

The House Committee on Rules offers the following substitute to HB 143:

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 change certain provisions relating to powers and duties of the
3 Georgia Government Transparency and Campaign Finance Commission; to change certain
4 provisions relating to campaign contribution disclosure reports; to change certain provisions
5 relating to filing campaign contribution disclosure reports; to change certain provisions
6 relating to financial disclosure filings by public officers, filings by candidates for public
7 office, filing by elected officials and members of the General Assembly, electronic filing, and
8 transfer of filings from the Secretary of State to the Georgia Government Transparency and
9 Campaign Finance Commission; to provide an effective date; to repeal conflicting laws; and
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
14 government, is amended by revising paragraph (19) of subsection (b) of Code Section
15 21-5-6, relating to powers and duties of the Georgia Government Transparency and
16 Campaign Finance Commission, as follows:

17 "(19) On a quarterly basis, to prepare, update, and publish in print or electronically a
18 report and post such report on its website, listing the name of each filer required to file
19 with the commission who has not filed the most recent campaign contribution disclosure
20 report required by Code Sections 21-5-34 and 21-5-34.1, the financial disclosure
21 statement required by Code Section 21-5-50, or the disclosure report required by Code
22 Section 21-5-73 within 30 days of the date such report was due to be filed;"

23 style="text-align:center">**SECTION 2.**

24 Said chapter is further amended by revising Code Section 21-5-34, relating to campaign
25 contribution disclosure reports, as follows:

H. B. 143 (SUB)

26 "21-5-34.

27 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
 28 organized to bring about the nomination or election of a candidate for any office and
 29 the chairperson or treasurer of every campaign committee designed to bring about the
 30 recall of a public officer or to oppose the recall of a public officer or designed to bring
 31 about the approval or rejection by the voters of any proposed constitutional amendment,
 32 state-wide proposed question, or state-wide referendum shall electronically sign and file
 33 with the commission the required campaign contribution disclosure reports; provided,
 34 however, that public offices listed in subparagraph (F) or (G) of paragraph (22) of Code
 35 Section 21-5-3 shall be subject to signing and filing requirements as prescribed by
 36 paragraph (3) or (4) of this subsection, and recalls for such offices shall be subject to
 37 signing and filing requirements the same as required of candidates for such offices as
 38 prescribed by paragraph (3) or (4) of this subsection.

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

41 (2)(A) Any campaign committee which accepts contributions or makes expenditures
 42 designed to bring about the approval or rejection by the voters of any proposed question
 43 which is to appear on the ballot in this state ~~or in a county or a municipal election in this~~
 44 ~~state~~ shall register with the commission and file campaign contribution disclosure
 45 reports as prescribed by this chapter or, in the case of any proposed question which is
 46 to appear on the ballot in a county or municipal election, shall register and file
 47 campaign disclosure reports with the same officials as prescribed by paragraph (3) or
 48 (4) of this subsection for candidates for county or municipal offices; provided, however,
 49 that such reports shall only be required if such campaign committee has received
 50 contributions which total more than \$500.00 or if such campaign committee has made
 51 expenditures which total more than \$500.00. All advertising pertaining to referendums
 52 shall identify the principal officer of such campaign committee by listing or stating the
 53 name and title of the principal officer.

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

58 (3) A candidate for a public office listed in subparagraph (F) of paragraph (22) of Code
 59 Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee
 60 shall sign and file the required disclosure reports with the election superintendent in the
 61 county of election.

62 (4) A candidate for a public office listed in subparagraph (G) of paragraph (22) of Code
63 Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee
64 shall sign and file the required disclosure reports with the municipal clerk in the
65 municipality of election or, if there is no clerk, with the chief executive officer of the
66 municipality.

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

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

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

79 (C) When a contribution consists of a loan, advance, or other extension of credit, the
80 report shall also contain the name of the lending institution or party making the advance
81 or extension of credit and the names, mailing addresses, occupations, and places of
82 employment of all persons having any liability for repayment of the loan, advance, or
83 extension of credit; and, if any such persons shall have a fiduciary relationship to the
84 lending institution or party making the advance or extension of credit, the report shall
85 specify such relationship;

86 (D) Total contributions received and total expenditures shall be reported for an election
87 cycle as follows:

88 (i) The first report of an election cycle shall list the cash on hand brought forward
89 from the previous election cycle, if any, and the total contributions received during
90 the period covered by the report;

