

House Bill 143

By: Representatives Ralston of the 7th, O'Neal of the 146th, Smyre of the 135th, Jones of the 47th, Lindsey of the 54th, 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 change certain provisions relating to disclosure
3 reports; to provide an effective date; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
7 campaign contributions, is amended by revising Code Section 21-5-34, relating to disclosure
8 reports, as follows:

9 "21-5-34.

10 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
11 organized to bring about the nomination or election of a candidate for any office and
12 the chairperson or treasurer of every campaign committee designed to bring about the
13 recall of a public officer or to oppose the recall of a public officer or designed to bring
14 about the approval or rejection by the voters of any proposed constitutional amendment,
15 state-wide proposed question, or state-wide referendum shall electronically sign and file
16 with the commission the required campaign contribution disclosure reports; provided,
17 however, that county or municipal offices shall be subject to signing and filing
18 requirements as prescribed by paragraph (3) or (4) of this subsection, and county or
19 municipal recalls shall be subject to signing and filing requirements the same as
20 required of candidates for county or municipal offices as prescribed by said paragraphs.

21 (B) The chairperson or treasurer of each independent committee shall file the required
22 disclosure reports with the commission.

23 (2)(A) Any campaign committee which accepts contributions or makes expenditures
24 designed to bring about the approval or rejection by the voters of any proposed question
25 which is to appear on the ballot in this state ~~or in a county or a municipal election in this~~
26 ~~state~~ shall register with the commission and file campaign contribution disclosure

27 reports as prescribed by this chapter or, in the case of any proposed question which is
 28 to appear on the ballot in a county or municipal election, shall register and file
 29 campaign disclosure reports with the same officials as prescribed by paragraph (3) or
 30 (4) of this subsection for candidates for county or municipal offices; provided, however,
 31 that such reports shall only be required if such campaign committee has received
 32 contributions which total more than \$500.00 or if such campaign committee has made
 33 expenditures which total more than \$500.00. All advertising pertaining to referendums
 34 shall identify the principal officer of such campaign committee by listing or stating the
 35 name and title of the principal officer.

36 (B) If a campaign committee is required to file a report with the commission under
 37 subparagraph (A) of this paragraph, such report shall be electronically filed ~~with the~~
 38 ~~commission~~. Any such report shall be filed 15 days prior to the date of the election;
 39 and a final report shall be filed prior to December 31 of the election year.

40 (3) A candidate for county office or the chairperson or treasurer of such candidate's
 41 campaign committee shall sign and file the required disclosure reports with the election
 42 superintendent in the county of election.

43 (4) A candidate for municipal office or the chairperson or treasurer of such candidate's
 44 campaign committee shall sign and file the required disclosure reports with the municipal
 45 clerk in the municipality of election or, if there is no clerk, with the chief executive
 46 officer of the municipality.

47 (b)(1) All reports shall list the following:

48 (A) As to any contribution of more than \$100.00, its amount and date of receipt, the
 49 election for which the contribution has been accepted and allocated, along with the
 50 name and mailing address of the contributor, and, if the contributor is an individual, that
 51 individual's occupation and the name of his or her employer. Such contributions shall
 52 include, but shall not be limited to, the purchase of tickets for events such as dinners,
 53 luncheons, rallies, and similar fundraising events coordinated for the purpose of raising
 54 campaign contributions for the reporting person;

55 (B) As to any expenditure of more than \$100.00, its amount and date of expenditure,
 56 the name and mailing address of the recipient receiving the expenditure, and, if that
 57 recipient is an individual, that individual's occupation and the name of his or her
 58 employer and the general purpose of the expenditure;

59 (C) When a contribution consists of a loan, advance, or other extension of credit, the
 60 report shall also contain the name of the lending institution or party making the advance
 61 or extension of credit and the names, mailing addresses, occupations, and places of
 62 employment of all persons having any liability for repayment of the loan, advance, or
 63 extension of credit; and, if any such persons shall have a fiduciary relationship to the

