House Bill 48 (AS PASSED HOUSE AND SENATE)

By: Representatives Golick of the 34th, Roberts of the 154th, O`Neal of the 146th, Chambers of the 81st, and Jennings of the 82nd

A BILL TO BE ENTITLED

AN ACT

To amend Chapter 5 of Title 21 and Titles 36 and 45 of the Official Code of Georgia Annotated, relating, respectively, to ethics in government, local government, and public officers, so as to provide for the comprehensive revision of provisions regarding ethics and conflicts of interest; to provide for and change certain definitions; to change certain provisions relative to declaration of policy; to change certain provisions relating to the Ethics Commission; to provide for the timely issuance of advisory opinions by the State Ethics Commission and other matters relative to advisory opinions; to change provisions relating to the State Ethics Commission including its administrative attachment to the Secretary of State´s office; to change provisions relating to mailing complaints; to provide for rule making with regard to technical defects and the time frame for correction of technical defects in financial disclosure statements; to change certain provisions regarding connected organizations; to create certain restrictions on receipt or award of state contracts; to change certain provisions regarding contributions made to candidates and the location where certain reports are filed; to change provisions relating to contributions or expenditures other than through candidates or campaign committees and disclosure of extensions of credit; to change certain provisions regarding disclosure reports; to change certain provisions regarding electronic filing of reports; to change certain provisions relating to acceptance of campaign contributions during legislative sessions; to change certain provisions relating to maximum allowable contributions; to change certain provisions relating to accounting for and expenditure of campaign contributions; to change certain provisions relating to filing of financial disclosure statements; to change provisions relating to filing by mail; to change certain provisions relating to lobbyist registration; to change provisions relating to lobbyist disclosure reports and the contents thereof and the definition of lobbyist; to create provisions relating to a lobbyist´s eligibility for certain appointments; to provide for restrictions for lobbying activities for certain persons; to provide restrictions for lobbyists relating to contingency agreements; to provide for restrictions for lobbyists relating to presence on the floor of the House of Representatives and Senate; to correct cross-references; to create the Joint Legislative Ethics Committee; to provide for powers and duties of the committee; to

provide for the initiation of complaints; to provide for anti-nepotism provisions; to provide for penalties; to provide for restrictions on the Governor´s appointment power under certain circumstances; to provide for related matters; to provide for applicability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended by striking Code Section 21-5-2, relating to declaration of policy, and inserting in lieu thereof the following:

″21-5-2.

It is declared to be the policy of this state, in furtherance of its responsibility to protect the integrity of the democratic process and to ensure fair elections for constitutional offices; state offices; district attorneys; members of the Georgia House of Representatives and Georgia Senate; all constitutional judicial officers; and all county and municipal elected officials, to institute and establish a requirement of public disclosure of campaign contributions and expenditures relative to the seeking of such offices, to the recall of public officers holding elective office, and to the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in any county or municipal election. Further, it is the policy of this state that the state´s public affairs will be best served by disclosures of significant private interests of public officers and officials which may influence the discharge of their public duties and responsibilities. The General Assembly further finds that it is for the public to determine whether significant private interests of public officers have influenced the state´s public officers to the detriment of their public duties and responsibilities and, in order to make that determination and hold the public officers accountable, the public must have <u>reasonable</u> access to the disclosure of the significant private interests of the public officers of this state.″

SECTION 2.

Said chapter is further amended by striking Code Section 21-5-3, relating to definitions, and inserting in lieu thereof the following:

″21-5-3.

As used in this chapter, the term:

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

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

(3) 'Campaign contribution disclosure report' means a report filed with the appropriate filing officer by a candidate or the chairperson or treasurer of a campaign committee setting forth all expenditures of $101.00 or more and all contributions of $101.00 or more, including contributions and expenditures of lesser amounts when the aggregate amount thereof by or to a person is $101.00 or more for the calendar year in which the report is filed. Such report shall also include the total amount of all individual contributions received or expenditures made of less than $101.00 each. The first report required in the calendar year of the election shall contain all such expenditures made and all such contributions received by the candidate or the committee in prior years in support of the campaign in question.

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

(5) 'Commission' means the State Ethics Commission created under Code Section 21-5-4.

(6) 'Connected organization' means any organization, including any business entity, labor organization, membership organization, or cooperative, which is not a political action committee, as defined in this Code section, but which, directly or indirectly, establishes

or administers a political action committee or which provides more than 40 percent of the funds of the political action committee for a calendar year.

~~(6)~~(7) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money or anything of value conveyed or transferred for the purpose of influencing the nomination for election or election of any person for office, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in ~~any~~ this state, or a county, or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any ~~sources~~ source and on a voluntary basis. The term 'contribution' shall include other forms of payment made to candidates for office or who hold office when such fees and compensation made can be reasonably construed as a campaign contribution designed to encourage or influence a candidate or public officer holding elective office. The term 'contribution' shall also encompass transactions wherein a qualifying fee required of the candidate is furnished or paid by anyone other than the candidate.

~~(7)~~(8) 'Direct ownership interest' means the holding or possession of good legal or rightful title of property or the holding or enjoyment of real or beneficial use of the property by any person and includes any interest owned or held by a spouse of such person if such interest is held jointly or as tenants in common between the person and spouse.

~~(8)~~(9) 'Election' means a primary election; run-off election, either primary or general; special election; or general election. The term 'election' also means a recall election.

~~(8.1)~~(10) 'Election cycle' means the period from the day following the date of an election or appointment of a person to elective public office through and including the date of the next such election of a person to the same public office and shall be construed and applied separately for each elective office.

~~(9)~~(11) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit, or ~~gift~~ any transfer of money or anything of value made for the purpose of influencing the nomination for election or election of any person, bringing about the recall of a public officer holding elective office or opposing the recall of a public officer holding elective office, or the influencing of voter approval or rejection of a proposed constitutional amendment, a state-wide referendum, or a proposed question which is to appear on the ballot in ~~any~~ this state, or a county, or a municipal election in this state. The term specifically shall not include the value of personal services performed by persons who serve without compensation from any source and on a voluntary basis. The term

'expenditure' shall also include the payment of a qualifying fee for and in behalf of a candidate.

~~(10)~~(12) 'Fiduciary position' means any position imposing a duty to act primarily for the benefit of another person as an officer, director, manager, partner, guardian, or other designation of general responsibility of a business entity.

~~(11)~~(13) 'Filing officer' means that official who is designated in Code Section 21-5-34 to receive campaign contribution disclosure reports~~; provided, however, that such term shall not include the State Ethics Commission~~.

~~(12)~~(14) 'Gift' means any gratuitous transfer to a public officer, ~~the spouse of the public officer,~~ or any ~~dependents of the public officer~~ member of the family of the public officer or a loan of property or services which is not a contribution as defined in paragraph ~~(6)~~ (7) of this Code section and which is in the amount of $101.00 or more.

~~(12.1)~~(15) 'Independent committee' means any committee, club, association, partnership, corporation, labor union, or other group of persons, other than a campaign committee, political party, or political action committee, which receives donations during a calendar year from persons who are members or supporters of the committee and which expends such funds either for the purpose of affecting the outcome of an election for any elected office or to advocate the election or defeat of any particular candidate.

~~(13)~~(16) 'Intangible property' means property which is not real property and which is held for profit and includes stocks, bonds, interest in partnerships, choses in action, and other investments but shall not include any ownership interest in any public or private retirement or pension fund, account, or system and shall not include any ownership interest in any public or private life insurance contract or any benefit, value, or proceeds of such life insurance contract.