91 (ii) Subsequent reports shall list the total contributions received during the period
92 covered by the report and the cumulative total of contributions received during the
93 election cycle;

94 (iii) The first report of an election cycle shall list the total expenditures made during
95 the period covered by the report;

96 (iv) Subsequent reports shall list the total expenditures made during the period
97 covered by the report, the cumulative total of expenditures made during the election
98 cycle, and net balance on hand; and

- 99 (v) If a public officer seeks reelection to the same public office, or if the public
 100 officer is a member of the General Assembly seeking reelection in another district as
 101 a result of redistricting, the net balance on hand at the end of the current election cycle
 102 shall be carried forward to the first report of the applicable new election cycle;
- 103 (E) The corporate, labor union, or other affiliation of any political action committee or
 104 independent committee making a contribution of more than \$100.00;
- 105 (F) Any investment made with funds of a campaign committee, independent
 106 committee, or political action committee and held outside such committee's official
 107 depository account during each reporting period for which an investment exists or a
 108 transaction applying to an identifiable investment is made. The report shall identify the
 109 name of the entity or person with whom such investment was made, the initial and any
 110 subsequent amount of such investment if such investment was made during the
 111 reporting period, and any profit or loss from the sale of such investment occurred
 112 during such reporting period; and
- 113 (G) Total debt owed on the last day of the reporting period.
- 114 (2) Each report shall be in such form as will allow for the separate identification of a
 115 contribution or contributions which are less than \$100.00 but which become reportable
 116 due to the receipt of an additional contribution or contributions which when combined
 117 with such previously received contribution or contributions cumulatively equal or exceed
 118 \$100.00.
- 119 (c) Candidates or campaign committees which accept contributions, make expenditures
 120 designed to bring about the nomination or election of a candidate, or have filed a
 121 declaration of intention to accept campaign contributions pursuant to subsection (g) of
 122 Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance
 123 with the following schedule:
- 124 (1) In each nonelection year on June 30 and December 31;
- 125 (2) In each election year:
- 126 (A) On ~~March 31~~, June 30, September 30, October 25, and December 31;
- 127 (B) Six days before any run-off primary or election in which the candidate is listed on
 128 the ballot; and
- 129 (C) During the period of time between the last report due prior to the date of any
 130 election for which the candidate is qualified and the date of such election, all
 131 contributions of \$1,000.00 or more shall be reported within two business days of receipt
 132 ~~to the commission~~ and also reported on the next succeeding regularly scheduled
 133 campaign contribution disclosure report;
- 134 (2.1) In each year, every contribution of more than \$100.00 to a member of the General
 135 Assembly or a campaign committee therefor received during the period beginning

136 January 1 and ending with the convening of the regular session of the General Assembly
 137 shall be reported to the commission within five business days of the convening of the
 138 regular session of the General Assembly and also reported on the next succeeding
 139 regularly scheduled campaign contribution disclosure report;

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

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

144 All persons or entities required to file reports shall have a five-day grace period in filing
 145 the required reports, except that the grace period shall be two days for required reports
 146 prior to run-off primaries or run-off elections, and no grace period shall apply to
 147 contributions required to be reported within two business days. Reports required to be filed
 148 within two business days of a contribution shall be reported by facsimile or electronic
 149 transmission ~~to the commission~~. Each report required in the election year shall contain
 150 cumulative totals of all contributions which have been received and all expenditures which
 151 have been made in support of the campaign in question and which are required, or
 152 previously have been required, to be reported.

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

156 (d.1)(1) In the event a candidate for nomination or election to a public office listed in
 157 subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or
 158 treasurer of a campaign committee organized to bring about the nomination or election
 159 of such candidate signs and files with the appropriate official specified by paragraph (3)
 160 or (4) of subsection (a) of this Code section a written notice on the date of such
 161 candidate's qualifying that such candidate or campaign committee does not intend to
 162 accept during the calendar year of such qualifying a combined total of contributions
 163 exceeding \$2,500.00 for the campaign nor make a combined total of expenditures
 164 exceeding \$2,500.00 for the campaign in such calendar year, then such candidate or
 165 campaign committee shall not be required to file a report under this Code section.

