

Senate Bill 177

By: Senators Anavitarte of the 31st, Albers of the 56th, Burns of the 23rd, Robertson of the 29th, Williams of the 25th and others

**AS PASSED SENATE**

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 provide for transparency in foreign  
3 funded political activities within the state; to require agents of hostile foreign principals and  
4 foreign supported political organizations to register with the State Ethics Commission; to  
5 provide for registration requirements; to provide for definitions; to provide legislative  
6 findings; to provide for civil penalties; to authorize the Attorney General to bring civil  
7 actions or criminal investigations for violations; to provide for related matters; to repeal  
8 conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to government  
12 transparency and campaign finance, is amended by adding a new article to read as follows:

S. B. 177

- 1 -

13

"ARTICLE 514 21-5-90.15 The General Assembly finds:

16 (1) That the voters, citizens, and policymakers of Georgia are entitled to transparency in  
17 the political and propaganda activities of organizations that may be controlled by or under  
18 the influence of foreign countries hostile to the interests of the United States and the State  
19 of Georgia;

20 (2) That, in an increasingly globalized world, determining whether an organization's  
21 political and propaganda activities are funded by hostile foreign interests is often  
22 difficult; and

23 (3) That legislation is needed to ensure the transparency necessary to allow voters,  
24 citizens, and policymakers to evaluate whether political and propaganda activities are  
25 funded by potentially hostile foreign actors.

26 21-5-91.27 As used in this article, the term:

28 (1) 'Agent of a hostile foreign principal' means any person who acts as an agent,  
29 employee, representative, or servant, or otherwise acts at the order, request, or under the  
30 direction or control of a hostile foreign principal:

31 (A) Whose actions are financed in whole or in part by a hostile foreign principal; and32 (B) Who engages in political activity.

33 (2) 'Foreign supported political organization' means a political organization or  
34 partnership, committee, association, corporation, limited liability company, limited  
35 liability partnership, trust, professional corporation, or any other combination of persons  
36 that has, within the past five calendar years, received money or other things of value from

37 a hostile foreign principal or an agent of a hostile foreign principal and which engages  
38 in political activity.

39 (3) 'Hostile foreign country' means:

40 (A) The Democratic People's Republic of Korea;

41 (B) The Islamic Republic of Iran;

42 (C) The People's Republic of China; or

43 (D) The Russian Federation.

44 (4) 'Hostile foreign principal' means:

45 (A) A government of a hostile foreign country, a political party of a hostile foreign  
46 country, or any member of a political party, body, or organization of a hostile foreign  
47 country;

48 (B) A nonresident alien of a hostile foreign country;

49 (C) A partnership, committee, association, corporation, limited liability company,  
50 limited liability partnership, trust, professional corporation, or any other combination  
51 of persons organized under the law of or having its principal place of business in a  
52 hostile foreign country; or

53 (D) A partnership, committee, association, corporation, limited liability company,  
54 limited liability partnership, trust, professional corporation, or any other combination  
55 of persons that is at least 20 percent beneficially owned by a hostile foreign  
56 government, a nonresident alien of a hostile foreign country, or an entity organized  
57 under the laws of or having its principal place of business in a hostile foreign country.

58 (5) 'Political activity' means any activity that is performed to influence any agency or  
59 public official of the State of Georgia, any local government entity within the state, or to  
60 influence the public within the state, with reference to formulating, adopting, or changing  
61 the policies or laws of the state or electing or opposing a candidate for local or state  
62 public office.

63 21-5-92.

64 (a) No person shall act as an agent of a hostile foreign principal unless he or she has filed  
65 with the commission a true and complete registration statement and supplements thereto  
66 as required by this Code section or unless he or she is exempt from registration under the  
67 provisions of this Code section. Except as hereinafter provided, every person who becomes  
68 an agent of a hostile foreign principal shall, within ten days thereafter, file with the  
69 commission a registration statement, under oath, on a form prescribed by the commission.  
70 The obligation of an agent of a hostile foreign principal to file a registration statement  
71 shall, after the tenth day of his or her becoming such agent, continue from day to day, and  
72 termination of such status shall not relieve such agent from his or her obligation to file a  
73 registration statement for the period during which he or she was an agent of a hostile  
74 foreign principal. The registration statement shall include the following, which shall be  
75 regarded as material for the purposes of this Code section:

76 (1) Registrant's name, principal business address, and all other business addresses in the  
77 United States or elsewhere, and all residence addresses, if any;

78 (2) Status of the registrant:

79 (A) If an individual, his or her nationality;

80 (B) If a partnership, the name, residence addresses, and nationality of each partner, as  
81 well as a true and complete copy of its articles of copartnership; and

82 (C) If an association, corporation, organization, or any other combination of  
83 individuals or entities, the name, residence addresses, and nationality of each director  
84 and officer and of each person performing the functions of a director or officer and a  
85 true and complete copy of its charter, articles of incorporation, association, constitution,  
86 and bylaws and amendments thereto; a copy of every other instrument or document and  
87 a statement of the terms and conditions of every oral agreement relating to its  
88 organization, powers, and purposes, and a statement of its ownership and control;

