

Senate Bill 163

By: Senators Butterworth of the 50th, Rogers of the 21st, Gooch of the 51st, Heath of the 31st, Cowsert of the 46th and others

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to  
2 provide certain requirements for the identification of campaign communications, advertising,  
3 and literature; to provide for penalties; to provide for related matters; to repeal conflicting  
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
8 revising Code Section 21-5-31, which was previously reserved, as follows:

9 "21-5-31.

10 (a) Persons who make expenditures for the purpose of financing any communication  
11 through any broadcasting station, newspaper, magazine, outdoor advertising facility,  
12 website, mailing, or any other type of general public political advertising or literature for  
13 the purpose of expressly advocating the election or defeat of a clearly identified candidate  
14 shall:

15 (1) If paid for and authorized by a candidate or the campaign committee of a candidate,  
16 or the agent of either, clearly state that the communication has been paid for by such  
17 candidate or campaign committee; provided, however, that campaign literature published  
18 and disseminated by the candidate bearing his or her name and the office for which he or  
19 she is running shall be considered as in compliance with this Code section;

20 (2) If paid for by other persons or entities but authorized by a candidate or the campaign  
21 committee of a candidate, or the agent of either, clearly state that the communication has  
22 been paid for by such other persons and is authorized by such candidate or campaign  
23 committee; or

24 (3) If not authorized by a candidate or the campaign committee of a candidate, or the  
25 agent of either, clearly state the name and the permanent street address or telephone  
26 number of the person who paid for the communication and state that the communication

27 is not authorized by any candidate or candidate's campaign committee; provided,  
28 however, that these provisions do not apply to communications under this paragraph if  
29 the expenditure for such communications is \$500.00 or less.

30 (b) No person shall use the name or any colorable imitation of the name of an existing  
31 person or organization for the purpose of endorsing, circulating, or publishing campaign  
32 material without the authorization of such person or organization. As used in this  
33 subsection, the term 'any colorable imitation' means any name purposefully used so that a  
34 person reading such name will be misled into believing that such campaign material is  
35 being endorsed, circulated, or published by a person or organization other than the true  
36 endorser, circulator, or publisher.

37 (c) Any person who violates this Code section shall be guilty of a misdemeanor Reserved."

38 **SECTION 2.**

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