- 64 lending institution or party making the advance or extension of credit, the report shall
65 specify such relationship;
- 66 (D) Total contributions received and total expenditures shall be reported for an election
67 cycle as follows:
- 68 (i) The first report of an election cycle shall list the cash on hand brought forward
69 from the previous election cycle, if any, and the total contributions received during
70 the period covered by the report;
- 71 (ii) Subsequent reports shall list the total contributions received during the period
72 covered by the report and the cumulative total of contributions received during the
73 election cycle;
- 74 (iii) The first report of an election cycle shall list the total expenditures made during
75 the period covered by the report;
- 76 (iv) Subsequent reports shall list the total expenditures made during the period
77 covered by the report, the cumulative total of expenditures made during the election
78 cycle, and net balance on hand; and
- 79 (v) If a public officer seeks reelection to the same public office, or if the public
80 officer is a member of the General Assembly seeking reelection in another district as
81 a result of redistricting, the net balance on hand at the end of the current election cycle
82 shall be carried forward to the first report of the applicable new election cycle;
- 83 (E) The corporate, labor union, or other affiliation of any political action committee or
84 independent committee making a contribution of more than \$100.00;
- 85 (F) Any investment made with funds of a campaign committee, independent
86 committee, or political action committee and held outside such committee's official
87 depository account during each reporting period for which an investment exists or a
88 transaction applying to an identifiable investment is made. The report shall identify the
89 name of the entity or person with whom such investment was made, the initial and any
90 subsequent amount of such investment if such investment was made during the
91 reporting period, and any profit or loss from the sale of such investment occurred
92 during such reporting period; and
- 93 (G) Total debt owed on the last day of the reporting period.
- 94 (2) Each report shall be in such form as will allow for the separate identification of a
95 contribution or contributions which are less than \$100.00 but which become reportable
96 due to the receipt of an additional contribution or contributions which when combined
97 with such previously received contribution or contributions cumulatively equal or exceed
98 \$100.00.
- 99 (c) Candidates or campaign committees which accept contributions, make expenditures
100 designed to bring about the nomination or election of a candidate, or have filed a

101 declaration of intention to accept campaign contributions pursuant to subsection (g) of
 102 Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance
 103 with the following schedule:

104 (1) In each nonelection year on June 30 and December 31;

105 (2) In each election year:

106 (A) On March 31, June 30, September 30, October 25, and December 31;

107 (B) Six days before any run-off primary or election in which the candidate is listed on
 108 the ballot; and

109 (C) During the period of time between the last report due prior to the date of any
 110 election for which the candidate is qualified and the date of such election, all
 111 contributions of \$1,000.00 or more shall be reported within two business days of receipt
 112 ~~to the commission~~ and also reported on the next succeeding regularly scheduled
 113 campaign contribution disclosure report;

114 (2.1) In each year, every contribution of more than \$100.00 to a member of the General
 115 Assembly or a campaign committee therefor received during the period beginning
 116 January 1 and ending with the convening of the regular session of the General Assembly
 117 shall be reported to the commission within five business days of the convening of the
 118 regular session of the General Assembly and also reported on the next succeeding
 119 regularly scheduled campaign contribution disclosure report;

120 (3) If the candidate is a candidate in a special primary or special primary runoff, 15 days
 121 prior to the special primary and six days prior to the special primary runoff; and

122 (4) If the candidate is a candidate in a special election or special election runoff, 15 days
 123 prior to the special election and six days prior to the special election runoff.

124 All persons or entities required to file reports shall have a five-day grace period in filing
 125 the required reports, except that the grace period shall be two days for required reports
 126 prior to run-off primaries or run-off elections, and no grace period shall apply to
 127 contributions required to be reported within two business days. Reports required to be filed
 128 within two business days of a contribution shall be reported by facsimile or electronic
 129 transmission ~~to the commission~~. Each report required in the election year shall contain
 130 cumulative totals of all contributions which have been received and all expenditures which
 131 have been made in support of the campaign in question and which are required, or
 132 previously have been required, to be reported.

133 (d) In the event any candidate covered by this chapter has no opposition in either a primary
 134 or a general election and receives no contribution of more than \$100.00, such candidate
 135 shall only be required to make the initial and final report as required under this chapter.

136 (d.1)(1) In the event a candidate for nomination or election to a public office listed in
 137 subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or

138 treasurer of a campaign committee organized to bring about the nomination or election
139 of such candidate signs and files with the appropriate official specified by paragraph (3)
140 or (4) of subsection (a) of this Code section a written notice on the date of such
141 candidate's qualifying that such candidate or campaign committee does not intend to
142 accept during the calendar year of such qualifying a combined total of contributions
143 exceeding \$2,500.00 for the campaign nor make a combined total of expenditures
144 exceeding \$2,500.00 for the campaign in such calendar year, then such candidate or
145 campaign committee shall not be required to file a report under this Code section.

