

The Senate Ethics Committee offered the following substitute to SB 297:

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 the assignment of the Georgia Government Transparency and
3 Campaign Finance Commission for budgetary purposes from the Secretary of State to the
4 State Accounting Office; to provide for the filing of notices of intention to accept campaign
5 contributions by county and municipal candidates; to provide that certain candidates may file
6 notice of intent not to accept more than \$2,500.00 or expend more than \$2,500.00 in the
7 election and be relieved of filing campaign finance disclosure reports; to provide that the
8 acceptance or expenditure of more than those amounts will require the filing of certain
9 reports; to provide for related matters; to provide an effective date; to repeal conflicting laws;
10 and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 Code Section 21-5-5, relating to operating expenses, as
14 follows:
15

16 "21-5-5.

17 The funds necessary to carry out this chapter shall come from the funds appropriated to and
18 available to the commission and from any other available funds. The commission shall be
19 a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act';
20 provided, however, that the commission shall be assigned for administrative purposes only
21 to the ~~Secretary of State~~ State Accounting Office."

SECTION 2.

22 Said chapter is further amended by revising subsection (g) of Code Section 21-5-30, relating
23 to contributions made to candidate or campaign committee or for recall of a public officer,
24 as follows:
25

26 "(g) Neither a candidate who is not a public officer nor his or her campaign committee may
 27 lawfully accept a campaign contribution until the candidate has filed with the commission
 28 a declaration of intention to accept campaign contributions which shall include the name
 29 and address of the candidate and the names and addresses of his or her campaign
 30 committee officers, if any; provided, however, that a public officer, as defined in
 31 subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, shall make filings of
 32 the same kind and in the same manner as provided in this subsection for other public
 33 officers except that filings under this subsection shall be made with the election
 34 superintendent of the county in the case of public officers as defined in subparagraph (F)
 35 of paragraph (22) of Code Section 21-5-3 and shall be made with the municipal clerk in the
 36 municipality of election or, if there is no clerk, with the chief executive officer of the
 37 municipality in the case of public officers as defined in subparagraph (G) of paragraph (22)
 38 of Code Section 21-5-3. The election superintendent, municipal clerk, or chief executive
 39 officer, as applicable, shall transmit electronically by eFiling or eFax a copy of each such
 40 report to the commission not later than ten days after the close of the reporting period."

41 **SECTION 3.**

42 Said chapter is further amended by revising subsection (d.1) of Code Section 21-5-34,
 43 relating to campaign finance disclosure reports, as follows:

44 "(d.1)(1) In the event a candidate for nomination or election to a public office listed in
 45 subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or
 46 treasurer of a campaign committee organized to bring about the nomination or election
 47 of such candidate signs and files with the appropriate official specified by paragraph (3)
 48 or (4) of subsection (a) of this Code section a written notice ~~on the date of such~~
 49 ~~candidate's qualifying~~ that such candidate or campaign committee does not intend to
 50 accept during ~~the calendar year of such qualifying~~ such election cycle a combined total
 51 of contributions exceeding \$2,500.00 for the campaign nor make a combined total of
 52 expenditures exceeding \$2,500.00 for the campaign in such ~~calendar year~~ election cycle,
 53 then such candidate or campaign committee shall not be required to file a report under
 54 this Code section. The appropriate official shall transmit an electronic copy of the written
 55 notice by eFiling or eFax to the commission ~~not later than ten days after the close of~~
 56 ~~qualifying~~ within ten days of receipt of such notice. The failure of the appropriate official
 57 to timely transmit such copy of the written notice to the commission shall not disqualify
 58 the candidate or campaign committee from the exemption from report filing provided by
 59 this paragraph.

60 (2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either
 61 accepting contributions or making expenditures for such campaign during ~~the calendar~~

62 ~~year of such qualifying such election cycle~~ as specified in paragraph (1) of this subsection
63 but does not accept a combined total of contributions exceeding \$5,000.00 in such
64 ~~calendar year election cycle~~ nor ~~makes~~ make expenditures exceeding \$5,000.00 in such
65 ~~calendar year election cycle~~, then such candidate or campaign committee shall be
66 required to file only the June 30 and October 25 reports required by paragraph (2) of
67 subsection (c) of this Code section. The first such report shall include all contributions
68 received and expenditures made beginning January 1 of such calendar year.

69 (3) If such candidate or campaign committee accepts a combined total of contributions
70 exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign
71 during ~~the calendar year of qualifying~~ any such election cycle, then such candidate or
72 campaign committee chairperson or treasurer shall thereupon be subject to the reporting
73 requirements of this Code section the same as if the written notice authorized by this
74 subsection had not been filed ~~on the date of qualifying.~~"

75 **SECTION 4.**

76 This Act shall become effective upon its approval by the Governor or upon its becoming law
77 without such approval.

78 **SECTION 5.**

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