

House Bill 399

By: Representatives Willard of the 51st and Nix of the 69th

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 comprehensively revise such chapter; to provide a short title; to
3 provide for definitions; to provide for legislative findings; to provide for the Georgia
4 Government Transparency and Campaign Finance Commission and its composition, duties,
5 powers, authority, and funding; to provide for procedures regarding complaints, disclosures,
6 and other filings; to provide limitations on campaign contributions and expenditures; to
7 provide for disclosure of contributions and expenditures and personal finances; to provide
8 for the registration of lobbyists and certain filings and reports; to prohibit certain acts; to
9 provide sanctions for violations; to provide for related matters; 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 the chapter as follows:

15 style="text-align:center">"CHAPTER 5
16 style="text-align:center">ARTICLE 1

17 21-5-1.

18 This chapter shall be known as and may be cited as the 'Ethics in Government Campaign
19 Finance Act.'

20 21-5-2.

21 It is declared to be the policy of this state, in furtherance of its responsibility to protect the
22 integrity of the democratic process and to ensure fair elections ~~for constitutional offices;~~
23 ~~state offices, district attorneys, members of the Georgia House of Representatives and~~

24 ~~Georgia Senate; all constitutional judicial officers; and all county and municipal elected~~
 25 ~~officials, to institute and establish, that~~ a requirement of public disclosure of campaign
 26 contributions and expenditures relative to the seeking of ~~such offices~~ office, ~~to the recall~~
 27 ~~recalling~~ of public officers, ~~or holding elective office, and to the~~ influencing of voter
 28 approval or rejection of a proposed constitutional ~~amendment~~ amendments, ~~a state-wide~~
 29 ~~referendum~~ referendums, or a ~~proposed question~~ questions which is to ~~may~~ appear on the
 30 ballot in any ~~county or municipal~~ election be instituted and enforced. Further, it is the
 31 policy of this state that the state's public affairs ~~will be~~ are best served by disclosures of
 32 significant private interests of public officers and officials which may influence the
 33 discharge of their public duties and responsibilities. The General Assembly further finds
 34 that it is for the public to determine whether significant private interests of public officers
 35 have influenced the state's public officers to the detriment of their public duties and
 36 responsibilities and, in order to make that determination and hold the public officers
 37 accountable, the public must have reasonable access to the disclosure of the significant
 38 private interests of the public officers of this state.

39 21-5-3.

40 As used in this chapter, the term:

41 (1) 'Business entity' means any corporation, sole proprietorship, partnership, limited
 42 partnership, limited liability company, limited liability partnership, professional
 43 corporation, enterprise, franchise, association, trust, joint venture, or other entity, whether
 44 for profit or nonprofit.

45 (2) 'Campaign committee' means the candidate, person, or committee which accepts
 46 contributions or makes expenditures designed to bring about the nomination or election
 47 of an individual to any elected office. The term 'campaign committee' also means any
 48 person or committee which accepts contributions or makes expenditures designed to
 49 bring about the recall of a public officer holding elective office or to oppose the recall of
 50 a public officer holding elective office or any person or any committee which accepts
 51 contributions or makes expenditures designed to bring about the approval or rejection by
 52 the voters of any proposed constitutional amendment, a state-wide referendum, or a
 53 proposed question which is to appear on the ballot in this state or in a county or a
 54 municipal election in this state.

55 (3) 'Campaign contribution disclosure report' means a report filed with the commission
 56 by a candidate or the chairperson or treasurer of a campaign committee setting forth all
 57 expenditures of more than \$100.00 and all contributions of more than \$100.00, including
 58 contributions and expenditures of lesser amounts when the aggregate amount thereof by
 59 or to a person is more than \$100.00 for the calendar year in which the report is filed.

60 Such report shall also include the total amount of all individual contributions received or
 61 expenditures made of less than \$100.00 each. The first report required in the calendar
 62 year of the election shall contain all such expenditures made and all such contributions
 63 received by the candidate or the committee in prior years in support of the campaign in
 64 question.

65 (4) 'Candidate' means an individual who seeks nomination for election or election to any
 66 public office, whether or not such an individual is elected; and a person shall be deemed
 67 to seek nomination or election if such person has taken necessary action under the laws
 68 of this state to qualify such person for nomination for election or election or has received
 69 any contributions or made any expenditures in pursuit of such nomination or election or
 70 has given such person's consent for such person's campaign committee to receive
 71 contributions or make expenditures with a view to bringing about such person's
 72 nomination for election or election to such office.

73 (5) 'Commission' means the Georgia Government Transparency and Campaign Finance
 74 Commission created under Code Section 21-5-4.

75 (6) 'Connected organization' means any organization, including any business entity, labor
 76 organization, membership organization, or cooperative, which is not a political action
 77 committee as defined in this Code section, but which, directly or indirectly, establishes
 78 or administers a political action committee or which provides more than 40 percent of the
 79 funds of the political action committee for a calendar year.

80 (7) 'Contested case' means a case that will proceed to an administrative hearing in
 81 accordance with the Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
 82 following a finding that there are reasonable grounds to believe that a provision of this
 83 chapter or other statute under the jurisdiction of the commission has been violated.

84 ~~(7)~~(8) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 85 advance or deposit of money, or anything of value conveyed or transferred for the
 86 purpose of influencing the nomination for election or election of any person for office,
 87 bringing about the recall of a public officer holding elective office or opposing the recall
 88 of a public officer holding elective office, or the influencing of voter approval or rejection
 89 of a proposed constitutional amendment, a state-wide referendum, or a proposed question
 90 which is to appear on the ballot in this state or in a county or a municipal election in this
 91 state. The term specifically shall not include the value of personal services performed by
 92 persons who serve without compensation from any source and on a voluntary basis. The
 93 term 'contribution' shall include other forms of payment made to candidates for office or
 94 who hold office when such fees and compensation made can be reasonably construed as
 95 a campaign contribution designed to encourage or influence a candidate or public officer
 96 holding elective office. The term 'contribution' shall also encompass transactions wherein

97 a qualifying fee required of the candidate is furnished or paid by anyone other than the
 98 candidate, but shall not include payment of qualifying fees by a candidate.

99 (9) 'Credit received on loan' means a contribution received by a candidate or campaign
 100 committee for the forgiveness of a loan or a portion of an outstanding loan carried by the
 101 candidate or campaign committee.

102 ~~(8)~~(10) 'Direct ownership interest' means the holding or possession of good legal or
 103 rightful title of property or the holding or enjoyment of real or beneficial use of the
 104 property by any person and includes any interest owned or held by a spouse of such
 105 person if such interest is held jointly or as tenants in common between the person and
 106 spouse.

107 (11) 'Deferred payment' means an expenditure for the payment of anything of value
 108 which is received by, provided to, furnished to, or conveyed to or on behalf of a candidate
 109 or campaign committee that was previously reported on a prior or current campaign
 110 contribution disclosure report for the time period in which the thing of value was
 111 provided.

112 ~~(9)~~(12) 'Election' means a primary election; run-off election, either primary or general;
 113 special election; or general election. The term 'election' also means a recall election.

114 ~~(10)~~(13) 'Election cycle' means the period from the day following the date of an election
 115 or appointment of a person to elective public office through and including the date of the
 116 next such election of a person to the same public office and shall be construed and
 117 applied separately for each elective office.

118 ~~(11)~~(14) 'Election year' shall be construed and applied separately for each elective office
 119 and means for each elective office the calendar year during which a regular or special
 120 election to fill such office is held.

121 ~~(12)~~(15) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit,
 122 or any transfer of money or anything of value made for the purpose of influencing the
 123 nomination for election or election of any person, bringing about the recall of a public
 124 officer holding elective office or opposing the recall of a public officer holding elective
 125 office, or the influencing of voter approval or rejection of a proposed constitutional
 126 amendment, a state-wide referendum, or a proposed question which is to appear on the
 127 ballot in this state or in a county or a municipal election in this state. The term
 128 specifically shall not include the value of personal services performed by persons who
 129 serve without compensation from any source and on a voluntary basis. The term
 130 'expenditure' shall also include the payment of a qualifying fee for and on behalf of a
 131 candidate.

132 ~~(13)~~(16) 'Fiduciary position' means any position imposing a duty to act primarily for the
 133 benefit of another person as an officer, director, manager, partner, guardian, or other
 134 designation of general responsibility of a business entity.

135 ~~(14)~~(17) 'Gift' means any gratuitous transfer to a public officer or any member of the
 136 family of the public officer or a loan of property or services which is not a contribution
 137 as defined in paragraph ~~(7)~~ (8) of this Code section and which is more than \$100.00.

138 ~~(15)~~(18) 'Independent committee' means any committee, club, association, partnership,
 139 corporation, labor union, or other group of persons, other than a campaign committee,
 140 political party, or political action committee, which receives donations during a calendar
 141 year from persons who are members or supporters of the committee and which expends
 142 such funds either for the purpose of affecting the outcome of an election for any elected
 143 office or to advocate the election or defeat of any particular candidate.

144 (19) 'Independent expenditure' means an expenditure for a political campaign
 145 communication that expressly advocates the election or defeat of a clearly identified
 146 candidate that is not made in cooperation, consultation, or concert with or at the request
 147 or suggestion of a candidate or candidate's authorized committees.

148 (20) 'In-kind expenditure' means an expenditure of any goods or services for which a
 149 candidate or campaign committee did not extend payment to an end-recipient for the
 150 goods or services provided, but for which the campaign committee received the use or
 151 benefit of said goods or services.

152 ~~(16)~~(21) 'Intangible property' means property which is not real property and which is
 153 held for profit and includes stocks, bonds, interest in partnerships, choses in action, and
 154 other investments but shall not include any ownership interest in any public or private
 155 retirement or pension fund, account, or system and shall not include any ownership
 156 interest in any public or private life insurance contract or any benefit, value, or proceeds
 157 of such life insurance contract.

158 ~~(16.1)~~(22) 'Investment' means the investment of money or capital to gain interest or
 159 income.

160 ~~(17)~~(23) 'Member of the family' means a spouse and all dependent children.

161 ~~(17.1)~~(24) 'Nonelection year' shall be construed and applied separately for each elective
 162 office and means for each elective office any calendar year during which there is no
 163 regular or special election to fill such office.

164 ~~(17.2)~~(25) 'Nonprofit organization' means a corporation, foundation, or other legal entity,
 165 no part of the net earnings of which inures to the benefit of any private shareholder or
 166 individual holding an interest in such entity.

167 ~~(18)~~(26) 'Ordinary and necessary expenses' shall include, but shall not be limited to,
 168 expenditures made during the reporting period for qualifying fees, office costs and rent,

169 lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage,
 170 polling, special events, volunteers, reimbursements to volunteers, repayment of any loans
 171 received except as restricted under subsection (i) of Code Section 21-5-41, contributions
 172 to nonprofit organizations, flowers for special occasions, which shall include, but are not
 173 limited to, birthdays and funerals, attorney fees connected to and in the furtherance of the
 174 campaign, and all other expenditures contemplated in Code Section 21-5-33.

175 ~~(19)~~(27) 'Person' means an individual, partnership, committee, association, corporation,
 176 limited liability company, limited liability partnership, trust, professional corporation, or
 177 other business entity recognized in the State of Georgia, labor organization, or any other
 178 organization or group of persons.

179 ~~(20)~~(28) 'Political action committee' means:

180 (A) Any committee, club, association, partnership, corporation, labor union, or other
 181 group of persons which receives donations during a calendar year from persons who are
 182 members or supporters of the committee and which contributes funds to one or more
 183 candidates for public office or campaign committees of candidates for public office;
 184 and

185 (B) A 'separate segregated fund' as defined in Code Section 21-5-40.

186 Such term ~~does~~ shall not include a ~~candidate~~ candidate's campaign committee.

187 ~~(21)~~(29) 'Public employee' means every person employed by the executive, legislative,
 188 or judicial branch of state government, or any department, board, bureau, agency,
 189 commission, or authority thereof.

190 ~~(22)~~(30) 'Public officer' means:

191 (A) Every constitutional officer;

192 (B) Every elected state official;

193 (C) The executive head of every state department or agency, whether elected or
 194 appointed;

195 (D) Each member of the General Assembly;

196 (E) The executive director of each state board, commission, council, or authority and
 197 the members thereof;

198 (F) Every elected county official and every elected member of a local board of
 199 education; and

200 (G) Every elected municipal official.

201 ~~(23)~~(31) 'Qualifying officer' means a person who qualifies a candidate for an election.

202 ~~(24)~~(32) 'Reporting period' means the period of time beginning the day after the last
 203 report due date, excluding any grace period, through the due date of the next report.

204 (33) 'Trust' means a property interest held by one person (the trustee) at the request of
 205 another (the settlor) for the benefit of a third party (the beneficiary). The term shall

206 specifically include any property or asset held in a revocable trust created by a candidate
 207 or a candidate's spouse, as well as any property held in any other trust which conveys a
 208 residual benefit to a candidate or a candidate's spouse as either the settlor, trustee, or
 209 beneficiary of said trust.

210 21-5-4.

211 (a) The Georgia Government Transparency and Campaign Finance Commission shall be
 212 a successor to the State Ethics Commission, with such duties and powers as are set forth
 213 in this chapter. As the successor commission, it shall have all the powers and duties
 214 granted to the State Ethics Commission in all matters pending before the State Ethics
 215 Commission and may continue to investigate, prosecute, and act upon all such matters.

216 (b) The commission shall be governed by five members appointed as follows: three
 217 members, not more than two of whom shall be from the same political party, shall be
 218 appointed by the Governor, two for terms of three years and one for a term of two years;
 219 one member shall be appointed by the Senate Committee on Assignments for a term of four
 220 years; and one member shall be appointed by the Speaker of the House of Representatives
 221 for a term of four years. Upon the expiration of a member's term of office, a new member,
 222 appointed in the same manner as the member whose term of office expired as provided in
 223 this subsection, shall become a member of the commission and shall serve for a term of
 224 four years and until such member's successor is duly appointed and qualified. If a vacancy
 225 occurs in the membership of the commission, a new member shall be appointed to the
 226 unexpired term of office by the state official or the committee that appointed the vacating
 227 member. Members of the commission shall not serve for more than one complete term of
 228 office.

229 (c) All members of the commission shall be residents of this state.

230 (d) Any person who:

231 (1) Has qualified to run for any ~~federal~~, state, or local public office within a period of
 232 five years prior to such person's appointment;

233 (2) Has held any ~~federal~~, state, or local public office within a period of five years prior
 234 to such person's appointment; or

235 (3) Serves as an officer of any political party, whether such office is elective or
 236 appointive and whether such office exists on a local, state, or national level
 237 shall be ineligible to serve as a member of the commission.

238 (e) The commission shall elect a chairperson, a vice chairperson, and other officers as it
 239 deems necessary. The members shall not be compensated for their services but they shall
 240 be reimbursed in an amount equal to the per diem received by the General Assembly for

241 each day or portion thereof spent in serving as members of the commission. They shall be
 242 paid their necessary traveling expenses while engaged in the business of the commission.

243 (f) A majority of the members of the commission constitutes a quorum for the transaction
 244 of business. The vote of at least a majority of the members present at any meeting at which
 245 a quorum is present is necessary for any action to be taken by the commission. No vacancy
 246 in the membership of the commission impairs the right of a quorum to exercise all rights
 247 and perform all duties of the commission.

