



WHAT DO CITY OFFICIALS DO?

There are three primary forms of municipal government in Georgia; council-manager, strong-mayor and weak-mayor. The form of government is determined by looking at the **city's charter**. Depending upon the form of government of the municipality, elected officials will have different levels of responsibility over the day-to-day affairs of the city. Thus, it is important to know the form of government of your city, as it will help you to understand the roles and expectations of both elected officials and appointed staff, reducing misunderstandings and improving service. **The charter may be found at city hall**, and many are now located online either on the city's website or the website of a commercial code service such as the Municipal Code Corporation (www.municode.com). Prospective candidates should read the city's charter before running for office.

Establishment of Policy:

Setting policy about which services to offer, the level of services and the city budget is usually done through the adoption of reasonable ordinances and resolutions by the city council. These ordinances and resolutions must be consistent with state law and the municipal charter. City officials may also set policy by making changes to the charter by ordinance but this power is limited. Ordinances have the strength of law in the municipality, and generally councils are bound by preexisting ordinances unless and until they change them.



If I were Mayor, every Wednesday all the people would have to dress up like cows."

Mayors can't make school lunches better. So that means us kids are stuck with yucky, gooey lunches."

I would always keep my word. Everyone should keep their word, especially the mayor. You should never lie to your community."



WHAT THINGS CAN CITY OFFICIALS NOT DO?

There are legal and ethical constraints on municipal elected officials. City officials may amend the city charter, but they **DO NOT** have the power to change the form of government, the procedure for election or appointment to elective office, or limitations on continuance in office without the assistance of the General Assembly. Cities cannot enact charter changes regarding certain taxes, courts and criminal offenses. City officials also do not have the power to change the exercise of eminent domain, expand regulation of areas already controlled by the Public Service Commission or affect the establishment of an independent public school system.

City officials may not hold secret meetings or keep documents from the public. Under Georgia law, almost all city matters must be available to the public in the form of open meetings and open records. Under the Open Meetings Act, when a quorum of the members of the city council is present and the matters discussed are public business, with few exceptions, the meeting must be open and accessible to the public.

Georgia law authorizes elected city officials to set their own compensation and benefits **but city officials may not change their own pay or benefits** without first publishing a notice of intent to adopt the change, and the decision is not effective until after the next election. They also may not make such changes between the qualifying date and inauguration date. This sort of transparency keeps local elected officials responsible and responsive to their constituents.

The law also contains a number of ethical limitations. **Elected city officials may not hold more than one office with the city**, such as councilmember and city clerk or mayor and police chief. They also may not vote on a matter if they (or an immediate family member) have a personal financial interest in the matter. Further, **the sale of real or personal property to the city by a city official or employee is limited by state law**, and is, in some cases, a criminal offense. City officials also have procedures they must follow in zoning decisions to avoid a conflict of interest if the official or his or her immediate family has any business or property affected by the zoning decision, or has received a campaign contribution of \$250 or more from the applicant or someone opposed to the zoning. In addition to being unethical, a violation of the conflict of interest rules surrounding zoning decisions is a misdemeanor.

MECHANICS FOR RUNNING FOR MUNICIPAL OFFICE

State law requires candidates for municipal office to be a registered voter and to be at least 21 years of age, although a city ordinance may lower the age to 18 years. It also requires that the candidate have lived in the city for at least 12 months, though the city charter may set a shorter time.

Persons who wish to run for municipal office must file a notice of candidacy in the office of the municipal election superintendent of that city during the qualifying period and pay the qualifying fee set by the municipality. The qualifying period allows the election superintendent to examine and challenge the candidate's qualifications for office (such as age, residency, illegally holding public funds, etc.). Eligible voters then have two weeks after the deadline for qualifying to file with the superintendent any written complaints about the qualifications of the individual running for office. Also, if a person intends to accept campaign contributions or establish a campaign committee, additional forms may also have to be filed with the municipal filing officer.

All candidates and public officials are required to file Personal Financial Disclosure Reports annually with the local filing officer.

YOU'VE BEEN ELECTED. NOW WHAT?

Upon election to a local government office, there is a mandatory training program that covers such topics as municipal law, municipal finance, ethics, economic development, emergency management, and open meetings/open records. There are also a wide variety of elective courses offered to city officials through GMA. These classes can be invaluable tools for elected municipal officials. Finally, if you do choose to run for office and are elected, remember the following tips:

- ◆ **Know what you are getting into.**
- ◆ **Don't make promises you can't keep.**
- ◆ **Don't try to please everyone.**
- ◆ **Recognize the value of teamwork and consensus building.**
- ◆ **Consult with and follow the advice of the city attorney.**

If I were mayor I would wear a fancy mustache and a nice top hat."

But most of all I want to use the big scissors."



WHAT CAN CITIES DO?

The primary obligation of cities is to promote the public peace, health, and safety. This is primarily done through services to its citizens. Common services include:

- ◆ Police and fire protection
- ◆ Street construction and maintenance
- ◆ Water and Sewer Services
- ◆ Parks and Recreation
- ◆ Zoning, building inspection and enforcement



WHAT CAN CITIES NOT DO?

The order of laws from highest to lowest is as follows: the U.S. Constitution, federal statutes, the state constitution, state statutes, local acts and municipal ordinances and resolutions. The higher levels of law take precedence over city charters and municipal ordinances and may limit, expand or preempt a city's power to act. For instance, under the U.S. Constitution cities may not infringe on free speech, may not conduct unlawful searches and seizures, and must provide all citizens with due process and equal protection of the laws. Thus when a city acts to regulate signs, freedom of speech issues will need to be considered and may limit the city's ability to regulate signs.

Under the Georgia Constitution, cities are also generally prohibited from making donations of public funds to private or charitable causes, regardless of how worthwhile.



For more information

- ◆ For more information on the Open Meetings and Open Records Acts, see GMA Publication, Government in the Sunshine: Open Meetings/Records Guide for City Officials, (12th Edition, 2014), or Georgia Code sections starting at 50-14-1 and 50-18-70.
- ◆ For more information on municipal elections in Georgia, see Georgia Election Code and Rules of the State Election Board: O.C.G.A. Tit. 21, ch. 2
- ◆ Further publications on municipal issues are available on the GMA website under "Advice & Knowledge."



For more information
on GMA, visit:
www.gmanet.com



Being mayor seems to be a very simple job. All you do is make speeches and shake peoples' hands."

I think being mayor will be pretty cool because helping people gives you a good feeling inside, and I like helping people. Well, and I like being bossy."

Quotes courtesy of the Georgia Municipal Association's "If I Were Mayor, I Would" essay contest for 6th graders.



RUNNING FOR MUNICIPAL ELECTED OFFICE



What may cities do?

What can cities not do?

What do city officials do?

What things can city officials not do?

Mechanics of running for municipal office.

You've been elected. Now what?

People run for municipal office for a variety of reasons, but it is important to know about the role of elected city officials before undertaking this important job. It is both a privilege and a responsibility of citizens to actively participate in their community. However, if the goals, expectations, or commitments of the individuals running for office do not coincide with the actual duties of the elective office, the city and its constituents may, at the least, be disappointed, and at the worst, be harmed. This pamphlet is a very general and basic guide for those considering running for municipal elected office.



If I did not know my duties I would look like a big dummy. Then all the people who voted me in office would wonder what in the world they have done?"

Quotes courtesy of the Georgia Municipal Association's "If I Were Mayor, I Would" essay contest for 6th graders.

TO: _____
Superintendent of Elections
of _____ County/Municipality
State of Georgia

**NOTICE OF CANDIDACY AND AFFIDAVIT
(COUNTY/MUNICIPALITY)**

I, the undersigned, being first duly sworn on oath, do depose and say: my name is _____

my residence address is _____
(Street Number) (Street)
(City) (County) (State) (Zip Code)

my post office address is _____

my telephone number is _____
(Business) (Home)

my profession, business, or occupation (if any) is _____

the name of my precinct is _____; I am an elector of the county/municipality of my

residence eligible to vote in the election in which I am a candidate; the name of the office I am seeking is _____

_____ my date of birth is _____; I have been a legal resident
(Circuit, District, or Post if Applicable)

of the State of Georgia for _____ consecutive years; I have been a legal resident of _____ county for
_____ consecutive years; I have been a legal resident of my district (if applicable) for _____ consecutive years;

I have been a legal resident of my circuit (if applicable) for _____ consecutive years; I am a citizen of the United States;

I am eligible to hold such office; that I am a candidate for such office in the _____ to be held on the
(Election)
_____ day of _____, 20 _____;

I have never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office, or felony involving moral turpitude or conviction of domestic violence under the laws of this State, any other State, or of the United States, or, if so convicted that my civil rights have been restored; and at least ten years have elapsed from the date of completion of the sentence without subsequent conviction of another felony involving moral turpitude; I am not a defaulter for any federal, state, county, municipal, or school system taxes required of such officeholder or candidate if such person has been finally adjudicated by a court of competent jurisdiction to owe those taxes, but such ineligibility may be removed at any time by full payment thereof, or by making payments to the tax authority pursuant to a payment plan, or under such other conditions as the General Assembly may provide by general law (pursuant to Ga. Const. Art. II, Sec. II, paragraph III); I will not knowingly violate any provisions of the Georgia Election Code (O.C.G.A. § 21-2) or of the rules or regulations adopted thereunder.

I understand that any false statement knowingly made by me in this Notice of Candidacy and Affidavit will subject me to criminal penalties as provided by law and I hereby request you to cause my name to be placed on the ballots to be used in such election as a candidate for the office I am seeking.

(Signature of Candidate)

Sworn to and subscribed before me this _____ day of _____, 20 _____.

(Notary Public)

My Commission Expires _____

(Required by Ga. Election Code O.C.G.A. § 21.2.132.)

I desire that my name appear on the ballot as follows
(the surname of the candidate shall be as it appears
on the candidate's voter registration card):

Should I be elected, I desire that my name appear on official
documents as follows:

(Please Print)

(Please Print)

(over)

Check only one

1. ☐ I am running in a special election for a partisan office and my party affiliation is _____.

☐ I am running as a nonpartisan candidate.

☐ I am running as an independent candidate.

☐ I am the nominee of the _____ Party (Body) nominated by:

☐ Convention (Certified copy of the minutes of the convention attested by the Chairman and Secretary of the convention is being filed herewith);

☐ Other (Specify method of nomination and statute and party rule governing and allowing such method of nomination):

2. ☐ I am required to file the above Notice followed by a nomination petition containing at least _____ valid signatures due _____.

☐ I am not required to submit a nomination petition pursuant to O.C.G.A. § 21-2-132, because I am:

☐ Running as a nonpartisan candidate.

☐ Running as an incumbent.

☐ Running in a special election.

☐ Running for a state-wide office nominated by a duly constituted political body convention.

3. ☐ I hereby tender check/money order in the amount of \$ _____.

NAME OF BANK: _____

CHECK NUMBER: _____

In the event that a candidate pays his or her qualifying fee with a check that is subsequently returned for insufficient funds, the superintendent shall automatically find that such candidate has not met the qualifications for holding the office being sought, unless the bank, credit union, or other financial institution returning the check certifies in writing by an officer's or director's oath that the bank, credit union, or financial institution erred in returning the check as prescribed in O.C.G.A. § 21-2-6(d).

☐ I hereby file a Pauper's Affidavit, accompanied by a qualifying petition as prescribed in O.C.G.A. § 21-2-132(g), in lieu of paying the qualifying fee.

NOTE: CANDIDATES FOR THE FOLLOWING OFFICES MUST FILE AN ADDITIONAL AFFIDAVIT IN ACCORDANCE WITH THE LISTED CODE SECTION AND MAY HAVE OTHER REQUIREMENTS IN ORDER TO BE QUALIFIED TO SEEK OFFICE. CANDIDATES SHOULD REVIEW THE QUALIFICATIONS FOR THE OFFICE FOR WHICH THEY OFFER FOR ELECTION CAREFULLY.

CLERK OF SUPERIOR COURT
JUDGE OF THE PROBATE COURT
SHERIFF
CORONER
TAX RECEIVER
TAX COLLECTOR
TAX COMMISSIONER

O.C.G.A. § 15-6-50(b)(2)
O.C.G.A. § 15-9-2(a)(2)
O.C.G.A. § 15-16-1(c)(2)
O.C.G.A. § 45-16-1(b)(2)
O.C.G.A. § 48-5-210(b)(2)
O.C.G.A. § 48-5-210(b)(2)
O.C.G.A. § 48-5-210(b)(2)



Welcome 2022 Candidates!

Thank you for your interest in Chamblee city government. The purpose of this letter is to provide all candidates for Chamblee City Council District 3 with the information and resources needed upon qualifying for the unexpired term in the November 8, 2022 City of Chamblee Special Election.

The City of Chamblee is governed by a Mayor and five Council Members, four run for a specific council district and one is at-large; but, all are elected by City-wide vote. City elections are nonpartisan; i.e. candidates do not run as members of a particular political party, and their individual party affiliations are not relevant to their positions in city government.

Elected officials serve for a term of four (4) years. No person shall be eligible to serve as a Council Member unless that person has been a bona fide resident of the City of Chamblee for a continuous period of at least one (1) year immediately prior to the date of the election, the person shall be at least 25 years of age, continues to reside herein during that person's period of service, and continues to be registered and qualified to vote in general elections in the City of Chamblee. No person shall be eligible to serve as a Council Member representing a council district unless that person is a resident of the district and remain a resident of the district throughout the term of service. A Council Member representing at-large may reside anywhere within the corporate limits of the City of Chamblee. (City Charter Article 3)

There are no term limits for the mayor or council members (City Charter Article 2 Section 2)

The candidate who is qualified for Council Member who receives the highest number of votes for each district post shall be declared elected as stated in the city code (City code §30-4). There is no runoff.

The Mayor and City Council determine policies, enact legislation, and provide political leadership in the community. Mayor and Council meetings are held on the third Tuesday of each month at 6:00 p.m. in the City of Chamblee Public Safety Building, with a work session the Thursday prior to the regular meeting at 6:00 p.m.

Please review the materials provided for qualifying to run for office in the November 8, 2022 Special Election. This November, municipal voters will elect the City Council seat (District 3). I have been appointed as the Qualifying Officer for the City and will be the person to receive your Notice of Candidacy and Affidavit. DeKalb County will be responsible for conducting this election. Qualifying will be held at Chamblee City Hall beginning, Monday, August 8, 2022 at 8:30 a.m. and closing Wednesday, August 10, 2022 at 4:30 p.m. No qualifying will take place between 1:30 pm and 2:30 pm daily. The qualifying fee is \$360.00 for Council member (3% of the annual salary).

The City Election webpage will be updated nightly with the names of candidates that have qualified for each office.

For information on Chamblee's sign regulations, see City Charter Appendix A, Title 2, Chapter 260.

Sincerely,
Cherron Bouie, Qualifying Officer

The following online resources and references are invaluable to candidates for public office:

Georgia Governmental Transparency and Campaign Finance Commission or GGTCFC (formerly known as the State Ethics Commission)

There are important documents and deadlines pertaining to all candidates for public office. Failure to adhere to the policies and filings as required by the GGTCFC may result in monetary fines. Candidates should familiarize themselves with all forms, publications, and the requirements of candidacy for public office. For detailed information, including upcoming training opportunities, visit www.ethics.ga.gov. Some of the most common forms are explained below:

Georgia Government Transparency and Campaign Finance Act & Rules, 2018 Edition

This is provided in your packet. This contains information regarding filing, penalties, campaign contributions, financial disclosure statements, public officials conduct and lobbyist disclosure. Any questions regarding this information should be directed to the GGTCFC.

Filing Schedules

http://media.ethics.ga.gov/schedules/ReportFilingScheduleCampaign_Locals_YearSelect.aspx

Declaration Form – aka Form DOI (Declaration of Intent to Accept Campaign Contributions) – Copy in packet

If you are currently not a public officer holding elective office and you plan to run for public office, you must file a DOI BEFORE accepting campaign contributions. The Form DOI is filed with the Local Filing Entity. This simply means a DOI is filed by a brand new candidate, not by someone already in office because they would have already filed a DOI when they were a new candidate. However, if a candidate is running for a different office then they are considered a new candidate for that office and a DOI is required. Any questions regarding this form should be directed to the GGTCFC.

Form RC (Registration of Campaign Committee) – Copy in packet

Candidates are not required to have a campaign committee. However, if a candidate forms a campaign committee, the candidate must register the committee with the GGTCFC prior to accepting any contributions. No contribution may be accepted at any time here is a vacancy in either the position of chairman or treasurer. One person may serve as both chairperson and treasurer. No candidate may have more than one committee. The Form RC is filed with the GGTCFC.

PF (Personal Financial Disclosure Statement) – Copy in packet

A Personal Financial Disclosure Statement, for incumbents only, must be filed with the Local Filing Entity, if not already submitted, within 15 days of a qualifying candidate for office.

Affidavit of a Candidate's Intent not to Exceed \$2,500 in Contributions and/or Expenditures – Copy in packet

This affidavit is filed with the Local Filing Entity if the candidate does not exceed \$2,500.00 in contributions and/or expenditures, then the candidate shall not have to file a report under O.C.G.A. §21-5-34(d)(1). See the link for "Filing Schedules" above.

CCDR (Campaign Contribution Disclosure Report) – Copy in packet

A Campaign Contribution Disclosure Report is filed with the Local Filing Entity. The frequency of filing is dependent on the contributions and/or expenditures. See the link for "Filing Schedules" above.

Two Business Day Report of Contributions Received – Copy in Packet

The Two Business Day Report must be filed if a candidate received contributions of \$1,000.00 or more between the date of the last Campaign Contribution Disclosure Report filing and the date of the election. Contributions of \$1,000.00 or more must be reported within two days of receipt of the contribution. This form is filed with the Local Filing Entity.

Termination Statement – Copy in packet

A Final Report and Termination Statement is a Campaign Contribution Disclosure Report (CCDR) form which also contains a Termination Statement for the campaign. In order to file the Final Report and Termination Statement form, the campaign must have a zero balance of contributions and zero indebtedness. Deadlines for filing can be found on the GGTCFC website (<http://ethics.ga.gov/who-files-final-report-and-termination-statement/>). This form is filed with the Local Filing Entity.

Voter Registration List

Requests can be emailed to: voterreg@dekalbcountyga.gov. A complete list can be obtained after the voter registration deadline of October 10, 2022.

City of Chamblee Code of Ordinances

The Code of Ordinances for the City of Chamblee can be accessed at the following link:

https://library.municode.com/ga/chamblee/codes/code_of_ordinances

Newly Elected Officials Institute Training Requirement

State Law Training Requirement for Newly Elected Officials as stated on the Georgia Municipal Association website:

The Georgia Assembly passed legislation (O.C.G.A. 36-45-1) requiring all persons elected as members of a municipal governing authority who were not serving as members of a municipal governing authority on July 1, 1990 to attend and satisfactorily complete a training program specifically designed for newly elected officials.

The Newly Elected Officials Institute provides an opportunity for mayors and councilmembers to increase their knowledge and understanding of city government, especially as it relates to the role and responsibility of the elected official. The training provides information designed to increase the awareness of the legal, financial, and ethical responsibilities of city officials. Further, the course provides six hours of credit toward the voluntary training certificate program available through the Municipal Training Institute.

Newly Elected Officials Institute Training course will be offered in 2023 and **all** newly elected officials must make plans through the City Clerk's Office to attend the session:

❖ March 1-3 (tentative) – Athens, Georgia

Registration forms are usually mailed to all city halls the first week in November. Elected officials that are presently in office and are running for another term, DO NOT have to take this training. Municipal elected officials that have served before and have been reelected are required to take the Newly Elected Officials Institute again if they have been out of office for more than four years.

Agency Contact Information:

Georgia Government Transparency and Campaign Finance Commission

200 Piedmont Avenue

Suite 1402, West Tower

Atlanta, GA 30334

Phone: (404) 463-1980

Fax: (404) 463-1988

<https://www.ethics.ga.gov>

Georgia Secretary of State Elections Office

2 Martin Luther King Jr. Dr.

Suite 802, Floyd West Tower

Atlanta, GA 30334

Phone: (404) 656-2871

Fax: (404) 651-9531

http://sos.ga.gov/index.php/Elections/information_for_candidates

DeKalb County Voter Registration and Elections

4380 Memorial Drive

Suite 300

Decatur, GA 30032

Phone: (404) 298-4020

Fax: (404) 298-4038

Email: voterreg@dekalbcountyga.gov

<https://www.dekalbcountyga.gov/voter-registration-elections/our-mission>

City of Chamblee

Cherron Bouie

5468 Peachtree Road

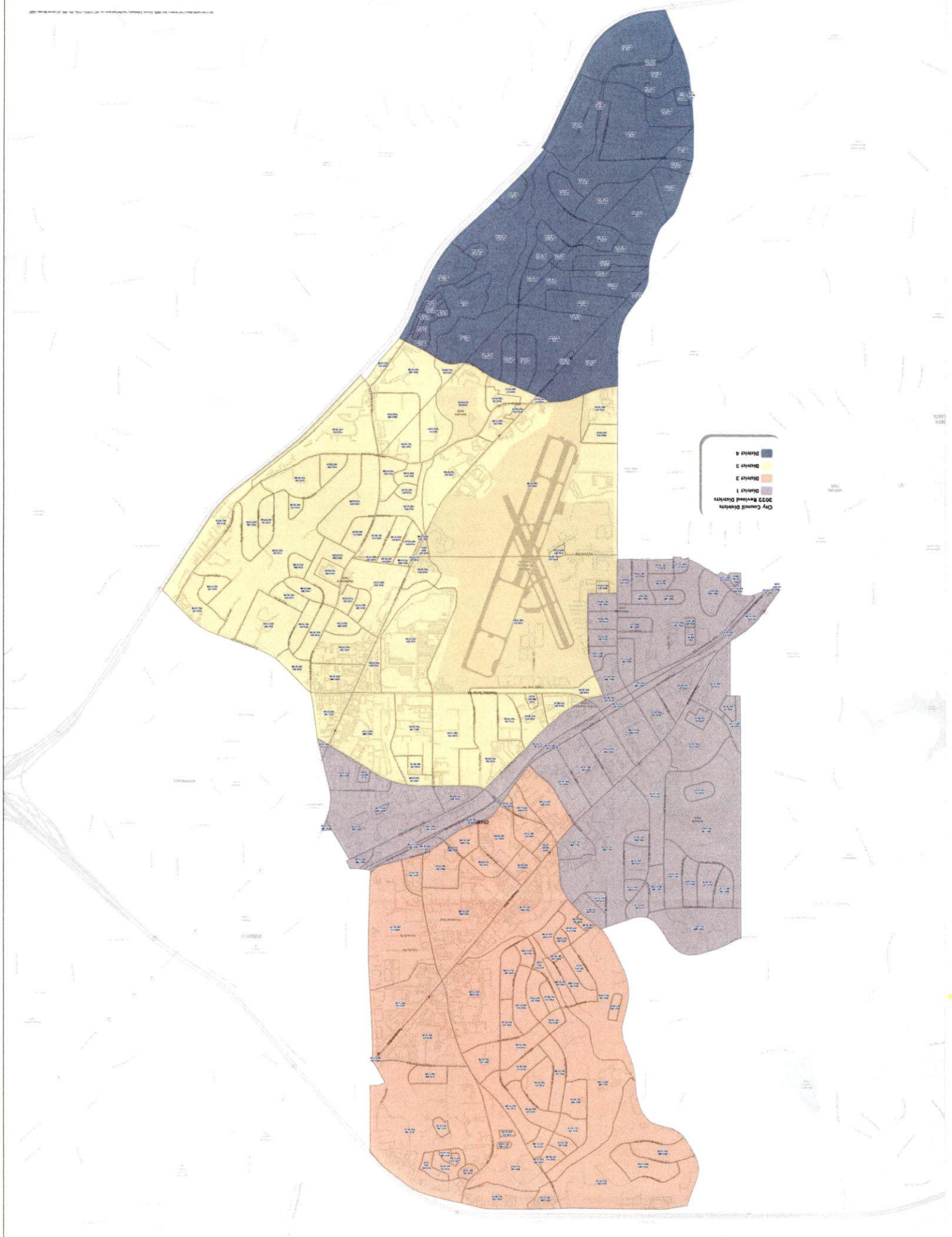
Chamblee, GA 30341

Phone: (470) 395-2304

Fax: (770) 986-5014

Email: cbouie@chambleega.gov

www.chambleega.gov



GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE ACT

2018 EDITION



**GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION**
(formerly known as State Ethics Commission)
200 Piedmont Avenue SE, Suite 1416 – West Tower
Atlanta, GA 30334

WWW.ETHICS.GA.GOV

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ARTICLE 1. GENERAL PROVISIONS

§ 21-5-1. Short title

This Act shall be known and may be cited as the "Georgia Government Transparency and Campaign Finance Act of 2010."