146 (2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either
147 accepting contributions or making expenditures for such campaign during the calendar
148 year of such qualifying as specified in paragraph (1) of this subsection but does not
149 accept a combined total of contributions exceeding \$5,000.00 in such calendar year nor
150 makes expenditures exceeding \$5,000.00 in such calendar year, then such candidate or
151 campaign committee shall be required to file only the June 30 and October 25 reports
152 required by paragraph (2) of subsection (c) of this Code section. The first such report
153 shall include all contributions received and expenditures made beginning January 1 of
154 such calendar year.

155 (3) If such candidate or campaign committee accepts a combined total of contributions
156 exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign
157 during the calendar year of qualifying, then such candidate or campaign committee
158 chairperson or treasurer shall thereupon be subject to the reporting requirements of this
159 Code section the same as if the written notice authorized by this subsection had not been
160 filed on the date of qualifying.

161 (4) For purposes of this subsection, qualifying fees shall not be included in calculating
162 expenditures.

163 (e) Any person who makes contributions to, accepts contributions for, or makes
164 expenditures on behalf of candidates, and any independent committee, shall file a
165 registration ~~with the commission~~ in the same manner as is required of campaign
166 committees prior to accepting or making contributions or expenditures. Such persons,
167 other than independent committees, shall also file campaign contribution disclosure reports
168 ~~with the commission~~ at the same times as required of the candidates they are supporting.
169 The following persons shall be exempt from the foregoing registration and reporting
170 requirements:

171 (1) Individuals making aggregate contributions of \$25,000.00 or less directly to
172 candidates or the candidates' campaign committees in one calendar year;

173 (2) Persons other than individuals making aggregate contributions and expenditures to
174 or on behalf of candidates of \$25,000.00 or less in one calendar year; and

- 175 (3) Contributors who make contributions to only one candidate during one calendar year.
 176 (f)(1) Any independent committee which accepts contributions or makes expenditures
 177 for the purpose of affecting the outcome of an election or advocates the election or defeat
 178 of any candidate shall register with the commission prior to accepting contributions or
 179 making expenditures and shall file disclosure reports ~~with the commission~~ as follows:
- 180 (A) On the first day of each of the two calendar months preceding any such election;
 - 181 (B) Two weeks prior to the date of such election; and
 - 182 (C) Within the two-week period prior to the date of such election the independent
 183 committee shall report within two business days any contributions or expenditure of
 184 more than \$1,000.00.
- 185 The independent committee shall file a final report prior to December 31 of the election
 186 year and shall file supplemental reports on June 30 and December 31 of each year that
 187 such independent committee continues to accept contributions or make expenditures.
- 188 (2) Reports filed by independent committees shall list the following:
- 189 (A) The amount and date of receipt, along with the name, mailing address, occupation,
 190 and employer of any person making a contribution of more than \$100.00;
 - 191 (B) The name, mailing address, occupation, and employer of any person to whom an
 192 expenditure or provision of goods or services of the value of more than \$100.00 is made
 193 and the amount, date, and general purpose thereof, including the name of the candidate
 194 or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the
 195 expenditure or provision was made;
 - 196 (C) Total expenditures made as follows:
 - 197 (i) Expenditures shall be reported for the applicable reporting year;
 - 198 (ii) The first report of a reporting year shall list the total expenditures made during
 199 the period covered by the report; and
 - 200 (iii) Subsequent reports shall list the total expenditures made during the period
 201 covered by the report, the cumulative total of expenditures made during the reporting
 202 year, and net balance on hand; and
 - 203 (D) The corporate, labor union, or other affiliation of any political action committee,
 204 candidate, campaign committee, or independent committee making a contribution of
 205 the value of more than \$100.00.
- 206 (3) Whenever any independent committee makes an expenditure for the purpose of
 207 financing any communication intended to affect the outcome of an election, such
 208 communication shall clearly state that it has been financed by such independent
 209 committee.

