

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to substantially revise the "Ethics in Government Act"; to clarify provisions relating to the Ethics in Government Act; to improve provisions relating to transparency and accountability; to change and provide for definitions; to change the name of the Georgia Government Transparency and Campaign Finance Commission to the Georgia Ethics Commission; to change and provide for how members of the commission are elected and serve; to change and provide for the powers and duties of the commission; to change and provide for penalties for violation of this chapter; to provide citizens with a private cause of action to encourage enforcement of this chapter; to modify provisions relating to technical defects; to modify the venue where any action may be brought; to increase penalties for knowing violations of this chapter; to modify and prohibit honoraria; to modify provisions pertaining to the statute of limitations for any violation of this chapter; to prohibit public officers from engaging in conflicts of interest; to remove obsolete provisions pertaining to common source contributions; to add provisions clarifying the prohibition on using public employees as a contribution by public agencies; to modify campaign record retention requirements; to add, modify, and clarify provisions pertaining to the disposition of campaign contributions; to provide for modifications pertaining to disclosure reports; to modify and mandate electronic filing; to modify and clarify the acceptance of contributions during legislative session; to modify the commission's report preservation requirements and impose penalties upon qualifying officers for failure to provide required information to the commission; to modify definitions pertaining to contributions; to modify and clarify contribution limits; to modify provisions related to disclosure statements and information that must be disclosed; to modify definitions pertaining to lobbyist activities and lobbying; to prohibit lobbyists from making expenditures that influence public officers or state agencies; to modify and provide for penalties for violating lobbyist restrictions set forth in this chapter; to modify and clarify requirements for lobbyist disclosure reports; to modify provisions pertaining to lobbyist appointments; to increase the time period before public officers and executive directors may become lobbyists; to modify provisions pertaining to contingent contracts; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Comprehensive Ethics Reform Act."

SECTION 2.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended by revising Code Section 21-5-3, relating to definitions, as follows:
“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 for 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 this state or in a county or a municipal election in this state.

(3) 'Campaign contribution disclosure report' means a report filed with the commission by a candidate or the chairperson or treasurer of a campaign committee setting forth all expenditures of more than \$100.00 and all contributions of more than \$100.00, including contributions and expenditures of lesser amounts when the aggregate amount thereof by or to a person is more than \$100.00 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 \$100.00 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 Georgia ~~Government Transparency and Campaign Finance Commission~~ 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.

(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 this state or in 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 '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~~, unless such qualifying fee is an expenditure of the candidate or the candidate's campaign committee.

(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.

(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.

(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.

(11) '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.

(12) 'Expenditure' means a purchase, payment, distribution, loan, advance, deposit, or 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 this state or in 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 on behalf of a candidate.

(13) '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.

(13) [Deleted by 2010 amendment.]

(14) 'Gift' means any gratuitous transfer to a public officer or any member of the family of the public officer or a loan of property or services which is not a contribution as defined in paragraph (7) of this Code section and which is more than \$100.00.

(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.

(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.

(16.1) 'Investment' means the investment of money or capital to gain interest or income.

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

(17.1) '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.

(17.2) 'Nonprofit organization' means a corporation, foundation, or other legal entity, no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in such entity.

(18) 'Ordinary and necessary expenses' shall include, ~~but shall not be limited to,~~ reasonable 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, and repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, ~~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. It shall not include costs incurred in the defense of any alleged violation of this chapter, the payment of any fee or penalty, or any costs not directly related to the office being sought or

held.

(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.

(20) 'Political action committee' means:

- (A) 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 contributes funds to one or more candidates for public office or campaign committees of candidates for public office; and
- (B) A 'separate segregated fund' as defined in Code Section 21-5-40.

Such term does not include a candidate campaign committee.

(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.

(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,~~ or similar entity, 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.

(23) 'Qualifying officer' means a person who qualifies a candidate for an election.

(24) 'Reporting period' means the period of time beginning the day after the last report due date, excluding any grace period, through the due date of the next report.”

SECTION 3.

Said chapter is further amended by revising Code Section 21-5-4, relating to Georgia Government Transparency and Campaign Finance Commission, as follows:

“21-5-4.

(a) ~~The Georgia Government Transparency and Campaign Finance Commission~~ Ethics Commission shall be a successor to the ~~State Ethics Commission Georgia Government Transparency and Campaign Finance Commission~~, with such duties and powers as are set forth in this chapter. As the successor commission, it shall have all the powers and duties granted to the ~~State Ethics Commission~~ its predecessors in all matters pending before the ~~State Ethics Commission~~ and may continue to investigate, prosecute, and act upon all such matters.

(b) The commission shall be governed by five members elected from this state at large. The terms of such members shall be staggered. Three members, to succeed the members appointed by the Governor to the Georgia Government Transparency and Campaign Finance Commission, shall be elected to serve a term beginning on July 1, 2012; provided, however, that if a state-wide special election takes place prior to such date, the three members shall be elected at such special election and their terms shall commence immediately after being elected. One member, to succeed the member appointed by the Senate Committee on Assignments to the Georgia Government Transparency and Campaign Finance Commission, shall be elected to serve a term beginning on July 1, 2013. One member, to succeed the member appointed by the Speaker of the House of Representatives to the Georgia Government Transparency and Campaign Finance Commission, shall be elected to serve a term beginning on July 1, 2014. ~~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 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. Each member shall serve a term of five years; provided, however, that members elected pursuant to a special election prior to July 1, 2012 shall serve a term until July 1, 2017. 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 a vote of the commission members; if vacancies occur such that less than three members serve on the commission, the Governor shall appoint a new member or members to ensure the commission has three members. state official or the committee that appointed the vacating member.~~ Members of the commission shall not serve for more than one complete term of office. Members of the commission shall be nonpartisan. The names of all candidates who have qualified to become members of the commission shall be placed on the ballot in a nonpartisan election, and no candidate for the commission shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate.