166 (2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either
 167 accepting contributions or making expenditures for such campaign during the calendar
 168 year of such qualifying as specified in paragraph (1) of this subsection but does not
 169 accept a combined total of contributions exceeding \$5,000.00 in such calendar year nor
 170 makes expenditures exceeding \$5,000.00 in such calendar year, then such candidate or
 171 campaign committee shall be required to file only the June 30 and October 25 reports
 172 required by paragraph (2) of subsection (c) of this Code section. The first such report

173 shall include all contributions received and expenditures made beginning January 1 of
 174 such calendar year.

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

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

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

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

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

195 (3) Contributors who make contributions to only one candidate during one calendar year.

196 (f)(1) Any independent committee which accepts contributions or makes expenditures
 197 for the purpose of affecting the outcome of an election or advocates the election or defeat
 198 of any candidate shall register with the commission prior to accepting contributions or
 199 making expenditures and shall file disclosure reports ~~with the commission~~ as follows:

200 (A) On the first day of each of the two calendar months preceding any such election;

201 (B) Two weeks prior to the date of such election; and

202 (C) Within the two-week period prior to the date of such election the independent
 203 committee shall report within two business days any contributions or expenditure of
 204 more than \$1,000.00.

205 The independent committee shall file a final report prior to December 31 of the election
 206 year and shall file supplemental reports on June 30 and December 31 of each year that
 207 such independent committee continues to accept contributions or make expenditures.

208 (2) Reports filed by independent committees shall list the following:

- 209 (A) The amount and date of receipt, along with the name, mailing address, occupation,
 210 and employer of any person making a contribution of more than \$100.00;
- 211 (B) The name, mailing address, occupation, and employer of any person to whom an
 212 expenditure or provision of goods or services of the value of more than \$100.00 is made
 213 and the amount, date, and general purpose thereof, including the name of the candidate
 214 or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the
 215 expenditure or provision was made;
- 216 (C) Total expenditures made as follows:
- 217 (i) Expenditures shall be reported for the applicable reporting year;
- 218 (ii) The first report of a reporting year shall list the total expenditures made during
 219 the period covered by the report; and
- 220 (iii) Subsequent reports shall list the total expenditures made during the period
 221 covered by the report, the cumulative total of expenditures made during the reporting
 222 year, and net balance on hand; and
- 223 (D) The corporate, labor union, or other affiliation of any political action committee,
 224 candidate, campaign committee, or independent committee making a contribution of
 225 the value of more than \$100.00.
- 226 (3) Whenever any independent committee makes an expenditure for the purpose of
 227 financing any communication intended to affect the outcome of an election, such
 228 communication shall clearly state that it has been financed by such independent
 229 committee.
- 230 (g) Any campaign committee which accepts contributions or makes expenditures designed
 231 to bring about the recall of a public officer or to oppose the recall of a public officer shall
 232 file campaign contribution disclosure reports ~~with the commission~~ as follows:
- 233 (1) An initial report shall be filed within 15 days after the date when the official recall
 234 petition forms were issued to the sponsors;
- 235 (2) A second report shall be filed 45 days after the filing of the initial report;
- 236 (3) A third report shall be filed within 20 days after the election superintendent certifies
 237 legal sufficiency or insufficiency of a recall petition; and
- 238 (4) A final report shall be filed prior to December 31 of the year in which the recall
 239 election is held or, in any case where such recall election is not held, a final report shall
 240 be filed prior to December 31 of any year in which such campaign committee accepts
 241 such contributions or makes such expenditures.
- 242 (h) Any campaign committee which accepts contributions or makes expenditures designed
 243 to bring about the approval or rejection by the voters of a proposed constitutional
 244 amendment or a state-wide referendum shall file a campaign contribution disclosure report

245 ~~with the commission~~ 75, 45, and 15 days prior to the date of the election and shall file a
 246 final report prior to December 31 of the election year.

247 (i)(1) Any person elected to a public office who is required to file campaign contribution
 248 disclosure reports pursuant to this article shall, upon leaving public office with excess
 249 contributions, be required to file supplemental campaign contribution disclosure reports
 250 on June 30 and December 31 of each year until such contributions are expended in a
 251 campaign for elective office or used as provided in subsection (b) of Code Section
 252 21-5-33.

253 (2) Any person who is an unsuccessful candidate in an election and who is required to
 254 file campaign contribution disclosure reports pursuant to this article shall for the
 255 remainder of the election cycle file such reports at the same times as a successful
 256 candidate and thereafter, upon having excess contributions from such campaign, be
 257 required to file a supplemental campaign contribution disclosure report no later than
 258 December 31 of each year until such contributions are expended in a campaign for
 259 elective office or used as provided in subsection (b) of Code Section 21-5-33. Any
 260 unsuccessful candidate in an election who is required to file campaign contribution
 261 disclosure reports pursuant to this article and who receives contributions following such
 262 election to retire debts incurred in such campaign for elective office shall be required to
 263 file a supplemental campaign contribution disclosure report no later than December 31
 264 of each year until such unpaid expenditures from such campaign are satisfied.