248 (g) Meetings of the members of the commission shall be held at the call of the chairperson
 249 or whenever any two members so request.

250 21-5-5.

251 The funds necessary to carry out this chapter shall come from the funds appropriated to and
 252 available to the commission and from any other available funds or fees imposed by statute
 253 and collected by the commission. The commission shall be a budget unit as defined in
 254 Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided, however, that the
 255 commission shall be assigned for administrative purposes only to the ~~Secretary of State~~
 256 Accounting Office.

257 21-5-6.

258 (a) The commission is vested with the following powers:

259 (1) To meet at such times and places as it may deem necessary;

260 (2) To contract with other agencies, public or private, or persons as it deems necessary
 261 for the rendering and affording of such services, facilities, studies, and reports to the
 262 commission as will best assist it to carry out its duties and responsibilities;

263 (3) To cooperate with and secure the cooperation of every department, agency, or
 264 instrumentality in the state government or its political subdivisions in the furtherance of
 265 the purposes of this chapter;

266 (4) To employ an executive secretary and such additional staff as the commission deems
 267 necessary to carry out the powers delegated to the commission by this chapter;

268 (5) To issue subpoenas through its staff to compel any person to appear, give sworn
 269 testimony, or produce documentary or other evidence during investigations following the
 270 receipt or institution of a valid complaint or at hearings;

271 (6) To institute and prosecute actions in the superior courts, in its own name, seeking to
 272 enjoin or restrain any violation or threatened violation of this chapter;

273 (7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
 274 Procedure Act,' any rules and regulations necessary and appropriate for carrying out the
 275 purposes of this chapter; provided, however, that the commission shall not require the

276 reporting or disclosure of more information on any report than is expressly required to
 277 be reported or disclosed by this chapter, unless such information ~~was~~ is required to be
 278 reported or disclosed by the rules and regulations of the commission ~~which were in effect~~
 279 ~~as of January 1, 2013, so long as such rules and regulations do not conflict with this~~
 280 ~~chapter~~; and

281 (8) To do any and all things necessary or convenient to enable it to perform wholly and
 282 adequately its duties and to exercise the powers specifically authorized to it in this
 283 chapter.

284 (b) The commission shall have the following duties:

285 (1) To prescribe forms to be used in complying with this chapter;

286 (2) To prepare and publish in print or electronically a manual setting forth recommended
 287 uniform methods of accounting and reporting for use by persons required by this chapter
 288 to file statements and reports;

289 (3) To accept and file any information voluntarily supplied that exceeds the requirements
 290 of this chapter;

291 (4) To develop a filing, coding, and cross-indexing system consonant with the purposes
 292 of this chapter;

293 (5) To adopt a retention standard for records of the commission in accordance with
 294 Article 5 of Chapter 18 of Title 50, the 'Georgia Records Act';

295 (6) To prepare and publish in print or electronically such other reports and technical
 296 studies as in its judgment will tend to promote the purposes of this chapter;

297 (7) To provide for public dissemination of such summaries and reports;

298 (8) To determine whether the required statements and reports have been filed and, if so,
 299 whether they conform to the requirements of this chapter, and to prosecute the failure to
 300 file or transmit any reports required to be filed with or transmitted to the commission;

301 (9) To make investigations, subject to the limitations contained in Code Section 21-5-7.1,
 302 with respect to the statements and reports filed under this chapter and with respect to
 303 alleged failure to file any statements or reports required under this chapter and upon
 304 receipt of the written complaint of any person, verified under oath to the best information,
 305 knowledge, and belief by the person making such complaint with respect to an alleged
 306 violation of any provision of this chapter, provided that nothing in this Code section shall
 307 be construed to limit or encumber the right of the commission to initiate ~~on probable~~
 308 ~~cause~~ an a preliminary investigation on its own cognizance as it deems necessary to fulfill
 309 its obligations under this chapter. The commission may file a complaint charging
 310 violations of this chapter after a preliminary investigation, and such complaint shall be
 311 investigated and handled procedurally as any other complaint before the commission;

312 (10)(A) To conduct a hearing following a preliminary investigation, subject to the
 313 limitations contained in Code Section 21-5-7.1, ~~of the merits of a written complaint by~~
 314 ~~any person who believes that a violation of this chapter has occurred, verified under~~
 315 ~~oath to the best information, knowledge, and belief by the person making such~~
 316 ~~complaint. If there are found~~ the commission finds no reasonable grounds to believe
 317 that a violation has occurred, the complaint shall be dismissed, subject to being
 318 reopened upon discovery of additional evidence or relevant material. If the commission
 319 determines that there are such reasonable grounds to believe that a violation has
 320 occurred, it shall give notice by summoning the persons believed to have committed the
 321 violation to a hearing. The hearing shall be conducted in all respects in accordance
 322 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' ~~The~~
 323 ~~commission may file a complaint charging violations of this chapter, and any person~~
 324 ~~aggrieved by the final decision of the commission is entitled to judicial review in~~
 325 ~~accordance with Chapter 13 of Title 50; provided, however, that nothing in this Code~~
 326 ~~section shall be construed to limit or encumber the right of the commission to initiate~~
 327 ~~on probable cause an investigation on its own cognizance as it deems necessary to~~
 328 ~~fulfill its obligations under this chapter.~~

329 (B) In any such preliminary investigation referenced in subparagraph (A) of this
 330 paragraph, until such time as the commission determines that there are reasonable
 331 grounds to believe that a violation has occurred, it shall not be necessary to give the
 332 notice by summons nor to conduct a hearing in accordance with Chapter 13 of Title 50,
 333 the 'Georgia Administrative Procedure Act';

334 (11) To report suspected violations of law to the appropriate law enforcement authority;

335 (12) To investigate upon a written complaint any illegal use of public employees in a
 336 political campaign by any candidate;

337 (13) To issue, upon written request, and publish in print or electronically written
 338 advisory opinions on the requirements of this chapter, based on a real or hypothetical set
 339 of circumstances; and each such written advisory opinion shall be ~~issued~~ drafted within
 340 60 days of the written request for the advisory opinion and voted upon at the next regular
 341 meeting of the commission following that time. The commission shall make all advisory
 342 opinions that were issued after January 9, 2006, publicly available for review and shall
 343 post these and all future opinions on the commission's website, and the commission shall
 344 make all advisory opinions that were issued prior to January 9, 2006, publicly available
 345 for review and shall post these opinions on the commission's website. No liability shall
 346 be imposed under this chapter for any act or omission made in conformity with a written
 347 advisory opinion ~~issued~~ adopted by the commission that is valid at the time of the act or
 348 omission;

349 (14) To issue orders, after the completion of appropriate proceedings, directing
350 compliance with this chapter or prohibiting the actual or threatened commission of any
351 conduct constituting a violation. Such order may include a provision requiring the
352 violator:

353 (A) To cease and desist from committing further violations;

354 (B) To make public complete statements, in corrected form, containing the information
355 required by this chapter;

356 (C)(i) Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil
357 penalty not to exceed \$1,000.00 for each violation contained in any report required
358 by this chapter or for each failure to comply with any other provision of this chapter
359 or of any rule or regulation promulgated under this chapter; provided, however, that
360 a civil penalty not to exceed \$10,000.00 may be imposed for a second occurrence of
361 a violation of the same provision and a civil penalty not to exceed \$25,000.00 may be
362 imposed for each third or subsequent occurrence of a violation of the same provision.
363 In imposing a penalty or late filing fee under this chapter, the commission may waive
364 or suspend such penalty or fee if the imposition of such penalty or fee would impose
365 an undue hardship on the person required to pay such penalty or fee. The commission
366 may also waive or suspend a penalty or fee in the case of failure to file or late filing
367 of a report if there are no items to be included in the report. For the purposes of the
368 penalties imposed by this division, the same error, act, omission, or inaccurate entry
369 shall be considered a single violation if the error, act, omission, or inaccurate entry
370 appears multiple times on the same report or causes further errors, omissions, or
371 inaccurate entries in that report or in any future reports or further violations in that
372 report or in any future reports. In any instance in which the commission finds that a
373 violation was inadvertent and would not have been known to the commission but for
374 the violator's self-disclosure of the violation, the commission shall impose no penalty
375 if the violation was disclosed to it within ten days of the violator's discovery of the
376 violation.

377 (ii) A civil penalty shall not be assessed except after notice and hearing as provided
378 by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The amount
379 of any civil penalty finally assessed shall be recoverable by a civil action brought in
380 the name of the commission. All moneys recovered pursuant to this Code section
381 shall be deposited in the state treasury.

382 (iii) The Attorney General of this state shall, upon complaint by the commission, or
383 may, upon the Attorney General's own initiative if after examination of the complaint
384 and evidence the Attorney General believes a violation has occurred, bring an action
385 in the superior court in the name of the commission for a temporary restraining order

386 or other injunctive relief or for civil penalties for a violation of any provision of this
387 chapter or any rule or regulation duly issued by the commission.

388 (iv) Any action brought by the Attorney General to enforce civil penalties for a
389 violation of the provisions of this chapter or of any rule or regulation duly issued by
390 the commission or any order issued by the commission ordering compliance or to
391 cease and desist from further violations shall be brought in the superior court of the
392 county of the residence of the party against whom relief is sought. Service of process
393 shall lie in any jurisdiction within the state. In such actions, the superior court inquiry
394 shall be limited to whether notice was given by the commission to the violator in
395 compliance with the Constitution and the rules of procedure of Chapter 13 of Title 50,
396 the 'Georgia Administrative Procedure Act.' Upon satisfaction that notice was given
397 and a hearing was held pursuant to Chapter 13 of Title 50, the 'Georgia
398 Administrative Procedure Act,' the superior court shall enforce the orders of the
399 commission and the civil penalties assessed under this chapter and the superior court
400 shall not make independent inquiry as to whether the violations have occurred.

401 (v) In any action brought by the Attorney General to enforce any of the provisions
402 of this chapter or of any rule or regulation issued by the commission, the judgment,
403 if in favor of the commission, shall provide that the defendant pay to the commission
404 the costs, including reasonable attorneys' fees, incurred by the commission in the
405 prosecution of such action.

406 The commission shall make all such orders that were issued after January 9, 2006,
407 publicly available for review and shall post these and all future orders on the
408 commission's website, and the commission shall make all advisory orders that were
409 issued prior to January 9, 2006, publicly available for review and shall post these orders
410 on the commission's website. Such orders shall serve as precedent for all future orders
411 and opinions of the commission;

412 (15) To make public its conclusion that a violation has occurred and the nature of such
413 violation;

414 (16) To petition the superior court within the county where the hearing was or is being
415 conducted for the enforcement of any order issued in connection with such hearing;

416 (17) To report to the General Assembly and the Governor at the close of each fiscal year
417 concerning the action taken during that time, the names, salaries, and duties of all
418 individuals employed, and the funds disbursed and to make such further report on the
419 matters within its jurisdiction as may appear desirable;

420 (18) To carry out the procedures, duties, and obligations relative to the commission set
421 forth in this chapter;

- 422 (19) On a quarterly basis, to prepare, update, and publish in print or electronically a
 423 report and post such report on its website, listing the name of each filer required to file
 424 with the commission who has not filed the most recent campaign contribution disclosure
 425 report required by Code Sections 21-5-34 and 21-5-34.1, the financial disclosure
 426 statement required by Code Section 21-5-50, or the disclosure report required by Code
 427 Section 21-5-73 within 30 days of the date such report was due to be filed;
- 428 (20) To publish in print or electronically overall lobbyist spending by category. Such
 429 categories shall include gifts, meals, entertainment, office supplies, lodging, equipment,
 430 advertising, travel, and postage;
- 431 (21) To promulgate rules and regulations with respect to electronic filings;
- 432 (22) To provide and conduct semiannual training on the mechanics of electronic filing
 433 and registration;
- 434 (23) To award attorneys' fees to the party complained against if the commission deems
 435 the complaint to be frivolous, legally or factually, or if the complaining party fails,
 436 without good cause, to appear at the preliminary hearing on the complaint; and
- 437 (24) To issue a warning letter to persons who have not filed any statement or report
 438 required by this chapter.

439 21-5-7.

440 The commission shall not initiate any investigation or inquiry into any matter under its
 441 jurisdiction based upon the complaint of any person unless that person shall produce the
 442 same in writing and verify the same under oath to the best information, knowledge, and
 443 belief of such person, the falsification of which shall be punishable as false swearing under
 444 Code Section 16-10-71. The person against whom any complaint is made shall be
 445 furnished by hand delivery or statutory overnight delivery or mailed by certified mail,
 446 return receipt requested, a copy of the complaint by the commission within two business
 447 days of the commission's receipt of such complaint and prior to any other public
 448 dissemination of such complaint. Nothing in this Code section, however, shall be
 449 construed to limit or encumber the right of the commission to initiate ~~on probable cause~~ an
 450 investigation on its own cognizance as it deems necessary to fulfill its obligations under
 451 this chapter and, during and after completion of that investigation, to prepare and file a
 452 complaint in accordance with paragraph (9) of subsection (b) of Code Section 21-5-6.

453 21-5-7.1.

454 The commission shall adopt rules which shall provide that:

- 455 (1) Upon the commission's receipt of a complaint, a determination shall be made as to
 456 whether the complaint relates to a technical defect in a filing. For this purpose, a

457 technical defect shall include, but not be limited to, a defect such as an incorrect date or
458 a failure to include a date, an incorrect contributor's occupation or a failure to include a
459 contributor's occupation, an incorrect address or e-mail address or a failure to include an
460 address or e-mail address, an incorrect employer or a failure to include an employer,
461 accounting errors, or any other similar defects;

462 (2) When the commission determines that a complaint relates to a technical defect in a
463 filing, the subject of the complaint shall be issued a notice of the technical defect by
464 certified mail, return receipt requested, or statutory overnight delivery and shall be given
465 a period of 30 calendar days from the receipt of the notice to correct the technical defect.
466 During the 30 day period the complaint shall be considered as received by the
467 commission but not yet filed with the commission and shall not be considered a violation
468 of this chapter. If during the 30 day period the technical defect is cured by an amended
469 filing or otherwise, or if during the 30 day period the subject of the complaint
470 demonstrates that there is no technical defect as alleged, the complaint shall be disposed
471 of without filing or further proceedings and no penalty shall be imposed. If the subject
472 of the complaint fails to respond to the notice of a technical defect, make an amended
473 filing, or demonstrate that there is no technical defect as alleged by the thirty-first day,
474 the commission shall impose and collect an administrative fee not to exceed \$50.00 per
475 technical defect. For the purposes of the penalties imposed by this paragraph, the same
476 error or inaccurate entry shall be considered a single technical violation if the error or
477 inaccurate entry appears multiple times on a single report or causes further errors or
478 inaccurate entries in that report or in any future reports;

479 (3) If the subject of the complaint does not pay the administrative fee required by
480 paragraph (2) of this Code section, if any, and does not otherwise also comply with
481 paragraph (2) of this Code section by the sixtieth day from the receipt of the notice of a
482 technical defect, the commission shall conduct further investigation and the complaint
483 may proceed further in accordance with the provisions of this chapter; ~~and~~

484 (4) When the commission determines in its discretion that best efforts have been made
485 to complete a required filing, said filing shall be considered in compliance with this Code
486 section and any complaint relative to said filing shall be dismissed; and

487 (5) When a filing required by this chapter is subject to a late fee for late filing, the late
488 filing shall not be subject to complaint or prosecution or the imposition of a penalty by
489 the commission if the filing is made within 30 calendar days of mailing of notice by the
490 commission and the late fee imposed by law has been paid or has been waived in
491 accordance with division (b)(14)(C)(i) of Code Section 21-5-6.

