set  
133 forth in paragraph (2) of this subsection; provided, however, that a person who represents  
134 any state, county, municipal, or public agency, department, commission, or authority  
135 shall be exempted from payment of such registration fees ~~and a person employed by an~~  
136 ~~organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4)~~  
137 ~~of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be~~  
138 ~~exempted from payment of such registration fees except for payment of an initial~~  
139 ~~registration fee of \$25.00.~~

140 (2) The commission shall collect the following fees:

- 141 (A) Annual lobbyist registration or renewal filed pursuant to this Code  
142 section ..... ~~\$200.00~~ \$50.00
- 143 (B) Lobbyist supplemental registration filed pursuant to this Code  
144 section ..... 10.00
- 145 (C) Each copy of a lobbyist identification card issued pursuant to this  
146 Code section ..... ~~5.00~~ 20.00

147 (D) In addition to other penalties provided under this chapter, a filing  
148 fee of \$50.00 shall be imposed for each report that is filed late. In  
149 addition, a filing fee of ~~\$25.00~~ \$100.00 shall be imposed on the  
150 fifteenth day after the due date if the report has still not been filed. A  
151 fine of \$250.00 shall be imposed on the forty-fifth day after the due  
152 date for such report if the report has not been filed by such date.  
153 When such a fine is imposed, such fine shall be paid from the personal  
154 funds of the lobbyist and no other funds from any source may be used  
155 to pay such fine."

**SECTION 4.**

156  
157 Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyist  
158 disclosure reports, as follows:

159 "21-5-73.

160 (a) Each lobbyist registered under this article shall file disclosure reports as provided for  
161 in this Code section.

162 (b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5)  
163 of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of

164 the preceding month, on or before the fifth business day of any month while the General  
165 Assembly is in session.

166 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (5) of  
167 Code Section 21-5-70 shall:

168 (1) File a disclosure report, current through the end of the preceding month, on or before  
169 the fifth business day of May, September, and January of each year instead of the reports  
170 required by subsections (b) and (d) of this Code section; and

171 (2) File such report with the commission, file a copy of such report with the election  
172 superintendent of each county involved if the report contains any expenditures relating  
173 to county or county school district affairs, and file a copy of such report with the  
174 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the  
175 municipality) of each municipality involved if the report contains any expenditures  
176 relating to municipal affairs or independent school district affairs.

177 (d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), or (H) of  
178 paragraph (5) of Code Section 21-5-70 shall file a disclosure report, current through the end  
179 of the period ending on July 31 and December 31 of each year, on or before the fifth  
180 business day in August 5 and January 5 of each year.

181 (e) Reports filed by lobbyists shall be verified and shall include:

182 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value  
183 thereof made by the lobbyist or employees of the lobbyist on behalf or for the benefit of  
184 a public officer. The description of each reported expenditure shall include:

185 (A) The name and title of the public officer or, if the expenditure is simultaneously  
186 incurred for an identifiable group of public officers the individual identification of  
187 whom would be impractical, a general description of that identifiable group;

188 (B) The amount, date, and description of the expenditure and a summary of all  
189 spending classified by category. Such categories shall include gifts, meals,  
190 entertainment, lodging, equipment, advertising, travel, and postage;

191 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures  
192 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during  
193 the reporting period; provided, however, expenses for travel and for food, beverage, and  
194 lodging in connection therewith afforded a public officer shall be reported in the same  
195 manner as under subparagraphs (A), (B), and (D) of this paragraph;

196 (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending  
197 before the governmental entity in support of or opposition to which the expenditure was  
198 made; and

199 (E) If applicable, the rule or regulation number or description of the rule or regulation  
 200 pending before the state agency in support of or opposition to which the expenditure  
 201 was made;

202 (2) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (5)  
 203 of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist  
 204 undertook to influence the awarding of a contract or contracts by any state agency  
 205 together with a description of the contract or contracts and the monetary amount of the  
 206 contract or contracts; and

207 (3) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (5)  
 208 of Code Section 21-5-70, the name of the individual or entity for which the lobbyist  
 209 undertook to influence the rule or regulation of a state agency.