265 (j) Notwithstanding any other provision of this chapter to the contrary, soil and water
 266 conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the
 267 'Soil and Water Conservation Districts Law,' shall not be required to file campaign
 268 contribution disclosure reports under this Code section.

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

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

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

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

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

296 **SECTION 3.**

297 Said chapter is further amended by revising Code Section 21-5-34.1, relating to filing
 298 campaign contribution disclosure reports, as follows:

299 "21-5-34.1.

300 (a) Candidates, candidate committees, and public officers who are required to file
 301 campaign contribution disclosure reports with the commission shall use electronic means
 302 to file such reports with the commission using means prescribed by the commission to file
 303 such reports.

304 (b) The ~~electronic~~ filing of any campaign disclosure report required under this article shall
 305 constitute an affirmation that such report is true, complete, and correct.

306 (c) Candidates seeking election to county or municipal offices may use electronic means
 307 to file their campaign contribution disclosure reports ~~with the commission~~ if such method
 308 is made available or may file by certified mail or statutory overnight delivery.

309 (d) Political action committees, independent committees, and any persons otherwise
 310 required by this article to file campaign contribution disclosure reports shall use electronic
 311 means to file such reports ~~with the commission~~ upon having raised or spent \$5,000.00 in
 312 a calendar year if such method is made available, ~~and no paper copy of the report shall be~~
 313 ~~filed~~. Under that threshold, electronic filing is permitted and encouraged if such method
 314 is made available but not required.

315 (e) The ~~electronic~~ filing of any campaign contribution disclosure report required under this
 316 article shall constitute an affirmation that the report is true, complete, and correct."

317 **SECTION 4.**

318 Said chapter is further amended by revising Code Section 21-5-50, relating to financial
 319 disclosure statement filings by public officers, filings by candidates for public office, filing
 320 by elected officials and members of the General Assembly, electronic filing, and transfer of
 321 filings from the Secretary of State to the Georgia Government Transparency and Campaign
 322 Finance Commission, as follows:

323 "21-5-50.

324 (a)(1) Except as modified in subsection (c) of this Code section with respect to
 325 candidates for state-wide elected public office, each public officer, as defined in
 326 subparagraphs (A) through (D), ~~(F), and (G)~~ of paragraph (22) of Code Section 21-5-3,
 327 shall file with the commission not before the first day of January nor later than July 1 of
 328 each year in which such public officer holds office other than an election year a financial
 329 disclosure statement for the preceding calendar year; and each person who qualifies as
 330 a candidate for election as a public officer, as defined in subparagraphs (A) through (D);
 331 ~~(F), and (G)~~ of paragraph (22) of Code Section 21-5-3, shall file with the commission, no
 332 later than the fifteenth day following the date of qualifying as a candidate, a financial
 333 disclosure statement for the preceding calendar year.

334 (2) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in
 335 subparagraph (E) of paragraph (22) of Code Section 21-5-3, shall not be required to file
 336 a financial disclosure statement pursuant to this Code section. Each such public officer
 337 shall, however, be deemed to be a public official for purposes of Code Section 45-10-26
 338 and shall be subject to the disclosure requirements set forth in Code Section 45-10-26.
 339 In addition, each such public officer shall file with the commission, prior to January 31
 340 each year, an affidavit confirming that such public officer took no official action in the
 341 previous calendar year that had a material effect on such public officer's private financial
 342 or business interests.

343 (3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section
 344 21-5-3, who serves as a member of the commission shall be subject to the requirements
 345 for filing financial disclosure statements set forth in paragraph (1) of this subsection. In
 346 addition, each such public officer shall file with the commission, together with the
 347 financial disclosure statement, an affidavit confirming that such public officer took no
 348 official action in the previous calendar year that had a material effect on such public
 349 officer's private financial or business interests.