§ 21-5-2. Declaration of policy

It is declared to be the policy of this state, in furtherance of its responsibility to protect the integrity of the democratic process and to ensure fair elections for constitutional offices; state offices; district attorneys; members of the Georgia House of Representatives and Georgia Senate; all constitutional judicial officers; and all county and municipal elected officials, to institute and establish a requirement of public disclosure of campaign contributions and expenditures relative to the seeking of such offices, to the re-call of public officers holding elective office, and to 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 any county or municipal election. Further, it is the policy of this state that the state's public affairs will be best served by disclosures of significant private interests of public officers and officials which may influence the discharge of their public duties and responsibilities. The General Assembly further finds that it is for the public to determine whether significant private interests of public officers have influenced the state's public officers to the detriment of their public duties and responsibilities and, in order to make that determination and hold the public officers accountable, the public must have reasonable access to the disclosure of the significant private interests of the public officers of this state.

§ 21-5-3. Definitions

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

§ 21-5-4. Ethics commission

- (a) The Georgia Government Transparency and Campaign Finance Commission shall be a successor to the State Ethics 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 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 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. 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 the 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.
- (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) Has held any federal, state, or local public office within a period of five years prior to such person's appointment; 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. 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.

§ 21-5-5. Operating expenses

The funds necessary to carry out this chapter shall come from the funds appropriated to and available to the commission and from any other available funds. The commission shall be a budget unit as defined in Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act'; provided, however, that the commission shall be assigned for administrative purposes only to the Secretary of State.

§ 21-5-6. Powers and duties of the commission

- (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," any rules and regulations necessary and appropriate for carrying out the purposes of this chapter; provided, however, that the commission shall not require the reporting or disclosure of more information on any report than is expressly required to be reported or disclosed by this chapter, unless such information was required to be reported or disclosed by rules and regulations of the commission which were in effect as of January 1, 2013, so long as such rules and regulations do not conflict with this chapter; and
 - (8) 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.
- (b) The commission shall have the following duties:
 - (1) To prescribe forms to be used in complying with this chapter;
 - (2) To prepare and publish in print or electronically a manual setting forth recommended uniform methods of accounting and reporting for use by persons required by this chapter to file statements and reports;
 - (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) 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 in print or electronically 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) To determine whether the required statements and reports have been filed and, if so, whether they conform to the requirements of this chapter;
- (9) 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 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) (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. 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) 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) To issue, upon written request, and publish in print or electronically 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 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) 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 include a provision requiring the violator:
- (A) To cease and desist from committing further violations;
 - (B) 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 not to exceed \$1,000.00 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 not to exceed \$10,000.00 may be imposed for a second occurrence of a violation of the same provision and 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 commission may waive or suspend such penalty or fee if the imposition of such penalty or fee would impose an undue hardship on the person required to pay such penalty or fee. The commission may also waive or suspend a penalty or fee in the case of failure to file or late filing of a report if there are no items to be included in the report. 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.
 - (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.
 - (iv) Any action brought by the Attorney General 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 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 in print or electronically a report and post such report on its website, listing the name of each filer required to file with the commission 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 in print or electronically 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;
- (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.

§ 21-5-7. Initiation of complaints

The commission shall not initiate any investigation or inquiry into any matter under its jurisdiction based upon the complaint of any person unless that person shall produce the same in writing and verify the same under oath to the best information, knowledge, and belief of such person, the falsification of which shall be punishable as false swearing under Code Section 16-10-71. The person against whom any complaint is made shall be furnished by hand delivery or statutory overnight delivery or mailed by certified mail, return receipt requested, a copy of the complaint by the commission within two business days of the commission's receipt of such complaint and prior to any other public dissemination of such complaint. Nothing in this Code section, however, 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.

§ 21-5-7.1. Technical defects in filings; determination; notice to the subject of the complaint and opportunity to correct the defect; administrative fee; dismissal of complaints where best efforts have been made to complete a filing

The commission shall adopt rules which shall provide that:

- (1) Upon the commission's receipt of a complaint, a determination shall be made as to whether the complaint relates to a technical defect in a filing. For this purpose, a technical defect shall include, but not be limited to, a defect such as an incorrect date or a failure to include a date, an incorrect contributor's occupation or a failure to include a contributor's occupation, an incorrect address or e-mail address or a failure to include an address or e-mail address, an incorrect employer or a failure to include an employer, accounting errors, or any other similar defects;
- (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, 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 shall be imposed. 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. 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 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
- (4) When the commission determines in its discretion that best efforts have been made to complete a required filing, said filing shall be considered in compliance with this Code section and any complaint relative to said filing shall be dismissed.

§ 21-5-8. Venue

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.

§ 21-5-9. Penalties

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. The provisions of this Code section shall not preclude prosecution and punishment for the commission of any felony offense as otherwise provided by law.

§ 21-5-10. Chapter as continuation of laws; effect of enactment

The provisions of this chapter, so far as they are the same as those of existing laws, are intended as a continuation of such laws and not as new enactments. The repeal by this chapter of any Act of the General Assembly, or part thereof, shall not revive any Act, or part thereof, heretofore repealed or superseded. This chapter shall not affect any act done, liability or penalty incurred, or right accrued or vested prior to the taking effect of this chapter; nor shall this chapter affect any actions or prosecution then pending, or to be instituted, to enforce any right or penalty then accrued or to punish any offense thereto- fore committed.

§ 21-5-11. Acceptance by public officers of monetary fees or honoraria

- (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) No public officer elected state wide shall accept any monetary fee or honorarium for a speaking engagement, participation in a seminar, discussion panel, or other such activity.
- (c) For purposes of this chapter, actual and reasonable expenses for food, beverages, travel, 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.

§ 21-5-12. Connected organizations

- (a) The name of each political action committee shall include the name of its connected organization.
- (b) The name of any separate segregated fund, as defined in Code Section 21-5-40, shall include the name of its connected organization.

§ 21-5-13. Limitation of actions

Any action alleging a violation of this chapter shall be commenced within three 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.

§ 21-5-14. E-mail address required by filer

- (a) Except as provided in subsection (b) of this Code section, each individual required by this chapter to file a report or disclosure statement with the commission shall provide the commission, in writing, with a current e-mail address and shall advise the commission, in writing, of any change to such address within ten days of any change to such address. Such information shall be provided to the commission prior to January 31 each year.
- (b) City, county, and school board officials are not required to provide an e-mail address to the commission.

§ 21-5-15. Notification

When the commission gives notice to a local official referred to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 of any of the actions listed in this Code section, such notice shall be given by certified mail or statutory overnight delivery. This Code section shall apply with respect to any notice of: the filing of a complaint; a technical defect in a filing; a failure to make a timely filing; or a late fee or other penalty.

ARTICLE 2. CAMPAIGN CONTRIBUTIONS

§ 21-5-30. Contributions made to candidate or campaign committee or for recall of a public officer

- (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 fund-raising 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) 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) (1) For the purposes of this subsection, the term:
 - (A) Public utility corporation regulated by the Public Service Commission' includes, but is

not limited to, an electric membership corporation.

(B) 'Electric membership corporation' means a public utility corporation regulated by the Public Service Commission operating as an electric membership corporation under the provisions of Article 4 of Chapter 3 of Title 46.

(2) Except as limited by Code Section 21-5-30.1 or this subsection a public utility corporation regulated by the Public Service Commission shall be allowed to make contributions to political campaigns. Any contributions made by a public utility corporation regulated by the Public Service Commission to a political campaign shall not be included as recoverable costs in any rate-making or rate-setting proceedings before the Public Service Commission.

Notwithstanding the provisions of this Code section or any other provision of law to the contrary, no electric membership corporation and no nonprofit corporation, group, or association, the membership of which consists of electric membership corporations, shall be authorized to make any contribution to a political campaign. Notwithstanding the foregoing, nothing in this Code section shall be construed to prohibit a nonprofit corporation, group, or association, the membership of which consists of electric membership corporations, from establishing, administering, and soliciting contributions for a political action committee from officers, directors, employees, agents, contractors, and members of such entities so long as such actions and contributions do not otherwise violate the provisions of this chapter."

(g) 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; provided, however, that a candidate, as defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, shall make filings of the same kind and in the same manner as provided in this subsection for other public officers except that filings under this subsection shall be made with the election superintendent of the county in the case of public officers as defined in subparagraph (F) of paragraph (22) of Code Section 21-5-3 and shall be made with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality in the case of public officers as defined in subparagraph (G) of paragraph (22) of Code Section 21-5-3. The election superintendent, municipal clerk, or chief executive officer, as applicable, shall transmit electronically by eFiling or eFax a copy of each such declaration of intention to the commission not later than ten days after the close of the reporting period.

§ 21-5-30.1. Contributions by regulated entities to elected executive officers or candidates

- (a) Except as otherwise provided in this subsection, the definitions set forth in Code Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this Code section, the term:
- (1) "Campaign committee" means the candidate, person, or committee which accepts contributions to bring about the nomination for election or election of an individual to the office of an elected executive officer.
 - (2) "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 an individual to the office of an elected executive officer or encouraging the holder of such office to seek reelection. The term "contribution" shall include the payment of a qualifying fee for and on behalf of a candidate for the office of an elected executive officer and any other payment or purchase made for and on behalf of the holder of the office of an elected executive officer or for or on behalf of a candidate for that office when such payment or purchase is made for the purpose of

influencing the nomination for election or election of the candidate and is made pursuant to the request or authority of the holder of such office, the candidate, the campaign committee of the candidate, or any other agent of the holder of such office or the candidate. The term "contribution" shall not include the value of personal services performed by persons who serve on a voluntary basis without compensation from any source.

- (3) "Elected executive officer" means the Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, and members of the Public Service Commission.
 - (4) "Political action committee" means any committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations aggregating in excess of: \$1,000.00 during a calendar year from persons who are members or supporters of the committee and which distributes these funds as contributions to one or more campaign committees of candidates for public office. Such term does not mean a campaign committee.
 - (5) "Regulated entity" means any person who is required by law to be licensed by an elected executive officer or a board under the jurisdiction of an elected executive officer, any person who leases property owned by or for a state department, any person who engages in a business or profession which is regulated by an elected executive officer or by a board under the jurisdiction of an elected executive officer or any public utility corporation regulated by the Public Service Commission. For purposes of this paragraph, public utility corporation regulated by the Public Service Commission shall have the same meaning as provided by subsection (f) of Code Section 21-5-30.
- (b) No regulated entity and no person or political action committee acting on behalf of a regulated entity shall make a contribution to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate.
 - (c) No person holding office as an elected executive officer and no candidate for the office of an elected executive officer and no campaign committee of a candidate for the office of an elected executive officer shall accept a contribution in violation of subsection (b) of this Code section.
 - (d) Nothing contained in this Code section shall be construed to prevent any person who may be employed by a regulated entity, including a person in whose name a license or lease is held, or who is an officer of a regulated entity from voluntarily making a campaign contribution from that person's personal funds to or on behalf of a person holding office as an elected executive officer regulating such entity or to or on behalf of a candidate for the office of an elected executive officer regulating such entity or to or on behalf of a campaign committee of any such candidate; provided, however, that:
 - (1) The elected executive officer or candidate receiving one or more campaign contributions described in this subsection shall in his or her disclosure report under Code Section 21-5-34 separately identify each contribution and the total of contributions which he or she knows or should have reason to know are described in this subsection;
 - (2) It shall be unlawful for any regulated entity or elected executive officer to require another by coercive action to make any such contribution.

§ 21-5-30.2. Contributions by public agencies

- (a) Except as otherwise provided in this subsection, the definitions set forth in Code Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this Code section, the term:
 - (1) "Agency" means:
 - (A) Every state department, agency, board, bureau, commission, and authority;

- (B) Every county, municipal corporation, school district, or other political subdivision of this state;
 - (C) Every department, agency, board, bureau, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of this state; and
 - (D) Every city, county, regional, or other authority established pursuant to the laws of this state.
- (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, without receipt of payment therefore, to any campaign committee, political action committee, or political organization or to any candidate for campaign purposes.
 - (3) "Elector" means any person who shall possess all of the qualifications for voting now or hereafter prescribed by the laws of this state and who shall have registered in accordance with Chapter 2 of this title.
 - (4) "Political action committee" means any committee, club, association, partnership, corporation, labor union, or other group of persons which receives donations aggregating in excess of \$1,000.00 during a calendar year from persons who are members or supporters of the committee and which distributes these funds as contributions to one or more campaign committees of candidates for public office. Such term does not mean a campaign committee.
 - (5) "Political organization" means an affiliation of electors organized for the purpose of influencing or controlling the policies and conduct of government through the nomination of candidates for public office and, if possible, the election of its candidates to public office.
 - (6) "Public meeting place" means any county, municipal, or other public building suitable and ordinarily used for public gatherings.
- (b) No agency and no person acting on behalf of an agency shall make, directly or indirectly, any contribution to any campaign committee, political action committee, or political organization or to any candidate; but nothing in this Code section shall prohibit the furnishing of office space, facilities, equipment, goods, or services to a public officer for use by the public officer in such officer's fulfillment of such office.
 - (c) No campaign committee, political action committee, or political organization or candidate shall accept a contribution in violation of subsection (b) of this Code section.
 - (d) Nothing contained in this Code section shall be construed to:
 - (1) Affect the authority of the State Personnel Board regarding the regulation of certain political activities of public employees in the classified service of the State Personnel Administration;
 - (2) Affect the authority of any agency regarding the regulation of the political activities of such agency's employees;
 - (3) Affect the use of the capitol building and grounds as specified in Code Section 50-16-4; or
 - (4) Prohibit the use of public meeting places by political organizations when such meeting places are made available to different political organizations on an equal basis; provided, however, this paragraph shall not be construed to create a right for a political organization to use a public meeting place.

§ 21-5-32. Accounts to be kept by candidate or campaign committee treasurer

- (a) The candidate or treasurer of each campaign committee shall keep detailed accounts, current within not more than five business days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or committee. The candidate or treasurer shall also keep detailed accounts of all

- deposits and of all withdrawals made to the separate campaign depository and of all interest earned on any such deposits.
- (b) Accounts kept by the candidate or treasurer of a campaign committee pursuant to this Code section may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.
 - (c) Records of such accounts kept by the candidate or campaign committee shall be preserved for three 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.

§ 21-5-33. Disposition of contributions

- (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) For transferral without limitation to persons making such contributions, not to exceed the total amount cumulatively contributed by each such transferee;
 - (D) 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) For repayment of any prior campaign obligations incurred as a candidate.
- (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 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) 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(c) as such federal statute exists on March 1, 1986, and which additionally shall include educational, eleemosynary, and nonprofit organizations; or
 - (B) For repayment on a pro rata basis to persons making such contributions.

§ 21-5-34. Disclosure reports

- (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; provided, however, that public offices listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 shall be subject to signing and filing requirements as prescribed by paragraph (3) or (4) of this subsection, and recalls for such offices shall be subject to signing and filing requirements the same as required of candidates for such officers as prescribed by paragraph (3) or (4) of this subsection.
- (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 shall register with the commission and file campaign contribution disclosure reports as prescribed by this chapter or, in the case of any proposed question which is to appear on the ballot in a county or municipal election, shall register and file campaign disclosure reports with the same officials as prescribed by paragraph (3) or (4) of this subsection for candidates for county or municipal offices; 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 with the commission under

subparagraph (A) of this paragraph, such report shall be electronically filed. 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.

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

- (4) A candidate for a public office listed in subparagraph (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of such candidate's campaign committee shall sign and file the required disclosure reports with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality; provided, however, that a municipality and a county may enter into an agreement whereby such candidates, chairpersons, or treasurers shall file the required disclosure reports with the county election superintendent instead. Upon receipt of any such report, the municipal clerk, chief executive officer of the municipality, or county election superintendent, as applicable, shall cause such report to be available for inspection and copying in accordance with Article 4 of Chapter 18 of Title 50. The municipal clerk, chief executive officer of the municipality, or county election superintendent, as applicable, shall transmit a copy of each such report to the commission, electronically by eFiling or eFax, not later than 30 days after the end of the grace period. No fine, fee, or sanction, including but not limited to identifying a candidate as having filed late or failed to file, shall be imposed by the commission on a candidate for the failure of the municipal clerk, chief executive officer of the county, or county election superintendent to timely transmit a copy of such report.

(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 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 January 31 and June 30;
 - (2) In each election year:
 - (A) On January 31, 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 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. Any facsimile filing shall also have an identical electronic filing within five business days following the transmission of such facsimile filing. 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.

(d.1)

- (1) In the event a candidate for nomination or election to a public office listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 or the chairperson or treasurer of a campaign committee organized to bring about the nomination or election of such candidate signs and files with the appropriate official specified by paragraph (3) or (4) of subsection (a) of this Code section a written notice that such candidate or campaign committee does not intend to accept during such election cycle a combined total of contributions exceeding \$2,500.00 for the campaign nor make a combined total of expenditures exceeding \$2,500.00 for the campaign in such election cycle, then such candidate or campaign committee shall not be required to file a report under this Code section. The appropriate official shall transmit an electronic copy of the written notice by eFiling or eFax to the commission within ten days of receipt of such notice. The failure of the appropriate official to timely transmit such copy of the written notice to the commission shall not disqualify the candidate or campaign committee from the exemption from report filing provided by this paragraph.
- (2) If such candidate or campaign committee exceeds the \$2,500.00 limit for either accepting contributions or making expenditures for such campaign during such election cycle as specified in paragraph (1) of this subsection but does not accept a combined total of contributions exceeding \$5,000.00 in such election cycle nor make expenditures exceeding \$5,000.00 in such election cycle, then such candidate or campaign committee shall be required to file only the June 30 and December 31 reports required by paragraph (2) of subsection (c) of this Code section. The first such report shall include all contributions received and expenditures made beginning January 1 of such calendar year.
- (3) If such candidate or campaign committee accepts a combined total of contributions exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign during any such election cycle, then such candidate or campaign committee chairperson or treasurer shall thereupon be subject to the reporting requirements of this Code section the same as if the written notice authorized by this subsection had not been filed.

- (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 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 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 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 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 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 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.

- (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 re-tire 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 by the person or entity with which filing is required for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate's committee in the same manner by which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail, return receipt requested, the commission shall utilize certified mail, return receipt requested, to notify the candidate and the candidate's committee of the late fee due. The notice 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. 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. Notice by electronic means does not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph.
- (2) The commission shall retain \$25.00 of the first late fee received by the commission for processing pursuant to the provisions of Code Section 45-12-92.1.
- (l) It shall be the duty of the commission or other official 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) Except when electronic filing is required, the mailing of such reports by United States mail with adequate postage affixed within the required filing time as determined by the official United States postage date cancellation shall be prima-facie evidence of filing. Any person or entity which is required to be registered under this Code section shall file a termination statement together with its final campaign contribution disclosure report as required by this Code section within ten days of the dissolution of a campaign or committee. The termination statement shall identify the person responsible for maintaining campaign records as required by this chapter.
- (n) Neither the commission nor any other official shall require the reporting of any more information in a campaign contribution disclosure report than is expressly required to be disclosed by this

Code section.

§ 21-5-34.1. Filing campaign contribution disclosure reports electronically

- (a) Candidates, candidate committees, and public officers who are required to file campaign contribution disclosure reports with the commission shall use electronic means to file such reports with the commission using means prescribed by the commission to file such reports.
- (b) The 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 may use electronic means to file their campaign contribution disclosure reports if such method is made available or may file by certified mail, statutory overnight delivery, or personal delivery.
- (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 if such method is made available.
- (e) The filing of any campaign contribution disclosure report required under this article shall constitute an affirmation that the report is true, complete, and correct.

§ 21-5-35. Acceptance of contributions or pledges during legislative sessions

- (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 to the donor or the donor's agent;
 - (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) A judicial officer elected state wide, a candidate for a judicial office elected state wide, or a campaign committee of such judicial officer or candidate.

§ 21-5-36. Disposition of reports; handling of complaints and violations

- (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 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.

§ 21-5-40. Definitions

As used in this article, the term:

- (1) "Affiliated committees" means any two or more political committees (including 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.
- (5) "Person" means an individual.
- (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.
- (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.