210 (f) The reports required by this article shall be in addition to any reports required under  
 211 Code Section 45-1-6, relating to required reports by state vendors of gifts to public  
 212 employees. Compliance with this Code section shall not excuse noncompliance with that  
 213 Code section, and compliance with that Code section shall not excuse noncompliance with  
 214 this Code section, notwithstanding the fact that in some cases the same information may  
 215 be required to be disclosed under both Code sections.

216 (g) In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall  
 217 be imposed for each report that is filed late. In addition, a filing fee of \$100.00 shall be  
 218 imposed on the fifteenth day after the due date if the report has still not been filed. A fine  
 219 of \$250.00 shall be imposed on the forty-fifth day after the due date for such report if the  
 220 report has not been filed by such date. Such fine shall be paid from the personal funds  
 221 of the lobbyist and no other funds from any source may be used to pay such fine."

## 222 SECTION 5.

223 Part 6 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,  
 224 relating to the Joint Legislative Ethics Committee, is amended in Code Section 45-10-93,  
 225 relating to powers and duties of the committee, by revising paragraphs (4) and (5) of  
 226 subsection (a) as follows:

227 "(4) To ~~summons~~ summon any person to appear, give sworn testimony, or produce  
 228 documentary or other evidence;

229 (5) To adopt such procedural rules and regulations as are necessary to carry out the  
 230 purposes of this part; and"

## 231 SECTION 6.

232 Said part is further amended in said Code Section 45-10-93 by revising paragraph (1),  
 233 paragraph (2), paragraph (5), and subparagraph (6)(A) of subsection (b) as follows:

234 "(1) To advise and assist the General Assembly in establishing rules and regulations  
 235 relating to conflicts between the private interests of a member of the legislative branch  
 236 of state government and ~~the~~ his or her duties as such;"

237 "(2) To receive and investigate ~~all~~ complaints alleging a violation of the procedural rules  
 238 and regulations established by the committee;"

239 "(5) To prepare and publish ~~an annual report~~ periodic reports for the General Assembly  
 240 summarizing the activities of the committee and recommending legislation that in its  
 241 judgment will promote the purposes of this part;"

242 "(6)(A) To conduct an investigation of the merits of a written complaint by any person  
 243 who ~~believes that a violation of this part has occurred~~ alleges misconduct on the part  
 244 of a member of the General Assembly or a member of the staff of the General  
 245 Assembly. If there are found no reasonable grounds to believe that a violation has  
 246 occurred, the complaint shall be dismissed, subject to being reopened upon discovery  
 247 of additional evidence or relevant material. If the committee determines that there are  
 248 such reasonable grounds to believe that a violation has occurred, it shall give notice by  
 249 summoning the persons believed to have committed the violation to a hearing. The  
 250 committee may file a complaint ~~charging violations of this part~~ alleging misconduct on  
 251 the part of a member of the General Assembly or a member of the staff of the General  
 252 Assembly. Nothing in this Code section shall be construed to limit or encumber the  
 253 right of the committee to initiate on probable cause an investigation on its own  
 254 cognizance as it deems necessary to fulfill its obligations under this part;"

## 255 SECTION 7.

256 Said part is further amended by adding a new Code section to read as follows:

257 "45-10-95.

258 (a) The state revenue commissioner shall prior to the convening of each annual session of  
 259 the General Assembly report to the committee the name of any member of the General  
 260 Assembly who has not filed a Georgia personal income tax return for the most recent  
 261 preceding calendar year for which a return was required by law to be filed by such member.

262 The state revenue commissioner shall give written notice of the pending report to each  
 263 member of the General Assembly who is to be named at least 20 days prior to making such  
 264 report. The provisions of this Code section shall control over the provisions of Code  
 265 Section 48-7-60, relating to confidential treatment of state income tax return information.

266 (b) Upon receipt of a report from the state revenue commissioner, the committee may  
 267 conduct an investigation of whether a member of the General Assembly has committed  
 268 misconduct by failing to file a required Georgia personal income tax return or may refer



269 the matter to the Senate Ethics Committee in the case of a Senator or to the House  
270 Committee on Ethics in the case of a member of the House of Representatives."

271

**SECTION 8.**

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