

House Bill 143 (AS PASSED HOUSE AND SENATE)

By: Representatives Ralston of the 7th, O'Neal of the 146th, Smyre of the 135th, Jones of the 47th, Lindsey of the 54th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics
2 in government, so as to change certain provisions relating to powers and duties of the
3 Georgia Government Transparency and Campaign Finance Commission; to revise definitions
4 relating to ethics in government; to change certain provisions relating to campaign
5 contribution disclosure reports; to change certain provisions relating to filing campaign
6 contribution disclosure reports; to change certain provisions relating to acceptance of
7 contributions or pledges during legislative sessions; to change certain provisions relating to
8 financial disclosure statement filings by public officers, filings by candidates for public
9 office, filing by elected officials and members of the General Assembly, electronic filing, and
10 transfer of filings from the Secretary of State to the Georgia Government Transparency and
11 Campaign Finance Commission; to provide an effective date; to repeal conflicting laws; and
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
16 government, is amended by revising paragraph (19) of subsection (b) of Code Section
17 21-5-6, relating to powers and duties of the Georgia Government Transparency and
18 Campaign Finance Commission, as follows:

19 "(19) On a quarterly basis, to prepare, update, and publish in print or electronically a
20 report and post such report on its website, listing the name of each filer required to file
21 with the commission who has not filed the most recent campaign contribution disclosure
22 report required by Code Sections 21-5-34 and 21-5-34.1, the financial disclosure
23 statement required by Code Section 21-5-50, or the disclosure report required by Code
24 Section 21-5-73 within 30 days of the date such report was due to be filed;"

25 **SECTION 2.**

26 Said chapter is further amended by revising paragraphs (18) and (22) of Code Section 21-5-3,
27 relating to definitions, as follows:

28 "(18) 'Ordinary and necessary expenses' shall include, but shall not be limited to,
29 expenditures made during the reporting period for qualifying fees, office costs and rent,
30 lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage,
31 polling, special events, volunteers, reimbursements to volunteers, repayment of any loans
32 received except as restricted under subsection (i) of Code Section 21-5-41, contributions
33 to nonprofit organizations, ~~and~~ flowers for special occasions, which shall include, but are
34 not limited to, birthdays and funerals, attorney fees connected to and in the furtherance
35 of the campaign, and all other expenditures contemplated in Code Section 21-5-33."

36 "(22) 'Public officer' means:

37 (A) Every constitutional officer;

38 (B) Every elected state official;

39 (C) The executive head of every state department or agency, whether elected or
40 appointed;

41 (D) Each member of the General Assembly;

42 (E) The executive director of each state board, commission, council, or authority and
43 the members thereof;

44 (F) Every elected county official and every elected member of a local board of
45 education; and

46 (G) Every elected municipal official."

47 **SECTION 3.**

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

50 "21-5-34.

51 (a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
52 organized to bring about the nomination or election of a candidate for any office and
53 the chairperson or treasurer of every campaign committee designed to bring about the
54 recall of a public officer or to oppose the recall of a public officer or designed to bring
55 about the approval or rejection by the voters of any proposed constitutional amendment,
56 state-wide proposed question, or state-wide referendum shall electronically sign and file
57 with the commission the required campaign contribution disclosure reports; provided,
58 however, that public offices listed in subparagraph (F) or (G) of paragraph (22) of Code
59 Section 21-5-3 shall be subject to signing and filing requirements as prescribed by
60 paragraph (3) or (4) of this subsection, and recalls for such offices shall be subject to

61 signing and filing requirements the same as required of candidates for such offices as
 62 prescribed by paragraph (3) or (4) of this subsection.

63 (B) The chairperson or treasurer of each independent committee shall file the required
 64 disclosure reports with the commission.

65 (2)(A) Any campaign committee which accepts contributions or makes expenditures
 66 designed to bring about the approval or rejection by the voters of any proposed question
 67 which is to appear on the ballot in this state ~~or in a county or a municipal election in this~~
 68 ~~state~~ shall register with the commission and file campaign contribution disclosure
 69 reports as prescribed by this chapter or, in the case of any proposed question which is
 70 to appear on the ballot in a county or municipal election, shall register and file
 71 campaign disclosure reports with the same officials as prescribed by paragraph (3)
 72 or (4) of this subsection for candidates for county or municipal offices; provided,
 73 however, that such reports shall only be required if such campaign committee has
 74 received contributions which total more than \$500.00 or if such campaign committee
 75 has made expenditures which total more than \$500.00. All advertising pertaining to
 76 referendums shall identify the principal officer of such campaign committee by listing
 77 or stating the name and title of the principal officer.

