

The Senate Committee on Ethics offered the following substitute to HB 370:

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 provide a grace period for certain candidate and public officer
3 disclosure filings; to provide for a waiver of fines, late fees, and penalties in certain cases;
4 to provide for refund of previously paid fines, late fees, and penalties under certain
5 circumstances; to provide for review of filings; to provide for certain forms and filing fees;
6 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
11 government, is amended by adding a new Code section to read as follows:

12 "21-5-7.2.

13 (a) With regard to campaign contribution disclosure report and personal financial
14 disclosure statement filings required by this chapter between January 1, 2010, and
15 January 10, 2014, for public officers for those offices defined in subparagraphs (F) and (G)
16 of paragraph (22) of Code Section 21-5-3 or candidates for public office for those offices
17 defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, there shall
18 be a grace period for such persons to file such reports from the effective date of this Code
19 section through December 31, 2016. Any public officer for those offices defined in
20 subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3 or candidate for
21 public office for those offices defined in subparagraphs (F) and (G) of paragraph (22) of
22 Code Section 21-5-3 who did not file, filed late, or filed an incomplete report which was
23 required by this chapter between January 1, 2010, and January 10, 2014, and subsequently
24 files complete and proper reports for such time period by December 31, 2016, shall be
25 deemed in compliance with this chapter with regard to such reports and all fines, late fees,
26 and penalties imposed as a result of the failure to file, late filing, or incomplete filing of

27 such reports shall be waived upon the approval of such reports by the commission. Such
28 reports may be filed electronically or in paper format; provided, however, that the
29 commission shall be authorized to impose a filing fee of not more than \$40.00 for reports
30 filed in paper format. The commission shall notify by mail, at the last address for such
31 individuals on file with the commission, each public officer or candidate who is shown on
32 the records of the commission to have failed to file, filed late, or made an incomplete filing
33 of a report and who is subject to the provisions of this subsection of the provisions and
34 requirements of this Code section. The failure by an individual to receive such notice shall
35 not affect any such public officer's or candidate's rights, duties, or obligations under this
36 Code section. The commission shall have until December 31, 2017, to review such reports
37 to determine their sufficiency under this chapter. The commission is authorized and
38 required to promulgate forms for the purpose of filing reports under this subsection such
39 that one report can be used to cover the entire period between January 1, 2010, and
40 January 10, 2014, for each type of filing. The commission shall begin accepting reports
41 under this subsection not later than July 1, 2016. Filings under this subsection which
42 contain technical defects shall be handled in accordance with Code Section 21-5-7.1.

43 (b) Upon the filing of reports by a public officer or candidate pursuant to subsection (a)
44 of this Code section, the public officer's or candidate's name shall be removed from the
45 commission's web page listing of persons who owe late fees, fines, or penalties for such
46 reports. If the commission determines that such reports are incomplete or not in
47 compliance with the provisions of this chapter, such names may be restored to the web
48 page.

49 (c) Any public officer for those offices defined in subparagraphs (F) and (G) of
50 paragraph (22) of Code Section 21-5-3 or candidate for public office for those offices
51 defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3 who did
52 not file, filed late, or filed an incomplete report which was required by this chapter between
53 January 1, 2010, and January 10, 2014, and subsequently filed reports for such time period
54 and paid a fine, late fee, or other penalty shall, upon the filing of complete reports for such
55 time period and upon the appropriation by the General Assembly of specific appropriations
56 to the commission, have such fine, late fee, or other penalty refunded to him or her when
57 the commission approves such reports as being complete and in compliance with the
58 provisions of this chapter.

59 (d) If the commission does not make a determination as to the completeness and
60 sufficiency of the reports filed in accordance with this Code section by December 31, 2017,
61 such reports shall be deemed complete and sufficient and no further action to impose or
62 collect late fees shall be taken by the commission with regard to such reports.

63 (e) Nothing in this Code section shall prevent the commission from pursuing any action
64 against any other public officer or candidate not subject to this Code section at any time or
65 against any public officer or candidate who is subject to this Code section who does not
66 make a complete and proper filing by December 31, 2016, or from pursuing any action
67 against any public officer for those offices defined in subparagraphs (F) and (G) of
68 paragraph (22) of Code Section 21-5-3 or candidate for public office for those offices
69 defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3 which
70 relate to violations of the Georgia Government Transparency and Campaign Finance Act
71 unrelated to such public officer's or candidate's failure to file, late filing, or filing of an
72 incomplete report which was required by this chapter."

73

SECTION 2.

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

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SECTION 3.

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