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

(18) 'Ordinary and necessary expenses' shall include, but shall not be limited to, expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.

~~(14)~~(19) 'Person' means an individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, trust, professional corporation, or other business entity recognized in the State of Georgia, labor organization, or any other organization or group of persons.

~~(14.1)~~(20) 'Political action committee' means:

(A) Any ~~any~~ committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations during a calendar year from persons who are members or supporters of the committee and which ~~distributes these~~ contributes funds ~~as contributions~~ to one or more candidates for public office or campaign committees of candidates for public office; and

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

Such term does not include a candidate campaign committee.

~~(14.2)~~(21) 'Public employee' means every person employed by the executive, legislative, or judicial branch of state government, or any department, board, bureau, agency, commission, or authority thereof.

~~(15)~~(22) 'Public officer' means:

(A) Every constitutional officer;

(B) Every elected state official;

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

(D) Each member of the General Assembly;

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

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

(G) Every elected municipal official.″

SECTION 3.

Said chapter is further amended by striking subsection (b) of Code Section 21-5-4, relating to the Ethics Commission, and inserting in lieu thereof the following:

″(b) There is created the State Ethics Commission, with such duties and powers as are set forth in this chapter. The commission shall be a successor to the State Campaign and Financial Disclosure Commission in all matters pending before the State Campaign and Financial Disclosure Commission on March 1, 1987, and may continue to investigate, prosecute, and act upon all such matters. The commission shall be governed by five members appointed as follows: three members, not more than two of whom shall be from the same political party, shall be appointed by the Governor, two for terms of three years and one for a term of two years; one member shall be appointed by the ~~Lieutenant Governor~~ Senate Committee on Assignments for a term of four years; and one member shall be appointed by the Speaker of the House of Representatives for a term of four years. The initial members shall take office on March 2, 1987. Upon the expiration of a member´s term of office, a new member, appointed in the same manner as the member whose term

of office expired as provided in this subsection, shall become a member of the commission and shall serve for a term of four years and until such member´s successor is duly appointed and qualified. If a vacancy occurs in the membership of the commission, a new member shall be appointed to the unexpired term of office by the state official who appointed the vacating member. Members of the commission shall not serve for more than one complete term of office; provided, however, that the members of the State Campaign and Financial Disclosure Commission serving on March 1, 1987, shall be eligible for appointment as initial members of the State Ethics Commission."

SECTION 4.

Said chapter is further amended by striking Code Section 21-5-5, relating to operating expenses, and inserting in lieu thereof the following:

"21-5-5.

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

SECTION 5.

Said chapter is further amended by striking Code Section 21-5-6, relating to powers and duties of the commission, and inserting in lieu thereof the following:

"21-5-6.

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

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

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

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

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

(5) To issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence;

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

(7) To adopt in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' such rules and regulations as are necessary to carry out the purposes of this chapter; and

(8) To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the ~~power~~ powers granted to it.

(b) The commission shall have the following duties:

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

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

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

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

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

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

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

(8) To determine whether the required statements and reports have been filed and, if so, whether they conform to the requirements of this chapter;

(9) To make investigations, subject to the limitations contained in Code Section ~~21-5-7~~ 21-5-7.1, with respect to the statements and reports filed under this chapter and with respect to alleged failure to file any statements or reports required under this chapter and upon receipt of the written complaint of any person, verified under oath to the best information, knowledge, and belief by the person making such complaint with respect to an alleged violation of any provision of this chapter, provided that nothing in this Code section shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this chapter;

(10)(A) To conduct a preliminary investigation, subject to the limitations contained in Code Section ~~21-5-7~~ 21-5-7.1, of the merits of a written complaint by any person who believes that a violation of this chapter has occurred, verified under oath to the best information, knowledge, and belief by the person making such complaint. If there are found no reasonable grounds to believe that a violation has occurred, the complaint shall be dismissed, subject to being reopened upon discovery of additional evidence or relevant material. If the commission determines that there are such reasonable grounds

to believe that a violation has occurred, it shall give notice by summoning the persons believed to have committed the violation to a hearing. The hearing shall be conducted in all respects in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The commission may file a complaint charging violations of this chapter, and any person aggrieved by the final decision of the commission is entitled to judicial review in accordance with Chapter 13 of Title 50; provided, however, that nothing in this Code section shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this chapter.

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

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

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

(13) To issue, upon written request, and publish written advisory opinions on the requirements of this chapter, based on a real or hypothetical set of circumstances; and each such written advisory opinion shall be issued within 60 days of the written request for the advisory opinion. The commission shall make all advisory opinions that were issued after January 9, 2006, publicly available for review and shall post these and all future opinions on the commission´s website and the commission shall make all advisory opinions that were issued prior to January 9, 2006, publicly available for review and shall post these opinions on the commission´s website. No liability shall be imposed under this chapter for any act or omission made in conformity with a written advisory opinion issued by the commission that is valid at the time of the act or omission;

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

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

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

(C)(i) ~~To~~ Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil penalty not to exceed $1,000.00 for each violation contained in any report required by this chapter or for each failure to comply with any other provision of this chapter

or of any rule or regulation promulgated under this chapter; provided, however, that a civil penalty not to exceed $5,000.00 may be imposed for a second occurrence of a violation of the same provision and a civil penalty not to exceed $10,000.00 may be imposed for each third or subsequent occurrence of a violation of the same provision. For the purposes of the penalties imposed by this division, the same error, act, omission, or inaccurate entry shall be considered a single violation if the error, act, omission, or inaccurate entry appears multiple times on the same report or causes further errors, omissions, or inaccurate entries in that report or in any future reports or further violations in that report or in any future reports.

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

(iii) The Attorney General of this state shall, upon complaint by the commission, or may, upon the Attorney General´s own initiative if after examination of the complaint and evidence the Attorney General believes a violation has occurred, bring an action in the superior court in the name of the commission for a temporary restraining order or other injunctive relief or for civil penalties ~~assessed against any person violating~~ for a violation of any provision of this chapter or any rule or regulation duly issued by the commission.

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

(v) In any action brought by the Attorney General to enforce any of the provisions of this chapter or of any rule or regulation issued by the commission, the judgment,

if in favor of the commission, shall provide that the defendant pay to the commission the costs, including reasonable attorneys´ fees, incurred by the commission in the prosecution of such action~~;~~.

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

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

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

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

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

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

(20) To publish overall lobbyist spending by category. Such categories shall include gifts, meals, entertainment, office supplies, lodging, equipment, advertising, travel, and postage;

(21) To promulgate rules and regulations with respect to electronic filings; and

(22) To provide and conduct semiannual training on the mechanics of electronic filing and registration.

~~(c) The Secretary of State, through the Secretary of State´s office, shall perform the ministerial functions which the commission may require. The office of the Secretary of State shall be designated as the place where members of the public may file papers or correspond with the commission and receive any form or instruction from the commission. The Secretary of State or the Secretary of State´s designee shall serve as secretary to the commission.~~″

SECTION 6.

Said chapter is further amended by striking Code Section 21-5-7, relating to initiation of complaints, and inserting in lieu thereof the following:

"21-5-7.

~~(a)~~ The commission shall not initiate any investigation or inquiry into any matter under its jurisdiction based upon the complaint of any person unless that person shall ~~reduce~~ produce the same in writing and verify the same under oath to the best information, knowledge, and belief of such person, the falsification of which shall be punishable as false swearing under Code Section 16-10-71. The person against whom any complaint is made shall be furnished by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt requested, a copy of the complaint by the commission ~~immediately upon~~ within two business days of the commission´s receipt of such complaint and prior to any other public dissemination of such complaint. Nothing in this Code section, however, shall be construed to limit or encumber the right of the commission to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this chapter.