78 (B) If a campaign committee is required to file a report with the commission under
 79 subparagraph (A) of this paragraph, such report shall be electronically filed ~~with the~~
 80 ~~commission~~. Any such report shall be filed 15 days prior to the date of the election;
 81 and a final report shall be filed prior to December 31 of the election year.

82 (3) A candidate for a public office listed in subparagraph (F) of paragraph (22) of Code
 83 Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee
 84 shall sign and file the required disclosure reports with the election superintendent in the
 85 county of election. Upon receipt of any such report, the election superintendent shall
 86 cause such report to be available for inspection and copying in accordance with Article
 87 4 of Chapter 18 of Title 50. The election superintendent shall transmit a copy of each
 88 such report to the commission, electronically by eFiling or eFax, not later than 30 days
 89 after the end of the grace period. No fine, fee, or sanction, including but not limited to
 90 identifying a candidate as having filed late or failed to file, shall be imposed by the
 91 commission on a candidate for the failure of the election superintendent to timely
 92 transmit a copy of such report.

93 (4) A candidate for a public office listed in subparagraph (G) of paragraph (22) of Code
 94 Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee
 95 shall sign and file the required disclosure reports with the municipal clerk in the
 96 municipality of election or, if there is no clerk, with the chief executive officer of the
 97 municipality; provided, however, that a municipality and a county may enter into an

98 agreement whereby such candidates, chairpersons, or treasurers shall file the required
99 disclosure reports with the county election superintendent instead. Upon receipt of any
100 such report, the municipal clerk, chief executive officer of the municipality, or county
101 election superintendent, as applicable, shall cause such report to be available for
102 inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The
103 municipal clerk, chief executive officer of the municipality, or county election
104 superintendent, as applicable, shall transmit a copy of each such report to the
105 commission, electronically by eFiling or eFax, not later than 30 days after the end of the
106 grace period. No fine, fee, or sanction, including but not limited to identifying a
107 candidate as having filed late or failed to file, shall be imposed by the commission on a
108 candidate for the failure of the municipal clerk, chief executive officer of the county, or
109 county election superintendent to timely transmit a copy of such report.

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

111 (A) As to any contribution of more than \$100.00, its amount and date of receipt, the
112 election for which the contribution has been accepted and allocated, along with the
113 name and mailing address of the contributor, and, if the contributor is an individual, that
114 individual's occupation and the name of his or her employer. Such contributions shall
115 include, but shall not be limited to, the purchase of tickets for events such as dinners,
116 luncheons, rallies, and similar fund-raising events coordinated for the purpose of raising
117 campaign contributions for the reporting person;

118 (B) As to any expenditure of more than \$100.00, its amount and date of expenditure,
119 the name and mailing address of the recipient receiving the expenditure, and, if that
120 recipient is an individual, that individual's occupation and the name of his or her
121 employer and the general purpose of the expenditure;

122 (C) When a contribution consists of a loan, advance, or other extension of credit, the
123 report shall also contain the name of the lending institution or party making the advance
124 or extension of credit and the names, mailing addresses, occupations, and places of
125 employment of all persons having any liability for repayment of the loan, advance, or
126 extension of credit; and, if any such persons shall have a fiduciary relationship to the
127 lending institution or party making the advance or extension of credit, the report shall
128 specify such relationship;

129 (D) Total contributions received and total expenditures shall be reported for an election
130 cycle as follows:

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

- 134 (ii) Subsequent reports shall list the total contributions received during the period
 135 covered by the report and the cumulative total of contributions received during the
 136 election cycle;
- 137 (iii) The first report of an election cycle shall list the total expenditures made during
 138 the period covered by the report;
- 139 (iv) Subsequent reports shall list the total expenditures made during the period
 140 covered by the report, the cumulative total of expenditures made during the election
 141 cycle, and net balance on hand; and
- 142 (v) If a public officer seeks reelection to the same public office, or if the public
 143 officer is a member of the General Assembly seeking reelection in another district as
 144 a result of redistricting, the net balance on hand at the end of the current election cycle
 145 shall be carried forward to the first report of the applicable new election cycle;
- 146 (E) The corporate, labor union, or other affiliation of any political action committee or
 147 independent committee making a contribution of more than \$100.00;
- 148 (F) Any investment made with funds of a campaign committee, independent
 149 committee, or political action committee and held outside such committee's official
 150 depository account during each reporting period for which an investment exists or a
 151 transaction applying to an identifiable investment is made. The report shall identify the
 152 name of the entity or person with whom such investment was made, the initial and any
 153 subsequent amount of such investment if such investment was made during the
 154 reporting period, and any profit or loss from the sale of such investment occurred
 155 during such reporting period; and
- 156 (G) Total debt owed on the last day of the reporting period.
- 157 (2) Each report shall be in such form as will allow for the separate identification of a
 158 contribution or contributions which are less than \$100.00 but which become reportable
 159 due to the receipt of an additional contribution or contributions which when combined
 160 with such previously received contribution or contributions cumulatively equal or exceed
 161 \$100.00.
- 162 (c) Candidates or campaign committees which accept contributions, make expenditures
 163 designed to bring about the nomination or election of a candidate, or have filed a
 164 declaration of intention to accept campaign contributions pursuant to subsection (g) of
 165 Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance
 166 with the following schedule:
- 167 (1) In each nonelection year on January 31 and June 30 ~~and December 31~~;
- 168 (2) In each election year:
- 169 (A) On ~~March 31~~ January 31, June 30, September 30, and October 25, and December
 170 31;

171 (B) Six days before any run-off primary or election in which the candidate is listed on
 172 the ballot; and

173 (C) During the period of time between the last report due prior to the date of any
 174 election for which the candidate is qualified and the date of such election, all
 175 contributions of \$1,000.00 or more shall be reported within two business days of receipt
 176 ~~to the commission~~ and also reported on the next succeeding regularly scheduled
 177 campaign contribution disclosure report;

178 (3) If the candidate is a candidate in a special primary or special primary runoff, 15 days
 179 prior to the special primary and six days prior to the special primary runoff; and

180 (4) If the candidate is a candidate in a special election or special election runoff, 15 days
 181 prior to the special election and six days prior to the special election runoff.

182 All persons or entities required to file reports shall have a five-day grace period in filing
 183 the required reports, except that the grace period shall be two days for required reports
 184 prior to run-off primaries or run-off elections, and no grace period shall apply to
 185 contributions required to be reported within two business days. Reports required to be filed
 186 within two business days of a contribution shall be reported by facsimile or electronic
 187 transmission ~~to the commission~~. Any facsimile filing shall also have an identical electronic
 188 filing within five business days following the transmission of such facsimile filing. Each
 189 report required in the election year shall contain cumulative totals of all contributions
 190 which have been received and all expenditures which have been made in support of the
 191 campaign in question and which are required, or previously have been required, to be
 192 reported.

193 (d) In the event any candidate covered by this chapter has no opposition in either a primary
 194 or a general election and receives no contribution of more than \$100.00, such candidate
 195 shall only be required to make the initial and final report as required under this chapter.

196 (d.1)(1) In the event a candidate for nomination or election to a public office listed in
 197 subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or
 198 treasurer of a campaign committee organized to bring about the nomination or election
 199 of such candidate signs and files with the appropriate official specified by paragraph (3)
 200 or (4) of subsection (a) of this Code section a written notice on the date of such
 201 candidate's qualifying that such candidate or campaign committee does not intend to
 202 accept during the calendar year of such qualifying a combined total of contributions
 203 exceeding \$2,500.00 for the campaign nor make a combined total of expenditures
 204 exceeding \$2,500.00 for the campaign in such calendar year, then such candidate or
 205 campaign committee shall not be required to file a report under this Code section. The
 206 appropriate official shall transmit an electronic copy of the written notice by eFiling or
 207 eFax to the commission not later than ten days after the close of qualifying. The failure

208 of the appropriate official to timely transmit such copy of the written notice to the
 209 commission shall not disqualify the candidate or campaign committee from the
 210 exemption from report filing provided by this paragraph.