(c) All members of the commission shall be residents of this state.

(d) Any person who:

~~(1) Has qualified to run for any federal, state, or local public office within a period of five years prior to such person's appointment;~~

~~(2) (1) Has held any federal, state, or local public office within a period of five years prior to such person's election appointment; or~~

(2) Has violated any provision of this chapter within a period of five years prior to such person's election; or

(3) Serves as an officer of any political party, whether such office is elective or appointive and whether such office exists on a local, state, or national level shall be ineligible to serve as a member of the commission.

(e) The commission shall elect a chairperson, a vice chairperson, and other officers as it deems necessary. ~~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 commission. Each shall be~~ compensated in the amount provided for each member of the Public Service Commission as

specified in Code Section 45-7-4, payable in semimonthly installments, and shall receive such travel expenses and allowances as are provided for in Code Section 45-7-20; provided, however, that pursuant to Code Section 45-7-4, each member of the commission shall in addition thereto be entitled to receive necessary and actual expenses incurred in the performance of each member's duties as administrator of chapter. They shall be paid their necessary traveling expenses while engaged in the business of the commission.

(f) A majority of the members of the commission constitutes 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 commission. No vacancy in the membership of the commission impairs the right of a quorum to exercise all rights and perform all duties of the commission.

(g) Meetings of the members of the commission shall be held at the call of the chairperson or whenever any two members so request, but a meeting shall be held at least once a month.”

SECTION 4.

Said chapter is further amended by revising Code Section 21-5-6, relating to the power and duties of the Georgia Ethics Commission, as follows:

“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 specifically authorized in this chapter; and~~

~~(8) To to do any and all things necessary or convenient to enable it to perform wholly and adequately its duties and to exercise the powers specifically authorized to it in this chapter in the furtherance of the purposes of this chapter, including, without limitation, issuing subpoenas, adopting rules and regulations pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and prosecuting actions in its own name in the superior courts.~~

(b) The commission shall have the following duties:

(1) To prescribe forms, procedures, and methods, promulgate rules and regulations, develop and publish reports, to be used in complying with this chapter and to take all steps necessary or convenient to ensure the commission's duties and obligations under this chapter are fulfilled;

(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;~~ To ensure all information required under this chapter, including, without limitation, any filings, orders, findings, and advisory opinions, are made available on the commission's website.

~~(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)~~ (3) 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)~~ (4) To determine whether the required statements and reports have been filed and, if so, whether they conform to the requirements of this chapter;
- ~~(9)~~ (5) To make investigations, ~~subject to the limitations contained in Code Section 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~~ violations of 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)~~(6)(A) To conduct a preliminary investigation, subject to the limitations contained in Code Section 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, and any person who provided such written complaint shall be notified in writing the reason for such dismissal. 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) (7)~~ To report suspected violations of law to the appropriate law enforcement authority;

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

~~(13) (8)~~ 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~~ 30 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) (9)~~ 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. Such order ~~may~~ shall include, in addition to any other provision the commission deems reasonably necessary to fulfill the purposes of this chapter, a provision requiring the violator:

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

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

(C)(i) Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil

penalty ~~of at least \$1,000.00, but not to exceed \$1,000.00~~ 10,000.00, 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 of at least \$5,000.00, but not to exceed \$10,000.00 ~~20,000.00~~, ~~may~~ shall be imposed for a second occurrence of a violation of the same provision and, irrespective of any civil penalty assessed, such violator shall be immediately removed and disqualified from holding any public office, employment, or position of trust in any state agency, as defined in Code Sections 21-5-70, for a period of seven years from the date of violation. ~~a civil penalty not to exceed \$25,000.00 may be imposed for each third or subsequent occurrence of a violation of the same provision. In imposing a penalty or late filing fee under this chapter, the~~ The commission may ~~waive or suspend~~ reduce such penalty or fee to a sum no less than \$15,000 if the imposition of such penalty or fee would impose an undue hardship on the person required to pay such penalty or fee. 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 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.~~ The commission shall retain the first \$5,000.00 of each penalty assessed and recovered pursuant to the provisions of Code Section 45-12-92.1.

(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 for a violation of any provision of this chapter or any rule or regulation duly issued by the commission. If the Attorney General refuses or fails to bring an action in the superior court, the commission may hire special counsel to bring such action in the superior courts.

(iv) Any action brought by the Attorney General or the commission to enforce civil penalties 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 shall 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 or the commission 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;~~

~~(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;~~

~~(23) To award attorneys' fees to the party complained against if the commission deems the complaint to be frivolous, legally or factually, or if the complaining party fails, without good cause, to appear at the preliminary hearing on the complaint; and~~

~~(24) To issue a warning letter to persons who have not filed any statement or report —~~

required by this chapter.”

SECTION 5.

Said chapter is further amended by adding a new Code Section as follows:

“21-5-6.1.

In the event the commission shall fail or refuse to enforce the provisions of this chapter when the facts are known by it, or called to its attention, any citizen of this state may bring an action in superior court to force compliance with this chapter.

The citizen shall be entitled to receive reimbursements for expenses and reasonable attorney's fees upon the successful outcome of such litigation.

It is intended that this Code section be construed broadly to encourage citizens to enforce the provisions in this chapter.”

SECTION 6.

