

SUMMARY OF THE BILL

The Comprehensive Ethics Reform Act (referred to as the “Bill”):

1. Reestablishes an ethics commission (See Section 3):
 - As of January 1, 2011, the State Ethics Commission will be replaced by the Georgia Government Transparency and Campaign Finance Commission, and its powers will be greatly reduced.
 - This bill reinstates an ethics commission titled the “Georgia Ethics Commission”, provides a comprehensive overhaul as to existing ethics laws, eliminates existing loop-holes, adds strong new provisions such as the ones discussed below, and provides for substantial enforcement mechanisms.
2. Prevents special interest from influencing our politicians (“No Coffee”) (See Sections 24 and 25):
 - Currently, lobbyists can buy an elected official a new car or send the official on a paid-for trip to Hawaii, and this would be legal. There is no limit as to what a lobbyist can spend to influence a public officer or the value of a gift or item a lobbyist can provide an elected official.
 - This proposed Bill prohibits lobbyists from providing any gifts or anything of value to an elected official. The Bill prohibits lobbyists from making any expenditure (which includes anything of value) made for the purpose of influencing the actions of any public officer or public employee.
 - Any lobbyist that makes such an expenditure or transfer will have his or her lobbyist registration revoked for at least 5 years and be subject to a civil penalty of at least \$5,000.
 - Any public officer that accepts a gift or thing of value from a lobbyist as prohibited in the Bill shall be disqualified from holding any public office, employment, or position of trust in the government for a period of 7 years.
 - The Bill puts lobbyists on the same level as citizens and prevents them from having undue influence. It provides for strict enforcement mechanisms, and punishes both the lobbyist and the public officer for wrong doing.
3. Changes how individuals serve on the Georgia Ethics Commission (See Section 3):
 - Currently, members of the existing State Ethics Commission (and its successor, the Georgia Government Transparency and Campaign Finance Commission) are appointed by the Governor and the General Assembly.
 - This Bill provides that members of the Georgia Ethics Commission are elected by citizens, and ultimately, held accountable to the citizens. The Bill provides for 5 commission members, elected from this state at large, and provides for staggered terms. Each commissioner shall serve for a term of 5 years, and shall not serve more than 1 term. The Georgia Ethics Commission would meet at least once a month.
4. Allows for substantial enforcement mechanisms and penalties (See Sections 4, 8, and 27):
 - It enables citizens to have a private cause of action if the Ethics Commission refuses to enforce any provisions of the Bill.
 - The current law has vague language that provides for penalties “up to” certain sums. In reality, individuals violating existing laws commit substantial violations but receive minimal penalties.
 - The Bill provides for strict minimum penalties (at least \$1,000.00 and up to \$10,000 for a

first violation and at least \$5,000 and up to \$20,000 for a subsequent violation), and provides that certain violations (which includes violating the Bill a second time) will disqualify a public officer from holding public office.

- The Bill also provides that any person who knowingly fails to comply with or who knowingly violates the Bill 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. Any other intentional violation of the Bill is a misdemeanor.
5. Limits how candidates and public officers can use campaign funds (See Sections 2 and 16):
- Currently, candidates and public officers can utilize campaign funds in a number of different and broad ways. The previous Speaker of the House that recently resigned, for example, was simply able to transfer approximately \$220,000 in campaign funds to a company he created.
 - The Bill provides strict limitations on how candidates and public officers can utilize campaign funds, and prevents them from using funds for personal gain. Candidates and public officers are prohibited from using campaign funds for the defense of any alleged violation of this Bill, the payment of any fee or penalty, or any costs not directly related to the office being sought or held.
6. Adds Conflict of Interest provisions (See Section 11):
- Currently, the law is silent as to conflict of interest.
 - The Bill adds provisions that prevent a public officer from using his or her position, or taking any official action, for personal gain and financial benefits.
 - It also prevents a public officer from using his or her 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.
7. Adds significant transparency to the affairs of public officers and businesses that try to influence public officers (See Sections 14 and 21):
- The Bill requires disclosure of businesses that make contributions to public officers that have the ability to grant the business a contract.
 - Any person (which includes any business) violating the disclosure provisions will be subject to a civil penalty of at least \$10,000. Any contract or grant that results from a violation shall also be voidable.
 - The Bill prohibits companies and committees that are related to one another from making contributions to public officers and circumvent contribution limits.