

Senate Bill 248

By: Senators Henson of the 41st, Brown of the 26th, Stoner of the 6th, Carter of the 42nd,
Tate of the 38th 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 provide for a cap on
5 the amount of any gift from a lobbyist to any elected official; to provide for certain
6 restrictions on elected officials and certain staff regarding when such officials and staff may
7 work as a lobbyist; to prohibit lobbyists from giving gifts in excess of a certain value to
8 public officers; to provide for related matters; to provide for effective dates; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

15 "(14) 'Gift' means any gratuitous transfer to a public officer or any member of the family
16 of the public officer or a loan of property or services which is not a contribution as
17 defined in paragraph (7) of this Code section ~~and which is more than \$100.00."~~

18 **SECTION 2.**

19 Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section
20 21-5-33, relating to the disposition of contributions, as follows:

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

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

28 (B) Except as otherwise provided in subparagraph (D) of this paragraph, for only so
 29 long as the public officer holds that elective office for which the contributions were
 30 received for transferral without limitation not to exceed an aggregated amount of
 31 \$10,000.00 per election cycle to any national, state, or local committee of any political
 32 party, to any political action committee, or to any candidate; and no such transfers shall
 33 be made in the case of:

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

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

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

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

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

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

57 (ii) Shall be used directly or indirectly by any person to make a contribution to any
 58 campaign by the candidate or officer for any other public office;

59 and it is specifically declared unlawful for any person receiving a transfer to directly
 60 or indirectly make a contribution to any campaign by the candidate or officer for any
 61 other public office; or

62 (E) For repayment of any prior campaign obligations incurred as a candidate."

63 **SECTION 3.**

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

66 "21-5-75.

67 (a) Except as provided in subsection (b) of this Code section, ~~on and after January 8, 2007,~~
68 persons identified in subparagraphs (A) through (D) of paragraph (22) of Code Section
69 21-5-3, ~~and the executive director of each state board, commission, or authority, and all~~
70 persons appointed to a full-time salaried position by the Governor who have served a
71 minimum of three months in such position shall be prohibited from registering as a lobbyist
72 or engaging in lobbying under this article for a period of one year after terminating such
73 employment or leaving such office.

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

77 **SECTION 4.**

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

79 "21-5-77.

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

82 **SECTION 5.**

83 Section 2 of this Act shall become effective on January 1, 2012. All remaining sections of
84 this Act shall become effective upon its approval by the Governor or upon its becoming law
85 without such approval.

86 **SECTION 6.**

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