§ 21-5-41. Maximum allowable contributions

- (a) No person, corporation, political committee, or political party shall make, and no candidate or campaign committee shall receive from any such entity, contributions to any candidate for state-wide elected office which in the aggregate for an election cycle exceed:
 - (1) Five thousand dollars for a primary election;
 - (2) Three thousand dollars for a primary run-off election;
 - (3) Five thousand dollars for a general election; and
 - (4) Three thousand dollars for a general election runoff.
- (b) No person, corporation, political committee, or political party shall make, and no candidate or campaign committee shall receive from any such entity, contributions to any candidate for the General Assembly or public office other than state-wide elected office which in the aggregate for an election cycle exceed:
 - (1) Two thousand dollars for a primary election;
 - (2) One thousand dollars for a primary run-off election;

- (3) Two thousand dollars for a general election; and
- (4) One thousand dollars for a general election runoff.
- (c) No business entity shall make any election contributions to any candidate which when aggregated with contributions to the same candidate for the same election from any affiliated corporations exceed the per election maximum allowable contribution limits for such candidate as specified in subsection (a) of this Code section.
- (d) Candidates and campaign committees may separately account for contributions pursuant to Code Section 21-5-43. Candidates and campaign committees not separately accounting for contributions pursuant to such Code section shall not accept contributions for any election in an election cycle prior to the conclusion of the immediately preceding election in such cycle; provided, however, that contributions may be accepted for a primary election at any time in the election cycle prior to and including the date of such primary election. Upon conclusion of each election, contributions remaining unexpended may be expended on succeeding elections in the election cycle, and contributions not exceeding the contribution limits of this Code section may continue to be accepted for repayment of campaign obligations incurred as a candidate in that election except as provided in subsection (h) of this Code section.
- (e) Candidates and campaign committees shall designate on their disclosure reports the election for which a contribution has been accepted. Any contribution not so designated shall be presumed to have been accepted for the election on or first following the date of the contribution.
- (f) A contribution by a partnership shall be deemed to have been made pro rata by the partners as individuals for purposes of this Code section, as well as by the partnership in toto unless the partnership by proper action under its partnership agreement otherwise directs allocation of the contribution among the partners. At such direction of the partnership, the contribution may be allocated in any proportion among the partners, including to one or some but not all. Such allocation shall be indicated on the face of any instrument constituting the contribution or on an accompanying document referencing such instrument.
- (g) The contribution limitations established by this Code section shall not apply to a loan or other contribution made to a campaign committee or candidate by the candidate or a member of the family of the candidate.
- (h) Any candidate or campaign committee who incurs loans on or after January 9, 2006, in connection with the candidate's campaign for election shall not repay, directly or indirectly, such loans from any contributions made to such candidate or any authorized committee of such candidate after the date of the election for which the loan was made to the extent that such loans exceed \$250,000.00.
- (i) The contribution limits established by this Code section shall not apply to a bona fide loan made to a candidate or campaign committee by a state or federally chartered financial institution or a depository institution whose deposits are insured by the Federal Deposit Insurance Corporation if:
 - (1) Such loan is made in the normal course of business with the expectation on the part of all parties that such loan shall be repaid; and
 - (2) Such loan is based on the credit worthiness of the candidate and the candidate is personally liable for the repayment of the loan.
- (j) The contribution limitations provided for in this Code section shall not include contributions or expenditures made by a political party in support of a party ticket or a group of named candidates.
- (k) At the end of the election cycle applicable to each public office as to which campaign contributions are limited by this Code section and every four years for all other elections to which this Code section is applicable, the contribution limitations in this Code section shall be raised or lowered in increments of \$100.00 by regulation of the commission pursuant to a

determination by the commission of inflation or deflation during such cycle or four-year period, as determined by the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor, and such limitations shall apply until next revised by the commission. The commission shall adopt rules and regulations for the implementation of this subsection.

§ 21-5-42. Contribution to campaign committee deemed contribution to candidate; rules for construction

For purposes of this article, a contribution to a campaign committee of a candidate for any public office shall be deemed to be a contribution to such candidate. If during any calendar year there occur both a special election including a special primary, special primary runoff, and special election runoff as appropriate and a general election for the same public office and if the same person is a candidate for nomination or election at both such special election including a special primary, special primary runoff, and special election runoff as appropriate and such general election, then this Code section shall apply. Where this Code section applies, a person, corporation, political committee, or political party may contribute up to the maximum amount otherwise allowable under this article to such person or such person's campaign committee for the purpose of influencing such candidate's nomination or election at the special primary, special primary runoff, special election, or special election runoff; and the same person, corporation, political committee, or political party may contribute up to the maximum amount otherwise allowable under this article for the purpose of influencing such candidate's election at the general election or general election runoff. This Code section shall be construed according to the following rules:

- (1) It is the general intent of this Code section to allow a person who is a candidate for election at both a special election and a general election in the same calendar year to receive up to but no more than twice the amount of contributions which could otherwise be received from any one donor during the year; and
- (2) Seeking nomination at a special primary or general primary shall be considered as seeking election at the ensuing special election or general election for the purpose of determining whether a person is a candidate for election at both the special election and the general election and allowing the application of this Code section; but seeking election at only a single primary and its ensuing election shall not bring this Code section into effect.

§ 21-5-43. Accounting for and expenditure of campaign contributions

- (a) (1) A candidate or campaign committee may separately account for contributions for each election in an election cycle for which contributions are accepted. If no contributions are accepted for an election, no corresponding accounting shall be required. Subject to the contribution limits of this chapter, contributions so separately accounted for may be accepted at any time in the election cycle. Upon the conclusion of each election, contributions not exceeding such limits may continue to be accepted for repayment of campaign obligations incurred as a candidate in that election.
- (2) A candidate who wishes to accept contributions for more than one election at a time shall separately account for such campaign contributions and shall file an "Option to Choose Separate Accounting" form with the commission prior to accepting contributions for any election other than the candidate's next upcoming election; provided, however, that a candidate shall only be required to file one such form which shall be utilized for all subsequent elections to the same elective office, regardless of whether an election occurs in a new election cycle.
- (3) A candidate who accepts contributions for more than one election at a time may allocate contributions received from a single contributor to any election in the election cycle, provided

that the contributions shall not violate maximum allowable contribution limits for any election; provided, however, that in order to allocate contributions to a past election, the candidate shall have outstanding campaign debt from the previous election.

- (b) Contributions separately accounted for shall not be expended on a prior election except in conformance with this Code section. Contributions separately accounted for in a primary election may be expended at any time during the election cycle prior to and including the date of the primary.
- (c) Contributions remaining unexpended after the date of the election may be expended for any future election in the same election cycle without regard to the limitations of Code Section 21-5-41. If there are no further elections in the election cycle or if the candidate or the candidate of the campaign committee is not on the ballot of a further election in the election cycle, such contributions may be used only as provided in Code Section 21-5-33.
- (d) Contributions accepted and separately accounted for in an election which does not occur or for which the candidate does not qualify, if unexpended, shall be returned to the contributors thereof pro rata without interest. Any portion thereof which cannot be returned to the original contributor thereof shall be expended only as provided in Code Section 21-5-33.
- (e) The commission shall adopt such rules and regulations as are necessary to carry out the purposes of this Code section in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

ARTICLE 3. FINANCIAL DISCLOSURE STATEMENTS

§ 21-5-50. Filing by public officers; filing by candidates for public office; filing by elected officials and members of the General Assembly; electronic filing; transfer of filings from the Secretary of State to the commission

- (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) 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) 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.
- (3.1) A public officer, as defined in subparagraphs (F) and (G) of paragraph (22) of Code Section 21-5-3, shall make filings of the same kind and in the same manner as provided in paragraph (1) of this subsection for other public officers except that filings under this paragraph shall be made with the election superintendent of the county in the case of public officers as defined in said subparagraph (F) and shall be made with the municipal clerk in the municipality of election or, if there is no clerk, with the chief executive officer of the municipality in the case of public officers as defined in said subparagraph (G). The election superintendent, municipal clerk, or chief executive officer, as applicable, shall transmit, electronically by eFiling or eFax, a copy of each such report to the commission not later than 30 days after the close of the reporting period. No fine, fee, or sanction, including but not limited to identifying a public officer as having filed late or failed to file, shall be imposed by the commission on the public officer for the failure of the election superintendent, municipal clerk, or chief executive officer to timely transmit a copy of such report.
- (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 or the applicable official under paragraph (3.1) of this subsection 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.
- (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) 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;
 - (3) 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 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) (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 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) more than \$200,000.00.
 (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) or more than \$200,000.00;
 - (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 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)

(A) As used in this paragraph, the term 'agency' has the meaning provided by Code Section 45-10-20.

(B) 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. This paragraph shall not require the disclosure of payments which have already been disclosed for purposes of any other provision of this chapter.

(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 pre- ceding 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 file financial disclosure statements electronically with the commission. Local officials referred to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 may file electronically if such method is available or may file by certified mail, statutory overnight delivery, or personal delivery. Except when electronic filing is required, the mailing of the notarized financial disclosure statement by United States mail with adequate postage affixed within the required filing time as determined by the official United States postage date cancellation shall be prima-facie evidence of filing.
- (e) The 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 by the person or entity with which filing is required 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 in the same manner by which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail, return receipt requested, the commission shall use certified mail, return receipt requested, to notify the candidate and the candidate's committee of the late fee due. The notice 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 penalty. Notice by electronic means shall not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph."
- (2) The commission shall retain \$25.00 of the first late fee received by the commission for processing pursuant to the provisions of Code Section 45-12-92.1.
- (g) Neither the commission nor any other official shall require the reporting of any more information in a financial disclosure statement than is expressly required to be disclosed by this Code Section.

§ 21-5-51. Inspection and copying of financial disclosure statements

Financial disclosure statements filed pursuant to this article shall be public records and shall be subject to inspection and copying by any member of the public as provided by law for other public records.

ARTICLE 4. PUBLIC OFFICIALS CONDUCT AND LOBBYIST DISCLOSURE

§ 21-5-70. Definitions

As used in this article, the term:

(l) "Expenditure":

- (A)** Means a purchase, payment, distribution, loan, advance, deposit, or conveyance of money or anything of value made for the purpose of influencing the actions of any public officer specifically including any such transaction which is made on behalf of or for the benefit of a public employee for the purpose of influencing a public officer;
- (B)** Includes any other form of payment when such can be reasonably construed as designed to encourage or influence a public officer;
- (B.1)** Includes reimbursement or payment of expenses exceeding \$75.00 provided to a public officer from any individual lobbyist for transportation, travel, lodging, registration, food, and beverages;
- (C)** Includes any gratuitous transfer, payment, subscription, advance, or deposit of money, services, tickets for admission to athletic, sporting, recreational, musical concert, or other entertainment events, or anything of value, unless consideration of equal or greater than face value is received;
- (D)** Includes reimbursement or payment of expenses for recreational or leisure activities; and
- (E)** Does not include anything defined in paragraph (4.1) of this Code section as a lobbying expenditure, the provisions of subparagraphs (A) through (D) of this paragraph notwithstanding.

(4.1) 'Lobbying expenditure' means:

- (A)** Promotional items generally distributed to the general public or to public officers and food and beverages produced in Georgia;
- (B)** An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;
- (C)** Discounts, upgrades, memberships, or other accommodations extended by a business to a bona fide customer; or legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;
- (D)** 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. For purposes of this subparagraph, an agency shall also include the House of Representatives, the Senate; standing committees of such bodies, but not for more than one of such group events per committee per calendar year, caucuses of members of the majority or minority political parties of the House or Senate, other caucuses of the House and Senate as approved by the House Committee on Ethics or the Senate Ethics Committee, and the governing body of each political subdivision of this state;
- (E)** Campaign contributions or expenditures as defined by Code Section 21-5-3 and reported as required by Article 2 of this chapter;
- (F)** Reimbursement or payment of actual and reasonable expenses provided to a public officer and his or her necessary public employee staff members for such public officer's and staff members' individual transportation, lodging, travel, and registration for attending educational, informational, charitable, or civic meetings or conferences that are held at locations within the United States and directly relate to the official duties of that public officer or the office of that public officer, plus food and beverages for such public officer, his or her necessary public employee staff members, and spouse while attending such

- educational, informational, charitable, or civic meetings or conferences;
- (G) Anything which:
- (i) Does not qualify as a lobbying expenditure under subparagraphs (A) through (F) of this paragraph; and
 - (ii) Would qualify as an expenditure under subparagraph (B.1) of paragraph (1) of this Code section except that it does not exceed the amount or value of \$75.00 per person.
- (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, either individually or as an employee of another person, receives or anticipates receiving more than \$250.00 per calendar year in compensation or reimbursement or payment of expenses specifically for undertaking to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor;
 - (B) Any natural person who makes a lobbying expenditure of more than \$1,000.00 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 of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor;
 - (C) Reserved;
 - (D) Any natural person who, either individually or as an employee of another person, is compensated specifically for undertaking 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 lobbying expenditure of more than \$1,000.00 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 local government engages in any activity covered under subparagraph (D) of this paragraph;
 - (G) 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 or independent contractor of the vendor solely on the basis that such employee or independent contractor 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 and shall not include a bona fide salesperson who sells to or contracts with a state agency for goods or services and who does not otherwise engage in activities described in subparagraphs (A) through (F) or (H) through (I) of this paragraph;
 - (H) Any natural person who, either individually or as an employee of another person, is compensated specifically for undertaking to promote or oppose the passage of any rule or

regulation of any state agency;

- (I) Any natural person who, either individually or as an employee of another person is compensated specifically for undertaking to promote or oppose any matter before the State Transportation Board; or
 - (J) Any natural person who makes a lobbying expenditure of more than \$1,000.00 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.
- (8) "Vendor" means any person who sells to or contracts with any state agency for the provision of any goods or services.

§ 21-5-71. Registration required; application for registration; supplemental registration; expiration; docket; fees; identification cards; public rosters; exemptions

- (a)(1) Subject to paragraph (2) of this subsection and except as otherwise provided by subsection (i) of this Code section, no person shall engage in lobbying as defined by this article unless such person is registered with the commission as a lobbyist. The commission shall not allow a person who has been convicted of a felony involving moral turpitude in the courts of this state or an offense that, had it occurred in this state, would constitute a felony involving moral turpitude under the laws of this state to become a registered lobbyist unless ten years or more have elapsed since the completion of the person's sentence. The administration of this article is vested in the commission.
- (2) When a person is hired or retained as an employee or agent or independent contractor and under the agreement of the parties the primary duties, or a substantial part of the duties, of the person will involve lobbying activities, the person shall register as a lobbyist before commencing lobbying activities.
- (b) Each lobbyist who is required to register under this article shall file an application for registration with the commission. The application shall be verified by the applicant and shall contain:
- (1) The applicant's name, address, and telephone number;
 - (2) The name, address, and telephone number of the person or agency that employs, appoints, or authorizes the applicant to lobby on its behalf;
 - (3) A statement of the general business or purpose of each person, firm, corporation, association, or agency the applicant represents;
 - (4) If the applicant represents a membership group other than an agency or corporation, the general purpose and approximate number of members of the organization;
 - (5) A statement signed by the person or agency employing, appointing, or authorizing the applicant to lobby on its behalf;
 - (6) If the applicant is a lobbyist attempting to influence rule making or purchasing by a state agency or agencies, the name of the state agency or agencies before which the applicant engages in lobbying;
 - (7) A statement disclosing each individual or entity on whose behalf the applicant is registering

if such individual or entity has agreed to pay him or her an amount exceeding \$10,000.00 in a calendar year for lobbying activities; and

- (8) A statement verifying that the applicant has not been convicted of a felony involving moral turpitude in the courts of this state or an offense that, had it occurred in this state, would constitute a felony involving moral turpitude under the laws of this state or, if the applicant has been so convicted, a statement identifying such conviction, the date thereof, a copy of the person's sentence, and a statement that more than ten years have elapsed since the completion of his or her sentence.
- (9) A statement by the applicant verifying that the applicant has received the Georgia General Assembly Employee Sexual Harassment Policy as set forth in the Georgia General Assembly Handbook, has read and understands the policy, and agrees to abide by the policy. The commission shall retain on file the statement required pursuant to paragraph (9) of this subsection and any renewal statements under subsection (d) of this Code section for the duration of the lobbyist's registration period. A copy of such statement shall be sent to the Legislative Fiscal Office.
- (c) The lobbyist shall, prior to any substantial or material change or addition, file a supplemental registration indicating such substantial or material change or addition to the registration prior to its expiration. Previously filed information may be incorporated by reference. Substantial or material changes or additions shall include, but are not limited to, the pertinent information concerning changes or additions to client and employment information required by paragraphs (2), (3), (4), (6), and (7) and conviction status required by paragraph (8) of subsection (b) of this Code section.
- (d) Each registration under this Code section shall expire on December 31 of each year. The commission may establish renewal procedures for those applicants desiring continuous registrations. Previously filed information may be incorporated by reference; provided, however, that the statement regarding the sexual harassment policy required under paragraph (9) of subsection (b) of this Code section shall be signed and filed each year as a part of the renewal process.
- (e) The commission shall provide a suitable public docket for registration under this Code section with appropriate indices and shall enter promptly therein the names of the lobbyists and the organizations they represent.
- (f) (1) Each person registering under this Code section shall pay the registration fees set forth in paragraph (2) of this subsection; provided, however, that a person who represents any state, county, municipal, or public agency, department, commission, or authority shall be exempted from payment of such registration fees.
- (2)(A) There shall be no charge for annual lobbyist registration or renewal filed pursuant to this Code section; provided, however, that the commission shall set, collect, and retain the fees for the following items:
 - (i) Lobbyist identification card issued pursuant to this Code section;
 - (ii) Lobbyist supplemental registration filed pursuant to this Code Section; and
 - (iii) Each replacement of a lobbyist identification card issued pursuant to this Code Section.
- (B) (i) For reports filed when the General Assembly is not in session, in addition to other penalties provided under this chapter, a late fee of \$275.00 shall be imposed for each report that is filed late. In addition, a late fee of \$1,000.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed. A late fee of \$10,000.00 shall be imposed on the forty-fifth day after the due date for such report if the report has not been filed.
- (ii) 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.

- (C) (i) For reports filed when the General Assembly is in session, in addition to other penalties provided under this chapter, a late fee of \$275.00 shall be imposed for each report that is filed late. In addition, a late fee of \$1,000.00 shall be imposed on the seventh day after the due date for such report if the report has not been filed. A late fee of \$10,000.00 shall be imposed on the twenty-first day after the due date for such report if the report has not been filed.
- (ii) 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) As soon as practicable after registering any such person, the commission shall issue to such person an identification card which shall have printed thereon the name of the lobbyist, a color photograph of the lobbyist, and the person or agency such lobbyist represents, provided that, when any such person represents more than one entity, such identification card shall have printed thereon the name of the registered person and the word "LOBBYIST." Each lobbyist while engaged in lobbying at the capitol or in a government facility shall display said identification in a readily visible manner.
- (h) The commission shall regularly publish rosters of lobbyists 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 copies of the roster to the public.
- (i) The registration provisions of this Code section shall not apply to:
 - (1) Any individual who communicates personal views, interests, or professional opinions on that individual's own behalf, to any public officer;
 - (1.1) An employee or independent contractor of a vendor who solely participates in soliciting a bid or in preparing a written bid, written proposal, or other document relating to a potential contract with a state or local government agency or a bona fide salesperson who sells to or contracts with a state or local government agency for goods or services, is not 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, and does not engage in other activities which would make such person a lobbyist;
 - (2) Any person who is invited by a public agency or governmental entity to appear before a committee or at a hearing of such agency or entity, including but not limited to a committee of either chamber of the General Assembly or a joint committee thereof, for the purpose of giving testimony so long as such person clearly identifies himself or herself and the interested party on whose behalf he or she is testifying;
 - (3) Any person who is invited to furnish information upon the specific request of a public agency or governmental entity, including but not limited to a committee of either chamber of the General Assembly or a joint committee thereof, so long as such person clearly identifies himself or herself and the interested party on whose behalf he or she furnishes such information;
 - (3.1) Any individual who is not compensated for the specific purpose of lobbying, does not incur more than \$250.00 per calendar year in reimbursable lobbying expenditures, and is a member, director, trustee, officer, or committee member of a business, trade, labor, farm, professional, religious, educational, or charitable association, foundation, or organization which employs or contracts with a registered lobbyist for the purpose of lobbying;
 - (4) Any licensed attorney appearing on behalf of or representing a client, and any staff employed by such attorney, when such attorney is not compensated for the specific purpose of lobbying;
 - (5) Any person employed or appointed by a lobbyist registered pursuant to this Code section whose duties and activities do not include lobbying;
 - (6) Elected public officers or appointed public officials performing the official duties of their public

- office or position;
- (6.1) Any employee of the executive or judicial branch of state government; provided, however, that when such an employee is acting on behalf of such government employer, meeting with or appearing before a public officer other than one from the same branch of government which employs such employee, and engaged in activity for which registration would otherwise be required under this Code section, such employee shall be required to display an identification card, issued by such employer, which shall have printed thereon the employee's name and the name of the employer; or
 - (7) Any public employee, aide, or intern who performs services at the direction of a member of the General Assembly including, but not limited to, drafting petitions, bills, or resolutions; attending the taking of testimony; collating facts; preparing arguments and memorials and submitting them orally or in writing to a committee or member of the General Assembly; and other services of like character intended to reach the reason of the legislators.

§ 21-5-72. Denial, suspension, or revocation of registration; reinstatement; civil penalty

- (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;
 - (2) Has willfully violated or willfully failed to comply with this article or a rule promulgated by the commission under this article;
 - (3) Has failed to comply with the reporting requirements of this article; or
 - (4) Has engaged in lobbying practices in violation of this article.
- (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 person failing to comply with or violating any of the provisions of this article shall be subject to a civil penalty not to exceed \$2,000.00 per violation.

§21-5-72.1.

- (a) No person who is required by the law of this state to register as a lobbyist shall meet at the state capitol, Coverdell Legislative Office Building, or other state government facility with any member of the General Assembly to discuss the promotion or opposition of the passage of any legislation by the General Assembly, or any committee of either chamber or joint committee thereof, or the override of a veto unless such person either is wearing his or her valid official registered lobbyist badge or is a resident of the House or Senate district which such member represents.
- (b)
 - (1) No person who is registered as a lobbyist under Code Section 21-5-71 shall make any expenditure.
 - (2) No public officer shall with actual knowledge accept any expenditure from a person who is registered as a lobbyist under Code Section 21-5-71.

§ 21-5-73. Disclosure reports

- (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 required to register under this article and lobbies to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor 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.
- (c) A person who is required to register under this article and lobbies 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 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 lobbying 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 lobbying expenditures relating to municipal affairs or independent school district affairs.
- (d) A person who is required to register under this article and:
 - (1) Lobbies to promote or oppose the passage of any legislation by the General Assembly, or any committee of either chamber or a joint committee thereof, or the approval or veto of legislation by the Governor.
 - (2) As an employee of the executive branch or judicial branch of local government, lobbies 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;
 - (3) Lobbies to influence a public officer or state agency in the selection of a vendor to supply any good or services to any state agency; or
 - (4) Lobbies to promote or oppose any matter before the State Transportation Board 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) Reports filed by lobbyists shall be verified and shall include:
 - (1) A description of all lobbying expenditures described in subparagraphs (D), (F), and (G) of paragraph (4.1) of Code Section 21-5-70, or the value thereof made on behalf of or for the benefit of a public officer or on behalf of or for the benefit of a public employee for the purpose of influencing 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 lobbying expenditure. The description of each reported lobbying expenditure shall include:
 - (A) The name and title of the public officer or public employee or, if the lobbying expenditure is simultaneously incurred for an identifiable group of public officers or public employees the individual identification of whom would be impractical, a general description of that identifiable group;

- (B) The amount, date, and description of the lobbying expenditure and a summary of all spending classified by category. Such categories shall include meals, lodging, travel, and tickets;
- (C) The aggregate lobbying expenditures described in subparagraph (D) of paragraph (4.1) 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 or public employee shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph;
- (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending before the governmental entity in support of or opposition to which the lobbying expenditure was made; 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 lobbying expenditure was made;
- (1.1) In any case where lobbying expenditures are reported pursuant to subparagraph (A) of paragraph (1) of this Code section for an identifiable group not listed in subparagraph (D) of paragraph (1) of Code Section 21-5-70, the lobbyist shall certify on the disclosure report that no lobbying expenditure made on behalf of or for the benefit of any individual public officer exceeded \$75.00.
- (2) For those who are required to register under this article and lobby to influence a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency, 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 required to register under this article and lobby to promote or oppose the passage of any rule or regulation of any state agency, the name of the individual or entity for which the lobbyist undertook to influence the rule or regulation of a state agency.
- (f) 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) The electronic filing of any disclosure report required by this article shall constitute an affirmation that such report is true, complete, and correct.
- (h) Reserved.
- (i) All lobbyists shall have a grace period of three business days in filing all disclosure reports.