492 21-5-8.

493 Venue for prosecution of civil violations of this chapter or for any other action by or on
494 behalf of the commission, other than administrative prosecutions, shall be in the county of
495 the residence of the candidate or public officer at the time of the alleged violation or action.

496 21-5-9.

497 Except as otherwise provided in this chapter, any person who knowingly fails to comply
498 with or who knowingly violates this chapter shall be guilty of a misdemeanor. The
499 provisions of this Code section shall not preclude additional prosecution and punishment
500 ~~for the commission~~ of any felony offense as otherwise provided by law, and to the extent
501 violations of this chapter also constitute felony violations of the laws of this state, such
502 violations may be prosecuted as felonies under the applicable felony provision and not as
503 misdemeanors.

504 21-5-10.

505 The provisions of this chapter, so far as they are the same as those of existing laws, are
506 intended as a continuation of such laws and not as new enactments. The repeal by this
507 chapter of any Act of the General Assembly, or part thereof, shall not revive any Act, or
508 part thereof, heretofore repealed or superseded. This chapter shall not affect any act done,
509 liability or penalty incurred, or right accrued or vested prior to the taking effect of this
510 chapter; nor shall this chapter affect any actions or prosecution then pending, or to be
511 instituted, to enforce any right or penalty then accrued or to punish any offense theretofore
512 committed.

513 21-5-11.

514 (a) No public officer other than a public officer elected state wide shall accept a monetary
515 fee or honorarium in excess of \$100.00 for a speaking engagement, participation in a
516 seminar, discussion panel, or other activity which directly relates to the official duties of
517 that public officer or the office of that public officer.

518 (b) No public officer elected state wide shall accept any monetary fee or honorarium for
519 a speaking engagement, participation in a seminar, discussion panel, or other such activity.

520 (c) For purposes of this chapter, actual and reasonable expenses for food, beverages,
521 travel, lodging, and registration for a meeting which are provided to permit participation
522 in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria.

523 21-5-12.

524 (a) The name of each political action committee shall include the name of ~~its~~ any
525 connected organization as defined in paragraph (6) of Code Section 21-5-3.

526 (b) The name of any separate segregated fund, as defined in Code Section 21-5-40, shall
527 include the name of ~~its~~ any connected organization as defined in paragraph (6) of Code
528 Section 21-5-3.

529 21-5-13.

530 Any action alleging a violation of this chapter shall be commenced within three years after
531 the date of filing of the first report containing the alleged violation; provided, however, that
532 any action alleging a violation of this chapter shall be commenced within five years after
533 the date of filing of the first report containing the alleged violation involving any person
534 elected to serve for a term of four or more years or any candidate for an office with a term
535 of four or more years. For purposes of this Code section, an action shall be deemed to have
536 commenced against a person only when either:

537 (1) A complaint has been accepted by the commission in compliance with Code
538 Section 21-5-7; or

539 (2) The commission or Attorney General serves on such person a notice of summons or
540 hearing, in accordance with Chapter 13 of Title 50, the 'Georgia Administrative
541 Procedure Act,' that alleges that such person has violated this chapter.

542 21-5-14.

543 ~~(a) Except as provided in subsection (b) of this Code section, each~~ Each individual or
544 entity required by this chapter to file a ~~report~~ reports or disclosure ~~statement~~ statements
545 with the commission shall provide the commission, in writing, with a current e-mail
546 address, if one exists, and shall advise the commission, in writing, of any change to such
547 address within ten days of any change to such address. Such information shall be provided
548 to the commission prior to January 31 each year.

549 ~~(b) City, county, and school board officials are not required to provide an e-mail address~~
550 ~~to the commission.~~

551 21-5-15.

552 When the commission gives notice to a local official referred to in subparagraph (F) or (G)
553 of paragraph ~~(22)~~ (30) of Code Section 21-5-3 of any of the actions listed in this Code
554 section, such notice shall be given by certified mail or statutory overnight delivery. This
555 Code section shall apply with respect to any notice of: the filing of a complaint; a technical
556 defect in a filing; a failure to make a timely filing; or a late fee or other penalty.

557

ARTICLE 2

558 21-5-30.

559 (a) Except as provided in subsection (e) of Code Section 21-5-34, no contributions to bring
560 about the nomination or election of a candidate for any office shall be made or accepted
561 except directly to or by a candidate or such candidate's campaign committee which is
562 organized for the purpose of bringing about the nomination or election of any such
563 candidate; and no contributions to bring about the recall of a public officer or to oppose the
564 recall of a public officer or to bring about the approval or rejection by the voters of a
565 proposed constitutional amendment, state-wide referendum, or proposed question at the
566 state, municipal, or county level shall be made or accepted except directly to or by a
567 campaign committee organized for that purpose.

568 (b) Each candidate shall maintain records and file reports as required by this chapter or
569 shall have a campaign committee for the purposes of maintaining records and filing reports
570 as required by this chapter. Every campaign committee shall have a chairperson and a
571 treasurer, except that the candidate may serve as the chairperson and treasurer. Before a
572 campaign committee accepts contributions, the name and address of the chairperson and
573 treasurer shall be filed with the commission. When a candidate has been elected to public
574 office, the registration of that candidate's campaign committee with the commission shall
575 remain in effect so long as the candidate remains in office until and unless the registration
576 is canceled by the campaign committee or the candidate. The same person may serve as
577 chairperson and treasurer. No contributions shall be accepted by or on behalf of the
578 campaign committee at a time when there is a vacancy in the office of chairperson or
579 treasurer of the campaign committee.

580 (c) Contributions of money received pursuant to subsection (a) of this Code section shall
581 be deposited in a campaign depository account opened and maintained by the candidate or
582 the campaign committee, and information identifying this account, including the account
583 number and name of the institution holding it, shall be disclosed to the commission on the
584 candidate's or the campaign committee's declaration of intention to accept campaign
585 contributions and campaign contribution disclosure reports. The account may be an
586 interest-bearing account; provided, however, that any interest earned on such account shall
587 be reported and may only be used for the purposes allowed for contributions under this
588 chapter. Those who elect the separate accounting option as provided in Code
589 Section 21-5-43 may also open, but are not required to open, a separate campaign
590 depository account for each election for which contributions are accepted and allocated
591 beyond their next upcoming election.

592 (d) Unless otherwise reported individually, where separate contributions of less than
 593 \$100.00 are knowingly received from a common source, such contributions shall be
 594 aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement,
 595 members of the family, members of the same firm or partnership, or employees of the same
 596 person, as defined in paragraph ~~(19)~~ (27) of Code Section 21-5-3, shall be considered to
 597 be a common source; provided, however, that the purchase of tickets for not more than
 598 \$25.00 each and for or attendance at a fundraising event by members of the family,
 599 members of the same firm or partnership, or employees of the same person shall not be
 600 considered to be contributions from a common source except to the extent that tickets are
 601 purchased as a block.

602 (e) The making and acceptance of anonymous contributions are prohibited. Any
 603 anonymous contributions received by a candidate or campaign committee shall be
 604 transmitted to the state treasurer for deposit in the state treasury, and the fact of such
 605 contribution and transmittal shall be reported to the commission.

606 (f)(1) For purposes of this subsection, the term:

607 (A) 'Public utility corporation regulated by the Public Service Commission' includes,
 608 but is not limited to, an electric membership corporation.

609 (B) 'Electric membership corporation' means a public utility corporation regulated by
 610 the Public Service Commission operating as an electric membership corporation under
 611 the provisions of Article 4 of Chapter 3 of Title 46.

612 (2) Except as limited by Code Section 21-5-30.1 or this subsection, a public utility
 613 corporation regulated by the Public Service Commission shall be allowed to make
 614 contributions to political campaigns. Any contributions made by a public utility
 615 corporation regulated by the Public Service Commission to a political campaign shall not
 616 be included as recoverable costs in any rate-making or rate-setting proceedings before the
 617 Public Service Commission. Notwithstanding the provisions of this Code section or any
 618 other provision of law to the contrary, no electric membership corporation and no
 619 nonprofit corporation, group, or association, the membership of which consists of electric
 620 membership corporations, shall be authorized to make any contribution to a political
 621 campaign. Notwithstanding the foregoing, nothing in this Code section shall be
 622 construed to prohibit a nonprofit corporation, group, or association, the membership of
 623 which consists of electric membership corporations, from establishing, administering, and
 624 soliciting contributions for a political action committee from officers, directors,
 625 employees, agents, contractors, and members of such entities so long as such actions and
 626 contributions do not otherwise violate the provisions of this chapter.

627 (g) Neither a candidate ~~who is not a public officer~~ nor his or her campaign committee may
 628 lawfully accept a campaign ~~contribution~~ contributions until the candidate has filed with the

629 commission a declaration of intention to accept campaign contributions which shall include
 630 the name and address of the candidate and the names and addresses of his or her campaign
 631 committee officers, if any; provided, however, that:

632 (1) Any public officer may accept contributions for reelection to the same office without
 633 filing a declaration of intention to seek reelection to such office; and

634 (2) Any a candidate, as defined in subparagraphs (F) and (G) of paragraph ~~(22)~~ (30) of
 635 Code Section 21-5-3, ~~shall make filings of the same kind and in the same manner as~~
 636 ~~provided in this subsection for other public officers except that filings under this~~
 637 ~~subsection shall be made~~ may elect to file the declaration of intention to accept campaign
 638 contributions with the election superintendent of the county in the case of public officers
 639 as defined in subparagraph (F) of paragraph ~~(22)~~ (30) of Code Section 21-5-3 ~~and shall~~
 640 ~~be made~~ or with the municipal clerk in the municipality of election or, if there is no clerk,
 641 with the chief executive officer of the municipality in the case of public officers as
 642 defined in subparagraph (G) of paragraph ~~(22)~~ (30) of Code Section 21-5-3. ~~The~~ If the
 643 declaration of intention to accept campaign contributions is so filed, the election
 644 superintendent, municipal clerk, or chief executive officer, as applicable, shall transmit
 645 ~~electronically by eFiling or eFax~~ a copy of each such declaration of intention to the
 646 commission in a form mandated by the commission not later than ten days after ~~the close~~
 647 ~~of the reporting period~~ receipt of the declaration of intention to accept campaign
 648 contributions.

649 21-5-30.1.

650 (a) Except as otherwise provided in this subsection, the definitions set forth in Code
 651 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this
 652 Code section, the term:

653 (1) 'Campaign committee' means the candidate, person, or committee which accepts
 654 contributions to bring about the nomination for election or election of an individual to the
 655 office of an elected executive officer.

656 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 657 advance or deposit of money, or anything of value conveyed or transferred for the
 658 purpose of influencing the nomination for election or election of an individual to the
 659 office of an elected executive officer or encouraging the holder of such office to seek
 660 reelection. The term 'contribution' shall include the payment of a qualifying fee for and
 661 on behalf of a candidate for the office of an elected executive officer and any other
 662 payment or purchase made for and on behalf of the holder of the office of an elected
 663 executive officer or for or on behalf of a candidate for that office when such payment or
 664 purchase is made for the purpose of influencing the nomination for election or election

665 of the candidate and is made pursuant to the request or authority of the holder of such
666 office, the candidate, the campaign committee of the candidate, or any other agent of the
667 holder of such office or the candidate. The term 'contribution' shall not include the value
668 of personal services performed by persons who serve on a voluntary basis without
669 compensation from any source.

670 (3) 'Elected executive officer' means the Secretary of State, Attorney General, State
671 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture,
672 Commissioner of Labor, and members of the Public Service Commission.

673 (4) 'Political action committee' means any committee, club, association, partnership,
674 corporation, labor union, or other group of persons which receives donations aggregating
675 in excess of \$1,000.00 during a calendar year from persons who are members or
676 supporters of the committee and which distributes these funds as contributions to one or
677 more campaign committees of candidates for public office. Such term ~~does~~ shall not
678 ~~mean~~ include a candidate's campaign committee.

679 (5) 'Regulated entity' means any person who is required by law to be licensed by an
680 elected executive officer or a board under the jurisdiction of an elected executive officer,
681 any person who leases property owned by or for a state department, any person who
682 engages in a business or profession which is regulated by an elected executive officer or
683 by a board under the jurisdiction of an elected executive officer, or any public utility
684 corporation regulated by the Public Service Commission. For purposes of this paragraph,
685 public utility corporation regulated by the Public Service Commission shall have the
686 same meaning as provided by subsection (f) of Code Section 21-5-30.

687 (b) No regulated entity and no person or political action committee acting on behalf of a
688 regulated entity shall make a contribution to or on behalf of a person holding office as an
689 elected executive officer regulating such entity or to or on behalf of a candidate for the
690 office of an elected executive officer regulating such entity or to or on behalf of a campaign
691 committee of any such candidate.

692 (c) No person holding office as an elected executive officer and no candidate for the office
693 of an elected executive officer and no campaign committee of a candidate for the office of
694 an elected executive officer shall accept a contribution in violation of subsection (b) of this
695 Code section.

696 (d) Nothing contained in this Code section shall be construed to prevent any person who
697 may be employed by a regulated entity, including a person in whose name a license or lease
698 is held, or who is an officer of a regulated entity from voluntarily making a campaign
699 contribution from that person's personal funds to or on behalf of a person holding office as
700 an elected executive officer regulating such entity or to or on behalf of a candidate for the

701 office of an elected executive officer regulating such entity or to or on behalf of a campaign
702 committee of any such candidate; provided, however, that:

- 703 (1) The elected executive officer or candidate receiving one or more campaign
704 contributions described in this subsection shall in his or her disclosure report under Code
705 Section 21-5-34 separately identify each contribution and the total of contributions which
706 he or she knows or should have reason to know are described in this subsection; and
707 (2) It shall be unlawful for any regulated entity or elected executive officer to require
708 another by coercive action to make any such contribution.

709 21-5-30.2.

710 (a) Except as otherwise provided in this subsection, the definitions set forth in Code
711 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this
712 Code section, the term:

713 (1) 'Agency' means:

714 (A) Every state department, agency, board, bureau, commission, and authority;

715 (B) Every county, municipal corporation, school district, or other political subdivision
716 of this state;

717 (C) Every department, agency, board, bureau, commission, authority, or similar body
718 of each such county, municipal corporation, or other political subdivision of this state;
719 and

720 (D) Every city, county, regional, or other authority established pursuant to the laws of
721 this state.

722 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
723 advance or deposit of money, or anything of value conveyed or transferred by or on
724 behalf of an agency, without receipt of payment therefor, to any campaign committee,
725 political action committee, or political organization or to any candidate ~~for campaign~~
726 ~~purposes~~.

727 (3) 'Elector' means any person who shall possess all of the qualifications for voting now
728 or hereafter prescribed by the laws of this state and who shall have registered in
729 accordance with Chapter 2 of this title.

730 (4) 'Political action committee' means any committee, club, association, partnership,
731 corporation, labor union, or other group of persons which receives donations aggregating
732 in excess of \$1,000.00 during a calendar year from persons who are members or
733 supporters of the committee and which distributes these funds as contributions to one or
734 more campaign committees of candidates for public office. Such term ~~does~~ shall not
735 ~~mean~~ include a candidate's campaign committee.