Said chapter is further amended by revising subsections (2) and (3) of Code Section 21-5-7.1, relating to rules, as follows:

“(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 an administrative fee of \$50.00 per technical defect shall be imposed and the complaint shall be disposed of without filing or further proceedings, 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 or fee shall be imposed. The commission shall retain \$25.00 of each such technical defect fee

received for processing pursuant to the provisions of Code Section 45-12-92.1. 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~~ the complaint shall be considered filed. 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~~ thirty-first 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”

SECTION 7.

Said chapter is further amended by revising Code Section 21-5-8, relating to the venue for prosecutions of actions, as follows:

“21-5-8.

Venue for prosecution of civil violations of this chapter or for any other action by or on behalf of the commission shall be in the county of the residence of the candidate or public officer at the time of the alleged violation or action, or in Fulton County, Georgia. Venue for any action against the Commission shall be in Fulton County, Georgia.”

SECTION 8.

Said chapter is further amended by revising Code Section 21-5-9, relating to penalties, as follows:

“21-5-9.

Except as otherwise provided in this chapter, any person who knowingly fails to comply with or who knowingly violates this chapter shall be guilty of a misdemeanor; provided, however, any person who knowingly fails to comply with or who knowingly violates this

chapter pertaining to the misappropriation or improper use of any funds in excess of \$5,000.00 shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.”

SECTION 9.

Said chapter is further amended by revising Code Section 21-5-11, relating to acceptance of monetary fees or honoraria, as follows:

“21-5-11.

~~(a) No public officer other than a public officer elected state wide shall accept a monetary fee or honorarium in excess of \$100.00 for a speaking engagement, participation in a seminar, discussion panel, or other activity which directly relates to the official duties of that public officer or the office of that public officer.~~

~~(b) (a) No public officer elected state wide shall accept any monetary fee, consideration, gift, or honorarium, or anything of value for a speaking engagement, participation in a seminar, discussion panel, or other such activity.~~

~~(e) (b) For purposes of this chapter, actual and reasonable expenses paid or reimbursed, including but not limited to, for food, beverages, travel, and lodging, and registration for a meeting which are provided to permit participation in a panel or speaking engagement at the meeting shall not be monetary fees or honoraria constitute consideration. Notwithstanding the foregoing provision, a public officer shall be entitled to any food and beverage provided to all participants at a speaking engagement, seminar, discussion panel, or other such activity.”~~

SECTION 10.

Said chapter is further amended by revising Code Section 21-5-13, relating to the statute of limitations, as follows:

“21-5-13.

Any action alleging a violation of this chapter shall be commenced within ~~three~~ five years after the date of filing of the first report containing the alleged violation. ~~provided, however, that 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 or more years or any candidate for an office with a term of four or more 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 11.

Said chapter is further amended by adding a new Code Section as follows:

“21-5-15.

(a) No public officer shall use or attempt to use the public officer's position to secure special privileges or exemptions for the public officer, the public officer's spouse, child, parents, or other persons standing in the first degree of relationship to the public officer.

(b) No public officer shall use or attempt to use the public officer's position to secure special privileges or exemptions, which may affect the public officer's financial interest or cause financial benefit to the public officer, or a business in which the public officer is an officer, director, stockholder owning more than 10% of the stock of the company if such company is a publicly traded company, stockholder owning any interest in a closed corporation or legal entity that is not publicly traded, owner, trustee, partner, or employee, which is distinguishable from the effects of the action on the public generally or a broad segment of the public.

(c) A public officer is prohibited from taking any action in the discharge of the public officer's official duties, which may affect the public officer's financial interest or cause financial benefit to the public officer, or a business in which the public officer is an officer, director, stockholder owning more than 10% of the stock of the company if such company is a publicly traded company, stockholder owning any interest in a closed corporation or legal entity that is not publicly traded, owner, trustee, partner, or employee, which is

distinguishable from the effects of the action on the public generally or a broad segment of the public.

(d) Notwithstanding any other provision of this chapter, any public officer found in violation of this Code section shall be immediately removed and disqualified from holding any public office, employment, or position of trust in any state agency, as defined in Code Sections 21-5-70, for a period of seven years from the date of violation.”

SECTION 12.

Said chapter is further amended by adding a new Code Section as follows:

“21-5-16.

Any person that is removed or disqualified from holding public office for violating this chapter shall, no later than the five days following the date of qualifying as a candidate for any public office, electronically file with the commission a statement that identifies the date and reason the person was removed or disqualified from holding public office.”

SECTION 13.

Said chapter is further amended by revising Code Section 21-5-30, relating to contributions made to candidates and committees, as follows:

“21-5-30.

(a) Except as provided in subsection (e) of Code Section 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 or by 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 proposed question at the state, municipal, or county level shall be made or accepted except directly to or 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 commission. When a candidate has been elected to public office, the registration of that candidate's campaign committee with the commission shall remain in effect so long as the candidate remains in office until and unless the registration is canceled by the campaign committee or the candidate. 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 a campaign depository account opened and maintained by the candidate or the campaign committee. The account may be an interest-bearing account; provided, however, that any interest earned on such account shall be 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) Unless otherwise reported individually, where separate contributions of less than \$100.00 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 family, members of the same firm or partnership, or employees of the same person, as defined in paragraph (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 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) ~~(d)~~ The making and acceptance of anonymous contributions are prohibited. Any

anonymous contributions received by a candidate or campaign committee shall be transmitted to the state treasurer for deposit in the state treasury, and the fact of such contribution and transmittal shall be reported to the commission.

~~(f)~~ ~~(e)~~ 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 \$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)~~ ~~(f)~~ 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 commission 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 14.