§ 21-5-74. Postemployment restrictions on lobbyists

A lobbyist shall not be eligible for executive appointment to any board, authority, commission, 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 year after the expiration of the lobbyist's registration for that business, firm, corporation, or agency.

§ 21-5-75. Postemployment restrictions on public officers

- (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 year after terminating such employment or leaving such office.
- (b) The lobbying prohibition contained in subsection (a) of this Code section shall not apply to persons who terminate such employment or leave such office but who remain employed in state government.

§ 21-5-76. Contingent fees for lobbying prohibited; unauthorized persons on the floor while the General Assembly is in session

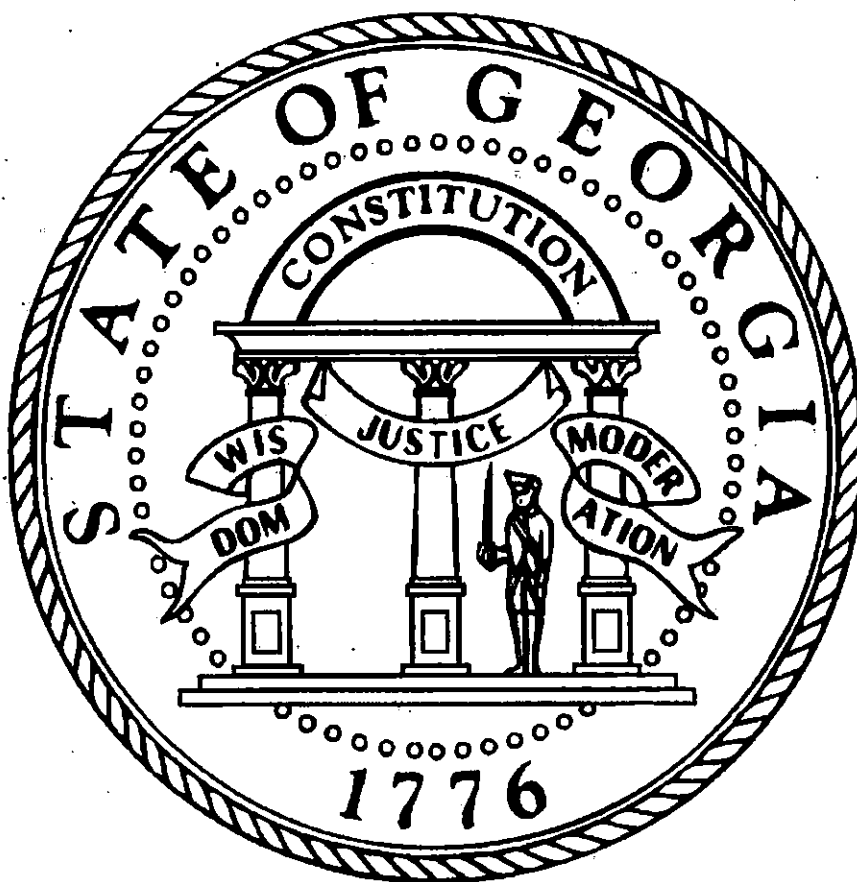
- (a) No person, firm, corporation, or association shall retain or employ a lobbyist for compensation contingent, in whole or in part, upon the passage or defeat of any legislative measure, upon the adoption or decision not to adopt any state agency rule or regulation, or upon the granting or awarding of any state contract. No lobbyist shall be employed for compensation contingent, in whole or in part, upon the passage or defeat of any legislation, upon the adoption or decision not to adopt any state agency rule or regulation, or upon the granting or awarding of any state contract.
- (b) It shall be unlawful for any person registered pursuant to the requirements of this article or for any other person, except as authorized by the rules of the House of Representatives or Senate, to be on the floor of either chamber of the General Assembly while the same is in session.

RULES

of the

GEORGIA GOVERNMENT TRANSPARENCY & CAMPAIGN FINANCE COMMISSION

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GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION
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RULES OF THE
GEORGIA GOVERNMENT TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION

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CHAPTER 1 - ORGANIZATION

189-1-.01 Organization.

The Georgia Government Transparency and Campaign Finance Commission is a regulatory agency entrusted with protecting the integrity of the democratic process and ensuring fair elections for all constitutional, state, county and municipal elections, regulating the disclosure of significant private interests of public officers and officials as designated by the General Assembly and regulating lobbyists and state vendors.

Authority: O.C.G.A. §§ 21-5-2, 21-5-4, 50-13-3.

History: Original Rule entitled "Membership and Officers" adopted Apr. 29, 1987, repealed by State Ethics Act of 2008, Jan. 3, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission").

189-1-.02 Membership and Officers.

The Commission shall elect a Chair and Vice-Chair from among its members, and other officers, as the Commission may deem necessary. The Chair, Vice-Chair and other officers shall be elected by a majority vote of the members of the Commission.

Authority: O.C.G.A. §§ 21-5-4, 21-5-6.

History: Original Rule entitled "Appearances Before Commission by Prior Members" adopted Apr. 9, 1987; eff. Apr. 29, 1987. Repealed: New Rule entitled "Membership and Officers" adopted Dec. 14, 2007; eff. Jan. 3, 2008. Amended Mar. 26, 2015; eff. Sept 21, 2015.

189-1-.03 Appearances Before Commission by Prior Members.

No former member or Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission or counsel to the Commission shall, after the termination of his or her service on or employment with the Commission, represent any person or entity, other than the State of Georgia, by making any formal appearance or any oral or written communication with the intent to influence a decision of the Commission, until at least one year has elapsed since the termination of his or her service on or employment with the Commission.

Authority: O.C.G.A. §§ 21-5-4, 21-5-6.

History: Original Rule entitled "Mailing Address" adopted Apr. 9, 1987; eff. Apr. 29, 1987. Amended Feb. 22, 2000; eff. Mar. 13, 2000. Repealed: New Rule entitled "Appearances Before Commission by prior Members" adopted Dec. 14, 2007; eff. Jan. 3, 2008; Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept 21, 2015.

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189-1-04 Mailing Address.

The physical and mailing address of the Georgia Government Transparency and Campaign Finance Commission will be as designated on the Commission's official website, www.ethics.ga.gov.

Authority: O.C.G.A. §§ 21-5-4, 21-5-6.

History: Original Rule entitled "Meetings to be Held" adopted Apr. 9, 1987; eff. Apr. 29, 1987. Amended Feb. 22, 2000; eff. Mar. 13, 2000. Repealed: New Rule entitled "Mailing Address" adopted Dec. 14, 2007; eff. (Jan. 3, 2008). Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept. 21, 2015.

189-1-05 Commission Meetings.

RESERVED

Authority: O.C.G.A. § 21-5-6

History: Original Rule entitled "Quorum Requirement for Official Action" adopted Apr. 9, 1987; eff. Apr. 29, 1987. Amended Feb. 22, 2000; eff. Mar. 13, 2000. Repealed: New Rule entitled "Meetings to be Held" adopted Dec. 14, 2007; eff. Jan. 3, 2008. Repealed: Rule "Reserved" Mar. 26, 2015; eff. Sept. 21, 2015.

189-1-06 Quorum Requirement for Official Action.

RESERVED

Authority: O.C.G.A. § 21-5-6

History: Original Rule entitled "Quorum Requirement for Official Action" adopted Dec. 14, 2007; eff. Jan. 3, 2008. Repealed: Rule "Reserved" Mar. 26, 2015; eff. Sept. 21, 2015.

189-1-07 Adjustment of Contribution Limits Based Upon Inflation.

Each calendar year at its first regularly scheduled meeting of the year the Commission shall review the maximum campaign contribution limits imposed by the Georgia Government Transparency and Campaign Finance Act. After a review of the inflation or deflation rate as determined by the Consumer Price Index as published by the Bureau of Labor Statistics of the United States Department of Labor, the Commission may raise or lower the maximum campaign contribution limits in \$100.00 increments for all elected offices. The failure to raise or lower the maximum contribution limits at its first regularly scheduled meeting of the year shall have the effect of a rejection by the Commission of the need to raise or lower the maximum contribution limits; but the Commission may, on motion, raise or lower such limits at other times during the year.

Authority: O.C.G.A. § 21-5-41

History: Original Rule entitled "Adjustment of Contribution Limits Based Upon Inflation" adopted Dec. 14, 2007; eff. Jan. 3, 2008. Amended Dec. 15, 2015; eff. Jan. 1, 2016.

189-1-08 Retention Schedule

The retention schedule for all documents received by the Commission shall be five years unless otherwise provided by law or written direction of the Commission.

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Authority: O.C.G.A. § 21-5-6.

History: Original Rule entitled "Retention Schedule" adopted Dec. 14, 2007; eff. Jan. 3, 2008.

189-1-.09 Petitions Requesting the Promulgation, Amendment or Repeal of a Rule

Any interested person may petition the Commission in writing to request the promulgation, amendment or repeal of a rule. The petition shall contain the name, address and phone number of the petitioner, as well as a clear and concise statement as to the rule in question or the subject matter upon which a rule is requested. The Commission or staff shall, within thirty days of the receipt of said petition, deny the petition in writing or initiate rule making proceedings in accordance with O.C.G.A. § 50-13-4.

Authority: O.C.G.A. §§ 21-5-6, 50-13-9.

History: Original rule entitled "Petitions Requesting the Promulgation, Amendment or Repeal of a Rule" adopted Dec. 14, 2007; eff. Jan. 3, 2008.

189-1-.10 Electronic Filing of Reports

Any and all reports required to be filed with the Commission shall be by electronic means, unless otherwise excepted by way of Commission vote.

Authority: O.C.G.A. § 21-5-6.

History: Original Rule entitled "Electronic Filing of Reports" adopted Dec. 14, 2007; eff. Jan. 3, 2008. Adopted Jun. 29, 2001; eff.: Aug. 8, 2001. Amended Mar. 26, 2015; eff. Sept. 21, 2015.

189-1-.11 E-mail address

Except for city, county, and school board officials, each individual required to file reports or disclosure statements with the Commission shall provide a current e-mail address and shall advise the Commission of any change to such address within ten days of the change.

Authority: O.C.G.A. § 21-5-14.

History: Original Rule entitled "E-mail address" adopted Mar. 26, 2015; eff. Sept. 21, 2015.

CHAPTER 2 - PRACTICE AND PROCEDURE

189-2-.01 Definitions.

The following words and terms as used in these rules shall have the meaning hereinafter ascribed to them or as set forth in O.C.G.A. § 21-5 et seq.:

(1) "Advisory Opinion" – an opinion issued by the Commission pursuant to its authority under O.C.G.A. § 21-5-6(b)(13). The provision of information or advice by Commission staff in response to questions shall not constitute an "advisory opinion" in terms of the law unless such information or advice is formally adopted by the Commission pursuant to O.C.G.A. § 21-5-6(b)(13).

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- (2) "Complainant" – a person who files a written complaint alleging a violation of one or more laws under the jurisdiction of the Georgia Government Transparency and Campaign Finance Commission.
- (3) "Compliance Order" – a written document wherein the Commission and the Respondent agree and consent to terms which may include findings of fact, conclusions of law, cease and desist language, remedial action to be taken, oral or written statements to be made or issued, prohibition of actual or threatened violations, the ordering of actions necessary to correct cited deficiencies and a waiver of any appeal rights.
- (4) "Consent Order" – a written document wherein the Commission and the Respondent agree and consent to terms which shall include admissions of violations by the Respondent, findings of fact, conclusions of law, cease and desist language, imposition of civil penalties, late filing fees, and/or administrative fees and which may include, among other things, remedial actions to be taken, oral or written statements to be made or issued, prohibition of actual or threatened violations, or the ordering of actions necessary to correct cited deficiencies and a waiver of any appeal rights. Consent Orders must be signed by the Respondent and received by the Commission staff not later than seven (7) days prior to the date the case is scheduled to be heard before the Commission, unless the Executive Secretary has approved an extension of time.
- (5) "Contested Case" – a case that will proceed to an administrative hearing in accordance with the Georgia Administrative Procedure Act following a finding that there are reasonable grounds to believe that the Georgia Government Transparency and Campaign Finance Act or other statute under the jurisdiction of the Commission has been violated.
- (6) "Credit Received on Loan" – a contribution received by a candidate or campaign committee for the forgiveness of a loan and/or a portion of an outstanding loan carried by the candidate or campaign committee.
- (7) "Deferred Payment" – an expenditure for the payment of anything of value which is received by, provided to, furnished to, or conveyed to / or on behalf of a candidate or a campaign committee that was previously reported on a prior or current Campaign Contribution Disclosure Report for the time period in which the thing of value was provided.
- (8) "End Recipient" – the person or entity paid for providing goods or services to benefit a candidate, officeholder, or campaign committee regardless of whether such payment is arranged, passed through, or paid by a third party or agent for the candidate, officeholder, or campaign committee.
- (9) "Frivolous Complaint" – a complaint that lacks a Legal Basis, Legal Merit, or factual basis to support the allegations in said complaint, as alleged by the Complainant, that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.
- (10) "Good Faith" – a state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, or (3) absence of intent to defraud or to seek unconscionable advantage.

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(11) "Hearing" – a proceeding before the Commission or its designated hearing officer for either the consideration of a modification or a change in existing rules, or for an adjudication of issues presented in a contested case, at which all parties at interest are afforded an opportunity to present testimony, documentary evidence and arguments, as to the matter under consideration.

(12) "Hearing Officer" – an individual designated by the Commission for the purpose of presiding over a hearing as herein defined.

(13) "In-kind expenditure" – an expenditure of any goods or services for which a candidate or campaign committee did not extend payment to an end-recipient for the goods or services provided, but for which the campaign received the use / benefit of said goods or services (*e.g.*, A computer is loaned to the campaign and the computer is returned to the donor upon the conclusion of the campaign).

(14) "Independent Expenditure" – a political campaign communication that expressly advocates the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate or candidate's authorized committees.

(15) "Legal Basis" – a legal principle or statute which constitutes the basis for the claim that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(16) "Legal Merit" – an argument that is supported by a legal principle or statute, that is advanced by the Complainant in Good Faith, that constitutes the basis for the claim that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(17) "Loan Repayment" – an expenditure made by a candidate or campaign committee to retire or reduce any outstanding loan carried by the candidate or campaign committee. Any such expenditure must note and itemize which loan the payment is being applied to (*e.g.*, 2012 General Election Loan \$500.00; and, 2012 Primary Election Loan \$1,000.00).

(18) "Local Filing Officer" – a local filing officer is any person who supervises and/or qualifies local officials for election to county and/or municipal offices, said term shall include, but not be limited to, all county election superintendents, municipal clerks, and chief executive officers of municipalities.

(19) "Notice of Hearing" – a written statement of the substance of a specific charge alleging violation of the statute, rule, or regulation to be considered at a hearing to the person or party affected thereby, or of the substance of a proposed rule to be considered, which will afford actual notice to all interested persons. Notice shall be given in accordance with the Georgia Administrative Procedure Act.

(20) "Preliminary Hearing" – a proceeding before the Commission for the purpose of deciding if there are reasonable grounds to believe that the Georgia Government Transparency and Campaign Finance Act or other statute under the jurisdiction of the Commission has been violated, or if there are reasonable grounds to believe there has been a failure to comply with any rule or regulation promulgated by the Commission, and if the matter should be set down for a "Hearing" for the purpose of determining whether a violation of the Georgia Government Transparency and

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Campaign Finance Act or other statute within the jurisdiction of the Commission and whether any sanctions should be imposed should a violation be found. This term also specifically includes hearings held pursuant to the issuance of an Administrative Subpoena.

(21) "Refund" – any contribution (either cash or in-kind) which is returned by a candidate or campaign committee to the original donor and not expended for campaign purposes. A refund must be made in full to the donor making a contribution if the campaign is refunding a single contribution; or pro rata to all donors if the campaign is being terminated and excess funds must be disposed of. All funds contributed to any candidate or campaign committee are not personal assets of the candidate or committee and can only be disposed of by refund to the donor(s) or transfer in accordance with O.C.G.A. § 21-5-33.

(22) "Respondent" – a person against whom a complaint is filed or who has been added as such by the Commission at a preliminary hearing based on a finding of reasonable grounds to believe that a violation of the Georgia Government Transparency and Campaign Finance Act has occurred; or a person who has been named a Respondent by the Commission by virtue of a finding of probable cause to open an investigation.

(23) "Rule" – any regulation, standard, or statement of general or particular applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the Commission.

(24) "Substantial Compliance" – the requirement that all reports submitted pursuant to the Georgia Government Transparency and Campaign Finance Act be at least 90% compliant with respect to technical defects.

(25) "Technical Defect" – an inadvertent or scrivener's error in the preparation or making of a filing with the Commission or with a local filing officer. "Technical defects" include such mistakes as showing incorrectly or failing to show a date, a contributor's occupation, an address, an email address or an employer, or other similar errors. Accounting errors constitute technical defects if they include obvious errors in addition or subtraction. The failure to list or show the disposition of a contribution is not an accounting error that constitutes a "technical defect."

Authority: O.C.G.A. §§ 21-5-6, 21-5-7, 21-5-7.1, 21-5-34.

History: Original Rule entitled "Definitions" adopted Apr. 9, 1987. Amended Feb. 22, 2000; eff. Mar. 13, 2000. Amended Oct. 12, 2006; eff. Nov. 1, 2006. Repealed: New Rule "Definitions" adopted Dec. 18, 2007; eff. Jan. 7, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Dec. 15, 2015; eff. Jan. 4, 2016. Amended Dec. 4, 2019; eff. February 3, 2020.

189-2-.02 Administrative Declaratory Rulings.

(1) Availability of Declaratory Ruling. Any person whose legal rights have been interfered with or impaired by the application of any statutory provision or any rule or order of the Commission may petition the Commission and request a declaratory ruling thereon. The Commission will not render advisory opinions or resolve questions that become moot or take any other action

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hereunder except with respect to cases upon which a superior court would be required to act under the Georgia declaratory judgment statutes as construed by the appellate courts of Georgia.

(2) Form of Petition. Each such petition shall be filed with the Commission in writing and shall state:

- (a) The name, post office address, and e-mail address of the petitioner;
- (b) The full text of the statute, rule, order upon which a ruling is requested
- (c) A paragraph statement of all pertinent and existing facts necessary to a determination of the applicability of the quoted statute or rule;
- (d) Petitioner's contention, if any, as to the aforesaid applicability with citations of legal authorities, if any, that authorize, support, or require a decision in accordance therewith;
- (e) A statement setting forth in detail the petitioner's interest in the matter and why and how the petitioner is uncertain or insecure with respect to his rights. The petition shall be verified under oath by, or in proper behalf of, the petitioner.

(3) Proceedings on Petition. If the Commission shall determine that a decision can be rendered on the face of the petition without further proceedings, it shall render a summary decision thereon. Otherwise, all parties known by the Commission to have a legal interest in the matter shall be notified and given an opportunity to be heard at an informal hearing.

(4) Informal Request for Interpretation and Rulings. The provisions of this Rule shall not be construed to preclude:

- (a) Any person from requesting the Commission to interpret or otherwise rule upon the applicability of any pertinent statute or rule informally by personal appearance before the Commission, by letter or by telegram to the Commission; or
- (b) The Commission from acting upon any such request whenever and however it deems appropriate, or from issuing any interpretative ruling without petition therefor. (5) Any request presented in any manner other than in accordance with the provisions of this Rule shall not be deemed to be filed as a Petition for Declaratory Ruling but shall be deemed an informal request for interpretation or ruling and shall be acted on as such.

(5) Any request presented in any manner other than in accordance with the provisions of this Rule shall not be deemed to be filed as a Petition for Declaratory Ruling but shall be deemed an informal request for interpretation or ruling and shall be acted on as such.

Authority: O.C.G.A. § 21-5-6.

History: Original Rule entitled "Administrative Declaratory Rulings" adopted Apr. 9, 1987; eff. Apr. 29, 1987. Amended Mar. 26, 2015; eff. Sept. 21, 2015.

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189-2-.03 Complaints.

(1) **Form of Complaint.** All complaints to be considered by the Commission shall be filed in writing with the Commission and shall contain the following:

- (a) The name, address, and e-mail address of the person or persons who file the complaint.
- (b) The sworn verification and signature of the complainant.
- (c) The name and address of the party or parties against whom the complaint is filed, and if any such party is a candidate, the office being sought by said candidate.
- (d) A clear and concise statement of the facts upon which the complaint is based along with an allegation that such facts constitute one or more violations of the Georgia Government Transparency and Campaign Finance Act or other law under the jurisdiction of the Commission.
- (e) A general reference to the statutory provision(s) of the Georgia Government Transparency and Campaign Finance Act, Vendor Gift Disclosure Law, Commission Rule, or any other statute within the jurisdiction of the Commission allegedly violated by respondent.
- (f) Any further information which might support the allegations in the complaint including, but not limited to, the following:
 - 1. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint;
 - 2. Any documentary evidence that supports the facts alleged in the complaint.

(2) **Technical Defects.** Upon receipt of a complaint that alleges technical defects, as defined in O.C.G.A. § 21-5-7.1 and by these Rules, Commission staff shall follow the requirements for handling technical defects stated in O.C.G.A. § 21-5-7.1. A respondent in receipt of a complaint sent to respondent pursuant to Rule 189-2-.03(3), below, may assert that the complaint contains technical defects which have not been identified by Commission staff. The respondent must state the grounds supporting the claim that a technical defect exists, provide all supporting evidence supporting that assertion, and submit appropriate filings correcting the technical defects. If, based on respondent's submission, Commission staff agrees that technical defects did indeed exist, and, if the technical defects are corrected, it shall treat the correction of the defects consistent with the provisions of O.C.G.A. § 21-5-7.1. If the alleged violations do not constitute technical defects or if they were not corrected, Commission staff shall begin investigation on the complaint consistent with the requirements of Rule 189-2-.03(5).

(3) **Preliminary Action on the Complaint.** Upon receipt of a complaint, the Commission staff shall send a copy of the complaint to the respondent affording an opportunity to respond to the complaint within thirty (30) days in writing if desired. Responses or other documents submitted by the Complainant or Respondent to the Commission after the thirty day period may be disregarded by

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the Commission or staff during the preliminary investigation or at the preliminary hearing. If additional violations are discovered during the investigation of any complaint, notice shall be given to the Respondent as to those additional violations. The Respondent shall then have fourteen (14) days from the date of the notice to provide a response. Otherwise, Commission staff shall present a Probable Cause petition to the Commission.

(4) Defective Complaint. Upon receipt of a written complaint which does not conform to the requirements of paragraph (1) of this Rule, the Executive Secretary of the Commission shall by letter acknowledge receipt of the complaint, advise the complainant of the defect in the complaint and inform the complainant that the complaint will not be considered by the Commission unless the defect is corrected.

(5) Preliminary Investigation of Complaint. The Commission staff shall conduct a preliminary investigation of any non-defective complaint and recommend as a part of its on-going investigation what further action, if any, should be taken. If the Commission staff should determine, after completing its preliminary investigation, that there is no evidentiary or jurisdictional basis for proceeding on a complaint under the Georgia Government Transparency and Campaign Finance Act or any other statute within the jurisdiction of the Commission, then the staff shall so notify the Complainant and administratively dismiss the complaint without requiring any formal action by the Commission.