~~(b) The commission shall adopt rules which shall provide that:~~

~~(1) Upon the commission´s receipt of a complaint, a determination shall be made as to whether the complaint relates to an alleged technical defect in a filing. For this purpose, a technical defect shall be a defect such as a failure to include a date or an incorrect date, a failure to include a contributor´s occupation or an incorrect occupation, a failure to include an address or an incorrect address, or any other similar technical defect as specified by rule of the commission;~~

~~(2) When the commission determines that a complaint relates to a technical defect in a filing, the subject of the complaint shall be given a period of ten days to correct the alleged technical defect. During such ten-day period the complaint shall be considered as received by the commission but not yet filed with the commission. If during such ten-day period the alleged technical violation is cured by an amended filing or otherwise, or if during such ten-day period the subject of the complaint demonstrates that there is no technical violation as alleged, the complaint shall be disposed of without filing or further proceedings and no penalty shall be imposed.~~"

SECTION 7.

Said chapter is further amended by inserting a new Code Section 21-5-7.1 to follow Code Section 21-5-7 to read as follows:

"21-5-7.1.

The commission shall adopt rules which shall provide that:

(1) Upon the commission´s receipt of a complaint, a determination shall be made as to whether the complaint relates to a technical defect in a filing. For this purpose, a technical defect shall include, but not be limited to, a defect such as a failure to include a date or an incorrect date, a failure to include a contributor´s occupation or an incorrect occupation, a failure to include an address or an incorrect address, a failure to include an employer or an incorrect employer, accounting errors, or any other similar defects;

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

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

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

SECTION 8.

Said chapter is further amended by striking Code Section 21-5-12, relating to connected organizations, and inserting in lieu thereof the following:

″21-5-12.

~~(a) As used in this Code section, the term 'connected organization' means any organization, including any corporation, labor organization, membership organization, or cooperative, which is not a political action committee, as defined in this article, but which, directly or indirectly, establishes or administers a political action committee or which provides more than 40 percent of the funds of the political action committee for a calendar year.~~

~~(b)~~(a) The name of each political action committee shall include the name of its connected organization.

~~(c)~~(b) The name of any separate segregated fund, as defined in Code Section 21-5-40, shall include the name of its connected organization.″

SECTION 9.

Said chapter is further amended by inserting a new Code Section 21-5-13 to follow Code Section 21-5-12 to read as follows:

″21-5-13.

Any action alleging a violation of this chapter shall be commenced within three years after the date of filing of the first report containing the alleged violation involving any person elected to serve for a term of two years, and any action alleging a violation of this chapter shall be commenced within five years after the date of filing of the first report containing the alleged violation involving any person elected to serve for a term of four years. For purposes of this Code section, an action shall be deemed to have commenced against a person only when either:

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

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

SECTION 10.

Said chapter is further amended by striking Code Section 21-5-30, relating to contributions made to a candidate or a campaign committee or for the recall of a public officer, and inserting in lieu thereof the following:

″21-5-30.

(a) Except as provided in subsection (e) of Code Section ~~21-5-31~~ 21-5-34, no contributions to bring about the nomination or election of a candidate for any office shall be made or accepted except directly to a candidate or such candidate´s campaign committee which is organized for the purpose of bringing about the nomination or election of any such

candidate; and no contributions to bring about the recall of a public officer or to oppose the recall of a public officer or to bring about the approval or rejection by the voters of a proposed constitutional amendment, state-wide referendum, or ~~other issue~~ proposed question at the state, municipal, or county level shall be made or accepted except directly by a campaign committee organized for that purpose.

(b) Each candidate shall maintain records and file reports as required by this chapter or shall have a campaign committee for the purposes of maintaining records and filing reports as required by this chapter. Every campaign committee shall have a chairperson and a treasurer, except that the candidate may serve as the chairperson and treasurer. Before a campaign committee accepts contributions, the name and address of the chairperson and treasurer shall be filed with the ~~Secretary of State~~ commission. When a candidate has been elected to public office, the registration of that candidate´s campaign committee with the ~~Secretary of State~~ commission shall remain in effect so long as the candidate remains in office until and unless~~: (1)~~ the registration is canceled by the campaign committee or the candidate~~; or (2) a new campaign committee for that candidate is registered with the Secretary of State~~. The same person may serve as chairperson and treasurer. No contributions shall be accepted by or on behalf of the campaign committee at a time when there is a vacancy in the office of chairperson or treasurer of the campaign committee.

(c) Contributions of money received pursuant to subsection (a) of this Code section shall be deposited in ~~the separate~~ a campaign depository account opened and maintained by the candidate or the campaign committee ~~for the purpose for which such campaign committee was organized~~. ~~Such~~ The account may be an interest-bearing account; provided, however, that any interest earned on such account shall be ~~deemed contributions~~ reported and may only be used for the purposes allowed for contributions under this chapter. Those who elect the separate accounting option as provided in Code Section 21-5-43 may also open, but are not required to open, a separate campaign depository account for each election for which contributions are accepted and allocated beyond their next upcoming election.

(d) ~~Where~~ Unless otherwise reported individually, where separate contributions of less than $101.00 are knowingly received from a common source, such contributions shall be aggregated for reporting purposes. For purposes of fulfilling such aggregation requirement, members of the ~~same~~ family, members of the same firm~~,~~ or partnership, or employees of the same person, as defined in paragraph ~~(14)~~ (19) of Code Section 21-5-3, shall be considered to be a common source; provided, however, that the purchase of tickets for not more than $25.00 each and for or attendance at a fundraising event by members of the ~~same~~ family, members of the same firm~~,~~ or partnership, or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.

(e) The making and acceptance of anonymous contributions are prohibited. Any anonymous contributions received by a candidate or campaign committee shall be transmitted to the director of the Office of Treasury and Fiscal Services for deposit in the state treasury, and the fact of such contribution and transmittal shall be reported to the commission.

(f) A person acting on behalf of a public utility corporation regulated by the Public Service Commission shall not make, directly or indirectly, any contribution to a political campaign. This subsection shall not apply to motor carriers whose rates are not regulated by the Public Service Commission. Any person who knowingly violates this subsection with respect to a member of the Public Service Commission, a candidate for the Public Service Commission, or the campaign committee of a candidate for the Public Service Commission shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years or by a fine not to exceed ~~$5,000.00~~ $10,000.00, or both; and any person who knowingly violates this subsection with respect to any other public officer, a candidate for such other public office, or the campaign committee of a candidate for such other public office shall be guilty of a misdemeanor.

(g) Neither a candidate who is not a public officer nor his or her campaign committee may lawfully accept a campaign contribution until the candidate has filed with the ~~Secretary of State~~ commission or appropriate local filing officer a declaration of intention to accept campaign contributions which shall include the name and address of the candidate and the names and addresses of his or her campaign committee officers, if any.″

SECTION 11.

Said chapter is further amended by striking Code Section 21-5-31, relating to contributions or expenditures other than through candidate or committee and disclosure of extensions of credit, and inserting in lieu thereof the following:

″21-5-31.

~~(a) Any person who accepts contributions for, makes contributions to, or makes expenditures on behalf of candidates is subject to the same disclosure requirements of this chapter as a candidate, except that contributions from individuals made directly to a candidate or his campaign committee do not require separate reporting, except that contributions from persons as defined in paragraph (14) of Code Section 21-5-3 which do not exceed $500.00 in the aggregate or which are made to only one candidate, regardless of the amount, do not require separate reporting, and except that copies of campaign contribution disclosure reports do not have to be filed with local election superintendents as required of candidates for membership in the General Assembly pursuant to paragraph (1) of subsection (a) of Code Section 21-5-34.~~

~~(b) When a contribution consists of the proceeds of a loan, advance, or other extension of credit, the campaign contribution disclosure report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship.~~ Reserved.″

SECTION 12.