736 (5) 'Political organization' means an affiliation of electors organized for the purpose of
 737 influencing or controlling the policies and conduct of government through the nomination
 738 of candidates for public office and, if possible, the election of its candidates to public
 739 office.

740 (6) 'Public meeting place' means any county, municipal, or other public building suitable
 741 and ordinarily used for public gatherings.

742 (b) No agency and no person acting on behalf of an agency shall make, directly or
 743 indirectly, any contribution to any campaign committee, political action committee, ~~or~~
 744 political organization, or independent committee or to any candidate; but nothing in this
 745 Code section shall prohibit the furnishing of office space, facilities, equipment, goods, or
 746 services to a public officer for use by the public officer in such officer's fulfillment of such
 747 office.

748 (c) No campaign committee, political action committee, ~~or~~ political organization, or
 749 independent committee or candidate shall accept a contribution ~~in violation of prohibited~~
 750 by subsection (b) of this Code section.

751 (d) Nothing contained in this Code section shall be construed to:

752 (1) Affect the authority of the State Personnel Board regarding the regulation of certain
 753 political activities of public employees in the classified service as defined by Code
 754 Section 45-20-2;

755 (2) Affect the authority of any agency regarding the regulation of the political activities
 756 of such agency's employees;

757 (3) Affect the use of the capitol building and grounds as specified in Code Section
 758 50-16-4; or

759 (4) Prohibit the use of public meeting places or electronic equipment by political
 760 organizations when such meeting places or equipment are made available to different
 761 political organizations on an equal basis; provided, however, that this paragraph shall not
 762 be construed to create a right for a political organization to use a public meeting place or
 763 electronic equipment.

764 21-5-31.

765 Reserved.

766 21-5-32.

767 (a) The candidate or treasurer of each campaign committee shall keep detailed accounts,
 768 current within not more than five business days after the date of receiving a contribution
 769 or making an expenditure, of all contributions received and all expenditures made by or on
 770 behalf of the candidate or committee. The candidate or treasurer shall also keep detailed

771 accounts of all deposits and of all withdrawals made to the separate campaign depository
772 and of all interest earned on any such deposits.

773 (b) Accounts kept by the candidate or treasurer of a campaign committee pursuant to this
774 Code section may be inspected under reasonable circumstances before, during, or after the
775 election to which the accounts refer by any authorized representative of the commission.
776 The right of inspection may be enforced by appropriate writ issued by any court of
777 competent jurisdiction.

778 (c) Records of such accounts kept by the candidate or campaign committee shall be
779 preserved for ~~three~~ five years from the termination date of the campaign for elective office
780 conducted by the candidate or of the campaign committee for any candidate or for three
781 years from the election to bring about the approval or rejection by the voters of any
782 proposed constitutional amendment, referendum, or local issue or of any recall vote.

783 21-5-33.

784 (a) Contributions to a candidate, a campaign committee, or a public officer holding
785 elective office and any proceeds from investing such contributions shall be utilized only
786 to defray ordinary and necessary expenses, which may include any loan of money from a
787 candidate or public officer holding elective office to the campaign committee of such
788 candidate or such public officer, incurred in connection with such candidate's campaign for
789 elective office or such public officer's fulfillment or retention of such office.

790 (b)(1) All contributions received by a candidate or such candidate's campaign committee
791 or a public officer holding elective office in excess of those necessary to defray expenses
792 pursuant to subsection (a) of this Code section and as determined by such candidate or
793 such public officer may only be used as follows:

794 (A) As contributions to any charitable organization described in 26 U.S.C.
795 Section 170(c) as said federal statute ~~exists~~ existed on March 1, 1986, and which
796 additionally shall include educational, eleemosynary, and nonprofit organizations;

797 (B) Except as otherwise provided in subparagraph (D) of this paragraph, for transferral
798 without limitation to any national, state, or local committee of any political party or to
799 any candidate;

800 (C) For transferral without limitation to persons making such contributions, not to
801 exceed the total amount cumulatively contributed by each such transferee;

802 (D) For use in future campaigns for only that elective office for which those
803 contributions were received. With respect to contributions held on January 1, 1992, or
804 received thereafter, in the event the candidate, campaign committee, or public officer
805 holding elective office has not designated, prior to receiving contributions to which this
806 Code section is applicable, the office for which campaign contributions are received

807 thereby, those contributions shall be deemed to have been received for the elective
 808 office which the candidate held at the time the contributions were received or, if the
 809 candidate did not then hold elective office, those contributions shall be deemed to have
 810 been received for that elective office for which that person was a candidate most
 811 recently following the receipt of such contributions; or

812 (E) For repayment of any prior campaign obligations incurred as a candidate.

813 (2) Any candidate or public officer holding elective office may provide in the will of
 814 such candidate or such public officer that the contributions shall be spent in any of the
 815 authorized manners upon the death of such candidate or such public officer; and, in the
 816 absence of any such direction in the probated will of such candidate or such public
 817 officer, the contributions shall be paid to the treasury of the state party with which such
 818 candidate or such public officer was affiliated in such candidate's or such public officer's
 819 last election or elective office after the payment of any expenses pursuant to
 820 subsection (a) of this Code section. Notwithstanding any other provisions of this
 821 paragraph, the personal representative or executor of the estate shall be allowed to use or
 822 pay out funds in the campaign account in any manner authorized in ~~subparagraphs (A)~~
 823 ~~through (E)~~ of paragraph (1) of this subsection.

824 (c) Contributions and interest thereon, if any, shall not constitute personal assets of such
 825 candidate or such public officer.

826 (d)(1) Contributions received by a campaign committee designed to bring about the
 827 recall of a public officer holding elective office or to oppose the recall of a public officer
 828 holding elective office or any person or to bring about the approval or rejection by the
 829 voters of any proposed constitutional amendment, a state-wide referendum, or a proposed
 830 question which is to appear on the ballot in any county or municipal election and any
 831 proceeds derived from investing such contributions shall be utilized only to defray
 832 ordinary and necessary expenses associated with influencing the voters on such issue.

833 (2) All contributions received by a campaign committee as provided in paragraph (1) of
 834 this subsection in excess of those necessary to defray expenses relative to the influencing
 835 of voters on such issue as determined by the campaign committee may only be used as
 836 follows:

837 (A) Contributions to any charitable organization described in 26 U.S.C. Section 170(c)
 838 as such federal statute ~~exists~~ existed on March 1, 1986, and which additionally shall
 839 include educational, eleemosynary, and nonprofit organizations; or

840 (B) For repayment on a pro rata basis to persons making such contributions.

841 21-5-34.

842 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
 843 organized to bring about the nomination or election of a candidate for any office and
 844 the chairperson or treasurer of every campaign committee designed to bring about the
 845 recall of a public officer or to oppose the recall of a public officer or designed to bring
 846 about the approval or rejection by the voters of any proposed constitutional amendment,
 847 state-wide proposed question, or state-wide referendum shall electronically sign and file
 848 with the commission the required campaign contribution disclosure reports; provided,
 849 however, that public offices listed in subparagraph (F) or (G) of paragraph ~~(22)~~ (30) of
 850 Code Section 21-5-3 shall be subject to signing and filing requirements as prescribed
 851 by paragraph (3) or (4) of this subsection, and recalls for such offices shall be subject
 852 to signing and filing requirements the same as required of candidates for such offices
 853 as prescribed by paragraph (3) or (4) of this subsection.

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

856 (2)(A) Any campaign committee which accepts contributions or makes expenditures
 857 designed to bring about the approval or rejection by the voters of any proposed question
 858 which is to appear on the ballot in this state shall register with the commission and file
 859 campaign contribution disclosure reports as prescribed by this chapter or, in the case
 860 of any proposed question which is to appear on the ballot in a county or municipal
 861 election, shall register and file campaign disclosure reports with the same officials as
 862 prescribed by paragraph (3) or (4) of this subsection for candidates for county or
 863 municipal offices; provided, however, that such reports shall only be required if such
 864 campaign committee has received contributions which total more than \$500.00 or if
 865 such campaign committee has made expenditures which total more than \$500.00. All
 866 advertising pertaining to referendums shall identify the principal officer of such
 867 campaign committee by listing or stating the name and title of the principal officer.

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

872 (3) A candidate for a public office listed in subparagraph (F) of paragraph ~~(22)~~ (30) of
 873 Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign
 874 committee shall sign and file the required disclosure reports with the ~~election~~
 875 ~~superintendent in the county of election. Upon receipt of any such report, the election~~
 876 ~~superintendent shall cause such report to be available for inspection and copying in~~
 877 ~~accordance with Article 4 of Chapter 18 of Title 50. The election superintendent shall~~

878 ~~transmit a copy of each such report to the commission, electronically by eFiling or eFax,~~
 879 ~~not later than 30 days after the end of the grace period. No fine, fee, or sanction,~~
 880 ~~including but not limited to identifying a candidate as having filed late or failed to file,~~
 881 ~~shall be imposed by the commission on a candidate for the failure of the election~~
 882 ~~superintendent to timely transmit a copy of such report commission and may file such~~
 883 ~~reports either electronically on the commission's website or on paper using a form~~
 884 ~~promulgated by the commission.~~

885 (4) A candidate for a public office listed in subparagraph (G) of paragraph ~~(22)~~ (30) of
 886 Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign
 887 committee shall sign and file the required disclosure reports with the ~~municipal clerk in~~
 888 ~~the municipality of election or, if there is no clerk, with the chief executive officer of the~~
 889 ~~municipality; provided, however, that a municipality and a county may enter into an~~
 890 ~~agreement whereby such candidates, chairpersons, or treasurers shall file the required~~
 891 ~~disclosure reports with the county election superintendent instead. Upon receipt of any~~
 892 ~~such report, the municipal clerk, chief executive officer of the municipality, or county~~
 893 ~~election superintendent, as applicable, shall cause such report to be available for~~
 894 ~~inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The~~
 895 ~~municipal clerk, chief executive officer of the municipality, or county election~~
 896 ~~superintendent, as applicable, shall transmit a copy of each such report to the~~
 897 ~~commission, electronically by eFiling or eFax, not later than 30 days after the end of the~~
 898 ~~grace period. No fine, fee, or sanction, including but not limited to identifying a~~
 899 ~~candidate as having filed late or failed to file, shall be imposed by the commission on a~~
 900 ~~candidate for the failure of the municipal clerk, chief executive officer of the county, or~~
 901 ~~county election superintendent to timely transmit a copy of such report commission and~~
 902 ~~may file such reports either electronically on the commission's website or on paper using~~
 903 ~~a form promulgated by the commission.~~

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

- 905 (A) As to any contribution of more than \$100.00, its amount and date of receipt, the
 906 election for which the contribution has been accepted and allocated, along with the
 907 name and mailing address of the contributor, and, if the contributor is an individual, that
 908 individual's occupation and the name of his or her employer. Such contributions shall
 909 include, but shall not be limited to, the purchase of tickets for events such as dinners,
 910 luncheons, rallies, and similar fund-raising events coordinated for the purpose of raising
 911 campaign contributions for the reporting person;
- 912 (B) As to any expenditure of more than \$100.00, its amount and date of expenditure,
 913 the name and mailing address of the recipient receiving the expenditure, and, if that

914 recipient is an individual, that individual's occupation and the name of his or her
915 employer and the general purpose of the expenditure;

916 (C) When a contribution consists of a loan, advance, or other extension of credit, the
917 report shall also contain the name of the lending institution or party making the advance
918 or extension of credit and the names, mailing addresses, occupations, and places of
919 employment of all persons having any liability for repayment of the loan, advance, or
920 extension of credit; and, if any such persons shall have a fiduciary relationship to the
921 lending institution or party making the advance or extension of credit, the report shall
922 specify such relationship;

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

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

928 (ii) Subsequent reports shall list the total contributions received during the period
929 covered by the report and the cumulative total of contributions received during the
930 election cycle;

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

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

936 (v) If a public officer seeks reelection to the same public office, or if the public
937 officer is a member of the General Assembly seeking reelection in another district as
938 a result of redistricting, the net balance on hand at the end of the current election cycle
939 shall be carried forward to the first report of the applicable new election cycle;

940 (E) The corporate, labor union, or other affiliation of any political action committee or
941 independent committee making a contribution of more than \$100.00;

942 (F) Any investment made with funds of a campaign committee, independent
943 committee, or political action committee and held outside such committee's official
944 depository account during each reporting period for which an investment exists or a
945 transaction applying to an identifiable investment is made. The report shall identify the
946 name of the entity or person with whom such investment was made, the initial and any
947 subsequent amount of such investment if such investment was made during the
948 reporting period, and any profit or loss from the sale of such investment occurred
949 during such reporting period; and

950 (G) Total debt owed on the last day of the reporting period.

951 (2) Each report shall be in such form as will allow for the separate identification of a
952 contribution or contributions which are less than \$100.00 but which become reportable
953 due to the receipt of an additional contribution or contributions which when combined
954 with such previously received contribution or contributions cumulatively equal or exceed
955 \$100.00.

956 (c) Candidates or campaign committees which accept contributions, make expenditures
957 designed to bring about the nomination or election of a candidate, or have filed a
958 declaration of intention to accept campaign contributions pursuant to subsection (g) of
959 Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance
960 with the following schedule:

961 (1) In each nonelection year on January 31 and June 30;

962 (2) In each election year:

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

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

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

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

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

975 All persons or entities required to file reports shall have a five-day grace period in filing
976 the required reports, except that the grace period shall be two days for required reports
977 prior to run-off primaries or run-off elections, and no grace period shall apply to
978 contributions required to be reported within two business days. Reports required to be filed
979 within two business days of a contribution shall be reported by facsimile or electronic
980 transmission. Any facsimile filing shall also have an identical electronic filing within five
981 business days following the transmission of such facsimile filing. Each report required in
982 the election year shall contain cumulative totals of all contributions which have been
983 received and all expenditures which have been made in support of the campaign in question
984 and which are required, or previously have been required, to be reported.

985 (d) In the event any candidate covered by this chapter has no opposition in either a primary
986 or a general election and receives no contribution of more than \$100.00, such candidate

987 shall only be required to ~~make the initial and final report as required under this chapter~~ file
 988 the January 31 and December 31 reports in the election year.

989 (d.1)(1) In the event a candidate for nomination or election to a public office listed in
 990 subparagraph (F) or (G) of paragraph ~~(22)~~ (30) of Code Section 21-5-3 or the chairperson
 991 or treasurer of a campaign committee organized to bring about the nomination or election
 992 of such candidate signs and files with the commission ~~the appropriate official specified~~
 993 ~~by paragraph (3) or (4) of subsection (a) of this Code section~~ a written notice that such
 994 candidate or campaign committee does not intend to accept during such election cycle a
 995 combined total of contributions exceeding \$2,500.00 for the campaign nor make a
 996 combined total of expenditures exceeding \$2,500.00 for the campaign in such election
 997 cycle, then such candidate or campaign committee shall not be required to file a report
 998 under this Code section. The appropriate official shall transmit to the commission an
 999 electronic copy of the written notice ~~by eFiling or eFax to the commission in a manner~~
 1000 the commission directs within ten days of receipt of such notice. The failure of the
 1001 appropriate official to timely transmit such copy of the written notice to the commission
 1002 shall not disqualify the candidate or campaign committee from the exemption from report
 1003 filing provided by this paragraph.