(6) Preliminary Hearing. Following the preliminary investigation the complaint shall be scheduled for a preliminary hearing before the Commission and the Complainant and Respondent shall be notified of the scheduled hearing date. At such hearing, the Commission shall determine whether there are reasonable grounds to believe that a violation has occurred and if such a finding is made the matter will be set down for a hearing pursuant to the Georgia Administrative Procedure Act. The Respondent will have 30 days to initiate resolution of the matter with Commission staff prior to an APA hearing. If the Commission finds no reasonable grounds to believe a violation has occurred, the complaint shall be dismissed, subject to being reopened upon discovery of additional evidence or relevant material.

(7) Consideration of the Complaint. If at the preliminary hearing it is determined that further action is warranted, the Commission shall proceed as provided by law in contested cases. Nothing in this rule shall require the Commission to dispose of any matter in a single hearing nor shall this rule prevent the matter from being subject to further investigation by the Commission staff.

(8) The Commission shall not initiate an investigation on any complaint filed within thirty (30) days of an election in which the subject of the complaint is a participant or candidate in said election.

Authority: O.C.G.A. §§ 21-5-4, 21-5-6, 21-5-7, 21-5-7.1.

History: Original Rule entitled "Complaints" adopted Apr. 9, 1987; eff. Apr. 29, 1987. Amended May 6, 1987; eff. May 26, 1987. Amended Feb. 22, 2000; eff. Mar. 13, 2000. Amended Oct. 12, 2006; eff. Nov. 1, 2006. Repealed: New Rule of same titled adopted Dec. 18, 2007. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept. 21, 2015. Amended Dec. 15, 2015; eff. Jan. 4, 2016.

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189-2-.04 Initiation of Investigations by the Commission.

Commission staff, when it discovers or learns of evidence that a violation of the Georgia Government Transparency and Campaign Finance Act or any other statute within the jurisdiction of the Commission may have occurred, may initiate, on reasonable belief that probable cause exists, an investigation into suspected violations of laws or rules under its jurisdiction as it deems necessary. In such case, the applicable procedures found in Rules 189-2-.03, 189-2-.05, and 189-2-.06 shall be followed in the investigation. The respondent shall be notified by the Commission staff in writing of the initiation of the investigation and of the basis for the finding of probable cause to open the investigation. The Commission staff shall not be required to file the Complaint form described in Rule 189-2-.03(1) nor to follow the procedures required under that Rule.

Authority: O.C.G.A. §§ 21-5-4, 21-5-6, 21-5-7.

History: Original Rule entitled "Rules of Procedure for Regular Commission Meetings" adopted May 31, 1989; eff. June 20, 1989. Repealed: New Rule entitled "Initiation of Investigations by the Commission" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Oct. 12, 2006; eff. Nov. 1, 2006. Repealed: New Rule of same title adopted Dec. 18, 2007; eff. Jan. 7, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept. 21, 2015. Amended Dec. 15, 2015; eff. Jan. 4, 2016.

189-2-.05 Contested Cases; Notice; Hearing; Record.

After the initial investigation and preliminary hearing have been completed, and if reasonable grounds to believe a violation of the Campaign Finance Act has occurred have been found, a matter becomes a contested case and shall be scheduled for hearing pursuant to the Administrative Procedure Act. The rules of that Act and of the Office of State Administrative Hearings shall govern contested cases; in addition to the rules of the Georgia Government Transparency and Campaign Finance Commission.

Authority: O.C.G.A. §§ 21-5-6, 21-5-7, 50-13-13 *et seq.*

History: Original Rule entitled "Rules of Procedure for Regular Commission Meetings" adopted May 31, 1989; eff. June 20, 1989. Repealed: New Rule entitled "Contested Cases; Notice; Hearing; Record" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Oct. 12, 2006; eff. Nov. 1, 2006. Repealed: New Rule of same title adopted Dec. 18, 2007; eff. Jan. 7, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept. 21, 2015. Amended Dec. 15, 2015; eff. Jan. 4, 2016.

189-2-.06 Rules of Procedures for Regular Commission Meetings

Regular meetings of the Georgia Government Transparency and Campaign Finance Commission shall be conducted, to the extent practicable, in accordance with Robert's Rules of Order, which are hereby adopted as the Rules of Procedure for conducting such meeting. The Chairman of the Commission, or the Commissioner acting in that capacity, shall have the authority to make rulings regarding procedural matters and issues coming before the Commission. A majority (of a quorum) of the Commission may alter, amend, or reverse any such procedural ruling. A copy of Robert's Rules of Order will be maintained by the Executive Secretary of the Commission and available at all regular meetings.

Authority: O.C.G.A. §§ 21-5-6, 21-5-7.

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History: Original Rule entitled "Commission Investigations and Hearings" adopted July 18, 1989; eff. Aug. 7, 1989. Repealed: New Rule entitled "Rules of Procedure for Regular Commission Meetings" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept. 21, 2015.

189-2-.07 Investigations, Administrative Subpoenas and Notices for Hearings.

(1) Whenever Commission staff is informed by a local filing officer or determines independently that a candidate, public officer, or other person required to file a Personal Financial Disclosure Statement, Campaign Contribution Disclosure Report, or any other document under the jurisdiction of the Commission, has failed to file or has failed to properly file any required report or document or has omitted information required to be disclosed by law or has included false or misleading information on such a document, Commission staff will determine if technical defects apply, initiate an investigation, and begin an enforcement action, as may be appropriate.

(2) Administrative Subpoena.

(a) If it is deemed appropriate by Commission staff in the course of an investigation or to secure witnesses or documents at a hearing before or on behalf of the Commission, an Administrative Subpoena may be served to obtain relevant documents or the attendance of a witness.

(b) If a person or entity to whom an administrative subpoena has been issued objects to the subpoena, such person shall file before the Commission a motion to quash the subpoena within ten (10) business days of receipt of the subpoena. Commission staff or their counsel may duly respond to such a motion. The Commission shall hear and rule upon the motion at its next regularly scheduled meeting or at a specially called meeting, and compliance with the subpoena shall be stayed until a ruling by the Commission is made upon the motion.

(3) Following the completion of an initial investigation all matters not administratively dismissed or solely containing technical defects shall be scheduled for hearing before the Commission and a Notice of Hearing pursuant to Rule 189-2-.05 shall issue.

Authority: O.C.G.A. §§ 21-5-6, 21-5-7.

History: Original Rule entitled "Treatment of Fines Imposed by Commission" adopted July 18, 1989; eff. Aug. 7, 1989. Repealed: New Rule entitled "Investigations and Hearings on Required Reports or Documents" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Repealed: New Rule entitled "Investigations and Hearings" adopted Dec. 18, 2007; eff. Jan. 7, 2008. Amended Dec. 15, 2015; eff. Jan. 4, 2016.

189-2-.08 Disposition of Cases

(1) After completion of appropriate proceedings, the Commission or its duly appointed officer may:

(a) Dismiss the case if no violation is found.

(b) Issue a compliance order.

(c) Issue an order, including a consent order, finding one or more violations of law under the jurisdiction of the Georgia Government Transparency and Campaign Finance

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Commission, and imposing civil penalties as provided by law, including but not limited to:

1. Assessment of civil penalties in a dollar amount not to exceed the maximum authorized per violation times the number of violations found; and
 2. Order the filing or amending of any delinquent or deficient document or report required to be filed by law under the jurisdiction of the Georgia Government Transparency and Campaign Finance Commission and on a form or in the manner required by the Commission, within a certain time period with copies to be filed with the Commission;
 3. Ordering such other actions as necessary to bring about compliance with the law, including prohibiting the actual or threatened commission of any conduct constituting a violation.
- (d) Suspend the hearing and report all preliminary findings to any prosecutorial authority for any action deemed appropriate.
- (e) Postpone findings and any possible penalty for rescheduling and consideration of the matter at a future meeting, and subject to the taking of any interim action suggested by the Commission as dispositive in lieu of further proceedings.
- (2) If a Hearing Officer hears a contested case and issues an Initial Decision:
- (a) Initial Decision will become the Final Decision by operation of law unless the Respondent or Attorney General's office makes a written request for review by the Commission within 30 days of the filing of the Initial Decision. Nothing in the Rules shall be construed to prevent the Commission, within 30 days of the Initial Decision, from ordering a review of any Initial Decision rendered by the duly appointed Hearing Officer.
 - (b) If the Respondent or Attorney General's office files a motion for review within 30 days of Initial Decision of the Hearing Officer, the Respondent or Attorney General's office shall include therein a statement of the reasons for seeking review and alleged errors made by the Hearing Officer in the Initial Decision. The Commission's review will be limited to those issues raised by the Respondent or Attorney General's office in the motion for review or by the Commission in its order for review.
 - (c) Upon the filing of a motion for review within 30 days of the Initial Decision, by the Respondent or Attorney General's office, or upon the filing of a timely order for review by the Commission on its own motion, notice of the date and time for the review shall be served on the Respondent or counsel for the Respondent and Attorney General's office.
 - (d) On review of the Initial Decision, the Commission shall have all the powers it would have in making the Initial Decision, and in its discretion shall have the power to take additional testimony or remand the case to the original hearing officer for such

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purpose, as provided in the Administrative Procedure Act and in accordance with this rule. The Respondent or Respondent's counsel and the Attorney General's office shall docket any motion, including motions to present additional evidence, at least fourteen (14) days before the date set for the Review Hearing. Responses to any such motions shall be docketed at least seven (7) days before the date set for the Review Hearing.

1. Motions to present additional evidence or to remand the case to the original hearing officer for such purpose shall be granted only if the additional evidence is material and there was good cause for failing to present such evidence before the original hearing officer. The Commission shall enter an order as to the legal sufficiency of all motions, including motions for the presentation of additional evidence, prior to the Review Hearing.
 2. Unless the Commission has granted a motion to present additional evidence, the Commission shall not receive any additional evidence by testimony or through documents at the Review Hearing. When represented by counsel at the Review Hearing, only counsel for the Respondent is permitted to make oral argument on behalf of the Respondent. When represented by counsel, unless the Commission has granted a motion to allow the additional testimony of the Respondent at the Review Hearing, the Respondent may not make a statement to the Commission, and any questions of the Respondent by the Commission shall be directed to the Respondent's counsel. During oral argument, questions by the Commission and the responses thereto shall not exceed the scope of the record under review unless the Commission has granted a motion to present additional evidence.
- (e) Oral argument up to twenty (20) minutes per side is permitted in the Review Hearing. Additional time for argument must be requested in writing and docketed at least fourteen (14) days before the date set for the Review Hearing.
- (f) Once the Review Hearing is concluded, the Commission shall deliberate as to the Final Decision in open session. At the conclusion of the deliberations, the vote of the matter shall be conducted in open session.

Authority: O.C.G.A. §§ 21-5-6, 21-5-7.

History: Original Rule entitled "Disposition of Cases" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Oct. 12, 2006; eff. Nov. 1, 2006. Repealed: New Rule of same title adopted Dec. 18, 2007; eff. Jan. 7, 2008.

189-2-.09 Civil Penalties Imposed by the Commission.

All civil penalties imposed by the Commission shall be made payable to the Georgia Government Transparency and Campaign Finance Commission, and such funds shall be processed for delivery pursuant to the Georgia Government Transparency and Campaign Finance Act.

Authority: O.C.G.A. §§ 21-5-6, 21-5-7

History: New Rule entitled "Civil Penalties Imposed by the Commission" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Mar. 26, 2015; eff. Sept. 21, 2015.

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189-2-.10 Statute of Limitations

RESERVED

Authority: O.C.G.A. § 21-5-6

History: Original Rule entitled "Statute of Limitations" adopted Dec. 18, 2007; eff. Jan. 7, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Repealed: Rule "Reserved" Mar. 26, 2015; eff. Sept. 21, 2015.

189-2-.11 Rules of Procedure – Seeking an Award of Attorney's Fees

The Commission shall assess reasonable and necessary attorney's fees and expenses of litigation in any administrative action pending before the Commission, upon the motion of the Respondent or the Commission itself, if it finds that a Complainant or the Complainant's counsel filed a Complaint, or any related pleading thereto, that is frivolous, which shall include, but not be limited to, a complaint or pleading that lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein.

(1) Whenever a Respondent desires to seek an award of attorney's fees against a Complainant pursuant of O.C.G.A. § 21-5-6(b)(23) on the grounds that the latter filed a complaint that was frivolous, the Respondent and Complainant shall comply with, to the extent practicable, the following rules of procedure.

(a) Respondent may include in their initial answer to the Complaint, *inter alia*, a request for attorney's fees pursuant to O.C.G.A. § 21-5-6(b)(23).

(b) In the alternative, Respondent may also file, at any time before a final judgment in said case is rendered by the Commission, a separate motion requesting attorney's fees pursuant to O.C.G.A. § 21-5-6(b)(23). If the Respondent is filing a separate motion, said motion shall comply with subsection (d) of this rule as detailed below.

(c) The Respondent's request (either by responsive pleading or separate motion) shall include, but not be limited to, the following:

1. A clear and concise statement of the facts upon which the Respondent asserts to support their claim that the complaint lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein against them.
2. A clear and concise statement of the legal argument upon which the Respondent asserts to support their claim that the complaint lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein against them.
3. A clear and concise statement as to the amount of attorney's fees that are being requested. Said statement shall be accompanied by, but not limited to, a copy of the Respondent's outstanding attorney's fee invoice that has been received as of the date of the request. Moreover, the Respondent shall update their

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request, if applicable, by submitting a copy of their current attorney's fee invoice within 48 hours of the hearing on their request for attorney's fees.

(d) If the Respondent files a separate motion requesting attorney's fees pursuant to O.C.G.A. § 21-5-6(b)(23), said motion shall be filed directly with the Commission and an exact copy of said motion shall also be served upon the Complainant (at the Complainant's last known address as contained in the Complaint filed with the Commission) by the Respondent. Service shall occur concurrently with the filing of said motion with the Commission. Service of the motion requesting attorney's fees shall be considered effectuated upon the Complainant by the transmittal of said motion via regular U.S. mail or via standard commercial carrier to include, but not limited to, UPS and FedEx.

(e) If the Respondent files a written request for attorney's fees (either by motion, answer or responsive pleading), the Complainant shall be afforded an opportunity to file a written response to the Respondent's written request for attorney's fees, said response period shall be no less than fifteen (15) business days from the date of service of the Respondent's written request for attorney's fees with the Commission. The Complainant's written response shall be filed directly with the Commission and an exact copy of said response shall also be served upon the Respondent (at the Respondent's last known address as contained in the Respondent's answer, responsive pleading or motion requesting attorney's fees) by the Complainant, said service shall occur concurrently with the filing of said response with the Commission. Service of the written response shall be considered effectuated upon the Respondent by transmittal of said response via regular U.S. mail or via standard commercial carrier to include, but not limited to, UPS and FedEx. Any response in opposition to the Respondent's request for attorney's fees shall include, but not be limited to, the following:

1. A clear and concise statement of the facts upon which the Complainant asserts to support their claim that the complaint does not lack a Legal Basis, Legal Merit, or factual basis to support the claims made therein against the Respondent.
2. A clear and concise statement of the legal argument upon which the Respondent asserts to support their claim that the complaint does not lack a Legal Basis, Legal Merit, or factual basis to support the claims made therein against the Respondent.

(f) Attorney's fees awarded pursuant to O.C.G.A. § 21-5-6(b)(23) and the applicable rules of the Commission shall not exceed the amounts which are reasonable and necessary for defending or asserting the rights of the Respondent. Further, no award for attorney's fees shall exceed the actual amount of attorney's fees that were expended by the Respondent in the case constituting the grounds for the request for attorney's fees.

(g) No Complainant and no attorney representing same shall be assessed attorney's fees as to any claim which the Commission determines was asserted by said Complainant or attorney in a Good Faith attempt to establish a new theory of law in Georgia if such new

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theory of law is based on some recognized precedential or persuasive authority. Further, the Commission shall judge whether a complaint or subsequent pleading is frivolous based upon the information that was publicly available to the Complainant at the time the complaint or subsequent pleading was made, and not upon information that was subsequently discovered by the Commission's staff in their investigation.

(h) An award of attorney's fees under these rules and pursuant to O.C.G.A. § 21-5-6(b)(23) shall be determined by an order of Commission and said order shall be reduced to writing by Commission staff at the conclusion of the Commission's hearing. Further, any such order awarding attorney's fees shall constitute a binding order of the Commission subject to further enforcement as provided by Georgia law.

Authority: O.C.G.A. §§ 21-5-6(7), 21-5-6(23).

History: Original Rule entitled "Rules of Procedure – Seeking an Award of Attorney's Fees" adopted Dec. 4, 2019; eff. February 3, 2020.

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CHAPTER 3 - DISCLOSURE REPORTS

189-3-.01 Campaign Contribution Disclosure Reports.

(1) Contributions. Contributions of more than \$100.00, including contributions of lesser amounts when the aggregate amount from a contributor is more than \$100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:

(a) For contributions by any individual list:

1. the individual's name in alphabetical order by last name;
2. the individual's occupation;
3. the complete mailing address of the individual;
4. the amount of the contribution;
5. the date of receipt of the contribution,
6. the individual's employer; and,
7. the election for which the contribution has been accepted and allocated.

(b) For contributions by any corporation, labor union, political action committee, or other organization or entity list:

1. the contributor's name in alphabetical order;
2. the contributor's complete mailing address;
3. the corporate, labor union, or other affiliation of any political action committee if applicable; 4. the amount of the contribution,
4. the date of receipt of the contribution; and,
5. the election for which the contribution has been accepted and allocated.

(c) When a contribution consists of a loan, advance, or other extension of credit, the report shall also list:

1. The name of the lending institution or party making the loan, advance, or extension of credit;
2. The names, mailing addresses, occupations, and places of employment of all persons having any liability for the repayment of the loan, advance, or extension of credit; and,
3. The fiduciary relationship, any such person has with the lending institution or party making the loan, advance, or extension of credit.

(2) Common Source Contributions \$100.00 or Less.

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- (a) Unless otherwise reported individually, separate contributions of \$100.00 or less which are knowingly received from a common source (members of the same family, firm, or partnership, or employees of the same company, firm, corporation or other association or group are considered a common source) must be aggregated and listed on campaign contribution disclosure reports.
 - (b) The purchase of tickets for not more than \$25.00 each and for attendance at a fundraising event by members of the same family, 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.
- (3) Expenditures. Expenditures of more than \$100.00, including expenditures of lesser amounts when the aggregate amount to a recipient is more than \$100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:
- (a) the name of each recipient in alphabetical order by last name or by company name;
 - (b) the complete mailing address of the recipient;
 - (c) if recipient is an individual, list the occupation and place of employment;
 - (d) the amount of the expenditure;
 - (e) the general purpose of the expenditure with such detail as shows the expenditure is for a purpose lawfully authorized for campaign funds; and,
 - (f) the date of the expenditure.
- (4) Campaign Contribution Disclosure Reports by Candidates who file a Declaration of Intention to Accept Campaign Contributions but do not qualify to run for office. If a person files a declaration of intention to accept campaign contributions but does not qualify to run for office, the following campaign contribution disclosure reports are required:
- (a) Persons who would have been in a primary election must file: (1) The June 30 Campaign Contribution Disclosure Report, and (2) the January 31 Campaign Contribution Disclosure Report immediately following the election referred to in the declaration of intention to accept campaign contributions. Any person who has excess contributions from the campaign must file a December 31 supplemental campaign contribution disclosure report each year thereafter until all contributions are expended as provided in the Act.
 - (b) Persons who would have been in a general or special election must file: (1) the October 25 and December 31 reports if the person would have been in a general election, and (2) the fifteen days before special election report and December 31 report if the person would have been in a special election.

Candidates who file a declaration of intention to accept campaign contributions and an Exemption Affidavit, but who do not qualify to run for office may file a Final Report and Termination Statement within 10 days of the dissolution of their campaign.

- (5) Campaign Contribution Disclosure Reports by Candidates who file an Exemption Affidavit. A candidate who files an Exemption Affidavit but exceeds the \$2,500 contribution threshold for

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either contributions or expenditures during the election cycle must file the next regularly scheduled Campaign Contribution Disclosure Report. Such a candidate must report all contributions and expenditures from January 1 to the date of the report.

(6) Campaign Contribution Disclosure Reports by Candidates with contributions or expenditures greater than \$2,500 but less than \$5,000. Candidates with contributions or expenditures greater than \$2,500 but less than \$5,000 must file an amendment to their October 25 Campaign Contribution Disclosure Report which reports all contributions and expenditures made between the October 25 report and December 31.

(7) Campaign Contribution Disclosure Reports by Local Candidates with contributions or expenditures greater than \$2,500 but less than \$5,000 in special or run-off election or in nonelection year. Local candidates with contributions or expenditures greater than \$2,500 but less than \$5,000 are only required to file the June 30 and October 25 reports required by O.C.G.A. § 21-5-34(c)(2). Such candidates are not required to file the reports required by O.C.G.A. § 21-5-34(c) (1), (c) (3), or (c) (4).

(8) Campaign Contribution Disclosure Reports by Candidates in Special Elections. Except as provided above, candidates in special elections must file a December 31 Campaign Contribution Disclosure Report.

(9) Campaign Contribution Disclosure Reports by Non-Candidate Campaign Committees.

(a) Contributions made to political parties or political action committees must be disclosed on campaign contribution disclosure reports the same as if those contributions had been made directly to candidates.

(b) There are three instances in which a contributor is not required to file campaign contribution disclosure reports: (1) if the contributor's total contributions and expenditures to or on behalf of all candidates for the calendar year does not exceed \$25,000 in the aggregate; or, (2) if, regardless of the dollar amount involved, the contributor makes contributions to only one candidate during the calendar year, or (3) if the contributor is an individual who makes aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year.

(c) A Recall Committee which supports or opposes a recall election shall file campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(g).

(d) A Committee which supports or opposes a proposed constitutional amendment or state-wide referendum shall file campaign contribution disclosure reports if any contributions are received or any expenditures are made and shall register with the Commission and file campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(h).

(e) Any Campaign Committee which accepts contributions which total more than \$500 or makes expenditures which total more than \$500 designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in a county or municipal election, shall register and file campaign contribution disclosure reports with the same officials as prescribed by O.C.G.A. § 21-5-34(a) (3) or O.C.G.A.

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§ 21-5-34(a)(2)(A).

- (f) Campaign contribution limits on contributions to candidates do not apply to independent expenditures made to influence candidate elections. An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate but which is made independently of any candidate's campaign. However, an expenditure is "independent" only if it meets certain conditions. It must not be made with the cooperation or consent of, or in consultation with, or at the request or suggestion of any candidate or any of his or her agents or authorized committees. An expenditure which does not meet the above criteria for independence is considered a contribution which is subject to limits.

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-30, 21-5

History: Original Rule entitled "Deferred Payment of Expenses" adopted Aug. 5, 1988; eff. Aug. 25, 1988. Repealed: New Rule entitled "Campaign Contribution Disclosure Reports" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended July 19, 2011; eff. Aug. 8, 2001. Amended Dec. 18, 2007; eff. Jan. 3, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Rule superseded to adjust reporting threshold). Amended Mar. 26, 2015; eff. Sept. 21, 2015.

189-3-.02 Expenditures on Behalf of a Candidate or Campaign Committee

When a person pays for or provides goods, services, a gift, subscription, membership, loan, forgiveness of debt, extension of credit, advance or deposit of money, or anything of value on behalf of a candidate or a campaign committee for the purpose of influencing an election, it is a "contribution" and is subject to the contribution limits (except as otherwise provided in O.C.G.A. § 21-5-41 and 21-5-42). The contribution shall be reported on the campaign contribution disclosure report for the time period in which it occurs.

Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, provided, however that public offices listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 shall be subject to signing and filing requirements as prescribed by paragraph (3) or (4) of Code Section 21-5-34 (a) (1) (a) 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 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, provided, however that public offices listed in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 shall be subject to signing and filing requirements as prescribed by paragraph (3) or (4) of Code Section 21-5-34 (a) (1) (a)

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-6, 21-5-34, §21-5-34 (d.1) (1).

History: Original Rule entitled "Expenses Incurred Through Third Parties" adopted Aug. 5, 1988; eff. Aug. 25, 1988. Repealed: New Rule entitled "Expenditures on Behalf of a Candidate or Campaign Committee" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Dec. 18, 2007; eff. Jan. 7, 2008. Act of Apr. 24, 2013, 2013 Ga. Laws 35, 2013 Ga. HB 143 (Rule superseded to establish state and local level filing requirements).

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189-3-.03 Deferred Expenditures

Anything of value which is received by, provided to, furnished to, or conveyed to or on behalf of a candidate or a campaign committee is required to be reported on the campaign contribution disclosure report for the time period in which the thing of value is provided. If the goods or services have not been paid for at the time the report is filed, an explanatory note so stating shall be prominently set forth on the report. All extensions or advancements of credit are subject to contribution limits except as otherwise provided in O.C.G.A. § 21-5-41 and 21-5-42.

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-34.

History: Original Rule entitled "Deferred Payment of Expenses" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Dec. 18, 2007; eff. Jan. 7, 2008.

189-3-.04 Expenses Incurred Through or By Third Parties

(1) Payments by Credit Card

- (a) If a candidate or campaign committee pays for goods or services directly or indirectly by using a credit card merely as a conduit through which funds are paid to an end recipient, the expenditure must be itemized and shall be shown on the campaign contribution disclosure report in the time period it is incurred.
- (b) The campaign contribution disclosure report shall identify the name of the person to whom the credit card was issued, the name of the credit card company, as well as each end-recipient, and shall include the following:
 - 1. name of the person to whom the credit card was issued;
 - 2. name of the credit card company and complete mailing address;
 - 3. lump sum amount paid to the credit card company;
 - 4. name of each end-recipient and occupation if an individual;
 - 5. complete mailing address of each end-recipient;
 - 6. amount of the payment to each end-recipient;
 - 7. description of the goods or services provided by each end-recipient with sufficient detail to identify it as a lawfully authorized use of campaign funds

(2) Payments Through or By a Third Party

- (a) Campaign expenditures made by a third party on behalf of a candidate or campaign committee must be itemized to identify the actual end recipient of the expenditure and shall be reported on the campaign contribution disclosure report for the time period during which the expense is incurred when the third party making the expenditure or the actual end recipient of the expenditure is under the management, direction or control of the candidate or campaign committee regarding the performance of its work. Campaign expenditures made by third parties on behalf of a candidate or campaign committee need not be itemized to identify the actual end recipient of the expenditure

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but shall be reported as otherwise required when such third parties as well as the actual end recipients of the expenditure are independent contractors or otherwise not under the management, direction or control of the candidate or campaign committee. An individual or corporation shall be considered an independent contractor for the purposes of this section when it is retained by a candidate or campaign committee and, while the individual or corporation may follow the candidate's or campaign committee's desires as to results of work, the candidate or campaign committee does not manage, direct or control such individual's or corporation's performance of their work. If the third party is a consulting firm, media placement firm, or advertising agency, the disclosure shall include the name of at least one principal in the firm. Where applicable, the principal so disclosed shall be the individual most responsible for the provision of services to the candidate or campaign committee.

(b) The campaign contribution disclosure report shall identify the third party, as well as, each end-recipient and shall include the following:

1. name of the third party and occupation if an individual;
2. complete mailing address of the third party;
3. lump sum amount paid to the third party;
4. name of each end-recipient and occupation if an individual;
5. complete mailing address of each end-recipient;
6. amount paid to each end-recipient;
7. description of the goods or services provided by each end-recipient with sufficient detail to identify it as a lawfully authorized use of campaign funds.

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-34.

History: Original Rule entitled "Expenses Incurred Through or By Third Parties" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Aug. 28, 2002; eff. Sept. 17, 2002. Amended Dec. 18, 2007; eff. Jan. 7, 2008.

189-3-.05 Reimbursement of Expense

(1) If a candidate or a campaign committee reimburses a person directly or indirectly for goods, services, or anything of value which was paid for on behalf of the candidate or campaign committee, it must be itemized and shall be reported as an expenditure on the campaign contribution disclosure report for the time period in which the reimbursement is made. All extensions or advancements of credit are subject to the contribution limits except as otherwise provided in O.C.G.A. §§ 21-5-41 and 21-5-42.

(2) The campaign contribution disclosure report shall identify the person receiving reimbursement, as well as, each end-recipient and shall include:

- (a) name, and occupation if an individual, of the person receiving reimbursement;
- (b) complete mailing address;
- (c) lump sum amount paid;

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- (d) name, and occupation if an individual, of each end-recipient;
- (e) complete mailing address of each end-recipient;
- (f) amount paid to each end-recipient;
- (g) description of the goods or services provided by each end-recipient with sufficient detail to identify it as a lawfully authorized use of campaign funds.

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-34.

History: Original Rule entitled "Reimbursement of Expenses" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Dec. 18, 2007; eff. Jan. 7, 2008.

189-3-.06 Flight on Noncommercial Aircraft by a Candidate, Public Officer, or Person Traveling on Behalf of a Candidate or Committee, for Campaign Purposes

(1) Definitions. The following words and terms as used in this rule shall have the meaning hereinafter ascribed to them:

- (a) "Campaign traveler" - any candidate, public officer, staff member traveling on behalf of a campaign, person traveling on behalf of a candidate or public officer in connection with a campaign for public office, or person traveling on behalf of a committee for campaign purposes.
- (b) "Fair market value of a noncommercial flight" - the value set by the Commission for flight on noncommercial aircraft.
- (c) "Noncommercial aircraft" - aircraft owned and operated for noncommercial purposes, including but not limited to fixed wing aircraft and helicopters.
- (d) "Service provider" - the owner of an aircraft, or a person who leases an aircraft from the owner or otherwise obtains a legal right to the use of an aircraft, and who uses the aircraft to provide transportation to a campaign traveler.
- (e) "Unreimbursed value" - the difference between the value of noncommercial flight as set by the Commission and the payment made for such flight by a candidate or public officer for campaign purposes. Any such unreimbursed value is an in-kind contribution.

(2) Fair market value. The fair market value of a noncommercial flight on noncommercial aircraft will be set by the Commission on a yearly basis and will apply until next revised by the Commission. The fair market value shall be based on:

- (a) The number and type of the aircraft's engines, e.g., one propeller, two propellers, or two jet engines;
- (b) The seating capacity of the aircraft; and
- (c) The mileage of the flight.

(3) Calculation of apportionment and pro rata values.

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(a) A candidate may apportion the fair market value of flight(s) on noncommercial aircraft for mixed-use purposes as follows:

1. If a trip involves both campaign and non-campaign related stops, any expenditure for a noncommercial flight arriving at, or departing from, a campaign related stop must be disclosed in accordance with this rule. Campaign-related activity shall not include any incidental contacts.
2. If a stop consists of both an official event that is in furtherance of a public officer's fulfillment of office and an event that is for campaign purposes in the public officer's role as a candidate, then the public officer need not disclose the value of the arrival and departure flights so long as the official event would have occurred regardless of any campaign event and the public officer has not paid for the flight with campaign funds.

(b) The pro rata share of a flight on noncommercial aircraft with campaign travelers from different campaigns or committees, or campaign travelers and non-campaign travelers, shall be as follows:

1. If the entire use of the noncommercial aircraft is by one campaign or committee, then no pro rata calculation shall be made.
2. If more than one campaign or committee has campaign travelers on a flight, or if there is a mix of campaign travelers and non-campaign travelers, then a candidate's pro rata share shall be calculated by either:
 - i. multiplying the fair market value of the flight by the number of campaign travelers for that candidate's campaign, and then dividing this number by the total number of passengers, or
 - ii. dividing the fair market value by the number of campaigns and committees represented on the flight, minus any share of the value of the flight attributable to non-campaign travelers.

(4) Non-Commercial Travel

(a) For non-commercial travel by a candidate on an aircraft owned or leased by that candidate or an immediate family member of that candidate that is conducted in connection with such candidate's campaign for elective office:

1. The candidate, campaign, or other person/entity shall utilize the formulas delineated in Advisory Opinion 2012-04 and 2012-06 at Line 83 to Line 113 in order to properly calculate the expenses associated with non-commercial travel by a candidate on aircraft owned or leased by a candidate or an immediate family member of that candidate.

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(5) Disclosure. Reporting of flights on noncommercial aircraft for campaign purposes by a candidate, public officer or member of a committee shall be as follows:

- (a) The candidate, public officer, or committee that makes an expenditure for a flight (or that records an in-kind contribution for a flight) must disclose on the Campaign Contribution Disclosure Report due for the reporting period in which the flight occurred the departure and arrival airport(s) of the flight and the Commission mileage rate applicable to the aircraft used and by which the value of the flight is being assessed.
 - (b) A candidate or committee shall reimburse the service provider of the aircraft the pro rata share of the fair market value of a noncommercial flight as set by the Commission, not including the receipt of an in-kind contribution in the form of unreimbursed value, if applicable.
 - (c) A public officer may expend campaign funds for flight(s) on noncommercial aircraft if such flight is an ordinary and necessary expense incurred in connection with the public officer's fulfillment or retention of office. Any such expenditure must be valued in accordance with Rule 189-3-.06(2), must be disclosed in accordance with Rule 189-3-.06(4), and must be documented in accordance with Rule 189-3-.06(5).
- (6) Recordkeeping. The candidate, public officer or committee on whose behalf the flight is conducted shall maintain documentation for inspection by the Commission which includes the following information:
- (a) The service provider and the size, model, make and tail number of the aircraft used; and
 - (b) An itinerary showing the departure and arrival cities and the date(s) of departure and arrival, the number of passengers on each leg of a flight, along with a confirmation of how many passengers are, and are not, campaign travelers.

Authority: O.C.G.A. Secs. 21-5-3, 21-5-6, 21-5-34

History: Original Rule entitled "Flight on Noncommercial Aircraft by a Candidate, Public Officer, or Person Traveling on Behalf of a Candidate or Committee, for Campaign Purposes" adopted Dec. 5, 2008; eff. Jan. 1, 2009. Amended Dec. 15, 2015; eff. Jan. 4, 2016.

189-3-.07 Provision of Aircraft to a Public Officer by a Lobbyist

Lobbyists must disclose the fair market value of the provision of noncommercial aircraft, as defined by 189-3-.06, to public officers or their staff members if the purpose of such provision is for lobbyist activities. Such disclosure must be in accordance with Rule 189-3-.06 and disclosed on the Lobbyist Disclosure Report due for the reporting period in which the flight occurred.

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-73.

History: Original Rule entitled "Provision of Aircraft to a Public Officer by a Lobbyist" adopted Dec. 5, 2008; eff. Jan 1, 2009.

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189-3-.08 Assistance By Local Filing Entities

Local filing entities and their staff may render assistance to local filers if such assistance is ordinary and in the course of performing their regular duties. However, local filing entities and their staff shall not give advice or opinions in connection with any assistance provided to local filers, nor shall the local filing entities assist filers with the completion of the filings unless such assistance is only clerical in nature.

Authority: O.C.G.A. § 21-5-30.2(b).

History: Original Rule entitled "Assistance By Local Filing Entities" adopted Mar. 26, 2015; eff. Sept. 21, 2015.

189-3-.09 Electronic Filing of Two Business Day Report With Local Filing Entity

Local candidates who file a Two Business Day Report via facsimile with their local filing entity must file within five (5) business days thereafter the Two Business Day Report electronically pursuant to the local filing entities' own rules.

Authority: O.C.G.A. § 21-5-34(c)(4).

History: Original Rule entitled "Electronic Filing of Two Business Day Report With Local Filing Entity" adopted Mar. 26, 2015; eff. Sept. 21, 2015.

189-3-.10 Transmission of Declaration of Intention at Local Level

Local filing entities must transmit a candidate's Declaration of Intention to the Commission within ten (10) days of it being filed with the local filing entity.

Authority: O.C.G.A. § 21-5-30(g).

History: Original Rule entitled "Transmission of Declaration of Intention at Local Level" adopted Mar. 26, 2015; eff. Sept. 21, 2015.

189-3-.11 Lobbying Expenditures Made to or for the Family Members of Public Officials and Public Employees

Anything that would qualify as a "lobbying expenditure" under O.C.G.A. § 21-5-70(4.1) if made by a lobbyist to or for a public official or public employee shall constitute a "lobbying expenditure" if made by a lobbyist to or for a family member of a public official or public employee. For purposes of this Rule, "a family member" means the spouse, parents, and dependent children of the respective public official or public employee.

Authority: O.C.G.A. §§ 21-5-3(17), 21-5-70, 21-5-73.

History: Original Rule entitled "Lobbying Expenditures made to or for the Family Members of Public Officials and Public Employees" adopted Dec. 15, 2015; eff. Jan. 4, 2016.

189-3-.12 Acceptance of Facsimile Signatures on Lobbyist Renewals and Registration

(1) The signature requirement for the renewal of a lobbyist registration may be satisfied by the transmittal of a facsimile, copy, or reproduction of the lobbyist signature, and the transmittal by

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an applicant of a signature in such a format shall constitute a representation that the statements on the application are true to the same extent an original signature would do so.

(2) The signature requirement of O.C.G.A. § 21-5-71(b)(5) may be satisfied by the provision of copy of the authorizing agent's signature.

Authority: O.C.G.A. §§ 21-5-6, 21-5-71, 21-5-72.

History: Original Rule entitled "Acceptance of Facsimile Signatures on Lobbyist Renewals and Registration" adopted Dec. 15, 2015; eff. Jan. 4, 2016.

CHAPTER 4 - COMMITTEES

189-4-.01 Registration of a Committee.

(1) Unless otherwise exempted by the Act, any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of (1) candidates seeking to be elected to municipal, county, or state office in Georgia, or (2) for the purpose of seeking or opposing the recall of a public officer holding such elective office in Georgia, or (3) for the purpose of bringing about voter approval or rejection of a proposed constitutional amendment, a statewide referendum, or a proposed ballot question in any county or municipal election, and any independent committee, shall file a registration showing the name of the person or committee registering, and the names and addresses of the chairman and treasurer thereof with the Georgia Government Transparency and Campaign Finance Commission before engaging in any of the activities described herein.

(2) All individuals or other persons making contributions and expenditures to or on behalf of candidates which do not exceed \$25,000.00 in the aggregate in one calendar year are not required to register as described in O.C.G.A. § 21-5-34(e).

(3) Any substantive changes to registration information of a committee must be updated with the Commission within 7 business days.

(4) All campaigns and committees must file a termination statement within ten days of the dissolution of a campaign or committee which shall, among other things, identify the person responsible for maintaining campaign records as required by the Act. The termination statement shall be submitted with a final Campaign Contribution Disclosure Report which identifies a zero balance and zero indebtedness.

(5) Registration for individuals or persons other than individuals required by law to register and report contributions and expenditures will expire at the end of each calendar year.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30 to 21-5-32, 21-5-3.

History: Original Rule entitled "Registration of Campaign Committee by Persons Reporting under O.C.G.A. § 21-5-31(a)" adopted May 31, 1989; eff. Jun. 20, 1989. Repealed: New Rule entitled "Registration of a Campaign Committee" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Repealed: New Rule with the same title adopted Jul. 19, 2001;

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eff. Aug. 9, 2001. Repealed: New Rule entitled "Registration of a Committee" adopted Feb. 4, 2008; eff. Feb. 24, 2008. Amended May 23, 2008; eff. June 12, 2008. Amended Mar. 26, 2015; eff. Sep. 21, 2015.

CHAPTER 5 - DISPOSITION OF CONTRIBUTIONS

189-5-.01 Disposition of Contributions Without Limitation.

O.C.G.A. § 21-5-33 governs the proper disposition of campaign contributions. One of the specifically permitted uses for such funds is contained in O.C.G.A. § 21-5-33(b)(1)(B), which states "except as otherwise provided in subparagraph (D) of the paragraph, for transferal without limitation to any national, state, or local committee of any political party or to any candidate." However, contributions to any candidate or candidate's campaign committee may not exceed contribution limits, and such contributions are subject to all other restrictions or prohibitions contained in the Georgia Government Transparency and Campaign Finance Act or other applicable law.

Authority: O.C.G.A. §§ 21-5-6, 21-5-33.

History: Original Rule entitled "Disposition of Contributions Without Limitation" adopted Feb. 22, 2000; eff. Mar. 13, 2000. Amended Feb. 4, 2008; eff. Feb. 24, 2008. Act of June 4, 2010, 2010 Ga. Laws 680, 2009 Ga. SB 17 (Commission's name changed to "Georgia Government Transparency and Campaign Finance Commission"). Amended Mar. 26, 2015; eff. Sept. 21, 2015.

189-5-.02 Contributions Remaining Unspent After the Election for Which They Were Received

At the conclusion of an election, contributions that are left over may be spent on subsequent elections in the same election cycle. If there are not remaining elections in the election cycle, or even if there are remaining elections but the candidate will not be on the ballot for any election remaining in the election cycle, all contributions left over after payment of campaign expenses must be disposed of following the law governing the appropriate use of excess contributions.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Choosing Option of Separate Accounting" adopted July 19, 2001; eff. Aug. 8, 2001. Repealed: New Rule entitled "Contributions Remaining Unspent After the Election for which they were received has been held" originally adopted as 189-5-.07 on July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

189-5-.03 Contributions which must be Returned to Contributors

If the candidate has accepted contributions which were separately accounted for and held pending the results of a preceding election, such contributions may be disposed of following the law governing the appropriate use of excess contributions or returned in full to the original contributors thereof if either of the following are true:

- (a) the election for which the contributions were accepted will not be held, or

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- (b) the candidate for whom the contributions were accepted is not on the ballot in the election for which the contributions were accepted.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Separate Bank Accounts Permitted if Separate Accounting is Chosen" adopted July 19, 2001; eff. Aug. 8, 2001. Repealed: New Rule entitled "Contributions which must be Returned to Contributors" originally adopted as 189-5-.09 on July 19, 2001; effective Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

189-5-.04 Undeliverable Refunds

Any refund which, for any reason, cannot be delivered to the original contributor due to a lack of forwarding address shall be treated as excess funds and only expended in a manner authorized for disposition of excess funds.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "If Separate Accounting is not Chosen" adopted July 19, 2001; eff. Aug. 8, 2001. Repealed: New Rule entitled "Undeliverable Refunds" originally adopted as 189-5-.11 on July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

189-5-.05 Paying Off Campaign Debts

Candidates who have elected the option of separate accounting may not use contributions designated for a future election to pay debts from a prior election, unless and until the election for which the separately accounted for contributions were designated has been held, and campaign obligations remain outstanding from a prior election.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Contributions Allowed for the Current Election Cycle" adopted July 19, 2001; eff. Aug. 8, 2001. Repealed: New Rule entitled "Paying Off Campaign Debts" originally adopted as 189-5-.12 on July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

CHAPTER 6 - Receiving Contributions to Retire Debt

189-6-.01 Receiving Contributions to Retire Debt

If following a candidate's last election in an election cycle, the candidate's funds are insufficient to pay all campaign obligations incurred prior to the election, the candidate may accept contributions which will be aggregated with contributions previously received for the last election for purposes of the contribution limits set forth in the Act. However, contributions received to retire campaign debt may not be accepted in excess of the amount necessary to retire the campaign debt remaining from such last election.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Receiving Contributions to Retire Debt" adopted on July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

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189-6-.02 Contributions for Candidates without Primaries

Any person who will be on the general election ballot as a candidate in an election preceded by a primary election may accept contributions designated for such primary election even though such candidate does not appear on the primary ballot.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Contributions for Candidates without Primaries" adopted on July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

189-6-.03 Maximum Allowable Contribution by Corporation

RESERVED

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43

History: Original Rule entitled "Separate Bank Accounts Permitted if Separate accounting is Chosen" adopted July 19, 2001; eff. Aug. 8, 2001. Repealed: New Rule entitled "Contributions which must be Returned to Contributors" adopted as 189-5-.09 on July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008. Repealed: Rule "Reserved" Mar. 26, 2015; eff. Sept. 21, 2015.

189-6-.04 Maximum Allowable Contribution by Political Committees.

No political committee shall make, for any election, contributions to any candidate which, when aggregated with contributions to the same candidate for the same election from any affiliated political committees, exceed the per election contribution limits for such candidate as set forth in O.C.G.A. § 21-5-41. Campaign contribution limits on contributions to candidates do not apply to independent expenditures made to influence candidate elections. An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate but which is made independently of any candidate's campaign. However, an expenditure is "independent" only if it meets certain conditions. It must not be made with the cooperation or consent of, or in consultation with, or at the request or suggestion of any candidate or any of his or her agents or authorized committees. An expenditure which does not meet the above criteria for independence is considered a contribution which is subject to limits.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-40, 21-5-41, 21-5-43.

History: Original Rule entitled "If Separate Accounting is not Chosen" adopted: July 19, 2001; eff. Aug. 8, 2001. Repealed: New Rule entitled "Undeliverable Refunds" originally adopted as 189-5-.11 on July 19, 2011; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008. Amended March 26, 2015; eff. Sept. 21, 2015.

189-6-.05 Specifying the Election for which a Contribution is Accepted

Recipients of campaign contributions must specify on their campaign contribution disclosure reports which election for which a contribution has been accepted. If no election is specified or if the recipient has not chosen the option of separately accounting for contributions, any such contribution shall be presumed to have been accepted for the election on or first following the date of the contribution.

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Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Specifying the Election for which a Contribution is Accepted" adopted: July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

189-6-.06 Contributions Received for an Election which does not Occur or for which a Candidate does not qualify

Contributions received for an election beyond the candidate's next upcoming election, may be placed in a separate campaign depository account and may not be spent or encumbered until the preceding election has been held and it is determined that the candidate will be on the ballot for the election for which the separately accounted for contributions were received.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.

History: Original Rule entitled "Contributions Received for an Election which does not occur or for which a Candidate does not qualify" adopted July 19, 2001; eff. Aug. 8, 2001. Amended Feb. 4, 2008; eff. Feb. 24, 2008.

189-6-.07 In-Kind Contributions.

(1) An in-kind contribution is deemed a "contribution" for purposes of the Act, and refers to any item of value other than money received by a candidate or any committee.

(2) The aggregate of monetary and in-kind contributions from the same contributor shall not exceed the maximum contribution limits authorized by the Act.

Authority: O.C.G.A. § 21-5-34

History: Original Rule entitled "In-Kind Contributions" adopted Feb. 4, 2008; eff. Feb. 2008. Amended Mar. 26, 2015; eff. Sept. 21, 2015.

189-6-.08 Reporting of Investments

Any investment made with campaign contributions and held outside a candidate's or committee's official depository account shall be reported during each reporting period for which the investment is still held or a transaction is made. The reporting must identify any account numbers, the name and address of the institution or person which holds the account, interest, dividends, profit or loss from the sale of such investment, and any information identifying persons involved in any transaction of the investment during said reporting period. Proceeds earned on such investment shall only be used in the same manner as allowed by law for contributions.