Said chapter is further amended by striking Code Section 21-5-34, relating to disclosure reports, and inserting in lieu thereof the following:

″21-5-34.

(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office except county and municipal offices or the General Assembly and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall sign and file with the ~~Secretary of State~~ commission the required campaign contribution disclosure reports. A candidate for membership in the General Assembly or the chairperson or treasurer of such candidate´s campaign committee shall file such candidate´s reports with the ~~Secretary of State~~ commission and a copy ~~thereof~~ of such report with the election superintendent of the county of such candidate´s residence.

(B) The chairperson or treasurer of each independent committee as defined in Code Section 21-5-3 shall file the required disclosure reports with the ~~Secretary of State~~ commission.

(2)(A) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in ~~any~~ this state, or a county, or a municipal election in this state shall file a campaign contribution disclosure report as prescribed by this chapter; provided, however, that such report shall only be required if such campaign committee has received contributions which total more than $500.00 or if such campaign committee has made expenditures which total more than $500.00. All advertising pertaining to referendums ~~must~~ shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

(B) If a campaign committee is required to file a report under subparagraph (A) of this paragraph, such report shall be filed with the election superintendent of the county in the case of a county election or with the municipal clerk in the case of a municipal election. Any such report shall be filed 15 days prior to the date of the election; and a final report shall be filed prior to December 31 of the year in which the election is held.

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

(4) A candidate for municipal office or such candidate´s campaign committee shall file the reports with the municipal clerk in the respective municipality of election or, if there is no clerk, with the chief executive officer of the municipality.

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

(A) ~~The~~ As to any contributions of $101.00 or more, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name~~,~~ and mailing address~~, occupation, and employer of any person making a contribution of $101.00 or more, including~~ of the contributor, and, if the contributor is an individual, that individual´s occupation and the name of his or her employer. Such contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events coordinated for the purpose of raising campaign contributions for the reporting ~~candidate~~ person;

(B) ~~The name and mailing address and occupation or place of employment of any person to whom an expenditure of $101.00 or more is made and the amount, date, and general purpose of such expenditure;~~ As to any expenditure of $101.00 or more, its amount and date of expenditure, the name and mailing address of the recipient receiving the expenditure, and, if that recipient is an individual, that individual´s occupation and the name of his or her employer and the general purpose of the expenditure;

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

(D) Total contributions received and total expenditures made as follows:

(i) Contributions and expenditures shall be reported for the applicable reporting cycle;

(ii) A reporting cycle shall commence on January 1 of the year in which an election is to be held for the public office to which a candidate seeks election and shall conclude:

(I) At the expiration of the term of office if such candidate is elected and does not seek reelection or election to some other office;

(II) On December 31 of the year in which such election was held if such candidate is unsuccessful; or

(III) If such candidate is successful and seeks reelection or seeks election to some other office the current reporting cycle shall end when the reporting cycle for reelection or for some other office begins;

(iii) The first report of a reporting cycle shall list the net balance on hand brought forward from the previous reporting cycle, if any, and the total contributions received during the period covered by the report;

(iv) Subsequent reports shall list the total contributions received during the period covered by the report and the cumulative total of contributions received during the reporting cycle;

(v) The first report of a reporting cycle shall list the total expenditures made during the period covered by the report;

(vi) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting cycle, and net balance on hand; and

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

(E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution of $101.00 or more.

(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than $101.00 but which become reportable due to the receipt of an additional contribution or contributions which when combined with such previously received contribution or contributions cumulatively equal or exceed $101.00.

(c) Candidates or campaign committees which accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions pursuant to subsection (g) of

Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance with the following schedule:

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

(2) In each year in which the candidate qualifies to run for public office:

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

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

(C) During the period of time between the last report due prior to the date of any ~~state-wide primary or state-wide~~ election for which the candidate is qualified and the date of such ~~primary or~~ election, all contributions of $1,000.00 or more ~~must~~ shall be reported within ~~48 hours~~ two business days of receipt to the location where the original disclosure report for such candidate or committee was filed and also reported on the next succeeding regularly scheduled campaign contribution disclosure report;

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

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

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within ~~48 hours~~ two business days. Except as provided for electronic filing, the ~~The~~ mailing of such reports by United States mail with adequate postage affixed, within the required filing time as determined by the official United States postage date cancellation, shall be prima-facie evidence of filing but reports required to be filed within ~~48 hours~~ two business days of a contribution ~~must~~ shall also be reported by facsimile, electronic transmission, or otherwise within those ~~48 hours~~ two business days to the location where the original disclosure report for such candidate or committee was filed. A report or statement required to be filed by this Code section other than a report of contributions required to be reported within ~~48 hours~~ two business days shall be verified by the oath or affirmation of the person filing such report or statement taken before an officer authorized to administer oaths. Each report required in the calendar year of the election shall contain cumulative totals of all contributions which have been received and all expenditures which have been made in support of the campaign in question and which are required, or previously have been required, to be reported.

(d) In the event any candidate covered by this chapter has no opposition in either a primary or a general election and receives no contribution of $101.00 or more, such candidate shall only be required to make the initial and final report as required under this chapter.

(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration with the ~~Secretary of State~~ commission in the same manner as is required of campaign committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports in the same places and at the same times as required of the candidates they are supporting, but such persons shall not be required to file copies of campaign contribution disclosure reports with local election superintendents as is required of candidates for membership in the General Assembly. The following persons shall be exempt from the foregoing registration and reporting requirements:

(1) Individuals making aggregate contributions of $25,000.00 or less directly to candidates or the candidates´ campaign committees in one calendar year; ~~and~~

(2) Persons other than individuals making aggregate contributions and expenditures to or on behalf of candidates of ~~$5,000.00~~ $25,000.00 or less in one calendar year~~.~~; and

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

(f)(1) Any independent committee which accepts contributions or makes expenditures for the purpose of affecting the outcome of an election or advocates the election or defeat of any candidate shall file disclosure reports with the ~~Secretary of State~~ commission as follows:

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

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

(C) Within ~~within~~ the two-week period prior to the date of such election the independent committee shall report within ~~48 hours~~ two business days any contributions or expenditure of more than $1,000.00.

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

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

(A) The amount and date of receipt, along with the name, mailing address, occupation, and employer of any person making a contribution of $101.00 or more;

(B) The name, mailing address, occupation, and employer of any person to whom an expenditure or provision of goods or services of the value of $101.00 or more is made and the amount, date, and general purpose thereof, including the name of the candidate or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the expenditure or provision was made;

(C) Total expenditures made as follows:

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

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

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

(D) The corporate, labor union, or other affiliation of any political action committee, candidate, campaign committee, or independent committee making a contribution of the value of $101.00 or more.

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

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

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

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

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

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

(5) In the case of state officials or county officials, a copy of each of the reports shall also be filed with the election superintendent in the county of residence of the official sought to be recalled. In the case of municipal officials, a copy of the reports shall also be filed with the municipal clerk in the municipality of residence of the official sought to be recalled or, if there is no clerk, with the chief executive officer of the municipality.

Each filing officer shall forward a copy of the reporting forms required by this Code section to each candidate or public officer holding elective office required to file such report within a reasonable time prior to each filing.