1004 (2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either
 1005 accepting contributions or making expenditures for such campaign during such election
 1006 cycle as specified in paragraph (1) of this subsection but does not accept a combined total
 1007 of contributions exceeding \$5,000.00 in such election cycle nor make expenditures
 1008 exceeding \$5,000.00 in such election cycle, then such candidate or campaign committee
 1009 shall be required to file only the June 30 and December 31 reports required by
 1010 paragraph (2) of subsection (c) of this Code section. The first such report shall include
 1011 all contributions received and expenditures made beginning January 1 of such calendar
 1012 year.

1013 (3) If such candidate or campaign committee accepts a combined total of contributions
 1014 exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign
 1015 during any such election cycle, then such candidate or campaign committee chairperson
 1016 or treasurer shall thereupon be subject to the reporting requirements of this Code section
 1017 the same as if the written notice authorized by this subsection had not been filed.

1018 (e) Any person who makes contributions to, accepts contributions for, or makes
 1019 expenditures on behalf of candidates, and any independent committee, shall file a
 1020 registration in the same manner as is required of campaign committees prior to accepting
 1021 or making contributions or expenditures. Such persons, other than independent
 1022 committees, shall also file campaign contribution disclosure reports at the same times as

1023 required of the candidates they are supporting. The following persons shall be exempt
1024 from the foregoing registration and reporting requirements:

1025 (1) Individuals making aggregate contributions of \$25,000.00 or less directly to
1026 candidates or the candidates' campaign committees in one calendar year;

1027 (2) Persons other than individuals making aggregate contributions and expenditures to
1028 or on behalf of candidates of \$25,000.00 or less in one calendar year; and

1029 (3) Contributors who make contributions to only one candidate during one calendar year.

1030 (f)(1) Any independent committee which accepts contributions or makes expenditures
1031 for the purpose of affecting the outcome of an election or advocates the election or defeat
1032 of any candidate shall register with the commission prior to accepting contributions or
1033 making expenditures and shall file disclosure reports as follows:

1034 (A) On the first day of each of the two calendar months preceding any such election;

1035 (B) Two weeks prior to the date of such election; and

1036 (C) Within the two-week period prior to the date of such election the independent
1037 committee shall report within two business days any contributions or expenditure of
1038 more than \$1,000.00.

1039 The independent committee shall file a final report prior to December 31 of the election
1040 year and shall file supplemental reports on June 30 and December 31 of each year that
1041 such independent committee continues to accept contributions or make expenditures.

1042 (2) Reports filed by independent committees shall list the following:

1043 (A) The amount and date of receipt, along with the name, mailing address, occupation,
1044 and employer of any person making a contribution of more than \$100.00;

1045 (B) The name, mailing address, occupation, and employer of any person to whom an
1046 expenditure or provision of goods or services of the value of more than \$100.00 is made
1047 and the amount, date, and general purpose thereof, including the name of the candidate
1048 or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the
1049 expenditure or provision was made;

1050 (C) Total expenditures made as follows:

1051 (i) Expenditures shall be reported for the applicable reporting year;

1052 (ii) The first report of a reporting year shall list the total expenditures made during
1053 the period covered by the report; and

1054 (iii) Subsequent reports shall list the total expenditures made during the period
1055 covered by the report, the cumulative total of expenditures made during the reporting
1056 year, and net balance on hand; and

1057 (D) The corporate, labor union, or other affiliation of any political action committee,
1058 candidate, campaign committee, or independent committee making a contribution of
1059 the value of more than \$100.00.

1060 (3) Whenever any independent committee makes an expenditure for the purpose of
1061 financing any communication intended to affect the outcome of an election, such
1062 communication shall clearly state that it has been financed by such independent
1063 committee.

1064 (g) Any campaign committee which accepts contributions or makes expenditures designed
1065 to bring about the recall of a public officer or to oppose the recall of a public officer shall
1066 file campaign contribution disclosure reports as follows:

1067 (1) An initial report shall be filed within 15 days after the date when the official recall
1068 petition forms were issued to the sponsors;

1069 (2) A second report shall be filed 45 days after the filing of the initial report;

1070 (3) A third report shall be filed within 20 days after the election superintendent certifies
1071 legal sufficiency or insufficiency of a recall petition; and

1072 (4) A final report shall be filed prior to December 31 of the year in which the recall
1073 election is held or, in any case where such recall election is not held, a final report shall
1074 be filed prior to December 31 of any year in which such campaign committee accepts
1075 such contributions or makes such expenditures.

1076 (h) Any campaign committee which accepts contributions or makes expenditures designed
1077 to bring about the approval or rejection by the voters of a proposed constitutional
1078 amendment or a state-wide referendum shall file a campaign contribution disclosure report
1079 75, 45, and 15 days prior to the date of the election and shall file a final report prior to
1080 December 31 of the election year.

1081 (i)(1) Any person elected to a public office who is required to file campaign contribution
1082 disclosure reports pursuant to this article shall, upon leaving public office with excess
1083 contributions, be required to file supplemental campaign contribution disclosure reports
1084 on June 30 and December 31 of each year until such contributions are expended in a
1085 campaign for elective office or used as provided in subsection (b) of Code
1086 Section 21-5-33.

1087 (2) Any person who is an unsuccessful candidate in an election and who is required to
1088 file campaign contribution disclosure reports pursuant to this article shall for the
1089 remainder of the election cycle file such reports at the same times as a successful
1090 candidate and thereafter, upon having excess contributions from such campaign, be
1091 required to file a supplemental campaign contribution disclosure report no later than
1092 December 31 of each year until such contributions are expended in a campaign for
1093 elective office or used as provided in subsection (b) of Code Section 21-5-33. Any
1094 unsuccessful candidate in an election who is required to file campaign contribution
1095 disclosure reports pursuant to this article and who receives contributions following such
1096 election to retire debts incurred in such campaign for elective office shall be required to

1097 file a supplemental campaign contribution disclosure report no later than December 31
1098 of each year until such unpaid expenditures from such campaign are satisfied.

1099 (j) Notwithstanding any other provision of this chapter to the contrary, soil and water
1100 conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the
1101 'Soil and Water Conservation Districts Law,' shall not be required to file campaign
1102 contribution disclosure reports under this Code section.

1103 (k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00
1104 shall be imposed ~~by the person or entity with which filing is required~~ for each report that
1105 is filed late, and notice of such late fee shall be sent to the candidate and the candidate's
1106 committee in the same manner by which the penalized report was filed with the
1107 commission. However, if the report in question was not filed or was filed with the
1108 commission in a manner other than electronic filing or certified mail, return receipt
1109 requested, the commission shall utilize certified mail, return receipt requested, to notify
1110 the candidate and the candidate's committee of the late fee due. The notice shall include
1111 the schedule of increasing late fees for late filings and the dates upon which such late fees
1112 shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day
1113 after the due date for such report if the report has not been filed by such date. A late fee
1114 of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if
1115 such report has not been filed. Notice by electronic means ~~does~~ shall not satisfy the
1116 requirements of this paragraph; and any increased late fees shall ~~be stayed~~ not be imposed
1117 until at least ten days after proper notice has been given as specified in this paragraph.

1118 (2) The commission shall retain \$25.00 of the first late fee received by the commission
1119 for processing ~~pursuant to the provisions of Code Section 45-12-92.1.~~

1120 (l) It shall be the duty of the commission or other official when it receives for filing any
1121 disclosure report or statement or other document that may be filed by mail to maintain with
1122 the filed document a copy of the postal markings or statutory overnight delivery service
1123 markings of any envelope, package, or wrapping in which the document was delivered for
1124 filing if mailed or sent after the date such filing was due.

1125 (m) Except when electronic filing is required, the mailing of such reports by United States
1126 mail with adequate postage affixed within the required filing time as determined by the
1127 official United States postage date cancellation shall be prima-facie evidence of filing. The
1128 reports required by paragraph (3) or (4) of subsection (a) of this Code section may be filed
1129 electronically with the commission or local official on paper, but a processing fee of \$40.00
1130 shall accompany each filing on paper which shall be retained by the commission. Any
1131 person or entity which is required to be registered under this Code section shall file a
1132 termination statement together with its final campaign contribution disclosure report as
1133 required by this Code section within ten days of the dissolution of a campaign or

1134 committee. The termination statement shall identify the person responsible for maintaining
1135 campaign records as required by this chapter.

1136 (n) ~~Reserved~~ Neither the commission nor any other official shall require the reporting of
1137 any more information in a campaign contribution disclosure report than is expressly
1138 required to be disclosed by this Code section.

1139 21-5-34.1.

1140 (a) Candidates, candidate committees, and public officers who are required to file
1141 campaign contribution disclosure reports with the commission shall use electronic means
1142 to file such reports with the commission using means prescribed by the commission to file
1143 such reports.

1144 (b) The filing of any campaign disclosure report required under this article shall constitute
1145 an affirmation that such report is true, complete, and correct.

1146 (c) Candidates seeking election to county or municipal offices may use electronic means
1147 to file their campaign contribution disclosure reports if such method is made available or
1148 may file by certified mail, statutory overnight delivery, or personal delivery.

1149 (d) Political action committees, independent committees, and any persons otherwise
1150 required by this article to file campaign contribution disclosure reports shall use electronic
1151 means to file such reports if such method is made available.

1152 (e) The filing of any campaign contribution disclosure report required under this article
1153 shall constitute an affirmation that the report is true, complete, and correct.

1154 21-5-35.

1155 (a) No member of the General Assembly or that member's campaign committee or public
1156 officer elected state wide or campaign committee of such public officer shall seek or accept
1157 a contribution or a pledge of a contribution to the member, the member's campaign
1158 committee, or public officer elected state wide, or campaign committee of such public
1159 officer during a legislative session.

1160 (b) Subsection (a) of this Code section shall not apply to:

1161 (1) The receipt of a contribution which is returned with reasonable promptness to the
1162 donor or the donor's agent;

1163 (2) The receipt and acceptance during a legislative session of a contribution consisting
1164 of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the
1165 legislative session;

1166 (3) The receipt of a contribution by a political party consisting of the proceeds from a
1167 dinner, luncheon, rally, or similar fundraising event in which a member of the General
1168 Assembly or a public officer elected state wide participates; or

1169 (4) A judicial officer elected state wide, a candidate for a judicial office elected state
1170 wide, or a campaign committee of such judicial officer or candidate.

1171 21-5-36.

1172 (a)(1) It shall be the duty of the commission to make the campaign contribution
1173 disclosure reports available for public inspection and copying during regular office hours
1174 commencing as soon as practicable after such reports are filed. The commission shall
1175 have the authority to charge a fee for copying such reports not to exceed the actual cost
1176 of such copying. The commission shall preserve such reports for a period of five years
1177 from the date upon which they are received.

1178 (2) A qualifying officer shall notify the commission in writing of the names and
1179 addresses of all candidates and offices sought in any election within ten days of the close
1180 of the qualification period.

1181 (b) After receiving original reports, the commission has the duty to inspect each report
1182 filed by candidates or by a campaign committee for conformity with the law and to notify
1183 the candidate or campaign committee immediately if the report does not conform with the
1184 law or is in technical violation of filing requirements. Such notification shall be by
1185 electronic means and regular United States mail.

1186 (c) Within ten business days of the close of the qualification period, qualifying officers
1187 shall electronically report to the commission the names and addresses of all candidates and
1188 offices sought by each candidate in an election and the qualifying date for such candidate.

1189 ARTICLE 2A

1190 21-5-40.

1191 As used in this article, the term:

1192 (1) 'Affiliated committees' means any two or more political committees (including a
1193 separate segregated fund) established, financed, maintained, or controlled by the same
1194 business entity, labor organization, person, or group of persons, including any parent,
1195 subsidiary, branch, division, department, or local unit thereof.

1196 (2) 'Affiliated corporation' means with respect to any business entity any other business
1197 entity related thereto: as a parent business entity; as a subsidiary business entity; as a
1198 sister business entity; by common ownership or control; or by control of one business
1199 entity by the other.

1200 ~~(3) 'Business entity' shall have the same meaning as provided in Code Section 21-5-3.~~

1201 ~~(4) Reserved.~~

1202 ~~(5)~~(3) 'Person' means an individual.

1203 ~~(6)~~(4) 'Political committee' means: (A) any partnership, committee, club, association,
 1204 organization, party caucus of the House of Representatives or the Senate, or similar entity
 1205 (other than a business entity) or any other group of persons or entities which makes a
 1206 contribution; or (B) any separate segregated fund.

1207 ~~(6.1)~~(5) 'Political party' means any political party as ~~that~~ such term is defined in
 1208 paragraph (25) of Code Section 21-2-2, as amended; provided, however, that for purposes
 1209 of this article, local, state, and national committees shall be separate political parties.

1210 ~~(6.2)~~(6) 'Public office' means the office of each elected public officer as specified in
 1211 paragraph ~~(22)~~ (30) of Code Section 21-5-3.

1212 (7) 'Separate segregated fund' means a fund which is established, administered, and used
 1213 for political purposes by a business entity, labor organization, membership organization,
 1214 or cooperative and to which the business entity, labor organization, membership
 1215 organization, or cooperative solicits contributions.

1216 21-5-41.

1217 (a) No person, corporation, political committee, or political party shall make, and no
 1218 candidate or campaign committee shall receive from any such entity, contributions to any
 1219 candidate for state-wide elected office which in the aggregate for an election cycle exceed:

- 1220 (1) Five thousand dollars for a primary election;
- 1221 (2) Three thousand dollars for a primary run-off election;
- 1222 (3) Five thousand dollars for a general election; and
- 1223 (4) Three thousand dollars for a general election runoff.

1224 (b) No person, corporation, political committee, or political party shall make, and no
 1225 candidate or campaign committee shall receive from any such entity, contributions to any
 1226 candidate for the General Assembly or public office other than state-wide elected office
 1227 which in the aggregate for an election cycle exceed:

- 1228 (1) Two thousand dollars for a primary election;
- 1229 (2) One thousand dollars for a primary run-off election;
- 1230 (3) Two thousand dollars for a general election; and
- 1231 (4) One thousand dollars for a general election runoff.

1232 (c) No business entity shall make any election contributions to any candidate which when
 1233 aggregated with contributions to the same candidate for the same election from any
 1234 affiliated corporations exceed the per election maximum allowable contribution limits for
 1235 such candidate as specified in subsection (a) of this Code section.

1236 (d) Candidates and campaign committees may separately account for contributions
 1237 pursuant to Code Section 21-5-43. Candidates and campaign committees not separately
 1238 accounting for contributions pursuant to such Code section shall not accept contributions

1239 for any election in an election cycle prior to the conclusion of the immediately preceding
1240 election in such cycle; provided, however, that contributions may be accepted for a primary
1241 election at any time in the election cycle prior to and including the date of such primary
1242 election. Upon conclusion of each election, contributions remaining unexpended may be
1243 expended on succeeding elections in the election cycle, and contributions not exceeding
1244 the contribution limits of this Code section may continue to be accepted for repayment of
1245 campaign obligations incurred as a candidate in that election except as provided in
1246 subsection (h) of this Code section.

1247 (e) Candidates and campaign committees shall designate on their disclosure reports the
1248 election for which a contribution has been accepted. Any contribution not so designated
1249 shall be presumed to have been accepted for the election on or first following the date of
1250 the contribution.