Said chapter is further amended by revising subparagraph (2) of subsection (a) of Code Section 21-5-30.2, relating to the definitions pertaining to contributions by public agencies, as follows:

“(2) "Contribution" means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money, or anything of value conveyed or transferred by or on behalf of an agency, including but not limited to the use of any employees by or on behalf of an agency, without receipt of payment therefor, to any campaign committee, political action committee, or political organization or to any candidate for campaign purposes.”

SECTION 15.

Said chapter is further amended by adding a new Code Section as follows:

“21-5-31.

(a) A contribution shall be separately reported under this Code section if any of the following circumstances exist:

(1) The contribution is made by a business entity and relates to a public office having supervisory authority over an agency and:

(A) The business entity has had any contract with the agency within a period of two years immediately prior to the date of the contribution;

(B) The business entity is seeking a contract with the agency at the time of the contribution or has sought a contract with the agency within a period of two years immediately prior to the date of the contribution;

(C) The business entity has received a grant from the agency within a period of two years immediately prior to the date of the contribution;

(D) The business entity is seeking a grant from the agency at the time of the contribution or has sought a grant from the agency within a period of two years immediately prior to the date of the contribution; or

(E) The business entity is in any manner regulated by the agency or the public office;

(2) The contribution is made by:

(A) A person having a substantial interest in a business entity which would be required to report the contribution under paragraph (1) of this subsection if the business entity made the contribution; or

(B) A member of the family of a person described in subparagraph (A) of this paragraph;

(3) The contribution is made by:

(A) An executive officer or fiduciary of a business entity which would be required to report the contribution under paragraph (1) of this subsection if the business entity made the contribution; or

(B) A member of the family of a person described in subparagraph (A) of this paragraph;

(4) The contribution is made by:

(A) An affiliated corporation of a business entity which would be required to report the contribution under paragraph (1) of this subsection if the business entity made the contribution;

(B) A person having a substantial interest in an affiliated corporation described in subparagraph (A) of this paragraph or a member of the family of such a person; or

(C) An executive officer or fiduciary of an affiliated corporation described in subparagraph (A) of this paragraph or a member of the family of such a person; or

(5) The contribution is made by a political action committee of which a connected organization is a business entity which would be required to report the contribution under paragraph (1) of this subsection if the business entity made the contribution.

(b) For purposes of subsection (a) of this Code section, a contribution relates to a public office if the contribution is made to:

(1) The public officer holding that public office or the campaign committee of that public officer;

(2) A candidate for that public office or the campaign committee of a person seeking that public office; or

(3) An employee of an agency over which that public officer exercises any supervisory authority.

(c) As used in this Code section, any term defined in Code Section 21-5-3 shall have the meaning provided in that Code section; and the term:

(1) 'Agency' shall have the meaning provided in Code Section 21-5-30.2.

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

(d) A contribution which is subject to special reporting under this Code section shall be the subject of a disclosure report to be filed with the commission within two business days after the date of the contribution. The report shall be filed electronically in the manner specified by the commission. Each of the following shall have the duty to file the report to the extent

that each knew or reasonably should have known of facts giving rise to the requirement to report:

(1) The person making the contribution; and

(2) The business entity described in paragraph (1) of subsection (a) of this Code section.

If both the person making the contribution and the business entity knew or should have known of such facts, then both shall have a duty to file.

(e) The disclosure report shall state:

(1) The name, address, and telephone number of the person or persons having the duty to file the report;

(2) The name, address, and telephone number of the recipient of the contribution; and

(3) A description of any and all contracts or grants, existing or sought, triggering a disclosure requirement under subsection (a) of this Code section, including the general nature of the contract or grant, the date the contract or grant was entered into, the date the contract or grant became effective, the date the contract or grant was or will be terminated or complete, and the general terms of the contract or grant including the consideration and compensation in a contract.

(f) This provisions of this Code section shall not apply to a one-time, nonrecurring contract or grant in an amount under \$1,000.00.

(g) Any person violating any of the provisions of this Code section shall be subject to a civil penalty, which shall not exceed the greater of the amount of the contribution or the value of the contract or grant, existing or sought, but shall be at least \$10,000.

(h) Any contract or grant that results from a violation of this article shall be voidable by the commission.”

SECTION 16.

Said chapter is further amended by revising subsection (c) of Code Section 21-5-32, relating to records of such accounts kept by the candidate or campaign committee, as follows:

“(c) Records of such accounts kept by the candidate or campaign committee shall be preserved from the inception of the campaign and for ~~three~~ seven years from the termination date of the campaign for elective office conducted by the candidate or of the

campaign committee for any candidate or for three years from the election to bring about the approval or rejection by the voters of any proposed constitutional amendment, referendum, or local issue or of any recall vote.”

SECTION 17.

Said chapter is further amended by revising Code Section 21-5-33, relating to disposition of contributions, as follows:

“21-5-33.

(a) Contributions to a candidate, a campaign committee, or a public officer holding elective office and any proceeds from investing such contributions shall be utilized only to defray ordinary and necessary expenses, which may include any loan of money from a candidate or public officer holding elective office to the campaign committee of such candidate or such public officer, incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office.