(h) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a proposed constitutional

amendment or a state-wide referendum shall file a campaign contribution disclosure report with the ~~Secretary of State~~ commission 75, 45, and 15 days prior to the date of the election and shall file a final report prior to December 31 of the year in which the election is held.

(i) In any county in which the county board of elections does not maintain an office open to the public during normal business hours for five days a week, the reports required by this Code section shall be filed in the office of the judge of the probate court of that county.

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

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

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

(l) In addition to other penalties provided under this chapter, an additional filing fee of $25.00 shall be imposed for each report that is filed late. In addition, a filing fee of $50.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed; provided, however, a 15 day extension period shall be granted on the final report.

(m) It shall be the duty of the commission or any other officer or body which receives for filing any disclosure report or statement or other document required to be filed under this chapter to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due.

(n) Any disclosure report, statement, or other document required to be filed under this chapter which is in the possession of the Secretary of State shall be transferred to the commission."

SECTION 13.

Said chapter is further amended by striking Code Section 21-5-34.1, relating to filing campaign contribution disclosure reports electronically, and inserting in lieu thereof the following:

"21-5-34.1.

(a) ~~Beginning February 1, 2001, candidates~~ Candidates seeking election to constitutional offices, the Supreme Court, the Court of Appeals, and the Public Service Commission shall use electronic means to file their campaign contribution disclosure reports with the ~~Secretary of State~~ commission upon having raised or spent a minimum of $20,000.00 in an election cycle. Under that threshold, electronic filing is permitted and encouraged but not required.

(b) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to the General Assembly, superior courts, and the office of district attorney shall use electronic means to file their campaign contribution disclosure reports with the ~~Secretary of State~~ commission, as specified in Code Section 21-5-34, upon having raised or spent a minimum of $10,000.00 in an election cycle, but contributions and expenditures received or made prior to reaching such threshold need not be electronically filed if previously reported, except as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but not required.

(c) ~~Beginning January 1, 2003, candidates~~ Candidates seeking election to county or municipal offices shall use electronic means to file their campaign contribution disclosure reports with the election superintendent of their county or the municipal clerk or chief executive officer of their municipality, as specified in Code Section 21-5-34, upon having raised or spent a minimum of $10,000.00 in an election cycle, but contributions and expenditures received or made prior to reaching such threshold need not be electronically filed if previously reported, except as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but not required.

(d) ~~Beginning January 1, 2003, political~~ Political action committees, independent committees, and any persons otherwise required by this article to file campaign contribution disclosure reports shall use electronic means to file such reports with the ~~Secretary of State~~ commission upon having raised or spent $5,000.00 in a calendar year. Under that threshold, electronic filing is permitted and encouraged but not required.

(e) When campaign contribution disclosure reports are filed electronically as provided in subsections (a) through (d) of this Code section, ~~the original report shall be filed at the same location~~ the filer shall only submit to the commission a notarized affidavit certifying that the electronic filing is correct by United States mail, with adequate postage affixed.

(f) ~~No funds raised or spent prior to the implementation date of electronic filing shall be counted toward the appropriate threshold.~~ When campaign contribution disclosure reports are filed electronically, as provided in subsections (a) through (d) of this Code section, no paper copy of the report shall be filed.

~~(g) The commission is authorized to promulgate rules and regulations to implement this Code section.~~"

SECTION 14.

Said chapter is further amended by striking Code Section 21-5-35, relating to acceptance of contributions during legislative sessions, and inserting in lieu thereof the following:

"21-5-35.

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

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

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

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

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

~~(3)~~(4) A judicial officer elected state wide or campaign committee of such judicial officer."

SECTION 15.

Said chapter is further amended by striking Code Section 21-5-40, relating to definitions applicable to campaign contributions, and inserting in lieu thereof the following:

"21-5-40.

As used in this article, the term:

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

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

(3) ~~'Corporation' means any business or nonprofit corporation organized under the laws of this state, any other state, or the United States.~~ 'Business entity' shall have the same meaning as provided in Code Section 21-5-3.

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

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

(5) 'Person' means an individual.

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

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

(6.2) 'Public office' means the office of each elected public officer as specified in paragraph ~~(15)~~(22) of Code Section 21-5-3.

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

SECTION 16.

Said chapter is further amended by striking Code Section 21-5-41, relating to maximum allowable contributions, and inserting in lieu thereof the following:

"21-5-41.

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

(1) Five thousand dollars for a primary election;

(2) Three thousand dollars for a primary run-off election;

(3) Five thousand dollars for a general election; and

(4) Three thousand dollars for a general election runoff.

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

(1) Two thousand dollars for a primary election;

(2) One thousand dollars for a primary run-off election;

(3) Two thousand dollars for a general election; and

(4) One thousand dollars for a general election runoff.

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

~~(c)~~(d) Candidates and campaign committees may separately account for contributions pursuant to Code Section 21-5-43. Candidates and campaign committees not separately accounting for contributions pursuant to such Code section shall not accept contributions for any election in an election cycle prior to the conclusion of the immediately preceding election in such cycle; provided, however, that contributions may be accepted for a primary election at any time in the election cycle prior to and including the date of such primary election. Upon ~~At the~~ conclusion of ~~an~~ each election, contributions remaining unexpended may be expended on succeeding elections in the election cycle, and contributions not exceeding the contribution limits of this Code section may continue to be accepted for repayment of campaign obligations incurred as a candidate in that election except as provided in subsection (h) of this Code section.

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

~~(e)~~(f) A contribution by a partnership shall be deemed to have been made pro rata by the partners as individuals for purposes of this Code section, as well as by the partnership in

toto unless the partnership by proper action under its partnership agreement otherwise directs allocation of the contribution among the partners. At such direction of the partnership, the contribution may be allocated in any proportion among the partners, including to one or some but not all. Such allocation shall be indicated on the face of any instrument constituting the contribution or on an accompanying document referencing such instrument.

~~(f)~~(g) The ~~limits~~ contribution limitations established by this Code section shall not apply to a loan or other contribution made to a campaign committee or candidate by the candidate or ~~a member of the candidate´s immediate family~~ a member of the family of the candidate.

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

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

(1) Such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid; and

(2) Such loan is based on the credit worthiness of the candidate and the candidate is personally liable for the repayment of the loan.

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

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

SECTION 17.

Said chapter is further amended by striking subsection (a) of Code Section 21-5-43, relating to accounting for and expenditure of campaign contributions, and inserting in lieu thereof the following:

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

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

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

SECTION 18.

Said chapter is further amended by striking Code Section 21-5-50, relating to filing by public officers and filings by candidates for public office, and inserting in lieu thereof the following:

"21-5-50.

(a)(1) Except as modified in subsection (c) of this Code section with respect to candidates for state-wide elected public office, each public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year; and each person who qualifies as a candidate for election as a public officer, as defined in subparagraphs (A) through (E) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file with the ~~Secretary of State~~ commission, no later than the

fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(2) Each public officer, as defined in subparagraph (F) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file with the election superintendent of the county of election of such public officer, not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer, as defined in subparagraph (F) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file with the election superintendent of the county of election, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(3) Each public officer, as defined in subparagraph (G) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, not before the first day of January nor later than July 1 of each year in which such public officer holds office other than the year in which an election is held for such public office, a financial disclosure statement for the preceding calendar year. Each person who qualifies as a candidate for election as a public officer, as defined in subparagraph (G) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, shall file with the municipal clerk of the municipality of election or, if there is no clerk, with the chief executive officer of such municipality, no later than the fifteenth day following the date of qualifying as a candidate, a financial disclosure statement for the preceding calendar year.