Authority: O.C.G.A. § 21-5-34.

History: Original Rule entitled "Reporting of Investments" adopted Feb. 4, 2008; eff. Feb. 24, 2008.

189-6-.09 Reporting of Indebtedness

Candidates and committees shall report all indebtedness held during the period covered by each Campaign Contribution Disclosure Report.

Authority: O.C.G.A. § 21-5-34.

History: Original Rule entitled "Reporting of Indebtedness" adopted Feb. 4, 2008; eff. Feb. 24, 2008.

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189-6-.10 Filing of a Declaration of Intention to Accept Campaign Contributions before Campaign Contributions May be Accepted.

- (1) No person or campaign committee may accept campaign contributions, including personal loans, prior to the filing of a Declaration of Intention to Accept Campaign Contributions.
- (2) Neither a candidate who is already a public officer nor his or her campaign committee may lawfully accept a campaign contribution for a campaign for a different office unless and until that candidate has filed a Declaration of Intention to Accept Campaign Contributions for that different office.
- (3) A candidate may not provide a personal loan to his or her campaign prior to filing a Declaration of Intention to Accept Campaign Contributions.

Authority: O.C.G.A. §§ 21-5-6; 21-5-3(7); 21-5-30(g); 21-5-33(d).

History: Original Rule entitled "Filing of Declaration of Intention to Accept Campaign Contributions before Campaign Contributions May be Accepted" adopted Dec. 15, 2015; eff. Jan. 4, 2016.

189-6-.11 When Campaign Contributions Made Via Check or Negotiable Instrument are Deemed Received.

Contributions made via check or negotiable instrument are deemed received upon receipt of the check or other negotiable instrument by the candidate and/or committee.

Authority: O.C.G.A. §§ 21-5-6; 21-5-34.

History: Original Rule entitled "When Campaign Contributions Made Via Check or Negotiable Instrument are Deemed Received" adopted Dec. 15, 2015; eff. Jan. 4, 2016.

189-6-.12 Notice to Commission of Anonymous Campaign Contributions.

Any anonymous campaign contributions received by a candidate or campaign committee shall be transmitted to the state treasurer for deposit into the state treasury. Notice of any such campaign contribution and transmittal shall be verified and reported to the Commission by disclosing said contribution and transmittal on the candidate's or campaign committee's next regularly filed Campaign Contribution Disclosure Report.

Authority: O.C.G.A. § 21-5-30(e).

History: Original Rule entitled "Notice to Commission of Anonymous Campaign Contributions" adopted Dec. 15, 2015; eff. Jan. 4, 2016.

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CHAPTER 7 - FILING OFFICERS

189-7-.01 Reporting of Qualifying Information

Filing officers shall electronically report the following information to the Commission in the prescribed format within 10 days of the close of the qualification period: the office sought, the names and addresses of those persons who qualified to run for that office, and the qualifying date for each person.

Authority: O.C.G.A. §§ 21-5-6, 21-5-30, 21-5-34, 21-5-50.

History: Original Rule entitled "Reporting of Qualifying Information" adopted Feb. 18, 2009; eff. Mar. 10, 2009.

189-7-.02 Reporting of Election Results

At the conclusion of each election, filing officers shall electronically report the election results to the Commission in the prescribed format within 10 days of the election results being certified.

Authority: O.C.G.A. §§ 21-5-6, 21-5-34.

History: Original Rule entitled "Reporting of Election Results" adopted Feb. 18, 2009; eff. Mar. 10, 2009.



Georgia Government Transparency & Campaign Finance Commission
 200 Piedmont Avenue S.E. | Suite 1416 - West Tower | Atlanta Georgia, 30334

**DECLARATION OF INTENTION TO ACCEPT CAMPAIGN CONTRIBUTIONS (FORM DOI) –
 COUNTY/MUNICIPAL LEVEL FILERS**

INCOMPLETE FORMS WILL NOT BE PROCESSED • If form is handwritten, it must be legible.

1	Today's Date: _____	
2	Candidate (full name): _____ Address: _____ City, State, Zip: _____ Telephone (optional): _____ Email: _____	
3	Name County/City: _____ Name of Office Sought or Held: _____ (include office, district, post, or judicial seat)	Party Affiliation (optional): ☐ Democrat ☐ Non-Partisan ☐ Republican ☐ Other
4	Next Election Year: _____	

Complete sections 5 and 6 ONLY if you have a campaign committee
This information does not register a campaign committee. (Please use Form RC to register.)

5	Campaign Committee Chairperson (full name): _____ Address: _____ City, State, Zip: _____ Email: _____
6	Treasurer (full name): _____ Address: _____ City, State, Zip: _____ Email: _____

I CERTIFY THAT THIS STATEMENT IS COMPLETE, TRUE AND ACCURATE.

 Signature of Candidate

 Date

COUNTY/MUNICIPAL FILERS: File this form directly with the Local Filing Officer in your county and/or municipality
LOCAL FILING OFFICERS: Send a copy via email to localreports@ethics.ga.gov



Georgia Government Transparency & Campaign Finance Commission

200 Piedmont Avenue S.E. | Suite 1416 - West Tower | Atlanta Georgia, 30334

**REGISTRATION FORM FOR A CANDIDATE CAMPAIGN COMMITTEE (FORM RC) –
COUNTY/MUNICIPAL LEVEL FILERS**

Any substantive changes to the registration information of a committee must be updated within 7 business days

INCOMPLETE FORMS WILL NOT BE PROCESSED • If form is handwritten, it must be legible.

ALL LOCAL LEVEL CANDIDATES & ELECTED OFFICIALS: File this form directly with the Campaign Finance Commission via mail or hand-delivery

1	Today's Date:	Select Form Type: ☐ Original ☐ Amended
2	Committee (Full Name): _____ Address: _____ _____ City, State, Zip: _____ Telephone Number (optional): _____ Email: _____	
3	Campaign Committee Chairperson (full name): _____ Address: _____ _____ City, State, Zip: _____ Email : _____	
4	Treasurer (full name): _____ Address: _____ _____ City, State, Zip: _____ Email : _____	
5	Candidate (full name): _____ Address: _____ _____ City, State, Zip: _____ Email : _____	
6	Name County/City: _____ Name of Office Sought or Held: _____ (include office, district, post, or judicial seat)	Party Affiliation (optional): ☐ Democrat ☐ Non Partisan ☐ Republican ☐ Other

I CERTIFY THAT THIS STATEMENT IS COMPLETE, TRUE AND ACCURATE.

Signature of Person Registering Committee

Date _____

ALL LOCAL LEVEL CANDIDATES & ELECTED OFFICIALS: File this form directly with the Campaign Finance Commission via mail or hand-delivery

State of Georgia**Two Business Days Report of Contributions Received**

MUST BE SENT VIA FACSIMILE (404-463-1988) OR ELECTRONIC TRANSMISSION.

ANY FACSIMILE FILING SHALL ALSO HAVE AN IDENTICAL ELECTRONIC FILING WITHIN FIVE BUSINESS DAYS FOLLOWING THE TRANSMISSION OF SUCH FACSIMILE FILING.

To be used to report contributions (including loans) of \$1,000 or more,

IF RECEIVED BETWEEN LAST REPORT DUE BEFORE AN ELECTION AND THE ELECTION.

Must be reported within two business days of receipt!

Use Earlier of Post
Mark or Hand
Delivered Date

Identifying Information:

Candidate or Committee Name

Office Sought

E-Mail

Filer ID (begins with the letter "C")

Mailing Address (number and street)

City

State

Zip

Full Name of Contributor

Mailing Address

(PAC Affiliation if applies)

Contributor

Received Date

Contribution Type*

Occupation &

Employer

Election

Amount

* Monetary, In-Kind or Loan

I certify and affirm that I have examined this report, and say that the information in this report is complete, true, and correct. Further I affirm that the contents in this report are the same as the contents in the electronic filing submitted, if also electronically filed.

I further affirm that I understand that the above contribution(s) must also be reported on the next succeeding regularly scheduled campaign contribution disclosure report.

Name of ☐ Candidate ☐ Chairman ☐ Treasurer

Signature

Date

STATE OF GEORGIA

Georgia Government Transparency and Campaign Finance Commission
200 Piedmont Ave SE, Suite 1402-West Tower, Atlanta, GA 30334

**AFFIDAVIT OF A CANDIDATE'S INTENT NOT TO EXCEED \$2,500 IN
CONTRIBUTIONS AND/OR EXPENDITURES**

Per O.C.G.A. §21-5-34(d)(d.1)(1),

_____ is a candidate for /public officer of
(Full Name of Candidate)

_____ in _____
(Office Sought/or Held) (City or County)

By submitting this form I am affirming that I, the above named candidate, **do not** intend to accept during this election cycle* a combined total of contributions exceeding \$2,500.00 for the campaign nor make a combined total of expenditures exceeding \$2,500. If the above named candidate does not exceed \$2,500.00 in contributions or expenditures then the candidate **SHALL** not have to file a report under O.C.G.A. §21-5-34 (c).

I understand that if I, the above named candidate, exceed the \$2,500 limit for either accepting contributions or making expenditures for such campaign during the election cycle, but do not accept a combined total of contributions exceeding \$5,000.00 or make expenditures exceeding \$5,000.00 then I, the above named candidate, **SHALL** be required to file only the June 30 and December 31 reports required by O.C.G.A. §21-5-34 (c) (2). The first of such reports shall include all contributions received and expenditures made beginning January 1 of such calendar year.

Furthermore, I understand that if I, the above named candidate accepts a combined total of contributions exceeding \$5,000.00 or makes expenditures exceeding \$5,000.00 for such campaign during any such election cycle, then such candidate or campaign committee chairperson or treasurer shall thereupon be subject to the reporting requirements of this Code section the same as if the written notice authorized by this subsection had not been filed.

*"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.

State of Georgia

County of _____

I, the undersigned, being duly sworn, do swear or affirm, certify and say that this affidavit and the information hereinabove is true, complete and correct to the best of my knowledge and belief.

Sworn to and subscribed before me on _____

Signature of Notary Public

Signature of Candidate/Chairman/Treasurer filing Affidavit

My Commission expires on _____

Notary Seal

CFC-CCDR-FR&TS 1/14

Campaign Contribution Disclosure Final Report and Termination Statement Georgia Government Transparency and Campaign Finance Commission 200 Piedmont Avenue SE, Suite 1402 West Tower Atlanta, GA 30334 404-463-1980 		
1. Report Type (Select One) ☐ Original ☐ Amendment Amendment # _____	2. Filing is being made on behalf of (Select One): Candidate or Public Official Office Held or Sought _____ (Include county, municipality, district, post or judicial circuit) Filer ID _____ (Filer ID that begins with the letter "C") Organization or Person Other than Candidate's Campaign Committee Committee Name: _____ Filer ID: _____ (Filer ID that begins with the letter "NC")	Use Earlier of Post Mark or Hand Delivered Date
3. Identifying and Contact Information (1) _____ (2) _____ <i>Full Name of Candidate or Other Than Candidate Campaign Committee</i> <i>Today's Date</i> (3) _____ <i>Mailing Address</i> <i>City</i> <i>State</i> <i>Zip Code</i> (4) _____ and/ or _____ <i>Primary Contact Phone Number</i> <i>E-Mail</i> (5) If a Candidate or Public Official is there a campaign committee (one or more persons) to make campaign transactions, keep financial records of the campaign, or file the reports? ☐ Yes ☐ No (6) If yes, is the committee registered with the Commission? ☐ Yes ☐ No (7) If yes, complete the following _____ _____ <i>Name of Committee Chairperson</i> <i>Name of Committee Treasurer</i>		
4. Person Responsible for Maintaining Campaign Records (1) Full Name _____ (2) Mailing Address _____ (3) City _____ State _____ Zip Code _____ (4) _____ (5) _____ <i>Primary Contact Phone Number</i> <i>Email Address</i>		
5. TERMINATION DATE: _____		
State of _____ County of _____ I, _____, being duly sworn (affirm), depose and say that the information in this report form is complete, true, and correct. Further, I affirm that the contents in this report are the same as the contents in the electronic filing submitted, if also electronically filed. Sworn to and subscribed before me on _____, 20____ _____ <i>Signature of Notary Public</i> _____ <i>Commission Expiration</i> _____ <i>a. Signature of Candidate</i> <i>b. Organization/Chairperson/Treasurer</i> (Any person who knowingly fails to comply with or who knowingly violates any of the provisions of the Act shall be guilty of a misdemeanor.)		

CFC-CCDR-FR&TS 1/14

**State of Georgia
Campaign Contribution Disclosure Report
Summary Report**

CONTRIBUTIONS RECEIVED

1	☐ I have no contributions to report. ☐ I have the following contributions, including Common Source, to report:	In-Kind Estimated Value	Cash Amount
2	A. If this is the first time to file a disclosure report for the current office sought, ENTER 0 in both columns (one time only); or B. If this is the first report of this Election Cycle*, ENTER 0 in the in-kind column and list any net balance on hand brought forward from the previous election cycle in the cash amount column (Line 15 of previous report, or total funds left over at year end of previous cycle); or C. If this filing is the second or subsequent filing of this Election Cycle, list totals from Line 6 of previous report in both the in-kind and cash amount columns.		
3	Total amount of all itemized contributions received in this reporting period which is listed on the "Itemized Contributions" page.		
3a	All loans received this reporting period.		
3b	Interest earned on campaign account this reporting period.		
3c	Total amount of investments sold this reporting period.		
3d	Total amount of cash dividends and interest paid out this reporting period.		
4	Total amount of all separate contributions of \$100 or less received in this reporting period and not listed on the "Itemized Contributions" page. "Common Source" contributions must be aggregated on the "Itemized Contributions" page.		
5	Total contributions reported this period. (Line 3 + 3a + 3b + 3c + 3d + 4)		
6	Total contributions to date. Total to be carried forward to next report of this election cycle*. (Line 2 + 5)		

EXPENDITURES MADE

7	☐ I have no expenditures to report. ☐ I have the following expenditures to report:		
8	Total expenditures made and reported prior to this reporting period. If this is the A. First report of this Election Cycle*, ENTER 0. B. Second or subsequent filing ENTER Line 12 of previous report.		
9	Total amount of all itemized expenditures made in this reporting period which are listed on the "Itemized Expenditures" page.		
10	Total amount of all separate expenditures of \$100.00 or less that were made in this reporting period and not listed on the "Itemized Expenditures" page		
11	Total expenditures reported this period. (Line 9 + 10)		
12	Total expenditures to date. Total to be carried forward to next report of this election cycle*. (Line 8 + 11)		

INVESTMENTS

13	Total value of investments held at the beginning of this reporting period.		
14	Total value of investments held at the end of this reporting period.		

TOTAL NET BALANCE ON HAND

15	Net balance on hand. (Line 6 - 12 + 14)		
----	--	--	--

* O.C.G.A. 21-5-3(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 of the next such election of a person to the same public office and shall be construed and applied separately for each elective office including the date.

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State of Georgia Campaign Contribution Disclosure Report Outstanding Indebtness		
Election Cycle*: _____ Election Year: _____		<u>Amount</u>
1	Outstanding indebtedness at the beginning of this reporting period.	
2	Loans received this reporting period.	
3	Deferred payment of expenses this reporting period	
4	Payments made on loans this reporting period.	
5	Credits received on loans this reporting period	
6	Payments this reporting period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	
Election Cycle*: _____ Election Year: _____		<u>Amount</u>
1	Outstanding indebtedness at the beginning of this reporting period.	
2	Loans received this reporting period.	
3	Deferred payment of expenses this reporting period	
4	Payments made on loans this reporting period.	
5	Credits received on loans this reporting period	
6	Payments this reporting period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	
Election Cycle*: _____ Election Year: _____		<u>Amount</u>
1	Outstanding indebtedness at the beginning of this reporting period.	
2	Loans received this reporting period.	
3	Deferred payment of expenses this reporting period	
4	Payments made on loans this reporting period.	
5	Credits received on loans this reporting period	
6	Payments this reporting period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	

* Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)
 Public Officer/Candidate/Other Than Candidate Committee Name

State of Georgia Campaign Contribution Disclosure Report Itemized Contributions

Must list contributions received by a single contributor for which the aggregate total more than \$100.00.

Note: Loans are no longer reported in "Itemized Contributions" section. See Loan Reporting section below.

Full Name of Contributor Mailing Address (Affiliation of Committee if any)		Contributor		Election Cycle**	Cash Amount	In-Kind Contributions	
		Received Date Contribution Type*	Occupation & Employer			Estimated Value	
						Description	
First Name / Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value	
Last Name							
Address							
Address2							
City		☐ Monetary ☐ In-Kind ☐ Common Source ☐ Credit Received on Loan	Employer			Description	
State Zip							
Aff. Comm.							
First Name / Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value	
Last Name							
Address							
Address2							
City		☐ Monetary ☐ In-Kind ☐ Common Source ☐ Credit Received on Loan	Employer			Description	
State Zip							
Aff. Comm.							
First Name / Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value	
Last Name							
Address							
Address2							
City		☐ Monetary ☐ In-Kind ☐ Common Source ☐ Credit Received on Loan	Employer			Description	
State Zip							
Aff. Comm.							

Itemized Contributions Page Total \$ _____ \$ _____

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First Name / Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name					
Address					
Address2					
City	☐ Monetary	Employer			Description
State	☐ In-Kind				
Zip	☐ Common Source				
Aff. Comm.	☐ Credit Received on Loan				
First Name / Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name					
Address					
Address2					
City	☐ Monetary	Employer			Description
State	☐ In-Kind				
Zip	☐ Common Source				
Aff. Comm.	☐ Credit Received on Loan				
First Name / Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name					
Address					
Address2					
City	☐ Monetary	Employer			Description
State	☐ In-Kind				
Zip	☐ Common Source				
Aff. Comm.	☐ Credit Received on Loan				
First Name / Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name					
Address					
Address2					
City	☐ Monetary	Employer			Description
State	☐ In-Kind				
Zip	☐ Common Source				
Aff. Comm.	☐ Credit Received on Loan				
First Name / Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name					
Address					
Address2					
City	☐ Monetary	Employer			Description
State	☐ In-Kind				
Zip	☐ Common Source				
Aff. Comm.	☐ Credit Received on Loan				
Itemized Contributions Page Total \$ _____ \$ _____					

* Contribution Type (Monetary, In-Kind, Common Source, Credit Received on Loan)

** Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)

*** If any such person(s) shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit

CFC-CCDR-FR&TS 1/14

Loan Reporting			
Name of Lender & Mailing Address	1.Date of Loan 2.Amount of Loan 3.Election Cycle**	Person(s) responsible for repayment of loan & Mailing Address	1.Occupation & 2.Place of Employment
Lender Name (First Name, Business, Inst.)	1.	First Name	1.
Lender Last Name	2.	Last Name	2.
Address	3. ☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Address	
Address2		Address2	
City		City	
State Zip		State Zip	
Lender Name (First Name, Business, Inst.)	1.	First Name	
Lender Last Name	2.	Last Name	2.
Address	3. ☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Address	
Address2		Address2	
City		City	
State Zip		State Zip	
Reference: OCGA § 21-5-34(b)(1)		Loan Page Total \$ _____	

* Contribution Type (Monetary, In-Kind, Common Source, Credit Received on Loan)

** Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)

CFC-CCDR-FR&TS 1/14

State of Georgia
Campaign Contribution Disclosure Report
Itemized Expenditures

Must list expenditures made to a single recipient for which the aggregate total more than \$100.00.

List Name and Mailing Address of Recipient		Exp. Date Exp. Type*	Occupation & Employer	Expenditure Purpose	Amount Paid
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				

Page Total \$ _____

* Expenditure Type (Expenditure, In-Kind, Loan Repayment, Refund, Reimbursement, Credit Card, 3rd Party, Deferred Payment on Deferred Expense, Investment)
 Public Officer/Candidate/Other Than Candidate Committee Name _____

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List Name and Mailing Address of Recipient		Exp. Date Exp. Type*	Occupation & Employer	Expenditure Purpose	Amount Paid
First Name		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Occupation		
Last Name					
Address			Employer		
Address2					
City					
State	Zip				
First Name		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Occupation		
Last Name					
Address			Employer		
Address2					
City					
State	Zip				
First Name		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Occupation		
Last Name					
Address			Employer		
Address2					
City					
State	Zip				
First Name		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Occupation		
Last Name					
Address			Employer		
Address2					
City					
State	Zip				

* Expenditure Type (Expenditure, In-Kind, Loan Repayment, Refund, Reimbursement, Credit Card, 3rd Party, Deferred Payment on Deferred Expense, Investment) Public Officer/Candidate/Other Than Candidate Committee Name Page Total \$ _____

Public Officer/Candidate/Other Than Candidate Committee Name _____ Page ____ of ____

CFC-CCDR-FR&TS 1/14

State of Georgia
Campaign Contribution Disclosure Report
Investments Statement

1. Investment Name _____	Account # _____
Institution/Person Holding Account _____ Mailing Address _____ Address2 _____ City _____ State _____ Zip _____	Value at beginning of reporting period \$ _____
	Value at end of reporting period \$ _____
	Difference in value \$ _____
	Interest Paid Out \$ _____
	Cash Dividends \$ _____

Investment Transactions

Date	Person(s) Involved in Transaction	Value of investment purchased	Value of investment sold	Profit	Loss

2. Investment Name _____	Account # _____
Institution/Person Holding Account _____ Mailing Address _____ Address2 _____ City _____ State _____ Zip _____	Value at beginning of reporting period \$ _____
	Value at end of reporting period \$ _____
	Difference in value \$ _____
	Interest Paid Out \$ _____
	Cash Dividends \$ _____

Investment Transactions

Date	Person(s) Involved in Transaction	Value of investment purchased	Value of investment sold	Profit	Loss

<u>Total value of investments at beginning of reporting period \$</u> <u>Total value of investments at end of reporting period \$</u> <u>Total difference in value \$</u>	Page Total Cash Dividends: \$ _____ Page Total Interest Paid Out: \$ _____ Page Total Profit: \$ _____ Page Total Loss: \$ _____
---	---

CFC-CCDR-FR&TS 1/14

State of Georgia
Campaign Contribution Disclosure Report
Addendum Statement

The Addendum Statement should be used for explanation of any additional information needed to complete an accurate filing of this report.
 Information that is to be reported in the body of the report should not be listed on Addendum Statement.

STATE OF GEORGIA
PERSONAL FINANCIAL DISCLOSURE STATEMENT

200 Piedmont Avenue S.E. | Suite 1402 West Tower | Atlanta, GA 30334
| 404-463-1980 | www.ethics.ga.gov

**Use Earlier of Post Mark
or Hand Delivered Date**

☐ Original ☐ Amendment (Enter date of statement being amended) _____

Date of this Statement: _____ Covering Calendar Year: _____

Name of Public Officer or Candidate: _____

Mailing Address: _____
 Street or P.O. Box City County State Zip code

Telephone Number: (Office/Home) _____ (E-Mail) _____

Name of Public Office Held or Sought: _____ Filer ID: _____
(Filer ID that begins with the letter "F")

Check One:

☐ Elected City or County Officer☐ Candidate for City or County Office

WHO FILES A FINANCIAL DISCLOSURE STATEMENT:

Each public officer holding office in Georgia, and each person who qualifies as a candidate for election as a public officer for one of the offices listed below, and all others on the following list.

