

The Senate Ethics Committee offered the following substitute to SB 160:

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 authorize public utility corporations that are
3 regulated by the Public Service Commission to make political campaign contributions; to
4 provide for exceptions; to prohibit certain contributions to candidates for and members of the
5 Public Service Commission; to provide for related matters; to repeal conflicting laws; and
6 for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
10 campaign contributions, is amended by revising subsection (f) of Code Section 21-5-30,
11 relating to contributions made to candidate or campaign committee or for recall of a public
12 officer, as follows:

13 ~~“(f)(1) A person acting on behalf of~~ For purposes of this subsection, the term:

14 (A) 'Public utility corporation regulated by the Public Service Commission' includes,
15 but is not limited to, an electric membership corporation.

16 (B) 'Electric membership corporation' means a public utility corporation regulated by
17 the Public Service Commission operating as an electric membership corporation under
18 the provisions of Article 4 of Chapter 3 of Title 46.

19 (2) Except as limited by Code Section 21-5-30.1 or this subsection, a public utility
20 corporation regulated by the Public Service Commission shall ~~not make, directly or~~
21 ~~indirectly, any contribution~~ be allowed to make contributions to a political campaign
22 campaigns. ~~This subsection shall not apply to motor carriers whose rates are not~~
23 ~~regulated by the Public Service Commission.~~ Any person who knowingly violates this
24 subsection with respect to a member of the Public Service Commission, a candidate for
25 the Public Service Commission, or the campaign committee of a candidate for the Public
26 Service Commission shall be guilty of a felony and shall be punished by imprisonment

27 ~~for not less than one nor more than five years or by a fine not to exceed \$10,000.00, or~~
 28 ~~both; and any person who knowingly violates this subsection with respect to any other~~
 29 ~~public officer, a candidate for such other public office, or the campaign committee of a~~
 30 ~~candidate for such other public office shall be guilty of a misdemeanor.~~ Any contributions
 31 made by a public utility corporation regulated by the Public Service Commission to a
 32 political campaign shall not be included as recoverable costs in any rate-making or
 33 rate-setting proceedings before the Public Service Commission. Notwithstanding the
 34 provisions of this Code section or any other provision of law to the contrary, no electric
 35 membership corporation and no nonprofit corporation, group, or association, the
 36 membership of which consists of electric membership corporations, shall be authorized
 37 to make any contribution to a political campaign. Notwithstanding the foregoing, nothing
 38 in this Code section shall be construed to prohibit a nonprofit corporation, group, or
 39 association, the membership of which consists of electric membership corporations, from
 40 establishing, administering, and soliciting contributions for a political action committee
 41 from officers, directors, employees, agents, contractors, and members of such entities so
 42 long as such actions and contributions do not otherwise violate the provisions of this
 43 chapter."

44

SECTION 2.

45 Said article is further amended by revising Code Section 21-5-30.1, relating to contributions
 46 by regulated entities to elected executive officers or candidates, as follows:

47 "21-5-30.1.

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

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

54 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 55 advance or deposit of money, or anything of value conveyed or transferred for the
 56 purpose of influencing the nomination for election or election of an individual to the
 57 office of an elected executive officer or encouraging the holder of such office to seek
 58 reelection. The term 'contribution' shall include the payment of a qualifying fee for and
 59 on behalf of a candidate for the office of an elected executive officer and any other
 60 payment or purchase made for and on behalf of the holder of the office of an elected
 61 executive officer or for or on behalf of a candidate for that office when such payment or
 62 purchase is made for the purpose of influencing the nomination for election or election

63 of the candidate and is made pursuant to the request or authority of the holder of such
64 office, the candidate, the campaign committee of the candidate, or any other agent of the
65 holder of such office or the candidate. The term 'contribution' shall not include the value
66 of personal services performed by persons who serve on a voluntary basis without
67 compensation from any source.

68 (3) 'Elected executive officer' means the Secretary of State, Attorney General, State
69 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, ~~and~~
70 Commissioner of Labor, and members of the Public Service Commission.

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

77 (5) 'Regulated entity' means any person who is required by law to be licensed by an
78 elected executive officer or a board under the jurisdiction of an elected executive officer,
79 any person who leases property owned by or for a state department, ~~or~~ any person who
80 engages in a business or profession which is regulated by an elected executive officer or
81 by a board under the jurisdiction of an elected executive officer, or any public utility
82 corporation regulated by the Public Service Commission. For purposes of this paragraph,
83 public utility corporation regulated by the Public Service Commission shall have the
84 same meaning as provided by subsection (f) of Code Section 21-5-30.

85 (b) No regulated entity and no person or political action committee acting on behalf of a
86 regulated entity shall make a contribution to or on behalf of a person holding office as an
87 elected executive officer regulating such entity or to or on behalf of a candidate for the
88 office of an elected executive officer regulating such entity or to or on behalf of a campaign
89 committee of any such candidate.

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

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

99 office of an elected executive officer regulating such entity or to or on behalf of a campaign
100 committee of any such candidate; provided, however, that:

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

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

107 **SECTION 3.**

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