(4) The filing officer shall review each financial disclosure statement to determine that such statement is in compliance with the requirements of this chapter.

(5) A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in a year in which there occurs qualifying for election to succeed such public officer, if such public officer does not qualify for nomination for election to succeed himself or herself or for election to any other public office subject to this chapter. For purposes of this subsection, a public officer shall not be deemed to hold office in a year in which the public officer holds office for less than 15 days.

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

(1) Each monetary fee or honorarium ~~of $101.00 or less~~ which is accepted by a public officer from speaking engagements, participation in seminars, discussion panels, or other activities which directly relate to the official duties of the public officer or the office of

the public officer, with a statement identifying the fee or honorarium accepted and the person from whom it was accepted;

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

(3) The name, address, and principal activity of any business entity and the office held by and the duties of the candidate for public office or public officer within such business entity as of December 31 of the covered year in which such candidate or officer has a direct ownership interest which interest:

(A) Is more than ~~10~~ 5 percent of the total interests in such business; or

(B) Has a net fair market value of more than ~~$20,000.00~~ $10,000.00;

(4)(A) Each tract of real property in which the candidate for public office or public officer has a direct ownership interest as of December 31 of the covered year when that interest has a ~~net~~ fair market value in excess of ~~$20,000.00~~ $10,000.00. As used in this paragraph, the term '~~net~~fair market' value means the appraised value of the property for ad valorem tax purposes ~~less any indebtedness thereon~~. The disclosure shall contain the county and state, ~~and~~ general ~~location therein where the property is located~~ description of the property, and whether the fair market value is between (i) $10,000.00 and $100,000.00; (ii) $100,000.01 and $200,000.00; or (iii) more than $200,000.00;

(B) Each tract of real property in which the candidate for public office´s spouse or public officer´s spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of $10,000.00. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) $10,000.00 and $100,000.00; (ii) $100,000.01 to $200,000.00; (iii) or more than $200,000.00;

(5) The filer´s occupation, employer, and the principal activity and address of such employer;

(6) The filer´s spouse´s name, occupation, employer, and the principal activity and address of such employer;

(7) The names of the filer´s dependent children;

(8) The name of any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in mutual funds, in which the filer, jointly or severally, owns a direct ownership interest which interest:

(A) Is more than 5 percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or

(B) Has a net fair market value of more than $10,000.00;

(9) If the filer has actual knowledge of such ownership interest, the name of any business or subsidiary thereof or investment, exclusive of the individual stocks and bonds in mutual funds, in which the filer´s spouse or dependent children, jointly or severally, own a direct ownership interest which interest:

(A) Is more than 5 percent of the total interests in such business or investment, exclusive of the individual stocks and bonds in mutual funds; or

(B) Has a net fair market value of more than $10,000.00

or in which the filer´s spouse or any dependent child serves as an officer, director, equitable partner, or trustee;

~~(5)~~(10) All annual payments in excess of $20,000.00 received by the public officer or any business entity identified in paragraph (3) of this subsection from the state, any agency, department, commission, or authority created by the state, and authorized and exempted from disclosure under Code Section 45-10-25, and the agency, department, commission, or authority making the payments, and the general nature of the consideration rendered for the source of the payments; and

~~(6)~~(11) No form prescribed by the commission shall require more information or specify more than provided in the several paragraphs of this Code section with respect to what is required to be disclosed.

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

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

(B) Each transaction or transactions which aggregate $9,000.00 or more in a calendar year in which the candidate or any business in which such candidate or any member of his or her family has a substantial interest or is an officer of such business received any

income of any nature from any person who was at the time of such receipt of income represented by a lobbyist registered with the commission pursuant to Article 4 of this chapter.

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

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

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

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

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

~~(B) As used in this subsection, the term:~~

~~(i) 'Member of the family' includes the candidate´s spouse and dependent children; and~~

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

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

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

(d) Beginning January 9, 2006, all state-wide elected officials and members of the General Assembly shall file financial disclosure statements electronically. Prior to such date,

electronic filing of financial disclosure statements by such persons is permitted and encouraged but not required.

(e) Where the financial disclosure statements required by paragraph (1) of subsection (a) of this Code section are filed electronically, the public officer, as that term is defined in subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, shall file a notarized affidavit certifying that the electronic filing is correct and no paper copy of the financial disclosure statement shall be required to be filed.

(f) Any disclosure report, statement, or other document required to be filed under this chapter which is in the possession of the Secretary of State shall be transferred to the commission."

SECTION 19.

Said chapter is further amended by striking Code Section 21-5-52, relating to filing by mail, and inserting in lieu thereof the following:

"21-5-52.

~~Depositing of a properly addressed financial disclosure statement in the United States mails with adequate postage affixed shall constitute filing on the date of mailing.~~

(a) The mailing of the notarized financial disclosure affidavit by United States mail, with adequate postage affixed, within the required filing time as determined by the official United States postage date cancellation, shall be prima-facie proof of filing.

(b) It shall be the duty of the commission or any other officer or body which receives for filing any document required to be filed under this chapter to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due."

SECTION 20.

Said chapter is further amended by striking Code Section 21-5-70, relating to definitions, and inserting in lieu thereof the following:

"21-5-70.

As used in this article, the term:

(1) 'Expenditure':

(A) Means a purchase, payment, distribution, loan, advance, deposit, or conveyance of money or anything of value made for the purpose of influencing the actions of any public officer or public employee;

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

(C) Includes any gratuitous transfer, payment, subscription, advance, or deposit of money, services, or anything of value, unless consideration of equal or greater value is received;

(D) Notwithstanding division (x) of subparagraph (E) of this paragraph, includes food or beverage consumed at a single meal or event by a public officer or public employee or a member of the ~~immediate~~ family of such public officer or public employee; and

(E) The term shall not include:

(i) The value of personal services performed by persons who serve voluntarily without compensation from any source;

(ii) A gift received from a member of the public officer´s ~~immediate~~ family;

(iii) Legal compensation or expense reimbursement provided to public employees and to public officers in the performance of their duties;

(iv) Promotional items generally distributed to the general public or to public officers and food and beverages produced in Georgia;

(v) An award, plaque, certificate, memento, or similar item given in recognition of the recipient´s civic, charitable, political, professional, or public service;

(vi) Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient´s nonpublic business, employment, trade, or profession;

(vii) Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are invited. An agency shall include the Georgia House of Representatives, the Georgia Senate, committees and subcommittees of such bodies, and the governing body of each political subdivision of this state;

(viii) Campaign contributions or expenditures reported as required by Article 2 of this chapter;

(ix) A commercially reasonable loan made in the ordinary course of business; or

(x) Food, beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities.

(2) 'Filed' means the delivery to the ~~State Ethics Commission~~ commission, as specified in this article, of a document that satisfies the requirements of this article. A document is considered delivered when it is electronically delivered to the commission or placed in the United States mail within the required filing time, properly addressed to the ~~State Ethics Commission~~ commission, as specified in this article, with adequate postage affixed.

(3) 'Identifiable group of public officers' means a description that is specifically determinable by available public records.

~~(4) 'Immediate family' means a spouse or child.~~

~~(5)~~(4) 'Lobbying' means the activity of a lobbyist while acting in that capacity.

