

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**

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:**

18 **SECTION 1.**

19 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government  
20 Act," is amended in Code Section 21-5-6, relating to powers and duties of the State Ethics  
21 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."

28 **SECTION 2.**

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

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

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

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

46 **SECTION 3.**

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

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

60 "(e) Any person who makes contributions to, accepts contributions for, or makes  
 61 expenditures on behalf of candidates, and any independent committee, shall file a  
 62 registration with the commission in the same manner as is required of campaign  
 63 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.