- 89 (3) A comprehensive statement of the nature of registrant's business, including a  
90 complete list of registrant's employees;
- 91 (4) A statement of the nature of the work of each hostile foreign principal for whom the  
92 registrant is acting, assuming or purporting to act or has agreed to act, the character of the  
93 business or other activities of every such hostile foreign principal. If any such hostile  
94 foreign principal is an entity other than a natural person, such statement shall also detail  
95 the ownership and control to which each such hostile foreign principal is supervised,  
96 directed, owned, controlled, financed, or subsidized, in whole or in part, by any  
97 government of a foreign country or foreign political party, or by any other hostile foreign  
98 principal;
- 99 (5) The nature and amount of contributions, income, money, or thing of value, if any,  
100 that the registrant has received within the preceding 60 days from each such hostile  
101 foreign principal, either as compensation or for disbursement or otherwise, and the form  
102 and time of each such payment and from whom received;
- 103 (6) A detailed statement of every activity which the registrant is performing or is  
104 assuming or purporting or has agreed to perform for himself or herself or any other  
105 person other than a hostile foreign principal and which requires his registration  
106 hereunder;
- 107 (7) The name, business, and residence addresses, and if an individual, the nationality, of  
108 any person other than a hostile foreign principal for whom the registrant is acting,  
109 assuming or purporting to act or has agreed to act under such circumstances as require  
110 his or her registration hereunder;
- 111 (8) The nature and amount of contributions, income, money, or thing of value, if any,  
112 that the registrant has received during the preceding 60 days from each such person in  
113 connection with any of the activities referred to in paragraph (6) of this subsection;
- 114 (9) A detailed statement of the money and other things of value spent or disposed of by  
115 the registrant during the preceding 60 days in furtherance of or in connection with

116 activities which require the registrant's registration hereunder and which have been  
117 undertaken by the registrant either as an agent of a hostile foreign principal or for himself  
118 or herself or any other person or in connection with any activities relating to the registrant  
119 becoming an agent of such principal;

120 (10) A detailed statement of any contributions of money or other things of value made  
121 by the registrant during the preceding 60 days to bring about the nomination or election  
122 of a candidate for any office, to bring about the recall of a public officer holding elective  
123 office, to oppose the recall of a public officer holding elective office, to bring about the  
124 approval or rejection by the voters of any proposed constitutional amendment, a  
125 state-wide referendum, or a proposed question which is to appear on the ballot in this  
126 state or in a county or a municipal election in this state; and

127 (11) Such other statements, information, or documents pertinent to the purposes of this  
128 Code section as the commission may from time to time require.

129 (b) Every agent of a hostile foreign principal who has filed a registration statement  
130 required by subsection (a) of this Code section shall, within 30 days after the expiration of  
131 each six-month period succeeding such filing, file with the commission a supplement  
132 thereto, under oath, on a form prescribed by the commission, which shall set forth with  
133 respect to such preceding six-month period such facts as the commission may deem  
134 necessary to make the information required under subsection (a) of this Code section  
135 accurate, complete, and current with respect to such period.

136 (c) An agent of a hostile foreign principal shall update the information required by  
137 subsection (b) of this Code section with the commission every 90 days.

138 (d) The registration statement shall be executed under oath as follows:

139 (1) If the registrant is an individual, by him or her;

140 (2) If the registrant is a partnership, by the majority of the members thereof; and

141 (3) If the registrant is a person other than an individual or a partnership, by a majority  
142 of the officers thereof or persons performing the functions of officers or by a majority of  
143 the board of directors thereof or persons performing the functions of directors, if any.

144 (e) A registration statement or supplement required to be filed under this Code section  
145 shall be filed in electronic form, in addition to any other form that may be required by the  
146 commission.

147 21-5-93.

148 (a) No later than December 31 of each year, each foreign supported political organization  
149 operating within the state shall register with the commission and provide the following  
150 information:

151 (1) The name of the organization, its business address, and the names, titles, and  
152 addresses of all officers and directors of the organization;

153 (2) If the organization is affiliated with or a chapter of a national organization, the name  
154 of the national organization, its address, and the names and addresses of its officers and  
155 directors;

156 (3) A detailed statement of the money and other things of value spent or disposed of by  
157 the foreign supported political organization during the preceding calendar year in  
158 furtherance of or in connection with activities to influence any agency or public official,  
159 local government entity, or the public of or within the State of Georgia, including, but not  
160 limited to, activities related to formulating, adopting, or changing the policies or laws of  
161 this state or electing a candidate to local or state public office;

162 (4) A detailed statement of any expenditures of money or other things of value made by  
163 the organization within the prior calendar year; and

164 (5) A detailed statement of all money or other things of value received by the  
165 organization from a hostile foreign principal or an agent of a hostile foreign principal  
166 during the preceding calendar year.

167 (b) A registered foreign supported organization shall update the information required by  
168 subsection (a) of this Code section with the commission every 90 days.

169 21-5-94.

170 (a) Upon receipt of a complaint that an agent of a hostile foreign principal or a foreign  
171 supported political organization has failed to comply with the registration and reporting  
172 requirements of this article, or upon its own determination, the commission shall have  
173 authority to investigate and to assess penalties for the violation of this article.

174 (b) The commission may assess civil penalties of up to \$10,000.00 for each violation of  
175 this article; provided, however, that, if the commission finds that any such violation was  
176 willful or a repeat violation of this article, such civil penalties shall be not less  
177 than \$10,000.00 nor more than \$200,000.00 per such violation.

178 (c) The Attorney General of this state shall, upon complaint by the commission, or may,  
179 upon the Attorney General's own initiative if after examination of the complaint and  
180 evidence the Attorney General believes a violation of any provision of this article has  
181 occurred:

182 (1) Bring an action in the superior court in the name of the commission for a temporary  
183 restraining order or other injunctive relief or for civil penalties; or

184 (2) Initiate a criminal investigation."

185 **SECTION 2.**

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