(b)(1) All contributions received by a candidate or such candidate's campaign committee or a public officer holding elective office in excess of those necessary to defray expenses pursuant to subsection (a) of this Code section and as determined by such candidate or such public officer may only be used as follows:

~~(A) As contributions to any charitable organization described in 26 U.S.C. 170(c) as said federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations;~~

~~(B) Except as otherwise provided in subparagraph (D) of this paragraph, for transferral without limitation to any national, state, or local committee of any political party or to any candidate;~~

~~(C)~~ (A) For transferral without limitation to persons making such contributions, not to exceed the total amount cumulatively contributed by each such transferee;

~~(D)~~ (B) For use in future campaigns for only that elective office for which those contributions were received; ~~With respect to contributions held on January 1, 1992, or received thereafter, in the event the candidate, campaign committee, or public officer holding elective office has not designated, prior to receiving contributions to~~

~~which this Code section is applicable, the office for which campaign contributions are received thereby, those contributions shall be deemed to have been received for the elective office which the candidate held at the time the contributions were received or, if the candidate did not then hold elective office, those contributions shall be deemed to have been received for that elective office for which that person was a candidate most recently following the receipt of such contributions; or~~

~~(E) (C) For repayment of any prior campaign obligations incurred as a candidate-; or~~

~~(D) For transmittal to the state treasurer for deposit in the state treasury.~~

(2) Any candidate or public officer holding elective office may provide in the will of such candidate or such public officer that the contributions shall be spent in any of the authorized manners upon the death of such candidate or such public officer; and, in the absence of any such direction in the probated will of such candidate or such public officer, the contributions shall be paid to the state treasury ~~of the state party with which such candidate or such public officer was affiliated in such candidate's or such public officer's last election or elective office~~ after the payment of any expenses pursuant to subsection (a) of this Code section. Notwithstanding any other provisions of this paragraph, the personal representative or executor of the estate shall be allowed to use or pay out funds in the campaign account in any manner authorized in subparagraphs (A) through ~~(E)~~ (D) of paragraph (1) of this subsection.

(c) Contributions and interest thereon, if any, shall not constitute personal assets of such candidate or such public officer.

(d)(1) Contributions received by a campaign committee 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 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 county or municipal election and any proceeds derived from investing such contributions shall be utilized only to defray ordinary and necessary expenses associated with influencing the voters on such issue.

(2) All contributions received by a campaign committee as provided in paragraph (1) of

this subsection in excess of those necessary to defray expenses relative to the influencing of voters on such issue as determined by the campaign committee may only be used as follows:

(A) ~~Contributions to any charitable organization described in 26 U.S.C. 170(e) as such federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations; For transmittal to the state treasurer for deposit in the state treasury; or~~

(B) For repayment on a pro rata basis to persons making such contributions.”

SECTION 18.

Said chapter is further amended by revising Code Section 21-5-34, relating to disclosure reports, as follows:

“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 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 electronically sign and file with the commission the required campaign contribution disclosure reports.

(B) The chairperson or treasurer of each independent committee shall file the required disclosure reports with the 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 this state or in a county or a municipal election in this state shall register with the commission and file campaign contribution disclosure reports as prescribed by this chapter; provided, however, that such reports 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 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 electronically filed with the commission . 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 election year.

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

(A) As to any contribution of ~~more than \$100.00~~, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address 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 person;

(B) As to any expenditure of ~~more than \$100.00~~, 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 shall be reported for an election cycle as follows:

(i) The first report of an election cycle shall list the cash on hand brought forward from the previous election cycle, if any, and the total contributions received during the period covered by the report;

- (ii) Subsequent reports shall list the total contributions received during the period covered by the report and the cumulative total of contributions received during the election cycle;
 - (iii) The first report of an election cycle shall list the total expenditures made during the period covered by the report;
 - (iv) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the election cycle, and net balance on hand; and
 - (v) 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 election cycle shall be carried forward to the first report of the applicable new election cycle;
- (E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution ~~of more than \$100.00~~;
- (F) Any investment made with funds ~~of a campaign committee, independent committee, or political action committee~~ and held outside such any committee's official depository account during each reporting period for which an investment exists or a transaction applying to an identifiable investment is made. The report shall identify the name of the entity or person with whom such investment was made, the initial and any subsequent amount of such investment if such investment was made during the reporting period, and any profit or loss from the sale of such investment occurred during such reporting period; and
- (G) Total debt owed on the last day of the reporting period.
- ~~(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than \$100.00 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 \$100.00.~~

(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 election year:
 - (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 election for which the candidate is qualified and the date of such election, all contributions of \$1,000.00 or more shall be reported within two business days of receipt to the commission and also reported on the next succeeding regularly scheduled campaign contribution disclosure report;
- (3) If the candidate is a 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 a 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 two business days. Reports required to be filed within two business days of a contribution shall be reported by facsimile or electronic transmission to the commission . Each report required in the election year 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 more than \$100.00, 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 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 with the commission at the same times as required of the candidates they are supporting. 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;

(2) Persons other than individuals making aggregate contributions and expenditures to or on behalf of candidates of ~~\$25,000.00~~ \$10,000 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 register with the commission prior to accepting contributions or making expenditures and shall file disclosure reports with the commission as follows:

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

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

(C) Within the two-week period prior to the date of such election the independent committee shall report within 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 election year 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 more than \$100.00;

(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 more than \$100.00 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 more than \$100.00.

(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 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; and

(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.

(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 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 election year.

(i) (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 election 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.

(j) 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.

(k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00 shall be imposed for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate's committee by registered or certified mail or statutory overnight delivery, return receipt requested, and shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed by such date; provided, however, a 15 day extension period shall be granted on the final report. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if such report has not been filed. Campaign committee funds shall not be used to pay such late fee or penalty.

(2) The commission shall retain \$25.00 of the first late fee received for processing pursuant to the provisions of Code Section 45-12-92.1.

(l) It shall be the duty of the commission when it receives for filing any disclosure report or statement or other document that may be filed by mail 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.

(m) Any person or entity which is required to be registered with the commission shall file a termination statement together with its final campaign contribution disclosure report as required by this Code section. The termination statement shall identify the person responsible for maintaining campaign records as required by this chapter.