1251 (f) A contribution by a partnership shall be deemed to have been made pro rata by the
1252 partners as individuals for purposes of this Code section, as well as by the partnership in
1253 toto unless the partnership by proper action under its partnership agreement otherwise
1254 directs allocation of the contribution among the partners. At such direction of the
1255 partnership, the contribution may be allocated in any proportion among the partners,
1256 including to one or some but not all. Such allocation shall be indicated on the face of any
1257 instrument constituting the contribution or on an accompanying document referencing such
1258 instrument.

1259 (g) The contribution limitations established by this Code section shall not apply to a loan
1260 or other contribution made to a campaign committee or candidate by the candidate or a
1261 member of the family of the candidate.

1262 (h) Any candidate or campaign committee ~~who~~ which incurs loans on or after January 9,
1263 2006, in connection with the candidate's campaign for election shall not repay, directly or
1264 indirectly, such loans from any contributions made to such candidate or any authorized
1265 committee of such candidate after the date of the election for which the loan was made to
1266 the extent that such loans exceed \$250,000.00.

1267 (i) The contribution limits established by this Code section shall not apply to a bona fide
1268 loan made to a candidate or campaign committee by a state or federally chartered financial
1269 institution or a depository institution whose deposits are insured by the Federal Deposit
1270 Insurance Corporation if:

- 1271 (1) Such loan is made in the normal course of business with the expectation on the part
1272 of all parties that such loan shall be repaid; and
- 1273 (2) Such loan is based on the credit worthiness of the candidate and the candidate is
1274 personally liable for the repayment of the loan.

1275 (j) The contribution limitations provided for in this Code section shall not include
1276 contributions or expenditures made by a political party in support of a party ticket or a
1277 group of named candidates.

1278 (k) At the end of the election cycle applicable to each public office as to which campaign
1279 contributions are limited by this Code section and every four years for all other elections
1280 to which this Code section is applicable, the contribution limitations in this Code section
1281 shall be raised or lowered in increments of \$100.00 by regulation of the commission
1282 pursuant to a determination by the commission of inflation or deflation during such cycle
1283 or four-year period, as determined by the Consumer Price Index published by the Bureau
1284 of Labor Statistics of the United States Department of Labor, and such limitations shall
1285 apply until next revised by the commission. The commission shall adopt rules and
1286 regulations for the implementation of this subsection.

1287 21-5-42.

1288 For purposes of this article, a contribution to a campaign committee of a candidate for any
1289 public office shall be deemed to be a contribution to such candidate. If during any calendar
1290 year there occur both a special election, including a special primary, special primary runoff,
1291 and special election runoff, as appropriate, and a general election for the same public office
1292 and if the same person is a candidate for nomination or election at both such special
1293 election, including a special primary, special primary runoff, and special election runoff,
1294 as appropriate, and such general election, then this Code section shall apply. Where this
1295 Code section applies, a person, corporation, political committee, or political party may
1296 contribute up to the maximum amount otherwise allowable under this article to such person
1297 or such person's campaign committee for the purpose of influencing such candidate's
1298 nomination or election at the special primary, special primary runoff, special election, or
1299 special election runoff; and the same person, corporation, political committee, or political
1300 party may contribute up to the maximum amount otherwise allowable under this article for
1301 the purpose of influencing such candidate's election at the general election or general
1302 election runoff. This Code section shall be construed according to the following rules:

1303 (1) It is the general intent of this Code section to allow a person who is a candidate for
1304 election at both a special election and a general election in the same calendar year to
1305 receive up to but no more than twice the amount of contributions which could otherwise
1306 be received from any one donor during the year; and

1307 (2) Seeking nomination at a special primary or general primary shall be considered as
1308 seeking election at the ensuing special election or general election for the purpose of
1309 determining whether a person is a candidate for election at both the special election and
1310 the general election and allowing the application of this Code section; but seeking

1311 election at only a single primary and its ensuing election shall not bring this Code section
1312 into effect.

1313 21-5-43.

1314 (a)(1) A candidate or campaign committee may separately account for contributions for
1315 each election in an election cycle for which contributions are accepted. If no
1316 contributions are accepted for an election, no corresponding accounting shall be required.
1317 Subject to the contribution limits of this chapter, contributions so separately accounted
1318 for may be accepted at any time in the election cycle. Upon the conclusion of each
1319 election, contributions not exceeding such limits may continue to be accepted for
1320 repayment of campaign obligations incurred as a candidate in that election.

1321 (2) A candidate who wishes to accept contributions for more than one election at a time
1322 shall separately account for such campaign contributions and shall file an 'Option to
1323 Choose Separate Accounting' form with the commission prior to accepting contributions
1324 for any election other than the candidate's next upcoming election; provided, however,
1325 that a candidate shall only be required to file one such form which shall be utilized for
1326 all subsequent elections to the same elective office, regardless of whether an election
1327 occurs in a new election cycle.

1328 (3) A candidate who accepts contributions for more than one election at a time may
1329 allocate contributions received from a single contributor to any election in the election
1330 cycle, provided that the contributions shall not violate maximum allowable contribution
1331 limits for any election; provided, however, that in order to allocate contributions to a past
1332 election, the candidate shall have outstanding campaign debt from the previous election.

1333 (b) Contributions separately accounted for shall not be expended on a prior election except
1334 in conformance with this Code section. Contributions separately accounted for in a
1335 primary election may be expended at any time during the election cycle prior to and
1336 including the date of the primary.

1337 (c) Contributions remaining unexpended after the date of the election may be expended
1338 for any future election in the same election cycle without regard to the limitations of Code
1339 Section 21-5-41. If there are no further elections in the election cycle or if the candidate
1340 or the candidate of the campaign committee is not on the ballot of a further election in the
1341 election cycle, such contributions may be used only as provided in Code Section 21-5-33.

1342 (d) Contributions accepted and separately accounted for in an election which does not
1343 occur or for which the candidate does not qualify or for which the candidate does not
1344 appear on the ballot, if unexpended, shall be returned to the contributors thereof pro rata
1345 without interest. Any portion thereof which cannot be returned to the original contributor
1346 thereof shall be expended only as provided in Code Section 21-5-33.

1347 (e) The commission shall adopt such rules and regulations as are necessary to carry out the
 1348 purposes of this Code section in accordance with Chapter 13 of Title 50, the 'Georgia
 1349 Administrative Procedure Act.'

1350 ARTICLE 3

1351 21-5-50.

1352 (a)(1) Except as modified in subsection (c) of this Code section with respect to
 1353 candidates for state-wide elected public office, each public officer, as defined in
 1354 subparagraphs (A) through (D) of paragraph ~~(22)~~ (30) of Code Section 21-5-3, shall file
 1355 with the commission not before the first day of January nor later than July 1 of each year
 1356 in which such public officer holds office other than an election year a financial disclosure
 1357 statement for the preceding calendar year; and each person who qualifies as a candidate
 1358 for election as a public officer, as defined in subparagraphs (A) through (D) of
 1359 paragraph ~~(22)~~ (30) of Code Section 21-5-3, shall file with the commission, no later than
 1360 the fifteenth day following the date of qualifying as a candidate, a financial disclosure
 1361 statement for the preceding calendar year.

1362 (2) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in
 1363 subparagraph (E) of paragraph ~~(22)~~ (30) of Code Section 21-5-3, shall not be required to
 1364 file a financial disclosure statement pursuant to this Code section. Each such public
 1365 officer shall, however, be deemed to be a public official for purposes of Code
 1366 Section 45-10-26 and shall be subject to the disclosure requirements set forth in Code
 1367 Section 45-10-26. In addition, each such public officer shall file with the commission,
 1368 prior to January 31 each year, an affidavit confirming that such public officer took no
 1369 official action in the previous calendar year that had a material effect on such public
 1370 officer's private financial or business interests.

1371 (3) A public officer, as defined in subparagraph (E) of paragraph ~~(22)~~ (30) of Code
 1372 Section 21-5-3, who serves as a member of the commission shall be subject to the
 1373 requirements for filing financial disclosure statements set forth in paragraph (1) of this
 1374 subsection. In addition, each such public officer shall file with the commission, together
 1375 with the financial disclosure statement, an affidavit confirming that such public officer
 1376 took no official action in the previous calendar year that had a material effect on such
 1377 public officer's private financial or business interests.

1378 (3.1) A public officer, as defined in subparagraphs (F) and (G) of paragraph ~~(22)~~ (30) of
 1379 Code Section 21-5-3, shall make filings of the same kind and in the same manner as
 1380 provided in paragraph (1) of this subsection for other public officers except that filings
 1381 under this paragraph shall be made with the ~~election superintendent of the county in the~~

1382 ~~case of public officers as defined in said subparagraph (F) and shall be made with the~~
 1383 ~~municipal clerk in the municipality of election or, if there is no clerk, with the chief~~
 1384 ~~executive officer of the municipality in the case of public officers as defined in said~~
 1385 ~~subparagraph (G). The election superintendent, municipal clerk, or chief executive~~
 1386 ~~officer, as applicable, shall transmit, electronically by eFiling or eFax, a copy of each~~
 1387 ~~such report to the commission not later than 30 days after the close of the reporting~~
 1388 ~~period. No fine, fee, or sanction, including but not limited to identifying a public officer~~
 1389 ~~as having filed late or failed to file, shall be imposed by the commission on the public~~
 1390 ~~officer for the failure of the election superintendent, municipal clerk, or chief executive~~
 1391 ~~officer to timely transmit a copy of such report commission and such reports may be filed~~
 1392 ~~either electronically on the commission's website or on paper using a form promulgated~~
 1393 ~~by the commission.~~

1394 (4) Each member of the State Transportation Board shall file a financial disclosure
 1395 statement for the preceding calendar year no later than the sixtieth day following such
 1396 member's election to the State Transportation Board. Thereafter, each board member
 1397 shall file by January 31 of each year a financial disclosure statement for the preceding
 1398 year. In addition, each board member shall file with the commission, prior to January 31
 1399 of each year, an affidavit confirming that such board member took no official action in
 1400 the previous calendar year that had a material effect on such board member's private
 1401 financial or business interests.

1402 (5) ~~The commission or the applicable official under paragraph (3.1) of this subsection~~
 1403 ~~shall review each financial disclosure statement to determine that such statement is in~~
 1404 ~~compliance with the requirements of this chapter.~~

1405 (6) A public officer shall not, however, be required to file such a financial disclosure
 1406 statement for the preceding calendar year in an election year if such public officer does
 1407 not qualify for nomination for election to succeed himself or herself or for election to any
 1408 other public office subject to this chapter. For purposes of this paragraph, a public officer
 1409 shall not be deemed to hold office in a year in which the public officer holds office for
 1410 fewer than 15 days.

1411 (b) A financial disclosure statement shall be in the form specified by the commission and
 1412 shall identify:

1413 (1) Each monetary fee or honorarium which is accepted by a filer from speaking
 1414 engagements, participation in seminars, discussion panels, or other activities which
 1415 directly relate to the official duties of the filer or the office of the public officer, with a
 1416 statement identifying the fee or honorarium accepted and the person from whom it was
 1417 accepted;

- 1418 (2) All fiduciary positions held by the candidate for public office or the filer, with a
1419 statement of the title of each such position, the name and address of the business entity,
1420 and the principal activity of the business entity;
- 1421 (3) The name, address, and principal activity of any business entity or investment,
1422 exclusive of the names of individual stocks and bonds in mutual funds, and the office
1423 held by and the duties of the candidate for public office or filer within such business
1424 entity as of December 31 of the covered year in which such candidate or officer has a
1425 direct ownership interest which:
- 1426 (A) Is more than 5 percent of the total interests in such business; or
1427 (B) Has a net fair market value of \$5,000.00 or more;
- 1428 (4)(A) Each tract of real property in which the candidate for public office or filer has
1429 a direct ownership interest as of December 31 of the covered year when that interest has
1430 a fair market value of \$5,000.00 or more. As used in this paragraph, the term 'fair
1431 market' value means the appraised value of the property for ad valorem tax purposes.
1432 The disclosure shall contain the county and state, general description of the property,
1433 and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii)
1434 \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00.
- 1435 (B) Each tract of real property in which the candidate for public office's spouse or
1436 filer's spouse has a direct ownership interest as of December 31 of the covered year
1437 when that interest has a fair market value of \$5,000.00 or more. The disclosure shall
1438 contain the county and state, general description of the property, and whether the fair
1439 market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to
1440 \$200,000.00; (iii) or more than \$200,000.00;
- 1441 (5) The filer's occupation, employer, and the principal activity and address of such
1442 employer;
- 1443 (6) The filer's spouse's name, occupation, employer, and the principal activity and
1444 address of such employer;
- 1445 (7) If the filer has actual knowledge of such ownership interest, the name of any business
1446 or subsidiary thereof or investment, exclusive of the individual stocks, bonds, or mutual
1447 funds, as of December 31 of the covered year in which the filer's spouse or dependent
1448 children, jointly or severally, own a direct ownership interest which:
- 1449 (A) Is more than 5 percent of the total interests in such business or investment,
1450 exclusive of the individual stocks and bonds in mutual funds; or
1451 (B) Has a net fair market value of more than \$10,000.00
1452 or in which the filer's spouse or any dependent child serves as an officer, director,
1453 equitable partner, or trustee; and

1454 (8)(A) As used in this paragraph, the term 'agency' has the meaning provided by Code
1455 Section 45-10-20.

1456 (B) All annual payments in excess of \$10,000.00 received by the filer or any business
1457 entity identified in paragraph (3) of this subsection from the state, any agency,
1458 department, commission, or authority created by the state, and authorized and exempted
1459 from disclosure under Code Section 45-10-25, and the agency, department,
1460 commission, or authority making the payments, and the general nature of the
1461 consideration rendered for the source of the payments. This paragraph shall not require
1462 the disclosure of payments which have already been disclosed for purposes of any other
1463 provision of this chapter.

1464 (c)(1) Each person who qualifies with a political party as a candidate for party
1465 nomination to a public office elected state wide (including an incumbent public officer
1466 elected state wide qualifying to succeed himself or herself) shall file with the
1467 commission, not later than seven days after so qualifying, a financial disclosure
1468 statement. Each person who qualifies as a candidate for election to a public office elected
1469 state wide through a nomination petition or convention shall likewise file a financial
1470 disclosure statement not later than seven days after filing his or her notice of candidacy.
1471 Such financial disclosure statement shall comply with the requirements of subsections (a)
1472 and (b) of this Code section and shall in addition identify, for the preceding five calendar
1473 years:

1474 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
1475 year in which the candidate (whether for himself or herself or on behalf of any
1476 business) or any business in which such candidate or any member of his or her family
1477 has a substantial interest or is an officer of such business has transacted business with
1478 the government of the State of Georgia, the government of any political subdivision of
1479 the State of Georgia, or any agency of any such government; and

1480 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
1481 year in which the candidate or any business in which such candidate or any member of
1482 his or her family has a substantial interest or is an officer of such business received any
1483 income of any nature from any person who was at the time of such receipt of income
1484 represented by a lobbyist registered with the commission pursuant to Article 4 of this
1485 chapter.