~~(6)~~(5) 'Lobbyist' means:

(A) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(B) Any natural person who makes a total expenditure of more than $250.00 in a calendar year, not including the person´s own travel, food, lodging expenses, or informational material to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(C) Any natural person who as an employee of the executive branch or judicial branch of state government engages in any activity covered under subparagraph (A) of this paragraph;

(D) Any natural person who, for compensation, either individually or as an employee of another person, undertakes to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(E) Any natural person who makes a total expenditure of more than $250.00 in a calendar year, not including the person´s own travel, food, lodging expenses, or informational material to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph ~~(15)~~ (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution; ~~or~~

(F) Any natural person who as an employee of the executive branch or judicial branch of local government engages in any activity covered under subparagraph (D) of this paragraph~~.~~;

(G) Any natural person who, for compensation, either individually or as an employee of another person is hired specifically to undertake influencing a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency but does not include any employee of the vender solely on the basis that such employee participates in soliciting a bid or in preparing a written bid, written proposal, or other document relating to a potential sale to a state agency; or

(H) Any natural person who, for compensation, either individually or as an employee of another person, is hired specifically to undertake to promote or oppose the passage of any rule or regulation of any state agency.

~~(7)~~(6) 'Public officer' means those public officers specified under ~~subparagraphs (A) through (G) of~~ paragraph ~~(15)~~ (22) of Code Section 21-5-3, ~~as amended,~~ except as otherwise provided in this article and also includes any public officer or employee who has any discretionary authority over, or is a member of a public body which has any discretionary authority over, the selection of a vendor to supply any goods or services to any state agency.

(7) 'State agency' means any branch of state government, agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of the state but does not include a local political subdivision, such as a county, city, or local school district or an instrumentality of such a local political subdivision.

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

SECTION 21.

Said chapter is further amended by striking Code Section 21-5-71, relating to lobbyist registration requirements, including the application, supplemental registration, expiration, docket, fees, identification cards, public rosters, and exemptions, and inserting in lieu thereof the following:

″21-5-71.

(a) No person shall engage in lobbying as defined by this article unless such person is registered with the ~~State Ethics Commission~~ commission as a lobbyist. The administration of this article is vested in the ~~State Ethics Commission~~ commission. ~~The State Ethics Commission shall be the successor to the Secretary of State with respect to such officer´s former regulation of registered agents.~~

(b) Each lobbyist shall file an application for registration with the commission. The application shall be verified by the applicant and shall contain:

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

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

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

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

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

(6) If the applicant is a lobbyist within the meaning of subparagraph (G) or (H) of paragraph (5) of Code Section 21-5-70, the name of the state agency or agencies before which the applicant engages in lobbying; and

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

(c) The lobbyist shall, within seven days of any substantial or material change or addition, file a supplemental registration indicating such substantial or material change or addition to the registration prior to its expiration. Previously filed information may be incorporated by reference. Substantial or material changes or additions shall include, but are not limited to, the pertinent information concerning changes or additions to client and employment information required by paragraphs (2), (3), ~~and~~ (4), (6), and (7) of subsection (b) of this Code section.

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

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

(f)(1) Each person registering under this Code section shall pay the registration fees set forth in paragraph (2) of this subsection; provided, however, that a person who represents any state, county, municipal, or public agency, department, commission, or authority shall be exempted from payment of such registration fees and a person employed by an organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2, shall be exempted from payment of such registration fees except for payment of an initial registration fee of $25.00.

(2) The commission shall collect the following fees:

(A) Annual lobbyist registration filed pursuant to this Code section . . . . . $ 200.00

(B) Lobbyist supplemental registration filed pursuant to this Code section 10.00

(C) Each lobbyist identification card issued pursuant to this Code section 5.00

(D) In addition to other penalties provided under this chapter, a filing fee of $50.00 shall be imposed for each report that is filed late. In addition, a filing fee of $25.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed.

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

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

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

(1) Any individual who expresses personal views, on that individual´s own behalf, to any public officer;

(2) Any person who appears before a public agency or governmental entity committee or hearing for the purpose of giving testimony when such person is not otherwise required to comply with the registration provisions of this Code section;

(3) Any public employee of an agency appearing before a governmental entity committee or hearing at the request of the governmental entity or any person who furnishes information upon the specific request of a governmental entity;

(4) Any licensed attorney appearing on behalf of a client in any adversarial proceeding before an agency of this state;

(5) Any person employed or appointed by a lobbyist registered pursuant to this Code section whose duties and activities do not include lobbying;

(6) Elected public officers performing the official duties of their public office; and

(7) Any ~~A~~ public employee who performs services at the direction of a member of the General Assembly including, but not limited to, drafting petitions, bills, or resolutions; attending the taking of testimony; collating facts; preparing arguments and memorials and submitting them orally or in writing to a committee or member of the General Assembly; and other services of like character intended to reach the reason of the legislators."

SECTION 22.

Said chapter is further amended by striking Code Section 21-5-73, relating to disclosure reports, and inserting in lieu thereof the following:

"21-5-73.

(a) Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section.

(b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5) of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of the preceding month, ~~shall be filed~~ on or before the fifth day of any month while the General Assembly is in session.

(c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph ~~(6)~~ (5) of Code Section 21-5-70 shall:

(1) File ~~file~~ a disclosure report, current through the end of the preceding month, on or before the fifth day of May, September, and January of each year instead of the reports ~~otherwise~~ required by ~~subsection (c)~~ subsections (b) and (d) of this Code section ~~and the first sentence of this subsection~~; and

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

~~(c)~~(d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), or (H) of paragraph (5) of Code Section 21-5-70 shall file a disclosure report, current through the end of the period ending on July 31 and December 31 of each year, ~~shall be filed~~ on or before August 5 and January 5 of each year.

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

(1) A description of all expenditures, as defined in Code Section 21-5-70, or the value thereof made by the lobbyist or employees of the lobbyist on behalf or for the benefit of a public officer. The description of each reported expenditure shall include:

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

(B) The amount, date, and description of the expenditure and a summary of all spending classified by category. Such categories shall include gifts, meals, entertainment, lodging, equipment, advertising, travel, and postage;

(C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during the reporting period; provided, however, expenses for travel and for food, beverage, and lodging in connection therewith afforded a public officer shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph; ~~and~~

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

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

(2) ~~The names of any members of the immediate family of a public officer employed by or whose professional services are paid for by the lobbyist during the reporting period.~~ For those who are lobbyists within the meaning of subparagraph (G) of paragraph (5) of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist undertook to influence the awarding of a contract or contracts by any state agency together with a description of the contract or contracts and the monetary amount of the contract or contracts; and

(3) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (5) of Code Section 21-5-70, the name of the individual or entity for which the lobbyist undertook to influence the rule or regulation of a state agency.

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

SECTION 23.

Said chapter is further amended by adding new Code Sections 21-5-74, 21-5-75, and 21-5-76 to follow Code Section 21-5-73 to read as follows:

″21-5-74.

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

21-5-75.

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

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

21-5-76.

(a) No person, firm, corporation, or association shall retain or employ an attorney at law or an agent to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislative measure or upon the receipt or award of any state contract. No attorney at law or agent shall be employed to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislation or upon the receipt or award of any state contract.

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

SECTION 24.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by striking paragraph (2.1) of Code Section 36-67A-1, relating to definitions for conflicts of interest in zoning actions, and inserting in lieu thereof the following:

"(2.1) 'Campaign contribution' means a 'contribution' as defined in paragraph ~~(6)~~ (7) of Code Section 21-5-3."

SECTION 25.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by adding a new part to the end of Article 2 of Chapter 10, relating to conflicts of interest, to read as follows:

″Part 5

45-10-80.

