

Senate Bill 160

By: Senators Balfour of the 9th, Hooks of the 14th, Staton of the 18th, Davis of the 22nd,
Murphy of the 27th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,
2 relating to campaign contributions, so as to provide that a public utility corporation shall be
3 allowed to make contributions to political campaigns; to prohibit regulated entities from
4 making contributions to certain elected executive officers or candidates; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 **SECTION 1.**

7 Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
8 campaign contributions, is amended by striking subsection (f) of Code Section 21-5-30,
9 relating to contributions made to candidate or campaign committee or for recall of a public
10 officer, in its entirety and adding a new subsection to read as follows:

11 "(f) Except as limited by Code Section 21-5-30.1 or this subsection, a public utility
12 corporation regulated by the Public Service Commission, or a person or political action
13 committee acting on its behalf, shall be allowed to make contributions to political
14 campaigns. Nothing contained in this Code section shall establish a right of recovery by
15 said public utility corporation of any political contributions in any rate setting proceedings
16 before the Public Service Commission pursuant to Code Section 46-2-25. Notwithstanding
17 the provisions of this Code section or any other provision of law to the contrary, no
18 regulated utility that is also operating as an electric membership corporation under the
19 provisions of Article 4 of Chapter 3 of Title 46 and no nonprofit corporation group, or
20 association, the membership of which consists of electric membership corporations under
21 the provisions of Article 4 of Chapter 3 of Title 46, shall be authorized to make any
22 contribution to a political campaign. Notwithstanding the foregoing, nothing in this
23 subsection shall be construed to prohibit a public utility corporation, including an electric
24 membership corporation or a nonprofit corporation, group, or association, the membership
25 of which consists of electric membership corporations, from establishing, administering,
26 and soliciting contributions for a political action committee from officers, directors,

27 employees, agents, contractors, and members of such entities so long as such actions and
 28 contributions do not otherwise violate the provisions of this chapter."

29 **SECTION 2.**

30 Said article is further amended by striking Code Section 21-5-30.1, relating to contributions
 31 by regulated entities to elected executive officers or candidates, in its entirety and adding a
 32 new Code section, to read as follows:

33 "21-5-30.1.

34 (a) Except as otherwise provided in this subsection, the definitions set forth in Code
 35 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this
 36 Code section, the term:

37 (1) 'Campaign committee' means the candidate, person, or committee which accepts
 38 contributions to bring about the nomination for the election or the election of an
 39 individual to the office of an elected executive officer.

40 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 41 advance or deposit of money, or anything of value conveyed or transferred for the
 42 purpose of influencing the nomination for election or the election of an individual to the
 43 office of an elected executive officer or encouraging the holder of such office to seek
 44 reelection. The term 'contribution' shall include the payment of a qualifying fee for and
 45 on behalf of a candidate for the office of an elected executive officer and any other
 46 payment or purchase made for and on behalf of the holder of the office of an elected
 47 executive officer or for or on behalf of a candidate for that office when such payment or
 48 purchase is made for the purpose of influencing the nomination for election or the
 49 election of the candidate and is made pursuant to the request or authority of the holder of
 50 such office, the candidate, the campaign committee of the candidate, or any other agent
 51 of the holder of such office or the candidate. The term 'contribution' shall not include the
 52 value of personal services performed by persons who serve on a voluntary basis without
 53 compensation from any source.

54 (3) 'Elected executive officer' means the Secretary of State, Attorney General, State
 55 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture,
 56 Commissioner of Labor, and members of the Public Service Commission.

57 (4) 'Political action committee' means any committee, club, association, partnership,
 58 corporation, labor union, or other group of persons which receives donations aggregating
 59 in excess of \$1,000.00 during a calendar year from persons who are members or
 60 supporters of the committee and which distributes these funds as contributions to one or
 61 more campaign committees of candidates for public office. Such term does not mean a
 62 campaign committee.

63 (5) 'Regulated entity' means any person who is required by law to be licensed by an
 64 elected executive officer or a jurisdiction of an elected executive officer, any person who
 65 leases property owned by or for a state department, or any person who engages in a
 66 business or profession which is regulated by an elected executive officer or by a board
 67 under the jurisdiction of an elected executive officer, or any public utility corporation
 68 regulated by the Public Service Commission.

69 (b) No regulated entity and no person or political action committee acting on behalf of a
 70 regulated entity shall make a contribution to or on behalf of a person holding office as an
 71 elected executive officer regulating such entity or to or on behalf of a candidate for the
 72 office of an elected executive officer regulating such entity or to or on behalf of a campaign
 73 committee of any such candidate.

74 (c) No person holding office as an elected executive officer and no candidate for the office
 75 of an elected executive officer and no campaign committee of a candidate for the office of
 76 an elected executive officer shall accept a contribution in violation of subsection (b) of this
 77 Code section.

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

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

89 (2) It shall be unlawful for any regulated entity or elected executive officer to require
 90 another by coercive action to make any such contribution."

91 **SECTION 3.**

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