1486 (2) The financial disclosure statement required by paragraph (1) of this subsection shall
1487 include an itemized list of the transactions required to be reported, including the date of,
1488 dollar amount of, and parties to each such transaction. However, with respect to any
1489 transactions of a privileged nature only the total amount of such transactions shall be
1490 required to be reported, and names, dates, amounts of individual transactions, and other

1491 identifying data may be omitted; and for this purpose 'transactions of a privileged nature'
 1492 shall include transactions between attorney and client, transactions between psychiatrist
 1493 and patient, transactions between physician and patient, and any other transactions which
 1494 are by law of a similar privileged and confidential nature.

1495 (3) The financial disclosure statement required by paragraph (1) of this subsection shall
 1496 be accompanied by a financial statement of the candidate's financial affairs for the
 1497 calendar year prior to the year in which the election is held and the first quarter of the
 1498 calendar year in which the election is held.

1499 (4) As used in this subsection, the term:

1500 (A) 'Agency' means any agency, authority, department, board, bureau, commission,
 1501 committee, office, or instrumentality of the State of Georgia or any political subdivision
 1502 of the State of Georgia.

1503 (B) 'Financial statement' means a statement of a candidate's financial affairs in a form
 1504 substantially equivalent to the short form financial statement required for bank directors
 1505 under the rules of the Department of Banking and Finance.

1506 (C) 'Person' and 'transact business' shall have the meanings specified in Code
 1507 Section 45-10-20.

1508 (D) 'Substantial interest' means the direct or indirect ownership of 10 percent or more
 1509 of the assets or stock of any business.

1510 (5) Notwithstanding any other provisions of this subsection, if, due to a special election
 1511 or otherwise, a person does not qualify as a candidate for nomination or election to public
 1512 office until after the filing date otherwise applicable, such person shall make the filings
 1513 required by this subsection within seven days after so qualifying.

1514 (d) All state-wide elected officials and members of the General Assembly shall file
 1515 financial disclosure statements electronically with the commission. Local officials referred
 1516 to in subparagraph (F) or (G) of paragraph ~~(22)~~ (30) of Code Section 21-5-3 may file
 1517 electronically if such method is made available or may file by certified mail, statutory
 1518 overnight delivery, or personal delivery. Except when electronic filing is required, the
 1519 mailing of the notarized financial disclosure statement by United States mail with adequate
 1520 postage affixed within the required filing time as determined by the official United States
 1521 postage date cancellation shall be prima-facie evidence of filing.

1522 (e) The filing of any financial disclosure statement required under this article shall
 1523 constitute an affirmation that the statement is true, complete, and correct.

1524 (f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall
 1525 be imposed ~~by the person or entity with which filing is required~~ for each financial
 1526 disclosure statement that is filed late, and notice of such late fee shall be sent to the board
 1527 member, candidate, and the candidate's committee in the same manner by which the

1528 penalized report was filed with the commission. However, if the report in question was
 1529 not filed or was filed with the commission in a manner other than electronic filing or
 1530 certified mail, return receipt requested, the commission shall use certified mail, return
 1531 receipt requested, to notify the candidate and the candidate's committee of the late fee
 1532 due. The notice shall include the schedule of increasing late fees for late filings and the
 1533 dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall
 1534 be imposed on the fifteenth day after the due date for such statement if such statement has
 1535 not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the
 1536 due date for such statement if the statement has not been filed. Campaign committee
 1537 funds shall not be used to pay such penalty. Notice by electronic means shall not satisfy
 1538 the requirements of this paragraph; and any increased late fees shall ~~be stayed~~ not be
 1539 imposed until at least ten days after proper notice has been given as specified in this
 1540 paragraph.

1541 (2) The commission shall retain \$25.00 of the first late fee received by the commission
 1542 for processing pursuant to the provisions of Code Section 45-12-92.1.

1543 (g) ~~Reserved~~ Neither the commission nor any other official shall require the reporting of
 1544 any more information in a financial disclosure statement than is expressly required to be
 1545 disclosed by this Code Section.

1546 21-5-51.

1547 Financial disclosure statements filed pursuant to this article shall be public records and
 1548 shall be subject to inspection and copying by any member of the public as provided by law
 1549 for other public records.

1550 ARTICLE 4

1551 21-5-70.

1552 As used in this article, the term:

1553 (1) 'Expenditure':

1554 (A) Means a purchase, payment, distribution, loan, advance, deposit, or conveyance
 1555 of money or anything of value made for the purpose of influencing the actions of any
 1556 public officer, specifically including any such transaction which is made on behalf of
 1557 or for the benefit of a public employee for the purpose of influencing a public officer;

1558 (B) Includes any other form of payment when such can be reasonably construed as
 1559 designed to encourage or influence a public officer;

- 1560 (B.1) Includes reimbursement or payment of expenses exceeding \$75.00 provided to
1561 a public officer from any individual lobbyist for transportation, travel, lodging,
1562 registration, food, and beverages;
- 1563 (C) Includes any gratuitous transfer, payment, subscription, advance, or deposit of
1564 money, services, tickets for admission to athletic, sporting, recreational, musical
1565 concert, or other entertainment events, or anything of value, unless consideration of
1566 equal or greater than face value is received;
- 1567 (D) Includes reimbursement or payment of expenses for recreational or leisure
1568 activities; and
- 1569 (E) Does not include anything defined in paragraph (4.1) of this Code section as a
1570 lobbying expenditure, the provisions of subparagraphs (A) through (D) of this
1571 paragraph notwithstanding.
- 1572 (2) 'Filed' means the delivery to the commission, as specified in this article, of a
1573 document that satisfies the requirements of this article. A document is considered
1574 delivered when it is electronically delivered to the commission or placed in the United
1575 States mail within the required filing time, properly addressed to the commission, as
1576 specified in this article, with adequate postage affixed.
- 1577 (3) 'Identifiable group of public officers' means a description that is specifically
1578 determinable by available public records.
- 1579 (4) 'Lobbying' means the activity of a lobbyist while acting in that capacity.
- 1580 (4.1) 'Lobbying expenditure' means:
- 1581 (A) Promotional items generally distributed to the general public or to public officers
1582 and food and beverages produced in Georgia;
- 1583 (B) An award, plaque, certificate, memento, or similar item given in recognition of the
1584 recipient's civic, charitable, political, professional, or public service;
- 1585 (C) Discounts, upgrades, memberships, or other accommodations extended by a
1586 business to a bona fide customer; or legitimate salary, benefits, fees, commissions, or
1587 expenses associated with a recipient's nonpublic business, employment, trade, or
1588 profession;
- 1589 (D) Food, beverages, and registration at group events to which all members of an
1590 agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are
1591 invited. For purposes of this subparagraph, an agency shall also include the House of
1592 Representatives, the Senate, standing committees of such bodies but not for more than
1593 one of such group events per committee per calendar year, caucuses of members of the
1594 majority or minority political parties of the House or Senate, other caucuses of the
1595 House or Senate as approved by the House Committee on Ethics or the Senate Ethics
1596 Committee, and the governing body of each political subdivision of this state;

- 1597 (E) Campaign contributions or expenditures as defined by Code Section 21-5-3 and
 1598 reported as required by Article 2 of this chapter;
- 1599 (F) Reimbursement or payment of actual and reasonable expenses provided to a public
 1600 officer and his or her necessary public employee staff members for such public officer's
 1601 and staff members' individual transportation, lodging, travel, and registration for
 1602 attending educational, informational, charitable, or civic meetings or conferences that
 1603 are held at locations within the United States and directly relate to the official duties of
 1604 that public officer or the office of that public officer, plus food and beverages for such
 1605 public officer, his or her necessary public employee staff members, and spouse while
 1606 attending such educational, informational, charitable, or civic meetings or conferences;
- 1607 (G) Anything which:
- 1608 (i) Does not qualify as a lobbying expenditure under subparagraphs (A) through (F)
 1609 of this paragraph; and
- 1610 (ii) Would qualify as an expenditure under subparagraph (B.1) of paragraph (1) of
 1611 this Code section except that it does not exceed an amount or value of \$75.00 per
 1612 person lobbyist per recipient.
- 1613 (5) 'Lobbyist' means:
- 1614 (A) Any natural person who, either individually or as an employee of another person,
 1615 receives or anticipates receiving more than \$250.00 per calendar year in compensation
 1616 or reimbursement or payment of expenses specifically for undertaking to promote or
 1617 oppose the passage of any legislation by the General Assembly, or any committee of
 1618 either chamber or a joint committee thereof, or the approval or veto of legislation by the
 1619 Governor;
- 1620 (B) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
 1621 a calendar year, not including the person's own travel, food, lodging expenses, or
 1622 informational material, to promote or oppose the passage of any legislation by the
 1623 General Assembly, or any committee of either chamber or a joint committee thereof,
 1624 or the approval or veto of legislation by the Governor;
- 1625 (C) Reserved;
- 1626 (D) Any natural person who, either individually or as an employee of another person,
 1627 is compensated specifically for undertaking to promote or oppose the passage of any
 1628 ordinance or resolution by a public officer specified under subparagraph (F) or (G) of
 1629 paragraph ~~(22)~~ (30) of Code Section 21-5-3, or any committee of such public officers,
 1630 or the approval or veto of any such ordinance or resolution;
- 1631 (E) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
 1632 a calendar year, not including the person's own travel, food, lodging expenses, or
 1633 informational material, to promote or oppose the passage of any ordinance or resolution

1634 by a public officer specified under subparagraph (F) or (G) of paragraph ~~(22)~~ (30) of
 1635 Code Section 21-5-3, or any committee of such public officers, or the approval or veto
 1636 of any such ordinance or resolution;

1637 (F) Any natural person who as an employee of local government engages in any
 1638 activity covered under subparagraph (D) of this paragraph;

1639 (G) Any natural person who, for compensation, either individually or as an employee
 1640 of another person, is hired specifically to undertake influencing a public officer or state
 1641 agency in the selection of a vendor to supply any goods or services to any state agency
 1642 but does not include any employee or independent contractor of the vendor solely on
 1643 the basis that such employee or independent contractor participates in soliciting a bid
 1644 or in preparing a written bid, written proposal, or other document relating to a potential
 1645 sale to a state agency and shall not include a bona fide salesperson who sells to or
 1646 contracts with a state agency for goods or services and who does not otherwise engage
 1647 in activities described in subparagraphs (A) through (F) or (H) through (I) of this
 1648 paragraph;

1649 (H) Any natural person who, either individually or as an employee of another person,
 1650 is compensated specifically for undertaking to promote or oppose the passage of any
 1651 rule or regulation of any state agency;

1652 (I) Any natural person who, either individually or as an employee of another person,
 1653 is compensated specifically for undertaking to promote or oppose any matter before the
 1654 State Transportation Board; or

1655 (J) Any natural person who makes a lobbying expenditure of more than \$1,000.00 in
 1656 a calendar year, not including the person's own travel, food, lodging expenses, or
 1657 informational material, to promote or oppose any matter before the State Transportation
 1658 Board.

1659 (6) 'Public officer' means a member of the State Transportation Board and those public
 1660 officers specified under paragraph ~~(22)~~ (30) of Code Section 21-5-3, except as otherwise
 1661 provided in this article and also includes any public officer or employee who has any
 1662 discretionary authority over, or is a member of a public body which has any discretionary
 1663 authority over, the selection of a vendor to supply any goods or services to any state
 1664 agency.

1665 (7) 'State agency' means any branch of state government or any agency, authority,
 1666 department, board, bureau, commission, council, corporation, entity, or instrumentality
 1667 of this state or of a local political subdivision of this state.

1668 (8) 'Vendor' means any person who sells to or contracts with any state agency for the
 1669 provision of any goods or services.

1670 21-5-71.

1671 (a)(1) Subject to paragraph (2) of this subsection and except as otherwise provided by
1672 subsection (i) of this Code section, no person shall engage in lobbying as defined by this
1673 article unless such person is registered with the commission as a lobbyist. The
1674 commission shall not allow a person who has been convicted of a felony involving moral
1675 turpitude in the courts of this state or an offense that, had it occurred in this state, would
1676 constitute a felony involving moral turpitude under the laws of this state to become a
1677 registered lobbyist unless ten years or more have elapsed since the completion of the
1678 person's sentence. The administration of this article is vested in the commission.

1679 (2) When a person is hired or retained as an employee or agent or independent contractor
1680 and under the agreement of the parties the primary duties, or a substantial part of the
1681 duties, of the person will involve lobbying activities, the person shall register as a
1682 lobbyist before commencing lobbying activities.

1683 (b) Each lobbyist who is required to register under this article shall file an application for
1684 registration with the commission. The application shall be verified by the applicant and
1685 shall contain:

1686 (1) The applicant's name, address, and telephone number;

1687 (2) The name, address, and telephone number of the person or agency that employs,
1688 appoints, or authorizes the applicant to lobby on its behalf;

1689 (3) A statement of the general business or purpose of each person, firm, corporation,
1690 association, or agency the applicant represents;

1691 (4) If the applicant represents a membership group other than an agency or corporation,
1692 the general purpose and approximate number of members of the organization;

1693 (5) A statement signed by the person or agency employing, appointing, or authorizing
1694 the applicant to lobby on its behalf;

1695 (6) If the applicant is a lobbyist attempting to influence rule making or purchasing by a
1696 state agency or agencies, the name of the state agency or agencies before which the
1697 applicant engages in lobbying;

1698 (7) A statement disclosing each individual or entity on whose behalf the applicant is
1699 registering if such individual or entity has agreed to pay him or her an amount exceeding
1700 \$10,000.00 in a calendar year for lobbying activities; and

1701 (8) A statement verifying that the applicant has not been convicted of a felony involving
1702 moral turpitude in the courts of this state or an offense that, had it occurred in this state,
1703 would constitute a felony involving moral turpitude under the laws of this state or, if the
1704 applicant has been so convicted, a statement identifying such conviction, the date thereof,
1705 a copy of the person's sentence, and a statement that more than ten years have elapsed
1706 since the completion of his or her sentence.

1707 (c) The lobbyist shall, prior to any substantial or material change or addition, file a
 1708 supplemental registration indicating such substantial or material change or addition to the
 1709 registration prior to its expiration. Previously filed information may be incorporated by
 1710 reference. Substantial or material changes or additions shall include, but are not limited
 1711 to, the pertinent information concerning changes or additions to client and employment
 1712 information required by paragraphs (2), (3), (4), (6), and (7) and conviction status required
 1713 by paragraph (8) of subsection (b) of this Code section.

1714 (d) Each registration under this Code section shall expire on December 31 of each year.
 1715 The commission may establish renewal procedures for those applicants desiring continuous
 1716 registrations. Previously filed information may be incorporated by reference.

1717 (e) The commission shall provide a suitable public docket for registration under this Code
 1718 section with appropriate indices and shall enter promptly therein the names of the lobbyists
 1719 and the organizations they represent.

1720 (f)(1) Each person registering under this Code section shall pay the registration fees set
 1721 forth in paragraph (2) of this subsection; provided, however, that a person who represents
 1722 any state, county, municipal, or public agency, department, commission, or authority
 1723 shall be exempted from payment of such registration fees.

1724 (2)(A) There shall be no charge for annual lobbyist registration or renewal filed
 1725 pursuant to this Code section; provided, however, that the commission shall set, collect,
 1726 and retain the fees for the following items:

1727 (i) Lobbyist identification card issued pursuant to this Code section;
 1728 (ii) Lobbyist supplemental registration filed pursuant to this Code section; and
 1729 (iii) Each replacement of a lobbyist identification card issued pursuant to this Code
 1730 section.