(a) A public officer, as defined in subparagraphs (A) through (E) of paragraph (22) of Code Section 21-5-3, is prohibited from advocating for or causing the advancement, appointment, employment, promotion, or transfer of a member of his or her family, as such term is defined in Code Section 21-5-3, to an office or position to become a public employee, as defined in paragraph (3) of Code Section 45-1-4, that pays an annual salary of $10,000.00 or more or its equivalent.

(b) Any person advanced, appointed, employed, promoted, or transferred in violation of this Code section shall not be entitled to any payment, salary, or benefits received for any position so illegally obtained; and any person who receives payment, salary, or benefits for a position obtained in violation of this Code section shall be required to reimburse the state for all amounts so received.″

SECTION 26.

Said title is further amended by adding another new part to the end of Article 2 of Chapter 10, relating to conflicts of interest, to read as follows:

″Part 6

45-10-90.

As used in this part, the term:

(1) 'Committee' means the Joint Legislative Ethics Committee created under Code Section 45-10-91.

(2) 'Member of the legislative branch of state government' means any person elected to the General Assembly and any person who, pursuant to a written or oral contract, is employed by the legislative branch of state government.

(3) 'Speaker' means the Speaker of the House of Representatives.

45-10-91.

(a) There is created the Joint Legislative Ethics Committee, with such duties and powers as are set forth in this part. The committee shall be a part of the legislative branch of state government. The committee shall be governed by ten members appointed as follows:

(1) Four members of the Senate, appointed by the President Pro Tempore of the Senate, two of whom shall be from the majority party and two of whom shall be from the minority party;

(2) Four members of the House of Representatives, appointed by the Speaker, two of whom shall be from the majority party and two of whom shall be from the minority party;

(3) The Speaker; and

(4) The President Pro Tempore of the Senate.

The Speaker and the President Pro Tempore of the Senate shall be nonvoting members of the committee except as provided in subsection (e) of this Code section.

(b) Each legislative member of the committee shall serve for a term of two years concurrent with the term of his or her office. If a vacancy occurs in the membership of the committee, a new member shall be appointed by the state official to the unexpired term of office. The new member shall be selected in the same manner as provided in subsection (a) of this Code section.

(c) The President Pro Tempore of the Senate and Speaker shall serve as cochairpersons. The President Pro Tempore of the Senate shall preside in odd-numbered years and the Speaker shall preside in even-numbered years.

(d) The members shall not be compensated for their services but they shall be reimbursed in an amount equal to the per diem received by the General Assembly for each day or portion thereof spent in serving as members of the committee. They shall be paid their necessary traveling expenses while engaged in the business of the committee.

(e) Six members of the committee constitute a quorum for the transaction of business. The vote of at least a majority of the members present at any meeting at which a quorum is present is necessary for any action to be taken by the committee. If a decision of the committee results in a tie vote, the Speaker shall cast the vote to break the tie if the subject of the complaint is a member of the Senate or a Senate staff member and the President Pro Tempore of the Senate shall cast the vote to break the tie if the subject of the complaint is a member of the House of Representatives or a House of Representatives staff member. No vacancy in the membership of the committee impairs the right of a quorum to exercise all rights and perform all duties of the committee.

(f) If a complaint is filed alleging a violation by one of the members of the committee, the committee member shall recuse himself or herself and a temporary replacement member of the committee shall be appointed for the recused member. The replacement member shall be selected in the same manner as provided for in subsection (a) of this Code section.

(g) Meetings of the members of the committee shall be held at the call of the presiding cochairperson.

45-10-92.

The funds necessary to carry out this part shall come from the funds appropriated to and available to the General Assembly and from any other available funds.

45-10-93.

(a) The committee is vested with the following powers:

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

(2) To cooperate with and secure the cooperation of every department, agency, or instrumentality in the state government or its political subdivisions in the furtherance of the purposes of this part;

(3) To employ an executive director and such additional staff as the committee deems necessary to carry out the powers delegated to the committee by this part;

(4) To summons any person to appear, give sworn testimony, or produce documentary or other evidence;

(5) To adopt such rules and regulations as are necessary to carry out the purposes of this part; and

(6) To do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the powers granted to it.

(b) The committee shall have the following duties:

(1) To advise and assist the General Assembly in establishing rules and regulations relating to conflicts between the private interests of a member of the legislative branch of state government and the duties as such;

(2) To receive and investigate all complaints alleging a violation of the rules and regulations established by the committee;

(3) To prescribe forms to be used in complying with this part;

(4) To adopt a retention standard for records of the committee;

(5) To prepare and publish an annual report for the General Assembly summarizing the activities of the committee and recommending legislation that in its judgment will promote the purposes of this part;

(6)(A) To conduct an investigation of the merits of a written complaint by any person who believes that a violation of this part has occurred. If there are found no reasonable grounds to believe that a violation has occurred, the complaint shall be dismissed, subject to being reopened upon discovery of additional evidence or relevant material. If the committee determines that there are such reasonable grounds to believe that a violation has occurred, it shall give notice by summoning the persons believed to have committed the violation to a hearing. The committee may file a complaint charging violations of this part. Nothing in this Code section shall be construed to limit or encumber the right of the committee to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this part;

(B) In any such investigation referenced in subparagraph (A) of this paragraph, until such time as the committee determines that there are reasonable grounds to believe that

a violation has occurred, it shall not be necessary to give the notice by summons nor to conduct a hearing;

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

(8) With respect to matters involving the legislative branch of state government, to investigate upon a written complaint any illegal use of state employees in a political campaign by any candidate;

(9) To issue, upon written request, written advisory opinions, based on a real or hypothetical set of circumstances. The committee shall make all advisory opinions publicly available for review. No liability shall be imposed for any act made in conformity with a written advisory opinion issued by the committee that is valid at the time of the act; and

(10) With respect to punishment for violations by employees of the legislative branch of state government other than members of the General Assembly, the committee may order the violator to cease and desist from committing further violations and may issue employment related sanctions against such employee, including but not limited to reprimand, suspension, demotion, and termination; with respect to members of the General Assembly, the committee may make recommendations to the respective house of the type of punishment to be imposed.

(c) The committee shall designate the place where members of the public may file papers or correspond with the committee and receive any form or instruction from the committee. The committee shall preserve all complaints, statements, and other documentation received or generated by the committee.

45-10-94.

The committee shall not initiate any investigation or inquiry into any matter under its jurisdiction based upon the complaint of any person unless that person shall produce the same in writing and verify the same under oath to the best information, knowledge, and belief of such person, the falsification of which shall be punishable as false swearing under Code Section 16-10-71. The person against whom any complaint is made shall be furnished by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt requested, a copy of the complaint by the committee within five business days of the committee´s receipt of such complaint. Nothing contained in this Code section, however, shall be construed to limit or encumber the right of the committee to initiate on probable cause an investigation on its own cognizance as it deems necessary to fulfill its obligations under this part.″

SECTION 27.

Said title is further amended by adding a new Code Section 45-12-61 to follow Code Section 45-12-60 to read as follows:

"45-12-61.

(a) As used in this Code section, the terms 'campaign committee,' 'contribution,' and 'expenditure' shall have the meanings set forth in Code Section 21-5-3.

(b) No person shall be eligible for appointment to fill a vacancy on the Supreme Court, the Court of Appeals, the superior courts, or the state courts if such person has made a contribution to or expenditure on behalf of the Governor or the Governor´s campaign committee either: (1) in the 30 day period preceding the vacancy, unless the person requests and is provided a refund of such contribution or reimbursement for such expenditure; or (2) on or after the date the vacancy occurs."

SECTION 28.

The provisions of this Act shall not apply to any violation occurring prior to January 9, 2006.

SECTION 29.

This Act shall become effective on January 9, 2006.

SECTION 30.

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