~~(n) The commission shall not require the reporting of any more information in a campaign contribution disclosure report than is expressly required to be disclosed by this Code section."~~

SECTION 19.

Said chapter is further amended by revising Code Section 21-5-34.1, relating to electronic filing, as follows:

“21-5-34.1

(a) Candidates, candidate committees, ~~and public officers, political action committees, independent committees, and any person or persons~~ who are required to file campaign contribution disclosure reports shall use electronic means to file such reports with the commission using means prescribed by the commission to file such reports.

(b) The electronic filing of any campaign disclosure report required under this article shall constitute an affirmation that such report is true, complete, and correct.

~~(c) Candidates seeking election to county or municipal offices shall use electronic means to file their campaign contribution disclosure reports with the commission upon having raised or spent a minimum of \$20,000.00 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) 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 commission upon having raised or spent \$5,000.00 in a calendar year, and no paper copy of the report shall be filed. Under that threshold, electronic filing is permitted and encouraged but not required.~~

~~(e) The electronic filing of any campaign contribution disclosure report required under this article shall constitute an affirmation that the report is true, complete, and correct.”~~

SECTION 20.

Said chapter is further amended by revising Code Section 21-5-35, relating to the acceptance of contributions during legislative session, as follows:

“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~~ within 3 business days to the donor or the donor's agent; ~~or~~

~~(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;~~

~~(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~~

(4) (2) A judicial officer elected state wide or campaign committee of such judicial officer.”

SECTION 21.

Said chapter is further amended by revising Code Section 21-5-36, relating to the disposition of reports and handling of complaints, as follows:

“21-5-36.

(a) (1) It shall be the duty of the commission to make the campaign contribution disclosure reports available for public inspection and copying during regular office hours commencing as soon as practicable after such reports are filed. The commission shall have the authority to charge a fee for copying such reports not to exceed the actual cost of such copying. The commission shall preserve such reports for a period of ~~five~~ at least seven years from the date upon which they are received.

(2) A qualifying officer shall notify the commission in writing of the names and addresses of all candidates and offices sought in any election within ten days of the close of the qualification period.

(b) After receiving original reports, the commission has the duty to inspect each report filed by candidates or by a campaign committee for conformity with the law and to notify the candidate or campaign committee immediately if the report does not conform with the law or is in technical violation of filing requirements. Such notification shall be by electronic means ~~and regular United States mail.~~

(c) Within ten business days of the close of the qualification period, qualifying officers shall electronically report to the commission the names and addresses of all candidates and offices sought by each candidate in an election and the qualifying date for such candidate.

(d) In addition to any other penalties provided in this chapter, a qualifying officer shall be liable for a \$250.00 penalty for each failure to provide the commission with the information specified in this Code section.”

SECTION 22.

Said chapter is further amended by revising Code Section 21-5-40, relating to definitions applicable to contributions, as follows:

“21-5-40.

As used in this article, the term:

- (1) 'Affiliated committees' means any two or more political committees (including but not limited to a political action committee or a separate segregated fund) established, financed, maintained, or controlled by the same 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 business entity any other business entity related thereto: as a parent business entity; as a subsidiary business entity ; as a sister business entity; by common ownership or control; or by control of one business entity by the other.
- (3) 'Business entity' shall have the same meaning as provided in Code Section 21-5-3.
- (4) [Reserved by 2010 amendment.]
- (4.1) [Deleted by 2010 amendment.]
- (5) 'Person' means ~~an individual~~. an individual, partnership, committee, association, corporation, limited liability company, limited liability partnership, trust, professional corporation, or business entity recognized in the State of Georgia, labor organization, or any other organization or group of persons.
- (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 business entity) or any other group of persons or entities which makes a

contribution; ~~or~~ (B) any separate segregated fund; or (c) any political action committee.

(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 (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 business entity, labor organization, membership organization, or cooperative and to which the business entity, labor organization, membership organization, or cooperative solicits contributions.”

SECTION 23.

Said chapter is further amended by revising subsection (c) of Code Section 21-5-41, relating to maximum allowable contributions, as follows:

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

SECTION 24.

Said chapter is further amended by revising Code Section 21-5-50, relating to financial disclosure statements, as follows:

“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 (D), (F), and (G) of paragraph (22) of Code Section 21-5-3, shall file with the 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 an election year 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 (D), (F), and (G) of paragraph (22) of Code Section 21-5-3, shall file with the 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) Except as set forth in paragraph (3) of this subsection, a public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, shall not be required to file a financial disclosure statement pursuant to this Code section. Each such public officer shall, however, be deemed to be a public official for purposes of Code Section 45-10-26 and shall be subject to the disclosure requirements set forth in Code Section 45-10-26. In addition, each such public officer shall file with the commission, prior to January 31 each year, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests.

(3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section 21-5-3, who serves as a member of the commission shall be subject to the requirements for filing financial disclosure statements set forth in paragraph (1) of this subsection. In addition, each such public officer shall file with the commission, together with the financial disclosure statement, an affidavit confirming that such public officer took no official action in the previous calendar year that had a material effect on such public officer's private financial or business interests.

(4) Each member of the State Transportation Board shall file a financial disclosure statement for the preceding calendar year no later than the sixtieth day following such member's election to the State Transportation Board. Thereafter, each board member shall file by January 31 of each year a financial disclosure statement for the preceding year. In addition, each board member shall file with the commission, prior to January 31 of each year, an affidavit confirming that such board member took no official action in the previous calendar year that had a material effect on such board member's private financial or business interests.

(5) The commission shall review each financial disclosure statement to determine that

such statement is in compliance with the requirements of this chapter.