350 (3.1) A public officer, as defined in subparagraphs (F) and (G) of paragraph (22) of Code
 351 Section 21-5-3, shall make filings of the same kind and in the same manner as provided
 352 in paragraph (1) of this subsection for other public officers except that filings under this
 353 paragraph shall be made with the election superintendent of the county in the case of

354 public officers as defined in said subparagraph (F) and shall be made with the municipal
 355 clerk in the municipality of election or, if there is no clerk, with the chief executive
 356 officer of the municipality in the case of public officers as defined in said subparagraph
 357 (G).

358 (4) Each member of the State Transportation Board shall file a financial disclosure
 359 statement for the preceding calendar year no later than the sixtieth day following such
 360 member's election to the State Transportation Board. Thereafter, each board member
 361 shall file by January 31 of each year a financial disclosure statement for the preceding
 362 year. In addition, each board member shall file with the commission, prior to January 31
 363 of each year, an affidavit confirming that such board member took no official action in
 364 the previous calendar year that had a material effect on such board member's private
 365 financial or business interests.

366 (5) The commission or the applicable official under paragraph (3.1) of this subsection
 367 shall review each financial disclosure statement to determine that such statement is in
 368 compliance with the requirements of this chapter.

369 (6) A public officer shall not, however, be required to file such a financial disclosure
 370 statement for the preceding calendar year in an election year if such public officer does
 371 not qualify for nomination for election to succeed himself or herself or for election to any
 372 other public office subject to this chapter. For purposes of this paragraph, a public officer
 373 shall not be deemed to hold office in a year in which the public officer holds office for
 374 fewer than 15 days.

375 (b) A financial disclosure statement shall be in the form specified by the commission and
 376 shall identify:

377 (1) Each monetary fee or honorarium which is accepted by a filer from speaking
 378 engagements, participation in seminars, discussion panels, or other activities which
 379 directly relate to the official duties of the filer or the office of the public officer, with a
 380 statement identifying the fee or honorarium accepted and the person from whom it was
 381 accepted;

382 (2) All fiduciary positions held by the candidate for public office or the filer, with a
 383 statement of the title of each such position, the name and address of the business entity,
 384 and the principal activity of the business entity;

385 (3) The name, address, and principal activity of any business entity or investment,
 386 exclusive of the names of individual stocks and bonds in mutual funds, and the office
 387 held by and the duties of the candidate for public office or filer within such business
 388 entity as of December 31 of the covered year in which such candidate or officer has a
 389 direct ownership interest which:

390 (A) Is more than 5 percent of the total interests in such business; or

- 391 (B) Has a net fair market value of \$5,000.00 or more;
- 392 (4)(A) Each tract of real property in which the candidate for public office or filer has
 393 a direct ownership interest as of December 31 of the covered year when that interest has
 394 a fair market value of \$5,000.00 or more. As used in this paragraph, the term 'fair
 395 market' value means the appraised value of the property for ad valorem tax purposes.
 396 The disclosure shall contain the county and state, general description of the property,
 397 and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii)
 398 \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00.
- 399 (B) Each tract of real property in which the candidate for public office's spouse or
 400 filer's spouse has a direct ownership interest as of December 31 of the covered year
 401 when that interest has a fair market value of \$5,000.00 or more. The disclosure shall
 402 contain the county and state, general description of the property, and whether the fair
 403 market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to
 404 \$200,000.00; (iii) or more than \$200,000.00;
- 405 (5) The filer's occupation, employer, and the principal activity and address of such
 406 employer;
- 407 (6) The filer's spouse's name, occupation, employer, and the principal activity and
 408 address of such employer;
- 409 (7) If the filer has actual knowledge of such ownership interest, the name of any business
 410 or subsidiary thereof or investment, exclusive of the individual stocks, bonds, or mutual
 411 funds, as of December 31 of the covered year in which the filer's spouse or dependent
 412 children, jointly or severally, own a direct ownership interest which:
- 413 (A) Is more than 5 percent of the total interests in such business or investment,
 414 exclusive of the individual stocks and bonds in mutual funds; or
- 415 (B) Has a net fair market value of more than \$10,000.00
 416 or in which the filer's spouse or any dependent child serves as an officer, director,
 417 equitable partner, or trustee; and
- 418 (8) All annual payments in excess of \$10,000.00 received by the filer or any business
 419 entity identified in paragraph (3) of this subsection from the state, any agency,
 420 department, commission, or authority created by the state, and authorized and exempted
 421 from disclosure under Code Section 45-10-25, and the agency, department, commission,
 422 or authority making the payments, and the general nature of the consideration rendered
 423 for the source of the payments.
- 424 (c)(1) Each person who qualifies with a political party as a candidate for party
 425 nomination to a public office elected state wide (including an incumbent public officer
 426 elected state wide qualifying to succeed himself or herself) shall file with the
 427 commission, not later than seven days after so qualifying, a financial disclosure