210 (g) Any campaign committee which accepts contributions or makes expenditures designed
211 to bring about the recall of a public officer or to oppose the recall of a public officer shall
212 file campaign contribution disclosure reports ~~with the commission~~ as follows:

213 (1) An initial report shall be filed within 15 days after the date when the official recall
214 petition forms were issued to the sponsors;

215 (2) A second report shall be filed 45 days after the filing of the initial report;

216 (3) A third report shall be filed within 20 days after the election superintendent certifies
217 legal sufficiency or insufficiency of a recall petition; and

218 (4) A final report shall be filed prior to December 31 of the year in which the recall
219 election is held or, in any case where such recall election is not held, a final report shall
220 be filed prior to December 31 of any year in which such campaign committee accepts
221 such contributions or makes such expenditures.

222 (h) Any campaign committee which accepts contributions or makes expenditures designed
223 to bring about the approval or rejection by the voters of a proposed constitutional
224 amendment or a state-wide referendum shall file a campaign contribution disclosure report
225 ~~with the commission~~ 75, 45, and 15 days prior to the date of the election and shall file a
226 final report prior to December 31 of the election year.

227 (i)(1) Any person elected to a public office who is required to file campaign contribution
228 disclosure reports pursuant to this article shall, upon leaving public office with excess
229 contributions, be required to file supplemental campaign contribution disclosure reports
230 on June 30 and December 31 of each year until such contributions are expended in a
231 campaign for elective office or used as provided in subsection (b) of Code Section
232 21-5-33.

233 (2) Any person who is an unsuccessful candidate in an election and who is required to
234 file campaign contribution disclosure reports pursuant to this article shall for the
235 remainder of the election cycle file such reports at the same times as a successful
236 candidate and thereafter, upon having excess contributions from such campaign, be
237 required to file a supplemental campaign contribution disclosure report no later than
238 December 31 of each year until such contributions are expended in a campaign for
239 elective office or used as provided in subsection (b) of Code Section 21-5-33. Any
240 unsuccessful candidate in an election who is required to file campaign contribution
241 disclosure reports pursuant to this article and who receives contributions following such
242 election to retire debts incurred in such campaign for elective office shall be required to
243 file a supplemental campaign contribution disclosure report no later than December 31
244 of each year until such unpaid expenditures from such campaign are satisfied.

245 (j) Notwithstanding any other provision of this chapter to the contrary, soil and water
246 conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the

247 'Soil and Water Conservation Districts Law,' shall not be required to file campaign
248 contribution disclosure reports under this Code section.

249 (k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00
250 shall be imposed by the person or entity with which filing is required for each report that
251 is filed late, and notice of such late fee shall be sent to the candidate and the candidate's
252 committee by registered or certified mail or statutory overnight delivery, return receipt
253 requested, and shall include the schedule of increasing late fees for late filings and the
254 dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall
255 be imposed on the fifteenth day after the due date for such report if the report has not
256 been filed by such date; provided, however, that a 15 day extension period shall be
257 granted on the final report. A late fee of \$1,000.00 shall be imposed on the forty-fifth day
258 after the due date for such report if such report has not been filed. Campaign committee
259 funds shall not be used to pay such penalty. Notice by electronic means does not satisfy
260 the requirements of this paragraph; and any increased late fees shall be stayed until at
261 least ten days after proper notice has been given as specified in this paragraph.

262 (2) The commission shall retain \$25.00 of the first late fee received by the commission
263 for processing pursuant to the provisions of Code Section 45-12-92.1.

264 (l) It shall be the duty of the commission or other official when it receives for filing any
265 disclosure report or statement or other document that may be filed by mail to maintain with
266 the filed document a copy of the postal markings or statutory overnight delivery service
267 markings of any envelope, package, or wrapping in which the document was delivered for
268 filing if mailed or sent after the date such filing was due.

269 (m) Any person or entity which is required to be registered ~~with the commission~~ under this
270 Code section shall file a termination statement together with its final campaign contribution
271 disclosure report as required by this Code section. The termination statement shall identify
272 the person responsible for maintaining campaign records as required by this chapter.

273 (n) ~~The~~ Neither the commission nor any other official shall ~~not~~ require the reporting of any
274 more information in a campaign contribution disclosure report than is expressly required
275 to be disclosed by this Code section."

276 SECTION 2.

277 This Act shall become effective on January 1 next following the date this Act is approved by
278 the Governor or becomes law without such approval.

279 SECTION 3.

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