(6) A public officer shall not, however, be required to file such a financial disclosure statement for the preceding calendar year in an election year 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 paragraph, a public officer shall not be deemed to hold office in a year in which the public officer holds office for fewer than 15 days.

(6) In addition to other penalties provided under this chapter, a filing fee of \$100.00 shall be imposed for each financial disclosure statement that is filed late. In addition, a filing fee of \$250.00 shall be imposed on the fifteenth day after the due date if the statement has still not been filed. A fine of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if the statement has not been filed by such date. Such fee or fine shall be paid from the personal funds of the person required to file such statement and no other funds from any source may be used to pay such fine.

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

~~(1) Each monetary fee or honorarium which is accepted by a filer from speaking engagements, participation in seminars, discussion panels, or other activities which directly relate to the official duties of the filer 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)~~(1) All fiduciary positions held by the candidate for public office or the filer, 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 as of December 31 of the covered year, or at any time within the covered year;

~~(3)~~(2) The name, address, and principal activity of any business entity or investment, exclusive of the names of individual stocks and bonds in mutual funds, and the office held by and the duties of the candidate for public office or filer within such business entity as of December 31 of the covered year, or at any time within the covered year, in

which such candidate or officer has a direct ownership interest which:

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

(B) Has a net fair market value of \$5,000.00 or more ;

~~(4)~~(3)(A) Each tract of real property in which the candidate for public office or filer has a direct ownership interest as of December 31 of the covered year, or at any time within the covered year, when that interest has a fair market value of \$5,000.00 or more . As used in this paragraph, the term 'fair market' value means the appraised value of the property for ad valorem tax purposes. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 and \$200,000.00; ~~or~~ (iii) \$200,000.01 and \$750,000.00 ; or (iv) more than \$200,000.00 750,000.00.

(B) Each tract of real property in which the candidate for public office's spouse or filer's spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value of \$5,000.00 or more. The disclosure shall contain the county and state, general description of the property, and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to \$200,000.00; (iii) \$200,000.01 and \$750,000.00 ; or (iv) ~~or~~ more than \$200,000.00 750,000.00;

(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) 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 , bonds, or mutual funds, as of December 31 of the covered year, or at any time within the covered year, in which the filer's spouse or dependent children, jointly or severally, own a direct ownership interest which:

(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; and

(8) All annual payments in excess of \$10,000.00 received by the filer 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.

(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 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) As used in this subsection, the term:

(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.

(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.

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

(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) ~~All state-wide elected officials and members of the General Assembly shall~~ persons

required to file financial disclosure statements shall electronically file such statements with the commission.

(e) The electronic filing of any financial disclosure statement required under this article shall constitute an affirmation that the statement is true, complete, and correct.

(f) (1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall be imposed for each financial disclosure statement that is filed late, and notice of such late fee shall be sent to the board member, candidate, and the candidate's committee by registered or certified mail or statutory overnight delivery, return receipt requested, and shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such statement if such statement has not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if the statement has not been filed. Campaign committee funds shall not be used to pay such fee or penalty.

(2) The commission shall retain \$25.00 of the first late fee received for processing pursuant to the provisions of Code Section 45-12-92.1.

(g) The commission shall not require the reporting of any more information in a financial disclosure statement than is expressly required to be disclosed by this Code section.”

SECTION 25.

Said chapter is further amended by revising Code Section 21-5-70, relating to definitions pertaining to lobbying, as follows:

“21-5-70.

As used in this article, the term:

(1) 'Expenditure':

(A) Means a purchase, payment, distribution, loan, advance, deposit, ~~or conveyance,~~ transfer, subscription, service, ~~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 or thing of value when such can be reasonably construed as designed to encourage or influence a public officer,

irrespective of whether such payment or thing of value is made directly or indirectly to the public officer, a member of the public officer's family, or public officer's business interest;

~~(B.1) (C)~~ Includes reimbursement or payment of actual and reasonable expenses provided to a public officer for transportation, travel, lodging, registration, food, beverages, and other activities ~~related to attending a meeting or conference so as to permit such public officer's participation in such meeting or conference;~~

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

~~(ix) (v) 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; or~~

~~(xi) Transportation unless a lobbyist arranges for or participates in such transportation.~~

(2) 'Filed' means the delivery to the 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 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) 'Lobbying' means the activity of a lobbyist while acting in that capacity.

(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, ordinance, resolution, rule, regulation, or other official action by the General Assembly, the Governor, a public officer, or any state agency, or the approval or veto of any legislation ordinance, resolution, rule, regulation, or other official action by the Governor;~~

(B) Any natural person who makes a total expenditure of more than \$250.00 10.00 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, ordinance, resolution, rule, regulation, or other official action by the General Assembly, the Governor, a public officer, or any state agency, or the approval or veto of any legislation ordinance, resolution, rule, regulation, or other official action by the Governor;~~

~~(C) Any natural person who is not as an employee of the executive branch or judicial- legislative branch of state or local government, which engages in any activity covered under subparagraph (A) of this paragraph; or~~

~~(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 (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 (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;~~

~~(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)(D) 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 vendor 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;~~

~~(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 ;~~

~~(I) Any natural person who, for compensation, either individually or as an employee of another person undertakes to promote or oppose any matter before the State Transportation Board; or~~

~~(J) 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 any matter before the State Transportation Board.~~

(6) 'Public officer' means a member of the State Transportation Board and those public officers specified under paragraph (22) of Code Section 21-5-3, ~~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 or any agency, authority, department, board, bureau, commission, council, corporation, entity, or instrumentality of this state or of a local political subdivision of this state, including, without limitation, the members, commissioners, directors, heads, employees with discretionary authority, and decision-makers thereof.

