

House Bill 920

By: Representatives Willard of the 49th, Porter of the 143rd, Smyre of the 132nd, Day of the 163rd, Walker of the 107th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics
2 in government, so as to limit the amount of funds that can be transferred from one candidate's
3 campaign account to certain other accounts; to change a certain definition; to prohibit direct
4 or indirect use of contributions for a campaign for a different office; to reduce maximum
5 campaign contributions; to remove provisions regarding automatic increases in the maximum
6 allowable contributions to candidates based on the Consumer Price Index published by the
7 Bureau of Labor Statistics of the United States Department of Labor; to provide for a cap on
8 the amount of any gift from a lobbyist to any elected official; to provide for certain
9 restrictions on elected officials and certain staff regarding when such officials and staff may
10 work as a lobbyist; to prohibit lobbyists from giving gifts in excess of a certain value to
11 public officers; to provide for related matters; to provide for effective dates; to repeal
12 conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
16 government, is amended by revising paragraph (14) of Code Section 21-5-3, relating to
17 definitions regarding ethics in government, as follows:

18 "(14) 'Gift' means any gratuitous transfer to a public officer or any member of the family
19 of the public officer or a loan of property or services which is not a contribution as
20 defined in paragraph (7) of this Code section ~~and which is in the amount of \$101.00 or~~
21 ~~more."~~

22 **SECTION 2.**

23 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section
24 21-5-33, relating to the disposition of contributions, as follows:

25 "(b)(1) All contributions received by a candidate or such candidate's campaign committee
 26 or a public officer holding elective office in excess of those necessary to defray expenses
 27 pursuant to subsection (a) of this Code section and as determined by such candidate or
 28 such public officer may only be used as follows:

29 (A) As contributions to any charitable organization described in 26 U.S.C. 170(c) as
 30 said federal statute exists on March 1, 1986, and which additionally shall include
 31 educational, eleemosynary, and nonprofit organizations;

32 (B) Except as otherwise provided in subparagraph (D) of this paragraph, for only so
 33 long as the public officer holds that elective office for which the contributions were
 34 received for transferral ~~without limitation~~ not to exceed an aggregated amount of
 35 \$10,000.00 per election cycle to any national, state, or local committee of any political
 36 party, to any political action committee, or to any candidate; and no such transfers shall
 37 be made in the case of:

38 (i) A candidate who is not elected to public office or a person who has ceased to hold
 39 the elective office for which the contributions were received;

40 (ii) A public officer who has qualified for election to or has filed a declaration of
 41 intention to accept campaign contributions for an elective office other than that for
 42 which the contributions were received; or

43 (iii) A public officer who has not qualified for reelection to succeed himself or
 44 herself as of the close of qualifying;

45 (C) For transferral without limitation to persons making such contributions, not to
 46 exceed the total amount cumulatively contributed by each such transferee;

47 (D) For use in future campaigns for only that elective office for which those
 48 contributions were received. ~~With respect to contributions held on January 1, 1992, or~~
 49 ~~received thereafter, in the event the candidate, campaign committee, or public officer~~
 50 ~~holding elective office has not designated, prior to receiving contributions to which this~~
 51 ~~Code section is applicable, the office for which campaign contributions are received~~
 52 ~~thereby, those contributions shall be deemed to have been received for the elective~~
 53 ~~office which the candidate held at the time the contributions were received or, if the~~
 54 ~~candidate did not then hold elective office, those contributions shall be deemed to have~~
 55 ~~been received for that elective office for which that person was a candidate most~~
 56 ~~recently following the receipt of such contributions~~ It is specifically declared unlawful
 57 to make any transfer with the intent or knowledge that all or any part of the funds
 58 transferred:

59 (i) Shall be used to reimburse, directly or indirectly, any person for a contribution
 60 made to any campaign by the candidate or officer for any other public office; or

61 (ii) Shall be used directly or indirectly by any person to make a contribution to any
 62 campaign by the candidate or officer for any other public office;
 63 and it is specifically declared unlawful for any person receiving a transfer to directly
 64 or indirectly make a contribution to any campaign by the candidate or officer for any
 65 other public office; or
 66 (E) For repayment of any prior campaign obligations incurred as a candidate."

67 **SECTION 3.**

68 Said chapter is further amended by revising subsections (a) and (b) of Code Section 21-5-41,
 69 relating to maximum allowable contributions, as follows:

70 "(a) No person, corporation, political committee, or political party shall make, and no
 71 candidate or campaign committee shall receive from any such entity, contributions to any
 72 candidate for state-wide elected office which in the aggregate for an election cycle exceed:

- 73 (1) Five thousand dollars for a primary election;
 74 (2) Three thousand dollars for a primary run-off election;
 75 (3) Five thousand dollars for a general election; and
 76 (4) Three thousand dollars for a general election runoff.

77 (b) No person, corporation, political committee, or political party shall make, and no
 78 candidate or campaign committee shall receive from any such entity, contributions to any
 79 candidate for the General Assembly or public office other than state-wide elected office
 80 which in the aggregate for an election cycle exceed:

- 81 (1) Two thousand, four hundred dollars for a primary election;
 82 (2) One thousand, two hundred dollars for a primary run-off election;
 83 (3) Two thousand, four hundred dollars for a general election; and
 84 (4) One thousand, two hundred dollars for a general election runoff."

85 **SECTION 4.**

86 Said chapter is further amended by repealing in its entirety subsection (k) of Code Section
 87 21-5-41, which reads as follows:

88 "(k) At the end of the election cycle applicable to each public office as to which campaign
 89 contributions are limited by this Code section and every four years for all other elections
 90 to which this Code section is applicable, the contribution limitations in this Code section
 91 shall be raised or lowered in increments of \$100.00 by regulation of the State Ethics
 92 Commission pursuant to a determination by the commission of inflation or deflation during
 93 such cycle or four-year period, as determined by the Consumer Price Index published by
 94 the Bureau of Labor Statistics of the United States Department of Labor, and such

95 limitations shall apply until next revised by the commission. The commission shall adopt
96 rules and regulations for the implementation of this subsection."

97 **SECTION 5.**

98 Said chapter is further amended by revising Code Section 21-5-75, relating to
99 postemployment restrictions on public officers, as follows:

100 "21-5-75.

101 (a) Except as provided in subsection (b) of this Code section, ~~on and after January 8, 2007,~~
102 persons identified in subparagraphs (A) through (D) of paragraph (22) of Code Section
103 21-5-3, ~~and the executive director of each state board, commission, or authority, and all~~
104 persons appointed to a full-time salaried position by the Governor who have served a
105 minimum of three months in such position shall be prohibited from registering as a lobbyist
106 or engaging in lobbying under this article for a period of one year after terminating such
107 employment or leaving such office.

108 (b) The lobbying prohibition contained in subsection (a) of this Code section shall not
109 apply to persons who terminate such employment or leave such office but who remain
110 employed in state government."

111 **SECTION 6.**

112 Said chapter is further amended by adding a new Code section to read as follows:

113 "21-5-77.

114 It shall be unlawful for a lobbyist to make a gift to a public officer where the value of the
115 gift is more than \$100.00."

116 **SECTION 7.**

117 Section 2 of this Act shall become effective on January 1, 2011. Section 3 of this Act shall
118 become effective February 1, 2011. All remaining sections of this Act shall become effective
119 upon its approval by the Governor or upon its becoming law without such approval.

120 **SECTION 8.**

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