211 (2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either
 212 accepting contributions or making expenditures for such campaign during the calendar
 213 year of such qualifying as specified in paragraph (1) of this subsection but does not
 214 accept a combined total of contributions exceeding \$5,000.00 in such calendar year nor
 215 makes expenditures exceeding \$5,000.00 in such calendar year, then such candidate or
 216 campaign committee shall be required to file only the June 30 and October 25 reports
 217 required by paragraph (2) of subsection (c) of this Code section. The first such report
 218 shall include all contributions received and expenditures made beginning January 1 of
 219 such calendar year.

220 (3) If such candidate or campaign committee accepts a combined total of contributions
 221 exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign
 222 during the calendar year of qualifying, then such candidate or campaign committee
 223 chairperson or treasurer shall thereupon be subject to the reporting requirements of this
 224 Code section the same as if the written notice authorized by this subsection had not been
 225 filed on the date of qualifying.

226 (e) Any person who makes contributions to, accepts contributions for, or makes
 227 expenditures on behalf of candidates, and any independent committee, shall file a
 228 registration ~~with the commission~~ in the same manner as is required of campaign
 229 committees prior to accepting or making contributions or expenditures. Such persons,
 230 other than independent committees, shall also file campaign contribution disclosure reports
 231 ~~with the commission~~ at the same times as required of the candidates they are supporting.
 232 The following persons shall be exempt from the foregoing registration and reporting
 233 requirements:

234 (1) Individuals making aggregate contributions of \$25,000.00 or less directly to
 235 candidates or the candidates' campaign committees in one calendar year;

236 (2) Persons other than individuals making aggregate contributions and expenditures to
 237 or on behalf of candidates of \$25,000.00 or less in one calendar year; and

238 (3) Contributors who make contributions to only one candidate during one calendar year.

239 (f)(1) Any independent committee which accepts contributions or makes expenditures
 240 for the purpose of affecting the outcome of an election or advocates the election or defeat
 241 of any candidate shall register with the commission prior to accepting contributions or
 242 making expenditures and shall file disclosure reports ~~with the commission~~ as follows:

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

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

245 (C) Within the two-week period prior to the date of such election the independent
 246 committee shall report within two business days any contributions or expenditure of
 247 more than \$1,000.00.

248 The independent committee shall file a final report prior to December 31 of the election
 249 year and shall file supplemental reports on June 30 and December 31 of each year that
 250 such independent committee continues to accept contributions or make expenditures.

251 (2) Reports filed by independent committees shall list the following:

252 (A) The amount and date of receipt, along with the name, mailing address, occupation,
 253 and employer of any person making a contribution of more than \$100.00;

254 (B) The name, mailing address, occupation, and employer of any person to whom an
 255 expenditure or provision of goods or services of the value of more than \$100.00 is made
 256 and the amount, date, and general purpose thereof, including the name of the candidate
 257 or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the
 258 expenditure or provision was made;

259 (C) Total expenditures made as follows:

260 (i) Expenditures shall be reported for the applicable reporting year;

261 (ii) The first report of a reporting year shall list the total expenditures made during
 262 the period covered by the report; and

263 (iii) Subsequent reports shall list the total expenditures made during the period
 264 covered by the report, the cumulative total of expenditures made during the reporting
 265 year, and net balance on hand; and

266 (D) The corporate, labor union, or other affiliation of any political action committee,
 267 candidate, campaign committee, or independent committee making a contribution of
 268 the value of more than \$100.00.

269 (3) Whenever any independent committee makes an expenditure for the purpose of
 270 financing any communication intended to affect the outcome of an election, such
 271 communication shall clearly state that it has been financed by such independent
 272 committee.

273 (g) Any campaign committee which accepts contributions or makes expenditures designed
 274 to bring about the recall of a public officer or to oppose the recall of a public officer shall
 275 file campaign contribution disclosure reports ~~with the commission~~ as follows:

276 (1) An initial report shall be filed within 15 days after the date when the official recall
 277 petition forms were issued to the sponsors;

278 (2) A second report shall be filed 45 days after the filing of the initial report;

279 (3) A third report shall be filed within 20 days after the election superintendent certifies
 280 legal sufficiency or insufficiency of a recall petition; and

281 (4) A final report shall be filed prior to December 31 of the year in which the recall
 282 election is held or, in any case where such recall election is not held, a final report shall
 283 be filed prior to December 31 of any year in which such campaign committee accepts
 284 such contributions or makes such expenditures.