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

SECTION 26.

Said chapter is further amended by adding a new Code Section as follows:

“21-5-70.1.

No lobbyist shall make an expenditure, and no public officer or state agency shall accept such expenditure.

A public officer or state agency that returns an expenditure to a lobbyist within 3 business days of any receipt of such expenditure shall be deemed to have not accepted the expenditure.”

SECTION 27.

Said chapter is further amended by revising subsection (h) of Code Section 21-5-71, relating to public rosters of lobbyists, as follows:

“(h) The commission shall regularly publish public rosters of lobbyists on its website, 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 physical copies of the roster to the public.”

SECTION 28.

Said chapter is further amended by revising Code Section 21-5-72, relating to penalties, as follows:

“21-5-72.

(a) In addition to other penalties provided in this article, the commission may by order deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist if it finds that the lobbyist:

(1) Has filed an application for registration with the commission which was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact; or

~~(2) Has willfully violated or willfully failed to comply with this article or a rule promulgated by the commission under this article;~~

~~(3) (2) Has failed to comply with the reporting requirements of this article;~~

~~(4) Has engaged in lobbying practices in violation of this article.~~

(b) In addition to other penalties provided in this article, the commission shall by order deny, suspend, or revoke for a period of at least five years but not to exceed ten years the

registration of a lobbyist if it finds that the lobbyist:

(1) Has willfully violated or willfully failed to comply with this article or a rule promulgated by the commission under this article; or

(2) Has engaged in lobbying practices in violation of this article, including but not limited to making an expenditure.

~~(b) Application may be made to the commission for reinstatement.~~

~~Such reinstatement shall be conducted in the same manner as required for an initial registration under this article and shall be conditioned upon payment of the same registration fees applicable to an initial registration and also any outstanding penalty fees.~~

(c) Any public officer found in violation of this article, including, without limitation, any public officer that accepts an expenditure from a lobbyist, shall be immediately removed and disqualified from holding any public office, employment, or position of trust in any state agency for a period of seven years from the date of violation.

~~(e) (d) Any person failing to comply with or violating any of the provisions of this article shall be subject to a civil penalty of at least \$5,000 but not to exceed \$2,000.00 \$15,000 per violation.”~~

SECTION 29.

Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyist disclosure reports, as follows:

“21-5-73.

(a) Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section in the electronic format specified by the commission .

(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 semimonthly disclosure report on the first and fifteenth day of each month, current through the end of the preceding report, beginning January 15 and continuing throughout the period that the General Assembly is in session.

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

~~(1) 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 required by subsections (b) and (d) of this Code section; and~~

~~(2) 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.~~

~~(d)(c)~~ A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), (H), (I), or (J) of paragraph (5) of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of the preceding period, on or before the fifth day of each month; provided, however, that such monthly reports shall not be filed during any period that the lobbyist files a semimonthly report pursuant to subsection (b) of this Code section.

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

(1) A description of all ~~expenditures~~ lobbying, as defined in Code Section 21-5-70, ~~or the value thereof made on behalf or for the benefit of a public officer by the lobbyist or employees of the lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has actual knowledge of such expenditure.~~ The description of each reported ~~expenditure~~ lobbying activity shall include:

(A) The name and title of the public officer or, if the ~~expenditure~~ lobbying 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;~~

~~(D) (B) If applicable, the number and name of the ~~bill~~ legislation, rule, resolution, ordinance, ~~or~~ regulation, or other official action, pending before the governmental entity or state agency in support of or opposition to which the expenditure was ~~made~~ lobbying was directed; 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; (C) A description of the legislation, rule, resolution, ordinance, or regulation, or other official action to which the lobbying was directed;~~

(2) For those who are lobbyists within the meaning of subparagraph (D) 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) (e)~~ 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.

~~(g) (f)~~ The electronic filing of any disclosure report required by this article shall constitute an affirmation that such report is true, complete, and correct.

~~(h) The commission shall not require the reporting of any more information in a lobbyist-~~

~~disclosure report than is expressly required to be disclosed by this Code section.”~~

SECTION 30.

Said chapter is further amended by revising Code Section 21-5-74, relating to lobbyist ineligibility for appointments, as follows:

“21-5-74.

A lobbyist shall not be eligible for ~~executive~~ appointment to any board, authority, commission, state agency, 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~~ five years after the expiration of the lobbyist’s registration ~~for that business, firm, corporation, or agency.”~~

SECTION 31.

Said chapter is further amended by revising subsection (a) of Code Section 21-5-75, relating to penalties, as follows:

“(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~~ five years after terminating such employment or leaving such office.”

SECTION 32.

Said chapter is further amended by revising subsection (a) of Code Section 21-5-76, relating to contingent contracts, as follows:

“(a) No person, firm, corporation, business entity, or association shall retain or employ a lobbyist for compensation contingent, in whole or in part, upon the passage ~~or~~ defeat, approval, or veto of any legislative measure, ~~upon the adoption or decision not to adopt any state agency rule or regulation, or upon the granting or awarding of any state contract.~~ legislation, ordinance, resolution, rule, regulation, or other official action. No person, firm, corporation, business entity, or association shall retain or employ a lobbyist for compensation contingent, in whole or in part, upon the granting or awarding of any state

contract or state agency contract. No lobbyist shall be employed for compensation contingent, in whole or in part, upon the passage or defeat of any legislation, ordinance, resolution, rule, regulation, or other official action, upon the adoption or decision not to adopt any state agency rule or regulation, or upon the granting or awarding of any state contract or stage agency contract.”

SECTION 33.

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

SECTION 34.

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