

COMMITTEE OF CONFERENCE SUBSTITUTE TO SB 168

ADOPTED SENATE

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 revise
 4 provisions relating to prohibitions against campaign contributions by regulated entities to
 5 their elected regulators; to revise provisions relating to contributions by officers and
 6 employees of regulated entities; to require disclosure report identification of contributions
 7 by officers and employees; to prohibit elected regulators from soliciting contributions from
 8 officers and employees; to change certain provisions regarding filing campaign disclosure
 9 reports and financial disclosure reports; to eliminate duplicate copy filing of certain
 10 disclosure reports with county election superintendents; to provide that electronic filing shall
 11 constitute an affirmation that a report is true, complete, and correct and that no written
 12 affirmation shall be required for electronic filings; to amend Chapter 1 of Title 28 of the
 13 Official Code of Georgia Annotated, relating to the General Assembly in general, so as to
 14 provide for certain reports with respect to members failing to file tax returns or in default on
 15 tax payments; to provide for related matters; to provide for an effective date; to repeal
 16 conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

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

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

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SECTION 2.

Said chapter is further amended in Code Section 21-5-30.1, relating to prohibited contributions by regulated entities to elected executive officers or candidates, by revising subsection (d) as follows:

"(d) Nothing contained in this Code section shall be construed to prevent any person who may be employed by a regulated entity, including a person in whose name a license or lease is held, or who is an officer of a regulated entity from voluntarily making a campaign contribution from that person's personal funds to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate; provided, however, that:

(1) The elected executive officer or candidate receiving one or more campaign contributions described in this subsection shall in his or her disclosure report under Code Section 21-5-34 separately identify each contribution and the total of contributions which he or she knows or should have reason to know are described in this subsection;

(2) It shall be unlawful and a violation of this Code section for any regulated entity or other person elected executive officer to require another by coercive action to make any such contribution."

SECTION 3.

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

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

70 **SECTION 4.**

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

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

79 **SECTION 5.**

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

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

89 **SECTION 6.**

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

93 "21-5-51.

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

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

99 21-5-52.

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

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

109 **SECTION 7.**

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

112 "28-1-8.

113 (a) The state revenue commissioner shall be required to report to the chairperson of the
114 Senate Ethics Committee the name of any Senator who has not filed a Georgia personal
115 income tax return required by law to be filed by the Senator or is a defaulter for state
116 income taxes in violation of Article II, Section II, Paragraph III of the Constitution. The
117 state revenue commissioner shall be required to report to the chairperson of the House
118 Committee on Ethics the name of any Representative who has not filed a Georgia personal
119 income tax return required by law to be filed by the Representative or is a defaulter for
120 state income taxes in violation of Article II, Section II, Paragraph III of the Constitution.

121 (b) The state revenue commissioner shall give written notice by registered or certified
122 mail, return receipt requested, or statutory overnight delivery of any report under this Code
123 section to the member of the General Assembly who is to be named at least 30 days prior
124 to making such report.

125 (c) Upon receipt of a report under this Code section, the chairperson of the committee to
126 whom the report is made shall undertake an appropriate investigation of the matter and
127 report the findings of the investigation to the presiding officer of his or her chamber.

128 (d) Nothing in this Code section shall apply with respect to a tax return for which the
129 taxpayer has timely applied for and received an unexpired extension of time to file.

130 (e) The provisions of this Code section shall control over the provisions of Code Section
131 48-7-60 or any other law relating to confidential treatment of state income tax return
132 information."

133 **SECTION 8.**

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

136 **SECTION 9.**

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