1731 (B)(i) For reports filed when the General Assembly is not in session, in addition to
 1732 other penalties provided under this chapter, a late fee of \$275.00 shall be imposed for
 1733 each report that is filed late. ~~In addition, a late fee of \$1,000.00 shall be imposed on~~
 1734 ~~the fifteenth day after the due date for such report if the report has not been filed. A~~
 1735 ~~late fee of \$10,000.00 shall be imposed on the forty-fifth day after the due date for~~
 1736 ~~such report if the report has not been filed~~ If a late report is not filed within ten
 1737 business days of notice to the lobbyist by e-mail or written notice from the
 1738 commission, the lobbyist shall be suspended by operation of law from any further
 1739 lobbying activity until filing the late report, payment of the late fee, and notice from
 1740 the commission that the report and fee have been accepted and the suspension has
 1741 been lifted.

1742 (ii) The commission shall retain \$25.00 of the first late fee received for processing
 1743 pursuant to the provisions of Code Section 45-12-92.1.

1744 (C)(i) For reports filed when the General Assembly is in session, in addition to other
 1745 penalties provided under this chapter, a late fee of ~~\$275.00~~ \$500.00 shall be imposed
 1746 for each report that is filed late. ~~In addition, a late fee of \$1,000.00 shall be imposed~~
 1747 ~~on the seventh day after the due date for such report if the report has not been filed.~~
 1748 ~~A late fee of \$10,000.00 shall be imposed on the twenty-first day after the due date~~
 1749 ~~for such report if the report has not been filed~~ If a late report is not filed within two
 1750 business days of notice to the lobbyist by e-mail or written notice from the
 1751 commission, the lobbyist shall be suspended by operation of law from any further
 1752 lobbying activity until filing the late report, payment of the late fee, and notice from
 1753 the commission that the report and fee have been accepted and the suspension has
 1754 been lifted.

1755 (ii) The commission shall retain \$25.00 of the first late fee received for processing
 1756 pursuant to the provisions of Code Section 45-12-92.1.

1757 (g) As soon as practicable after registering any such person, the commission shall issue to
 1758 such person an identification card which shall have printed thereon the name of the
 1759 lobbyist, a color photograph of the lobbyist, and the person or agency such lobbyist
 1760 represents, provided that, when any such person represents more than one entity, such
 1761 identification card shall have printed thereon the name of the registered person and the
 1762 word 'LOBBYIST.' Each lobbyist while engaged in lobbying at the capitol or in a
 1763 government facility shall display said identification in a readily visible manner.

1764 (h) The commission shall regularly publish ~~in print or electronically~~ public rosters of
 1765 lobbyists along with the respective persons, firms, corporations, associations, agencies, or
 1766 governmental entities they represent. During sessions of the General Assembly, the
 1767 commission shall weekly report to the Clerk of the House of Representatives, the Secretary
 1768 of the Senate, and the Governor those persons who have registered as lobbyists since the
 1769 convening of the General Assembly. The commission shall be authorized to charge a
 1770 reasonable fee for providing copies of the roster to the public.

1771 (i) The registration provisions of this Code section shall not apply to:

1772 (1) Any individual who communicates personal views, interests, or professional opinions
 1773 on that individual's own behalf to any public officer;

1774 (1.1) An employee or independent contractor of a vendor who solely participates in
 1775 soliciting a bid or in preparing a written bid, written proposal, or other document relating
 1776 to a potential contract with a state or local government agency or a bona fide salesperson
 1777 who sells to or contracts with a state or local government agency for goods or services,
 1778 is not hired specifically to undertake influencing a public officer or state agency in the
 1779 selection of a vendor to supply any goods or services to any state agency, and does not
 1780 engage in other activities which would make such person a lobbyist;

- 1781 (2) Any person who is invited by a public agency or governmental entity to appear
1782 before a committee or at a hearing of such agency or entity, including, but not limited to,
1783 a committee of either chamber of the General Assembly or a joint committee thereof, for
1784 the purpose of giving testimony so long as such person clearly identifies himself or
1785 herself and the interested party on whose behalf he or she is testifying;
- 1786 (3) Any person who is invited to furnish information upon the specific request of a public
1787 agency or governmental entity, including, but not limited to, a committee of either
1788 chamber of the General Assembly or a joint committee thereof, so long as such person
1789 clearly identifies himself or herself and the interested party on whose behalf he or she
1790 furnishes such information;
- 1791 (3.1) Any individual who is not compensated for the specific purpose of lobbying, does
1792 not incur more than \$250.00 per calendar year in reimbursable lobbying expenditures,
1793 and is a member, director, trustee, officer, or committee member of a business, trade,
1794 labor, farm, professional, religious, educational, or charitable association, foundation, or
1795 organization which employs or contracts with a registered lobbyist for the purpose of
1796 lobbying;
- 1797 (4) Any licensed attorney appearing on behalf of or representing a client, and any staff
1798 employed by such attorney, when such attorney is not compensated for the specific
1799 purpose of lobbying;
- 1800 (5) Any person employed or appointed by a lobbyist registered pursuant to this Code
1801 section whose duties and activities do not include lobbying;
- 1802 (6) Elected public officers or appointed public officials performing the official duties of
1803 their public office or position;
- 1804 (6.1) Any employee of the executive or judicial branch of state government; provided,
1805 however, that when such an employee is acting on behalf of such government employer,
1806 meeting with or appearing before a public officer other than one from the same branch
1807 of government which employs such employee, and engaged in activity for which
1808 registration would otherwise be required under this Code section, such employee shall
1809 be required to display an identification card, issued by such employer, which shall have
1810 printed thereon the employee's name and the name of the employer; or
- 1811 (7) Any public employee, aide, or intern who performs services at the direction of a
1812 member of the General Assembly, including, but not limited to, drafting petitions, bills,
1813 or resolutions; attending the taking of testimony; collating facts; preparing arguments and
1814 memorials and submitting them orally or in writing to a committee or member of the
1815 General Assembly; and other services of like character intended to reach the reason of the
1816 legislators.

1817 21-5-72.

1818 (a) In addition to other penalties provided in this article, the commission may by order
1819 deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist
1820 if it finds that the lobbyist:

1821 (1) Has filed an application for registration with the commission which was incomplete
1822 in a material respect or contained a statement that was, in light of the circumstances under
1823 which it was made, false or misleading with respect to a material fact;

1824 (2) Has willfully violated or willfully failed to comply with this article or a rule
1825 promulgated by the commission under this article;

1826 (3) Has failed to comply with the reporting requirements of this article; or

1827 (4) Has engaged in lobbying practices in violation of this article.

1828 (b) Application may be made to the commission for reinstatement. Such reinstatement
1829 shall be conducted in the same manner as required for an initial registration under this
1830 article and shall be conditioned upon payment of the same registration fees applicable to
1831 an initial registration and also any outstanding penalty fees.

1832 (c) Any person failing to comply with or violating any of the provisions of this article shall
1833 be subject to a civil penalty not to exceed \$2,000.00 per violation.

1834 21-5-72.1.

1835 (a) No person who is required by the law of this state to register as a lobbyist shall meet
1836 at the state capitol, Coverdell Legislative Office Building, or other state government
1837 facility with any member of the General Assembly to discuss the promotion or opposition
1838 of the passage of any legislation by the General Assembly, or any committee of either
1839 chamber or a joint committee thereof, or the override of a veto unless such person either
1840 is wearing his or her valid official registered lobbyist badge or is a resident of the House
1841 or Senate district which such member represents.

1842 (b)(1) No person who is registered as a lobbyist under Code Section 21-5-71 shall make
1843 any expenditure.

1844 (2) No public officer shall with actual knowledge accept any expenditure from a person
1845 who is registered as a lobbyist under Code Section 21-5-71.

1846 21-5-73.

1847 (a) Each lobbyist registered under this article shall file disclosure reports as provided for
1848 in this Code section in the electronic format specified by the commission.

1849 (b) A person who is required to register under this article and lobbies to promote or oppose
1850 the passage of any legislation by the General Assembly, or any committee of either
1851 chamber or a joint committee thereof, or the approval or veto of legislation by the

1852 Governor shall file a semimonthly disclosure report on the first and fifteenth day of each
 1853 month, current through the end of the preceding report, beginning January 15 and
 1854 continuing throughout the period that the General Assembly is in session.

1855 (c) A person who is required to register under this article and lobbies to promote or oppose
 1856 the passage of any ordinance or resolution by a public officer specified under subparagraph
 1857 (F) or (G) of paragraph ~~(22)~~ (30) of Code Section 21-5-3, or any committee of such public
 1858 officers, or the approval or veto of any such ordinance or resolution shall:

1859 (1) File a disclosure report, beginning on January 1, current through the end of the
 1860 preceding ~~month reporting period~~, on or before the fifth day of May; and September, ~~and~~
 1861 ~~January~~ of each year ~~instead of the reports required by subsections (b) and (d) of this~~
 1862 ~~Code section~~; and

1863 (2) File such report with the commission, file a copy of such report with the election
 1864 superintendent of each county involved if the report contains any lobbying expenditures
 1865 relating to county or county school district affairs, and file a copy of such report with the
 1866 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the
 1867 municipality) of each municipality involved if the report contains any lobbying
 1868 expenditures relating to municipal affairs or independent school district affairs.

1869 (d) A person who is required to register under this article and:

1870 (1) Lobbies to promote or oppose the passage of any legislation by the General
 1871 Assembly, or any committee of either chamber or a joint committee thereof, or the
 1872 approval or veto of legislation by the Governor;

1873 (2) As an employee of the executive branch or judicial branch of local government,
 1874 lobbies to promote or oppose the passage of any ordinance or resolution by a public
 1875 officer specified under subparagraph (F) or (G) of paragraph ~~(22)~~ (30) of Code
 1876 Section 21-5-3, or any committee of such public officers, or the approval or veto of any
 1877 such ordinance or resolution;

1878 (3) Lobbies to influence a public officer or state agency in the selection of a vendor to
 1879 supply any goods or services to any state agency; or

1880 (4) Lobbies to promote or oppose any matter before the State Transportation Board
 1881 shall file a monthly disclosure report, beginning January 1, current through the end of the
 1882 preceding reporting period, on or before the fifth day of each month; provided, however,
 1883 that such monthly reports shall not be filed during any period that the lobbyist files a
 1884 semimonthly report pursuant to subsection (b) of this Code section.

1885 (e) Reports filed by lobbyists shall be verified and shall include:

1886 (1) A description of all lobbying expenditures described in subparagraphs (D), (F), and
 1887 (G) of paragraph (4.1) of Code Section 21-5-70, or the value thereof made on behalf of
 1888 or for the benefit of a public officer or on behalf of or for the benefit of a public employee

1889 for the purpose of influencing a public officer by the lobbyist or employees of the
1890 lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has
1891 actual knowledge of such lobbying expenditure. The description of each reported
1892 lobbying expenditure shall include:

1893 (A) The name and title of the public officer or public employee or, if the lobbying
1894 expenditure is simultaneously incurred for an identifiable group of public officers or
1895 public employees the individual identification of whom would be impractical, a general
1896 description of that identifiable group;

1897 (B) The amount, date, and description of the lobbying expenditure and a summary of
1898 all spending classified by category. Such categories shall include meals, lodging,
1899 travel, and tickets;

1900 (C) The aggregate lobbying expenditures described in subparagraph (D) of
1901 paragraph (4.1) of Code Section 21-5-70 incurred during the reporting period; provided,
1902 however, that expenses for travel and for food, beverage, and lodging in connection
1903 therewith afforded a public officer or public employee shall be reported in the same
1904 manner as under subparagraphs (A), (B), and (D) of this paragraph;

1905 (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending
1906 before the governmental entity in support of or opposition to which the lobbying
1907 expenditure was made; and

1908 (E) If applicable, the rule or regulation number or description of the rule or regulation
1909 pending before the state agency in support of or opposition to which the lobbying
1910 expenditure was made;

1911 (1.1) In any case where lobbying expenditures are reported pursuant to subparagraph (A)
1912 of paragraph (1) of this Code section for an identifiable group not listed in
1913 subparagraph (D) of paragraph (1) of Code Section 21-5-70, the lobbyist shall certify on
1914 the disclosure report that no lobbying expenditure made on behalf of or for the benefit of
1915 any individual public officer exceeded \$75.00;

1916 (2) For those who are required to register under this article and lobby to influence a
1917 public officer or state agency in the selection of a vendor to supply any goods or services
1918 to any state agency, the name of any vendor or vendors for which the lobbyist undertook
1919 to influence the awarding of a contract or contracts by any state agency together with a
1920 description of the contract or contracts and the monetary amount of the contract or
1921 contracts; and

1922 (3) For those who are required to register under this article and lobby to promote or
1923 oppose the passage of any rule or regulation of any state agency, the name of the
1924 individual or entity for which the lobbyist undertook to influence the rule or regulation
1925 of a state agency.

1926 (f) The reports required by this article shall be in addition to any reports required under
 1927 Code Section 45-1-6, relating to required reports by state vendors of gifts to public
 1928 employees. Compliance with this Code section shall not excuse noncompliance with that
 1929 Code section, and compliance with that Code section shall not excuse noncompliance with
 1930 this Code section, notwithstanding the fact that in some cases the same information may
 1931 be required to be disclosed under both Code sections.

1932 (g) The electronic filing of any disclosure report required by this article shall constitute an
 1933 affirmation that such report is true, complete, and correct.

1934 ~~(h) Reserved.~~

1935 ~~(i)~~(h) All lobbyists shall have a grace period of three business days in filing all disclosure
 1936 reports.

1937 21-5-74.

1938 A lobbyist shall not be eligible for executive appointment to any board, authority,
 1939 commission, or bureau created and established by the laws of this state which regulates the
 1940 activities of a business, firm, corporation, or agency that the lobbyist represented until one
 1941 year after the expiration of the lobbyist's registration for that business, firm, corporation,
 1942 or agency.

1943 21-5-75.

1944 (a) Except as provided in subsection (b) of this Code section, on and after January 8, 2007,
 1945 persons identified in subparagraphs (A) through (D) of paragraph ~~(22)~~ (30) of Code
 1946 Section 21-5-3 and the executive director of each state board, commission, or authority
 1947 shall be prohibited from registering as a lobbyist or engaging in lobbying under this article
 1948 for a period of one year after terminating such employment or leaving such office.

1949 (b) The lobbying prohibition contained in subsection (a) of this Code section shall not
 1950 apply to persons who terminate such employment or leave such office but who remain
 1951 employed in state government.

1952 21-5-76.

1953 (a) No person, firm, corporation, or association shall retain or employ a lobbyist for
 1954 compensation contingent, in whole or in part, upon the passage or defeat of any legislative
 1955 measure, upon the adoption or decision not to adopt any state agency rule or regulation, or
 1956 upon the granting or awarding of any state contract. No lobbyist shall be employed for
 1957 compensation contingent, in whole or in part, upon the passage or defeat of any legislation,
 1958 upon the adoption or decision not to adopt any state agency rule or regulation, or upon the
 1959 granting or awarding of any state contract.

1960 (b) It shall be unlawful for any person registered pursuant to the requirements of this
1961 article or for any other person, except as authorized by the rules of the House of
1962 Representatives or Senate, to be on the floor of either chamber of the General Assembly
1963 while the same is in session."

1964

SECTION 2.

1965 All laws and parts of laws in conflict with this Act are repealed.