285 (h) Any campaign committee which accepts contributions or makes expenditures designed
 286 to bring about the approval or rejection by the voters of a proposed constitutional
 287 amendment or a state-wide referendum shall file a campaign contribution disclosure report
 288 ~~with the commission~~ 75, 45, and 15 days prior to the date of the election and shall file a
 289 final report prior to December 31 of the election year.

290 (i)(1) Any person elected to a public office who is required to file campaign contribution
 291 disclosure reports pursuant to this article shall, upon leaving public office with excess
 292 contributions, be required to file supplemental campaign contribution disclosure reports
 293 on June 30 and December 31 of each year until such contributions are expended in a
 294 campaign for elective office or used as provided in subsection (b) of Code Section
 295 21-5-33.

296 (2) Any person who is an unsuccessful candidate in an election and who is required to
 297 file campaign contribution disclosure reports pursuant to this article shall for the
 298 remainder of the election cycle file such reports at the same times as a successful
 299 candidate and thereafter, upon having excess contributions from such campaign, be
 300 required to file a supplemental campaign contribution disclosure report no later than
 301 December 31 of each year until such contributions are expended in a campaign for
 302 elective office or used as provided in subsection (b) of Code Section 21-5-33. Any
 303 unsuccessful candidate in an election who is required to file campaign contribution
 304 disclosure reports pursuant to this article and who receives contributions following such
 305 election to retire debts incurred in such campaign for elective office shall be required to
 306 file a supplemental campaign contribution disclosure report no later than December 31
 307 of each year until such unpaid expenditures from such campaign are satisfied.

308 (j) Notwithstanding any other provision of this chapter to the contrary, soil and water
 309 conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the
 310 'Soil and Water Conservation Districts Law,' shall not be required to file campaign
 311 contribution disclosure reports under this Code section.

312 (k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00
 313 shall be imposed by the person or entity with which filing is required for each report that
 314 is filed late, and notice of such late fee shall be sent to the candidate and the candidate's
 315 committee ~~by registered or certified mail or statutory overnight delivery, return receipt~~
 316 ~~requested, and~~ in the same manner by which the penalized report was filed with the
 317 commission. However, if the report in question was not filed or was filed with the

318 commission in a manner other than electronic filing or certified mail, return receipt
 319 requested, the commission shall utilize certified mail, return receipt requested, to notify
 320 the candidate and the candidate's committee of the late fee due. The notice shall include
 321 the schedule of increasing late fees for late filings and the dates upon which such late fees
 322 shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day
 323 after the due date for such report if the report has not been filed by such date; provided,
 324 however, that a 15-day extension period shall be granted on the final report. A late fee
 325 of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if
 326 such report has not been filed. Campaign committee funds shall not be used to pay such
 327 penalty. Notice by electronic means does not satisfy the requirements of this paragraph;
 328 and any increased late fees shall be stayed until at least ten days after proper notice has
 329 been given as specified in this paragraph.

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

332 (l) It shall be the duty of the commission or other official when it receives for filing any
 333 disclosure report or statement or other document that may be filed by mail to maintain with
 334 the filed document a copy of the postal markings or statutory overnight delivery service
 335 markings of any envelope, package, or wrapping in which the document was delivered for
 336 filing if mailed or sent after the date such filing was due.

337 (m) Except when electronic filing is required, the mailing of such reports by United States
 338 mail with adequate postage affixed within the required filing time as determined by the
 339 official United States postage date cancellation shall be prima-facie evidence of filing.
 340 Any person or entity which is required to be registered ~~with the commission~~ under this
 341 Code section shall file a termination statement together with its final campaign contribution
 342 disclosure report as required by this Code section within ten days of the dissolution of a
 343 campaign or committee. The termination statement shall identify the person responsible
 344 for maintaining campaign records as required by this chapter.

345 (n) ~~The~~ Neither the commission nor any other official shall ~~not~~ require the reporting of any
 346 more information in a campaign contribution disclosure report than is expressly required
 347 to be disclosed by this Code section."

348 SECTION 4.

349 Said chapter is further amended by revising Code Section 21-5-34.1, relating to filing
 350 campaign contribution disclosure reports, as follows:

351 "21-5-34.1.

352 (a) Candidates, candidate committees, and public officers who are required to file
 353 campaign contribution disclosure reports with the commission shall use electronic means

354 to file such reports with the commission using means prescribed by the commission to file
355 such reports.