428 statement. Each person who qualifies as a candidate for election to a public office elected
429 state wide through a nomination petition or convention shall likewise file a financial
430 disclosure statement not later than seven days after filing his or her notice of candidacy.
431 Such financial disclosure statement shall comply with the requirements of subsections (a)
432 and (b) of this Code section and shall in addition identify, for the preceding five calendar
433 years:

434 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
435 year in which the candidate (whether for himself or herself or on behalf of any
436 business) or any business in which such candidate or any member of his or her family
437 has a substantial interest or is an officer of such business has transacted business with
438 the government of the State of Georgia, the government of any political subdivision of
439 the State of Georgia, or any agency of any such government; and

440 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
441 year in which the candidate or any business in which such candidate or any member of
442 his or her family has a substantial interest or is an officer of such business received any
443 income of any nature from any person who was at the time of such receipt of income
444 represented by a lobbyist registered with the commission pursuant to Article 4 of this
445 chapter.

446 (2) The financial disclosure statement required by paragraph (1) of this subsection shall
447 include an itemized list of the transactions required to be reported, including the date of,
448 dollar amount of, and parties to each such transaction. However, with respect to any
449 transactions of a privileged nature only the total amount of such transactions shall be
450 required to be reported, and names, dates, amounts of individual transactions, and other
451 identifying data may be omitted; and for this purpose 'transactions of a privileged nature'
452 shall include transactions between attorney and client, transactions between psychiatrist
453 and patient, transactions between physician and patient, and any other transactions which
454 are by law of a similar privileged and confidential nature.

455 (3) The financial disclosure statement required by paragraph (1) of this subsection shall
456 be accompanied by a financial statement of the candidate's financial affairs for the
457 calendar year prior to the year in which the election is held and the first quarter of the
458 calendar year in which the election is held.

459 (4) As used in this subsection, the term:

460 (A) 'Agency' means any agency, authority, department, board, bureau, commission,
461 committee, office, or instrumentality of the State of Georgia or any political subdivision
462 of the State of Georgia.

463 (B) 'Financial statement' means a statement of a candidate's financial affairs in a form
 464 substantially equivalent to the short form financial statement required for bank directors
 465 under the rules of the Department of Banking and Finance.

466 (C) 'Person' and 'transact business' shall have the meanings specified in Code Section
 467 45-10-20.

468 (D) 'Substantial interest' means the direct or indirect ownership of 10 percent or more
 469 of the assets or stock of any business.

470 (5) Notwithstanding any other provisions of this subsection, if, due to a special election
 471 or otherwise, a person does not qualify as a candidate for nomination or election to public
 472 office until after the filing date otherwise applicable, such person shall make the filings
 473 required by this subsection within seven days after so qualifying.

474 (d) All state-wide elected officials and members of the General Assembly shall file
 475 financial disclosure statements electronically with the commission. Local officials referred
 476 to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 may file
 477 electronically if such method is made available or may file by certified mail or statutory
 478 overnight delivery.

479 (e) The ~~electronic~~ filing of any financial disclosure statement required under this article
 480 shall constitute an affirmation that the statement is true, complete, and correct.

481 (f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall
 482 be imposed by the person or entity with which filing is required for each financial
 483 disclosure statement that is filed late, and notice of such late fee shall be sent to the board
 484 member, candidate, and the candidate's committee by registered or certified mail or
 485 statutory overnight delivery, return receipt requested, and shall include the schedule of
 486 increasing late fees for late filings and the dates upon which such late fees shall be
 487 increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after
 488 the due date for such statement if such statement has not been filed. A late fee of
 489 \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if
 490 the statement has not been filed. Campaign committee funds shall not be used to pay
 491 such penalty. Notice by electronic means shall not satisfy the requirements of this
 492 paragraph; and any increased late fees shall be stayed until at least ten days after proper
 493 notice has been given as specified in this paragraph.

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

496 (g) ~~The~~ Neither the commission nor any other official shall ~~not~~ require the reporting of any
 497 more information in a financial disclosure statement than is expressly required to be
 498 disclosed by this Code section."

499

SECTION 5.

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

502

SECTION 6.

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