

The House Committee on Technology and Infrastructure Innovation offers the following substitute to SB 177:

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:

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; and23 (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; provided, however, notwithstanding any other provision of this
39 article to the contrary, any industry, trade, or professional association that exists to
40 promote the interests of its members, or any affiliated organization, shall not be deemed
41 a foreign supported political organization.

42 (3) 'Hostile foreign country' means:

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

44 (B) The Islamic Republic of Iran;

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

46 (D) The Russian Federation.

47 (4) 'Hostile foreign principal' means:

48 (A) A government of a hostile foreign country, a political party of a hostile foreign
49 country, or any member of a political party, body, or organization of a hostile foreign
50 country;

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

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

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

61 21-5-92.

62 (a) No person shall act as an agent of a hostile foreign principal unless he or she has filed
63 with the commission a true and complete registration statement and supplements thereto

64 as required by this Code section or unless he or she is exempt from registration under the
65 provisions of this Code section. Except as hereinafter provided, every person who becomes
66 an agent of a hostile foreign principal shall, within ten days thereafter, file with the
67 commission a registration statement, under oath, on a form prescribed by the commission.
68 The obligation of an agent of a hostile foreign principal to file a registration statement
69 shall, after the tenth day of his or her becoming such agent, continue from day to day, and
70 termination of such status shall not relieve such agent from his or her obligation to file a
71 registration statement for the period during which he or she was an agent of a hostile
72 foreign principal. The registration statement shall include the following, which shall be
73 regarded as material for the purposes of this Code section:

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

76 (2) Status of the registrant:

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

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

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

87 (3) A comprehensive statement of the nature of registrant's business, including a
88 complete list of registrant's employees;

89 (4) A statement of the nature of the work of each hostile foreign principal for whom the
90 registrant is acting, assuming or purporting to act or has agreed to act, the character of the

91 business or other activities of every such hostile foreign principal. If any such hostile
92 foreign principal is an entity other than a natural person, such statement shall also detail
93 the ownership and control to which each such hostile foreign principal is supervised,
94 directed, owned, controlled, financed, or subsidized, in whole or in part, by any
95 government of a foreign country or foreign political party, or by any other hostile foreign
96 principal;

97 (5) The nature and amount of contributions, income, money, or thing of value, if any,
98 that the registrant has received within the preceding 60 days from each such hostile
99 foreign principal, either as compensation or for disbursement or otherwise, and the form
100 and time of each such payment and from whom received;

101 (6) A detailed statement of every activity which the registrant is performing or is
102 assuming or purporting or has agreed to perform for himself or herself or any other
103 person other than a hostile foreign principal and which requires his registration
104 hereunder;

105 (7) The name, business, and residence addresses, and if an individual, the nationality, of
106 any person other than a hostile foreign principal for whom the registrant is acting,
107 assuming or purporting to act or has agreed to act under such circumstances as require
108 his or her registration hereunder;

109 (8) The nature and amount of contributions, income, money, or thing of value, if any,
110 that the registrant has received during the preceding 60 days from each such person in
111 connection with any of the activities referred to in paragraph (6) of this subsection;

112 (9) A detailed statement of the money and other things of value spent or disposed of by
113 the registrant during the preceding 60 days in furtherance of or in connection with
114 activities which require the registrant's registration hereunder and which have been
115 undertaken by the registrant either as an agent of a hostile foreign principal or for himself
116 or herself or any other person or in connection with any activities relating to the registrant
117 becoming an agent of such principal;

- 118 (10) A detailed statement of any contributions of money or other things of value made
119 by the registrant during the preceding 60 days to bring about the nomination or election
120 of a candidate for any office, to bring about the recall of a public officer holding elective
121 office, to oppose the recall of a public officer holding elective office, to bring about the
122 approval or rejection by the voters of any proposed constitutional amendment, a
123 state-wide referendum, or a proposed question which is to appear on the ballot in this
124 state or in a county or a municipal election in this state; and
- 125 (11) Such other statements, information, or documents pertinent to the purposes of this
126 Code section as the commission may from time to time require.
- 127 (b) Every agent of a hostile foreign principal who has filed a registration statement
128 required by subsection (a) of this Code section shall, within 30 days after the expiration of
129 each six-month period succeeding such filing, file with the commission a supplement
130 thereto, under oath, on a form prescribed by the commission, which shall set forth with
131 respect to such preceding six-month period such facts as the commission may deem
132 necessary to make the information required under subsection (a) of this Code section
133 accurate, complete, and current with respect to such period.
- 134 (c) An agent of a hostile foreign principal shall update the information required by
135 subsection (b) of this Code section with the commission every 90 days.
- 136 (d) The registration statement shall be executed under oath as follows:
- 137 (1) If the registrant is an individual, by him or her;
138 (2) If the registrant is a partnership, by the majority of the members thereof; and
139 (3) If the registrant is a person other than an individual or a partnership, by a majority
140 of the officers thereof or persons performing the functions of officers or by a majority of
141 the board of directors thereof or persons performing the functions of directors, if any.
- 142 (e) A registration statement or supplement required to be filed under this Code section
143 shall be filed in electronic form, in addition to any other form that may be required by the
144 commission.

145 21-5-93.

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

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

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

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

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

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

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

167 21-5-94.

168 (a) Upon receipt of a complaint that an agent of a hostile foreign principal or a foreign
169 supported political organization has failed to comply with the registration and reporting

170 requirements of this article, or upon its own determination, the commission shall have
171 authority to investigate and to assess penalties for the violation of this article.

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

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

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

182 (2) Initiate a criminal investigation."

183 **SECTION 2.**

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