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

358 (c) Candidates seeking election to county or municipal offices may use electronic means
359 to file their campaign contribution disclosure reports ~~with the commission if such method~~
360 is made available or may file by certified mail, ~~or statutory overnight delivery, or personal~~
361 delivery.

362 (d) Political action committees, independent committees, and any persons otherwise
363 required by this article to file campaign contribution disclosure reports shall use electronic
364 means to file such reports if such method is made available. ~~with the commission upon~~
365 ~~having raised or spent \$5,000.00 in a calendar year, and no paper copy of the report shall~~
366 ~~be filed. Under that threshold, electronic filing is permitted and encouraged but not~~
367 ~~required.~~

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

370 SECTION 5.

371 Said chapter is further amended by revising Code Section 21-5-35, relating to acceptance of
372 contributions or pledges during legislative sessions, as follows:

373 "21-5-35.

374 (a) No member of the General Assembly or that member's campaign committee or public
375 officer elected state wide or campaign committee of such public officer shall seek or accept
376 a contribution or a pledge of a contribution to the member, the member's campaign
377 committee, or public officer elected state wide, or campaign committee of such public
378 officer during a legislative session.

379 (b) Subsection (a) of this Code section shall not apply to:

380 (1) The receipt of a contribution which is returned with reasonable promptness to the
381 donor or the donor's agent;

382 (2) The receipt and acceptance during a legislative session of a contribution consisting
383 of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the
384 legislative session;

385 (3) The receipt of a contribution by a political party consisting of the proceeds from a
386 dinner, luncheon, rally, or similar fundraising event in which a member of the General
387 Assembly or a public officer elected state wide participates; or

388 (4) A judicial officer elected state wide, a candidate for a judicial office elected state
389 wide, or a campaign committee of such judicial officer or candidate."

390

SECTION 6.

391 Said chapter is further amended by revising Code Section 21-5-50, relating to financial
 392 disclosure statement filings by public officers, filings by candidates for public office, filing
 393 by elected officials and members of the General Assembly, electronic filing, and transfer of
 394 filings from the Secretary of State to the Georgia Government Transparency and Campaign
 395 Finance Commission, as follows:

396 "21-5-50.

397 (a)(1) Except as modified in subsection (c) of this Code section with respect to
 398 candidates for state-wide elected public office, each public officer, as defined in
 399 subparagraphs (A) through (D), ~~(F), and (G)~~ of paragraph (22) of Code Section 21-5-3,
 400 shall file with the commission not before the first day of January nor later than July 1 of
 401 each year in which such public officer holds office other than an election year a financial
 402 disclosure statement for the preceding calendar year; and each person who qualifies as
 403 a candidate for election as a public officer, as defined in subparagraphs (A) through (D);
 404 ~~(F), and (G)~~ of paragraph (22) of Code Section 21-5-3, shall file with the commission, no
 405 later than the fifteenth day following the date of qualifying as a candidate, a financial
 406 disclosure statement for the preceding calendar year.

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

416 (3) A public officer, as defined in subparagraph (E) of paragraph (22) of Code Section
 417 21-5-3, who serves as a member of the commission shall be subject to the requirements
 418 for filing financial disclosure statements set forth in paragraph (1) of this subsection. In
 419 addition, each such public officer shall file with the commission, together with the
 420 financial disclosure statement, an affidavit confirming that such public officer took no
 421 official action in the previous calendar year that had a material effect on such public
 422 officer's private financial or business interests.

423 (3.1) A public officer, as defined in subparagraphs (F) and (G) of paragraph (22) of Code
 424 Section 21-5-3, shall make filings of the same kind and in the same manner as provided
 425 in paragraph (1) of this subsection for other public officers except that filings under this
 426 paragraph shall be made with the election superintendent of the county in the case of

427 public officers as defined in said subparagraph (F) and shall be made with the municipal
 428 clerk in the municipality of election or, if there is no clerk, with the chief executive
 429 officer of the municipality in the case of public officers as defined in said
 430 subparagraph (G). The election superintendent, municipal clerk, or chief executive
 431 officer, as applicable, shall transmit, electronically by eFiling or eFax, a copy of each
 432 such report to the commission not later than 30 days after the close of the reporting
 433 period. No fine, fee, or sanction, including but not limited to identifying a public officer
 434 as having filed late or failed to file, shall be imposed by the commission on the public
 435 officer for the failure of the election superintendent, municipal clerk, or chief executive
 436 officer to timely transmit a copy of such report.

