

House Bill 414 (COMMITTEE SUBSTITUTE)

By: Representatives Jones of the 25th, DeLoach of the 167th, Gunter of the 8th, Scoggins of the 14th, and Holcomb of the 101st

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
2 government transparency and campaign finance, so as to revise the definition of "person" to
3 include certain nonresidents of the state; to provide the State Ethics Commission with
4 supplementary investigatory powers related to persons, documents, or information located
5 outside of the state; to revise venue provisions to address out-of-state persons; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to government
10 transparency and campaign finance, is amended in Code Section 21-5-3, relating to
11 definitions, by revising paragraph (19) as follows:

12 "(19) 'Person' means an individual, partnership, committee, association, corporation,
13 limited liability company, limited liability partnership, trust, professional corporation, or
14 other business entity ~~recognized in the State of Georgia~~, labor organization, or any other
15 organization or group of persons, and shall include a 'nonresident' as that term is defined

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16 in Code Section 9-10-90 who commits an act or omission or transacts business within the
17 state which if performed by a resident of this state would be subject to this chapter."

18 **SECTION 2.**

19 Said chapter is further amended in Code Section 21-5-6, relating to powers and duties of the
20 State Ethics Commission, by adding a new subsection to read as follows:

21 "(c)(1) Supplemental to any investigatory or enforcement powers provided to the
22 commission in this chapter, if a matter or person that the commission seeks to obtain
23 documentation or information from is located outside the state, the commission may
24 request the person with such documentation or information to make such documentation
25 or information available to the commission or the commission representative to examine
26 at the location where such person, documentation, or information is located.

27 (2) In the event that a person refuses to comply with a request made pursuant to
28 paragraph (1) of this subsection, the commission may petition that such person be ordered
29 by the superior court to provide the documentation or information sought by the
30 commission. The court shall not order such compliance unless the commission has
31 demonstrated to the satisfaction of the court that the documentation or information under
32 request is pertinent or necessary to further the investigation or enforcement action
33 authorized by this chapter."

34 **SECTION 3.**

35 Said chapter is further amended by revising Code Section 21-5-8, relating to venue, as
36 follows:

37 "21-5-8.

38 Venue for prosecution of civil violations of this chapter or for any other action by or on
39 behalf of the commission shall be in the county of the residence of the candidate or public

40 officer at the time of the alleged violation or action, unless the person is not a Georgia
41 resident, in which case venue is in Fulton County."

42 **SECTION 4.**

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