

The House Committee on Governmental Affairs offers the following substitute to SB 168:

A BILL TO BE ENTITLED
AN ACT

1 To revise provisions relating to ethics and campaign finance; to change provisions relating
2 to the powers and duties of the State Ethics Commission; to amend Chapter 5 of Title 21 of
3 the Official Code of Georgia Annotated, the "Ethics in Government Act," so as to change
4 certain provisions regarding filing campaign disclosure reports and financial disclosure
5 reports; to eliminate duplicate copy filing of certain disclosure reports with county election
6 superintendents; to provide that electronic filing shall constitute an affirmation that a report
7 is true, complete, and correct and that no written affirmation shall be required for electronic
8 filings; to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating
9 to the General Assembly in general, so as to provide for certain reports with respect to
10 members failing to file tax returns or in default on tax payments; to provide for related
11 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 style="text-align:center">**SECTION 1.**

14 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government
15 Act," is amended by revising paragraphs (7) and (8) of subsection (a) of Code Section
16 21-5-6, relating to powers and duties of the State Ethics Commission, as follows:

17 "(7) To adopt in accordance with Chapter 13 of Title 50, the "Georgia Administrative
18 Procedure Act," such rules and regulations as are ~~necessary to carry out the purposes of~~
19 specifically authorized in this chapter; and

20 (8) To do any and all things necessary or convenient to enable it to perform wholly and
21 adequately its duties and to exercise the powers ~~granted~~ specifically authorized to it in
22 this chapter."

23 style="text-align:center">**SECTION 2.**

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

61 ~~subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall file a~~
 62 ~~notarized affidavit certifying that the electronic filing is correct and no paper copy of the~~
 63 ~~financial disclosure statement shall be required to be filed. The electronic filing of any~~
 64 ~~financial disclosure statement required under this article shall constitute an affirmation that~~
 65 ~~the statement is true, complete, and correct.~~"

66 **SECTION 5.**

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

70 "21-5-51.

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

76 21-5-52.

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

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

86 **SECTION 6.**

87 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the General
 88 Assembly in general, is amended by adding a new Code section to read as follows:

89 "28-1-8.

90 (a) The state revenue commissioner shall be required to report to the chairperson of the
 91 Senate Ethics Committee the name of any Senator who has not filed a Georgia personal
 92 income tax return required by law to be filed by the Senator or is a defaulter for state
 93 income taxes in violation of Article II, Section II, Paragraph III of the Constitution. The
 94 state revenue commissioner shall be required to report to the chairperson of the House

95 Committee on Ethics the name of any Representative who has not filed a Georgia personal
96 income tax return required by law to be filed by the Representative or is a defaulter for
97 state income taxes in violation of Article II, Section II, Paragraph III of the Constitution.
98 (b) The state revenue commissioner shall give written notice by registered or certified
99 mail, return receipt requested, or statutory overnight delivery of any report under this Code
100 section to the member of the General Assembly who is to be named at least 30 days prior
101 to making such report.
102 (c) Upon receipt of a report under this Code section, the chairperson of the committee to
103 whom the report is made shall undertake an appropriate investigation of the matter and
104 report the findings of the investigation to the presiding officer of his or her chamber.
105 (d) Nothing in this Code section shall apply with respect to a tax return for which the
106 taxpayer has timely applied for and received an unexpired extension of time to file.
107 (e) The provisions of this Code section shall control over the provisions of Code Section
108 48-7-60 or any other law relating to confidential treatment of state income tax return
109 information."

110 **SECTION 7.**

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

113 **SECTION 8.**

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