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

445 (5) The commission or the applicable official under paragraph (3.1) of this subsection
 446 shall review each financial disclosure statement to determine that such statement is in
 447 compliance with the requirements of this chapter.

448 (6) A public officer shall not, however, be required to file such a financial disclosure
 449 statement for the preceding calendar year in an election year if such public officer does
 450 not qualify for nomination for election to succeed himself or herself or for election to any
 451 other public office subject to this chapter. For purposes of this paragraph, a public officer
 452 shall not be deemed to hold office in a year in which the public officer holds office for
 453 fewer than 15 days.

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

456 (1) Each monetary fee or honorarium which is accepted by a filer from speaking
 457 engagements, participation in seminars, discussion panels, or other activities which
 458 directly relate to the official duties of the filer or the office of the public officer, with a
 459 statement identifying the fee or honorarium accepted and the person from whom it was
 460 accepted;

461 (2) All fiduciary positions held by the candidate for public office or the filer, with a
 462 statement of the title of each such position, the name and address of the business entity,
 463 and the principal activity of the business entity;

464 (3) The name, address, and principal activity of any business entity or investment,
 465 exclusive of the names of individual stocks and bonds in mutual funds, and the office
 466 held by and the duties of the candidate for public office or filer within such business
 467 entity as of December 31 of the covered year in which such candidate or officer has a
 468 direct ownership interest which:

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

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

471 (4)(A) Each tract of real property in which the candidate for public office or filer has
 472 a direct ownership interest as of December 31 of the covered year when that interest has
 473 a fair market value of \$5,000.00 or more. As used in this paragraph, the term 'fair
 474 market' value means the appraised value of the property for ad valorem tax purposes.
 475 The disclosure shall contain the county and state, general description of the property,
 476 and whether the fair market value is between (i) \$5,000.00 and \$100,000.00; (ii)
 477 \$100,000.01 and \$200,000.00; or (iii) more than \$200,000.00.

478 (B) Each tract of real property in which the candidate for public office's spouse or
 479 filer's spouse has a direct ownership interest as of December 31 of the covered year
 480 when that interest has a fair market value of \$5,000.00 or more. The disclosure shall
 481 contain the county and state, general description of the property, and whether the fair
 482 market value is between (i) \$5,000.00 and \$100,000.00; (ii) \$100,000.01 to
 483 \$200,000.00; (iii) or more than \$200,000.00;

484 (5) The filer's occupation, employer, and the principal activity and address of such
 485 employer;

486 (6) The filer's spouse's name, occupation, employer, and the principal activity and
 487 address of such employer;

488 (7) If the filer has actual knowledge of such ownership interest, the name of any business
 489 or subsidiary thereof or investment, exclusive of the individual stocks, bonds, or mutual
 490 funds, as of December 31 of the covered year in which the filer's spouse or dependent
 491 children, jointly or severally, own a direct ownership interest which:

492 (A) Is more than 5 percent of the total interests in such business or investment,
 493 exclusive of the individual stocks and bonds in mutual funds; or

494 (B) Has a net fair market value of more than \$10,000.00

495 or in which the filer's spouse or any dependent child serves as an officer, director,
 496 equitable partner, or trustee; and

497 (8) All annual payments in excess of \$10,000.00 received by the filer or any business
 498 entity identified in paragraph (3) of this subsection from the state, any agency,
 499 department, commission, or authority created by the state, and authorized and exempted
 500 from disclosure under Code Section 45-10-25, and the agency, department, commission,

501 or authority making the payments, and the general nature of the consideration rendered
502 for the source of the payments.

