

House Bill 1235

By: Representatives Hilton of the 48th, Momtahan of the 17th, Reeves of the 99th, Gullett of the 19th, Herring of the 145th, and others

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 that candidates, campaign
3 committees, independent committees, and leadership committees that receive more than 50
4 percent of their funding from non-Georgia persons shall provide certain notices on their
5 campaign advertisements; to provide for definitions; to provide that candidates and campaign
6 committees shall provide certain disclosures on their websites with regard to the percentages
7 of out-of-state and in-state funding received by the candidate or campaign committee; to
8 provide for updates of such disclosures; to provide for specifications for such notices and
9 disclosures; to provide for violations and penalties; to provide for related matters; to provide
10 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to government
14 transparency and campaign finance, is amended in Code Section 21-5-3, relating to
15 definitions, by revising paragraph (15) and adding new paragraphs to read as follows:

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16 “(11.1) 'Electioneering communication' means any communications through broadcast
17 media, cable, radio, internet, telephone, mailing, billboard, or print that:

18 (1) Is made or scheduled within 120 days of an election;

19 (2) Exceeds the cost or value of \$1,000.00;

20 (3) Refers to a clearly identified candidate, proposed constitutional amendment, a
21 state-wide referendum, or a proposed question which is to appear on the ballot; and

22 (4) Is targeted at the geographic area where such candidate would represent if elected or
23 the geographic area affected by such constitutional amendment, referendum, or ballot
24 question.”

25 “(15) 'Independent committee' means any committee, club, association, partnership,
26 corporation, labor union, or other group of persons, other than a campaign committee,
27 political party, or political action committee, which receives donations during a calendar
28 year from persons who are members or supporters of the committee and which expends
29 such funds either for the purpose of affecting the outcome of an election for any elected
30 office or to advocate the election or defeat of any particular candidate, or is the functional
31 equivalent of express advocacy or electioneering communications.”

32 “(17.11) 'Non-Georgia person' means:

33 (A) As to an individual, any individual except an individual who:

34 (i) On the date such contribution or donation was made, was a registered Georgia
35 voter; or

36 (ii) Paid individual income taxes to the State of Georgia in the calendar year
37 preceding the date of such contribution or donation;

38 (B) As to a business entity, any entity except an entity that:

39 (i) On the date such contribution or donation was made, was registered with the
40 Secretary of State to do business in this state;

41 (ii) Paid individual or corporate income taxes to the State of Georgia in the calendar
42 year preceding the date of such contribution or donation; or

43 (iii) Filed a corporate income tax return with the Department of Revenue in the
44 preceding calendar year or maintains sufficient economic presence, property, or
45 payroll within this state to establish a nexus under state law; and
46 (C) As to a campaign committee, independent committee, or political action
47 committee, any such committee which cannot demonstrate that the funds from which
48 such committee made such contribution or donation came from individuals or entities
49 exempted pursuant to subparagraphs (A) and (B) of this paragraph."

50 **SECTION 2.**

51 Said chapter is further amended by revising Code Section 21-5-31, which is reserved, as
52 follows:

53 "21-5-31.

54 (a) Each candidate and his or her campaign committee, as well as each independent
55 committee and leadership committee, that receives more than 50 percent of their campaign
56 contributions in an election cycle from non-Georgia persons shall place a notice on all
57 campaign advertising by such candidate, campaign committee, independent committee, and
58 leadership committee that is made or purchased after such 50 percent threshold is met that
59 states, 'This political advertisement was paid for by out-of-state interests.'. Such notice
60 shall be in the same or larger font as the majority of the words in the print advertisement
61 and placed in a prominent location on the print advertisement. In the case of radio or
62 television advertisements, such notice shall be read aloud in a conversational tone and
63 speed at the conclusion of any such advertisement.

64 (b) Each candidate and his or her campaign committee, as well as each independent
65 committee and leadership committee, shall display on the candidate's or his or her
66 campaign committee's website in legible form a pie chart which shall show the percent of
67 campaign contributions received by the candidate, campaign committee, independent
68 committee, or leadership committee over the current election cycle from persons and

69 entities domiciled in this state and the percent of campaign contributions received over the
70 current election cycle from non-Georgia persons. Such percentages shall be updated on a
71 monthly basis throughout the election cycle.

72 (c)(1) It shall be a violation of this chapter and unlawful to fail to comply with the
73 provisions of subsections (a) and (b) of this Code section. Each violation of the
74 provisions of subsections (a) and (b) of this Code sections shall be considered a separate
75 and distinct violation.

76 (2) Violations of this Code section may be subject to civil penalties as provided for in
77 Code Section 21-5-6 or criminal penalties as provided for in Code Section 21-5-9.
78 Reserved."

79 **SECTION 3.**

80 This Act shall become effective upon its approval by the Governor or upon its becoming law
81 without such approval.

82 **SECTION 4.**

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