503 (c)(1) Each person who qualifies with a political party as a candidate for party
504 nomination to a public office elected state wide (including an incumbent public officer
505 elected state wide qualifying to succeed himself or herself) shall file with the
506 commission, not later than seven days after so qualifying, a financial disclosure
507 statement. Each person who qualifies as a candidate for election to a public office elected
508 state wide through a nomination petition or convention shall likewise file a financial
509 disclosure statement not later than seven days after filing his or her notice of candidacy.
510 Such financial disclosure statement shall comply with the requirements of subsections (a)
511 and (b) of this Code section and shall in addition identify, for the preceding five calendar
512 years:

513 (A) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
514 year in which the candidate (whether for himself or herself or on behalf of any
515 business) or any business in which such candidate or any member of his or her family
516 has a substantial interest or is an officer of such business has transacted business with
517 the government of the State of Georgia, the government of any political subdivision of
518 the State of Georgia, or any agency of any such government; and

519 (B) Each transaction or transactions which aggregate \$9,000.00 or more in a calendar
520 year in which the candidate or any business in which such candidate or any member of
521 his or her family has a substantial interest or is an officer of such business received any
522 income of any nature from any person who was at the time of such receipt of income
523 represented by a lobbyist registered with the commission pursuant to Article 4 of this
524 chapter.

525 (2) The financial disclosure statement required by paragraph (1) of this subsection shall
526 include an itemized list of the transactions required to be reported, including the date of,
527 dollar amount of, and parties to each such transaction. However, with respect to any
528 transactions of a privileged nature only the total amount of such transactions shall be
529 required to be reported, and names, dates, amounts of individual transactions, and other
530 identifying data may be omitted; and for this purpose 'transactions of a privileged nature'
531 shall include transactions between attorney and client, transactions between psychiatrist
532 and patient, transactions between physician and patient, and any other transactions which
533 are by law of a similar privileged and confidential nature.

534 (3) The financial disclosure statement required by paragraph (1) of this subsection shall
535 be accompanied by a financial statement of the candidate's financial affairs for the
536 calendar year prior to the year in which the election is held and the first quarter of the
537 calendar year in which the election is held.

538 (4) As used in this subsection, the term:

539 (A) 'Agency' means any agency, authority, department, board, bureau, commission,
540 committee, office, or instrumentality of the State of Georgia or any political subdivision
541 of the State of Georgia.

542 (B) 'Financial statement' means a statement of a candidate's financial affairs in a form
543 substantially equivalent to the short form financial statement required for bank directors
544 under the rules of the Department of Banking and Finance.

545 (C) 'Person' and 'transact business' shall have the meanings specified in Code Section
546 45-10-20.

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

549 (5) Notwithstanding any other provisions of this subsection, if, due to a special election
550 or otherwise, a person does not qualify as a candidate for nomination or election to public
551 office until after the filing date otherwise applicable, such person shall make the filings
552 required by this subsection within seven days after so qualifying.

553 (d) All state-wide elected officials and members of the General Assembly shall file
554 financial disclosure statements electronically with the commission. Local officials referred
555 to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 may file
556 electronically if such method is made available or may file by certified mail, ~~or~~ statutory
557 overnight delivery, or personal delivery. Except when electronic filing is required, the
558 mailing of the notarized financial disclosure statement by United States mail with adequate
559 postage affixed within the required filing time as determined by the official United States
560 postage date cancellation shall be prima-facie evidence of filing.

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

563 (f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall
564 be imposed by the person or entity with which filing is required for each financial
565 disclosure statement that is filed late, and notice of such late fee shall be sent to the board
566 member, candidate, and the candidate's committee ~~by registered or certified mail or~~
567 ~~statutory overnight delivery, return receipt requested, and in the same manner by which~~
568 the penalized report was filed with the commission. However, if the report in question
569 was not filed or was filed with the commission in a manner other than electronic filing
570 or certified mail, return receipt requested, the commission shall use certified mail, return
571 receipt requested, to notify the candidate and the candidate's committee of the late fee
572 due. The notice shall include the schedule of increasing late fees for late filings and the
573 dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall
574 be imposed on the fifteenth day after the due date for such statement if such statement has

575 not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the
576 due date for such statement if the statement has not been filed. Campaign committee
577 funds shall not be used to pay such penalty. Notice by electronic means shall not satisfy
578 the requirements of this paragraph; and any increased late fees shall be stayed until at
579 least ten days after proper notice has been given as specified in this paragraph.

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

582 (g) Neither the ~~The~~ commission nor any other official shall ~~not~~ require the reporting of any
583 more information in a financial disclosure statement than is expressly required to be
584 disclosed by this Code section."

585 **SECTION 7.**

586 This Act shall become effective on January 1 next following the date this Act is approved by
587 the Governor or becomes law without such approval.

588 **SECTION 8.**

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