- (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) Every elected county official, every elected county or area school superintendent, and every elected member of a county or area board of education; and
(F) Every elected municipal officer.

WHEN TO FILE A FINANCIAL DISCLOSURE STATEMENT:

Public Officer: A Financial Disclosure Statement is filed not before January 1 and not later than July 1 of each year that a public officer holds office (except the year of election). The information to be provided shall be that from the preceding calendar year.

If the public officer chooses not to run for re-election or for another public office no Financial Disclosure Statement need be filed in the year qualifying to succeed him takes place. A public officer shall not be deemed to hold the office in a year in which the public officer holds office for less than 15 days.

Candidate for Public Office: A Financial Disclosure Statement covering the period of the preceding calendar year shall be filed no later than the fifteenth day following the date of qualifying as a candidate. Candidates for state wide office file not later than seven days after qualifying for office..Only one Financial Disclosure Statement is required per calendar year.

Special requirements for State Wide Candidates: Candidates for a public office elected state wide must file their Financial Disclosure Statements not later than seven days after qualifying or filing a notice of candidacy. State wide candidates must disclose more information than other candidates for public office and the additional disclosure sections required of state wide candidates must be completed in the year of election filing.

WHERE TO FILE A FINANCIAL DISCLOSURE STATEMENT:

State /Statewide Office: Georgia Government Transparency & Campaign Finance Commission

County: County Election Superintendent

Municipality: City Clerk or Chief Executive Officer

**SECTION I MONETARY FEES
RECEIVED**

(This section to be completed by Public Officers only)

Identify each monetary fee or honorarium accepted from speaking engagements, participation in seminars, discussion panels, or other activities that directly relate to the official duties of, or to the office of the public officer, with a statement identifying the fee or honorarium and the person from whom it was accepted. (You may attach additional sheets of paper if necessary.)

I received:

- ☐ No monetary fee or honorarium.
- ☐ Monetary fee(s) or honoraria as shown below.

**Identify Fee or Honorarium
And Amount Accepted**

Identifying Information of Person from Who Accepted

**SECTION II FIDUCIARY
POSITIONS**

Name all fiduciary positions held by the candidate for public office or the public officer at any time during the covered year. (You may expand this section if necessary to include all positions.) A **fiduciary position** is any position imposing a duty to act primarily for another's benefit as officer, director, manager, partner, guardian, or other designations of general responsibility of a business entity. A fiduciary position may be a paid or unpaid position. A **business entity** is 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 profit or nonprofit. (You may attach additional sheets of paper if necessary.)

I held:

- ☐ No fiduciary positions in any business entity.
- ☐ Fiduciary positions in the following business entity(ies).

IDENTIFY:

1. Title of each position.
2. Name and address of business entity.
3. Principal activity of each business entity.

Business entity #1

Business entity #2

Business entity #3

Business entity #4

SECTION III

DIRECT OWNERSHIP INTERESTS IN BUSINESS ENTITY

Direct ownership interest is 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 the person if such interest is held jointly or as tenants in common between the person and spouse.

Identify the name, address and principal activity of any business entity and the office held by and the duties of the candidate for public office or public officer within a business entity any time during the covered year in which a direct ownership interest: (A) Is more than 5 percent of the total interest in the business; or (B) Has a net fair market value of more than \$5,000.00. (You may attach additional sheets of paper if necessary.)

I held:

- ☐ No direct ownership interests in any business entity.
- ☐ Direct ownership interests in the following business entity(ies).

IDENTIFY:

1. Name and address of business entity.
2. Principal activity of business entity.
3. The office held by the candidate or the public officer within the business entity.
4. The duties of the candidate or the public officer within such business entity.

Business entity #1

Ownership Interests

Check One or Both If Applicable

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$5,000.00

Business entity #2

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$5,000.00

Business entity #3

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$5,000.00

Business entity #4

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$5,000.00

Business entity #5

- ☐ Ownership interest is more than 5%
- ☐ Ownership interest has a net fair market value of more than \$5,000.00

SECTION IV
DIRECT OWNERSHIP INTERESTS IN REAL PROPERTY

Direct ownership interest is 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 the person if such interest is held jointly or as tenants in common between the person and spouse.

Identify each tract of real property in which the candidate for public office or public officer has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of \$5,000.00. "Fair market" value means the appraised value of the property for ad valorem tax purposes. (You may attach additional sheets of paper if necessary.) Check one box to show the applicable valuation range for each tract.

I had:

- ☐ No ownership interests with a fair market value in excess of \$5,000.00
- ☐ Ownership interests with a fair market value in excess of \$5,000.00

IDENTIFY:

1. County where property is located.
2. State where property is located.
3. General description of property (give street address or location, size of tract, and nature or use of property).

Property #1

The Value of this tract is

- ☐ Between \$5,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #2

The Value of this tract is

- ☐ Between \$5,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #3

The Value of this tract is

- ☐ Between \$5,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #4

The Value of this tract is

- ☐ Between \$5,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

Property #5

The Value of this tract is

- ☐ Between \$5,000 and \$100,000
- ☐ Between \$100,000.01 and \$200,000
- ☐ More than \$200,000

SECTION V
SPOUSE'S DIRECT OWNERSHIP INTERESTS IN REAL PROPERTY

Identify each tract of real property in which the filer's spouse has a direct ownership interest as of December 31 of the covered year when that interest has a fair market value in excess of \$5,000.00 (You may attach additional sheets of paper if necessary.) Check one box to show the applicable valuation range for each tract.

My spouse had:

- ☐ No ownership interests with a fair market value in excess of \$ 5,000.00
☐ Ownership in the following tracts with a fair market value in excess of 5,000.00

IDENTIFY:

1. County where property is located.
2. State where property is located.
3. General description of property (give street address or location, size of tract, and nature or use of property).

Property #1

The Value of this tract is

- ☐ Between \$ 5,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #2

The Value of this tract is

- ☐ Between \$ 5,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #3

The Value of this tract is

- ☐ Between \$ 5,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #4

The Value of this tract is

- ☐ Between \$ 5,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

Property #5

The Value of this tract is

- ☐ Between \$ 5,000 and \$100,000
☐ Between \$100,000.01 and \$200,000
☐ More than \$200,000

**SECTION VI
EMPLOYMENT AND FAMILY MEMBERS**

Filer's Occupation _____
Filer's Employer _____
Employer's Address _____
Employer's Principal Activity _____

Filer's Spouse's Name _____
Spouse's Occupation _____
Spouse's Employer _____
Address of Spouse's Employer _____
Principal Activity of Spouse's Employer _____

**SECTION VII
INVESTMENT INTERESTS**

List the name of any investment (do not list individual stocks and bonds that are held by mutual funds), in which the filer (either individually or with any other legal or natural person or entity) owns a direct ownership interest that:

1. Is more than 5 percent of the total interests in such business or investment, or
2. Has a net fair market value of more than \$5,000.00.

Business or Investment Entity #1
Name _____

Business or Investment Entity #2
Name _____

Business or Investment Entity #3
Name _____

Business or Investment Entity #4
Name _____

**SECTION VIII
KNOWN BUSINESS OR INVESTMENT INTERESTS OF SPOUSE AND DEPENDENT CHILDREN**

Identify any business or investment known to the filer in which the filer's spouse or dependent children have a direct ownership interest (either individually or with any other legal or natural person or entity) which interest:

1. is more than 5 percent of the total interest in the business or investment,
2. has a net fair market value exceeding \$10,000.00, or
3. is one in an entity for which the filer's spouse or a dependent child serves as an officer, director, equitable partner, or trustee.

(Do not list individual stocks and bonds that are held by mutual funds.)

Business or Investment Entity #1
Name _____

Business or Investment Entity #2
Name _____

Business or Investment Entity #3
Name _____

Business or Investment Entity #4
Name _____

SECTION IX
ANNUAL PAYMENTS RECEIVED
FROM THE STATE OF GEORGIA
(This section to be completed by Public Officers only)

Identify all annual payments in excess of \$10,000.00 received by the public officer, or by any business entity identified in Section III above, from the State or any agency, department, commission or authority created by the State, and authorized and exempted from disclosure under O.C.G.A. § 45-10-25.

I received:

- ☐ No annual payments in excess of \$10,000.00 from any State entity.
☐ Annual payments in excess of \$10,000.00 from the below named State entity(ies).

IDENTIFY:

1. Name and address of State entity making the payments.
2. Amount of annual payment.
3. The general nature of the consideration rendered for the payment(s).

State entity source #1

State entity source #2

VERIFICATION BY OATH OR AFFIRMATION

State of Georgia _____ County of _____

I, the undersigned, being duly sworn (affirm), depose and say that the information in this statement is complete, true, and correct.

Sworn to and subscribed before me on
_____, 20____.

Signature of Notary Public

Signature of Candidate or Public Officer

PENALTIES: Any person who knowingly fails to comply with or who knowingly violates any of the provisions of the Ethics in Government Act shall be guilty of a misdemeanor.

My Commission expires _____.

CFC-CCDR

ca/70

Campaign Contribution Disclosure Report Georgia Government Transparency and Campaign Finance Commission 200 Piedmont Avenue S.E. Suite 1416 West Tower Atlanta, GA 30334 404-463-1980 www.ethics.ga.gov			
1. Report Type (Select One) ☐ Original ☐ Amendment Amendment # _____	2. Filing is being made on behalf of (Select One): Candidate or Public Official Office Held or Sought _____ (Include county, municipality, district, post or judicial seat) Filer ID _____ (Filer ID that begins with the letter "C") Organization or Person Other than Candidate's Campaign Committee Committee Name: _____ Filer ID: _____ (Filer ID that begins with the letter "NC")		Use Earlier of Post Mark or Hand-Delivered Date
3. Identifying and Contact Information (1) _____ (2) _____ <i>Full Name of Candidate or Other Than Candidate Campaign Committee Name Today's Date</i> (3) _____ <i>Mailing Address City State Zip Code</i> (4) _____ and/ or _____ <i>Primary Contact Phone Number E-Mail</i> (5) If a Candidate or Public Official is there a campaign committee (one or more persons) to make campaign transactions, keep financial records of the campaign or file the reports? ☐ Yes ☐ No (6) If yes, is the committee registered with the Commission? ☐ Yes ☐ No (7) If yes, complete the following: _____ <i>Name of Committee Chairperson</i> <i>Name of Committee Treasurer</i>			
4. Period for which you are Reporting You Must Check Only One Box			
My Non-Election Year ☐ June 30, _____ (year) ☐ December 31, _____ (year) Supplemental Reporting ☐ June 30, _____ (year) ☐ December 31, _____ (year) *Supplemental reports are required of candidates who have unsuccessfully campaigned for office or have resigned from office. See O.C.G.A. § 21-5-341	My Election Year ☐ January 31, _____ (year) ☐ April 30, _____ (year) ☐ June 30, _____ (year) ☐ September 30, _____ (year) ☐ October 25, _____ (year) ☐ Dec. 31, _____ (year)	Run-Offs (Report required only if you are in a Run-Off Election) ☐ 6 days before Primary Run-Off _____ (year) ☐ 6 days before General Run-Off _____ (year) ☐ 6 days before Special Primary Run-Off _____ (year) ☐ 6 days before Special Run-Off _____ (year)	Special Election ☐ 15 days before Special Primary, _____ (year) ☐ 15 days before Special, _____ (year) ☐ Dec. 31, _____ (year)
State of _____ County of _____ I, _____, being duly sworn (affirm), depose and say that the information in this report form is complete, true, and correct. Further, I affirm that the contents in this report are the same as the contents in the electronic filing submitted, if also electronically filed. Sworn to and subscribed before me on _____, 20____			
_____ <i>Signature of Notary Public</i>		_____ <i>Commission Expiration</i>	
_____ a. <i>Signature of Candidate</i>		_____ b. <i>Organization/Chairperson/Treasurer</i>	

CFC-CCDR 10/19

State of Georgia
Campaign Contribution Disclosure Report
Summary Report

CONTRIBUTIONS RECEIVED

1	☐ I have no contributions to report. ☐ I have the following contributions, including Common Source, to report:	In-Kind Estimated Value	Cash Amount
2	A. If this is the first time to file a disclosure report for the current officesought, ENTER 0 in both columns (one time only); or B. If this is the first report of this Election Cycle*, ENTER 0 in the in-kind column and list any net balance on hand brought forward from the previous election cycle in the cash amount column (Line 15 of previous report, or total funds left over at year end of previous cycle); or C. If this filing is the second or subsequent filing of this Election Cycle, list totals from Line 6 of previous report in both the in-kind and cash amount columns.		
3	Total amount of all itemized contributions received in this reporting period which is listed on the "Itemized Contributions" page.		
3a	All loans received this reporting period.		
3b	Interest earned on campaign account this reporting period.		
3c	Total amount of investments sold this reporting period.		
3d	Total amount of cash dividends and interest paid out this reporting period.		
4	Total amount of all separate contributions of \$100 or less received in this reporting period and not listed on the "Itemized Contributions" page. "Common Source" contributions must be aggregated on the "Itemized Contributions" page.		
5	Total contributions reported this period. (Line 3 + 3a + 3b + 3c + 3d + 4)		
6	Total contributions to date. Total to be carried forward to next report of this election cycle*. (Line 2 + 5)		

EXPENDITURES MADE

7	☐ I have no expenditures to report. ☐ I have the following expenditures to report:		
8	Total expenditures made and reported prior to this reporting period. If this is the A. First report of this Election Cycle*, ENTER 0. B. Second or subsequent filing ENTER Line 12 of previous report.		
9	Total amount of all itemized expenditures made in this reporting period which are listed on the "Itemized Expenditures" page.		
10	Total amount of all separate expenditures of \$100.00 or less that were made in this reporting period and not listed on the "Itemized Expenditures" page		
11	Total expenditures reported this period. (Line 9 + 10)		
12	Total expenditures to date. Total to be carried forward to next report of this election cycle*. (Line 8 + 11)		

INVESTMENTS

13	Total value of investments held at the beginning of this reporting period.		
14	Total value of investments held at the end of this reporting period.		

TOTAL NET BALANCE ON HAND

15	Net balance on hand. (Line 6 - 12 + 14)		
----	--	--	--

* O.C.G.A. 21-5-3(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 of the next such election of a person to the same public office and shall be construed and applied separately for each elective office including the date.

CFC-CCDR 10/19

**State of Georgia
Campaign Contribution Disclosure Report
Outstanding Indebtness**

Election Cycle*: _____ Election Year: _____		<u>Amount</u>
1	Outstanding indebtedness at the beginning of this reporting period.	
2	Loans received this reporting period.	
3	Deferred payment of expenses this reporting period	
4	Payments made on loans this reporting period.	
5	Credits received on loans this reporting period	
6	Payments this reporting period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	
Election Cycle*: _____ Election Year: _____		<u>Amount</u>
1	Outstanding indebtedness at the beginning of this reporting period.	
2	Loans received this reporting period.	
3	Deferred payment of expenses this reporting period	
4	Payments made on loans this reporting period.	
5	Credits received on loans this reporting period	
6	Payments this reporting period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	
Election Cycle*: _____ Election Year: _____		<u>Amount</u>
1	Outstanding indebtedness at the beginning of this reporting period.	
2	Loans received this reporting period.	
3	Deferred payment of expenses this reporting period	
4	Payments made on loans this reporting period.	
5	Credits received on loans this reporting period	
6	Payments this reporting period on previously deferred expenses.	
7	Total indebtedness at the close of this reporting period. (Line 1 + 2 + 3 - 4 - 5 - 6)	

* Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)
Public Officer/Candidate/Other Than Candidate Committee Name

CFC-CCDR 10/19

State of Georgia Campaign Contribution Disclosure Report Itemized Contributions

Must list contributions received by a single contributor for which the aggregate total more than \$100.00.

Note: Loans are no longer reported in "Itemized Contributions" section. See Loan Reporting section below.

Full Name of Contributor Mailing Address (Affiliation of Committee if any)	Contributor		Election Cycle**	Cash Amount	In-Kind Contributions				
	Received Date Contribution Type*	Occupation & Employer			Estimated Value Description				
First Name or Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value				
Last Name									
Address									
Address2						☐ Monetary	Employer		Description
City						☐ In-Kind			
State						☐ Common Source			
Zip						☐ Credit Received on Loan			
Aff. Comm.									
First Name or Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value				
Last Name									
Address									
Address2						☐ Monetary	Employer		Description
City						☐ In-Kind			
State						☐ Common Source			
Zip						☐ Credit Received on Loan			
Aff. Comm.									
First Name or Business Name	Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value				
Last Name									
Address									
Address2						☐ Monetary	Employer		Description
City						☐ In-Kind			
State						☐ Common Source			
Zip						☐ Credit Received on Loan			
Aff. Comm.									

Itemized Contributions Page Total \$ _____ \$ _____

Public Officer/Candidate/Other Than Candidate Committee Name _____

Page _____ of _____

CFC-CCDR 10/19

First Name or Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name						
Address						
Address2		☐ Monetary	Employer			Description
City		☐ In-Kind				
State	Zip	☐ Common Source				
Aff. Comm.		☐ Credit Received on Loan				
First Name or Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name						
Address						
Address2		☐ Monetary	Employer			Description
City		☐ In-Kind				
State	Zip	☐ Common Source				
Aff. Comm.		☐ Credit Received on Loan				
First Name or Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name						
Address						
Address2		☐ Monetary	Employer			Description
City		☐ In-Kind				
State	Zip	☐ Common Source				
Aff. Comm.		☐ Credit Received on Loan				
First Name or Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name						
Address						
Address2		☐ Monetary	Employer			Description
City		☐ In-Kind				
State	Zip	☐ Common Source				
Aff. Comm.		☐ Credit Received on Loan				
First Name or Business Name		Date	Occupation	☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Cash Amt.	Est. Value
Last Name						
Address						
Address2		☐ Monetary	Employer			Description
City		☐ In-Kind				
State	Zip	☐ Common Source				
Aff. Comm.		☐ Credit Received on Loan				
Itemized Contributions Page Total \$ _____ \$ _____						

* Contribution Type (Monetary, In-Kind, Common Source, Credit Received on Loan)

** Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)

*** If any such person(s) shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit

Loan Reporting				
Name of Lender & Mailing Address		1.Date of Loan 2.Amount of Loan 3.Election Cycle**	Person(s) responsible for repayment of loan & Mailing Address	1.Occupation & 2.Place of Employment 3.Fiduciary Relationship***
Lender Name (First Name, Business, Inst.)		1.	First Name	1.
Lender Last Name		2.	Last Name	2.
Address		3. ☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Address	3. ☐ Public Officer ☐ Candidate ☐ Other Than Candidate Committee Name
Address2			Address2	
City			City	
State	Zip		State	
Lender Name (First Name, Business, Inst.)		1.	First Name	1.
Lender Last Name		2.	Last Name	2.
Address		3. ☐ Primary ☐ General ☐ Special ☐ Special Primary ☐ Run-Off Primary ☐ Run-Off General ☐ Run-Off Special ☐ Run-Off Special Primary	Address	3. ☐ Public Officer ☐ Candidate ☐ Other Than Candidate Committee Name
Address2			Address2	
City			City	
State	Zip		State	

Reference: OCGA § 21-5-34(b)(1)

Loan Page Total \$

♦♦ Election Cycle (Primary, General, Special, Special Primary, Run-Off Primary, Run-Off General, Run-Off Special, Run-Off Special Primary)

CFC-CCDR 10/19

State of Georgia
Campaign Contribution Disclosure Report
Itemized Expenditures

Must list expenditures made to a single recipient for which the aggregate total more than \$100.00.

List Name and Mailing Address of Recipient		Exp. Date Exp. Type*	Occupation & Employer	Expenditure Purpose	Amount Paid
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				

Page Total \$ _____

* Expenditure Type (Expenditure, In-Kind, Loan Repayment, Refund, Reimbursement, Credit Card, 3rd Party, Deferred Payment on Deferred Expense, Investment)
 Public Officer/Candidate/Other Than Candidate Committee Name _____

CFC-CCDR 10/19

List Name and Mailing Address of Recipient		Exp. Date Exp. Type*	Occupation & Employer	Expenditure Purpose	Amount Paid
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				
First Name		Date	Occupation		
Last Name					
Address		☐ Expenditure ☐ In-Kind ☐ Loan Repayment ☐ Refund ☐ Reimbursement ☐ Credit Card ☐ 3rd Party ☐ Deferred Payment ☐ Payment on Deferred Expense ☐ Investment	Employer		
Address2					
City					
State	Zip				

* Expenditure Type (Expenditure, In-Kind, Loan Repayment, Refund, Reimbursement, Credit Card, 3rd Party, Deferred Payment on Deferred Expense, Investment) Public Officer/Candidate/Other Than Candidate Committee Name Page Total \$ _____

CFC-CCDR 10/19

State of Georgia
Campaign Contribution Disclosure Report
Investments Statement

1. Investment Name	Account #
Institution/Person Holding Account _____ Mailing Address _____ Address2 _____ City _____ State _____ Zip _____	Value at beginning of reporting period \$
	Value at end of reporting period \$
	Difference in value \$
	Interest Paid Out \$
	Cash Dividends \$

Investment Transactions

Date	Person(s) Involved in Transaction	Value of investment purchased	Value of investment sold	Profit	Loss

2. Investment Name	Account #
Institution/Person Holding Account _____ Mailing Address _____ Address2 _____ City _____ State _____ Zip _____	Value at beginning of reporting period \$
	Value at end of reporting period \$
	Difference in value \$
	Interest Paid Out \$
	Cash Dividends \$

Investment Transactions

Date	Person(s) Involved in Transaction	Value of investment purchased	Value of investment sold	Profit	Loss

<u>Total value of investments at beginning of reporting period \$</u> <u>Total value of investments at end of reporting period \$</u> <u>Total difference in value \$</u>	Page Total Cash Dividends: \$ _____ Page Total Interest Paid Out: \$ _____ Page Total Profit: \$ _____ Page Total Loss: \$ _____
---	---

CFC-CCDR 10/1

State of Georgia
Campaign Contribution Disclosure Report
Addendum Statement

The Addendum Statement should be used for explanation of any additional information needed to complete an accurate filing of this report.
 Information that is to be reported in the body of the report should not be listed on Addendum Statement.

FILING RESPONSIBILITIES

Filing Responsibilities for Candidates & Candidate Committees

Filing a Declaration of Intention to Accept Campaign Contributions (FORM DOI)

CANDIDATE: If you are not currently a public officer holding elective office and plan to run, you must file a Declaration of Intention to Accept Campaign Contributions (Form DOI) with the Commission before accepting any campaign contributions. A candidate should file a PIN application (CCDR and PFDS) shortly after filing their Declaration of Intention to Accept Campaign Contributions to ensure that the candidate can E-file all CC-DRs and PFDS disclosures.

Campaign Committee Registration By Candidate (FORM RC)

CANDIDATE COMMITTEE: If a candidate forms a campaign committee, the candidate must register the committee by filing the Form RC with the Commission prior to the committee's acceptance of any contributions. No contributions may be accepted at any time there is a vacancy in either the position of chairman or treasurer, although the same person may serve as chairperson and treasurer including the candidate himself.

Choosing Option of Separate Accounting (FORM COOSA)

CANDIDATE AND/OR CANDIDATE COMMITTEE: A candidate may declare intent to keep separate accounting for each election in an election cycle by filing a Form COOSA. Upon filing the Form COOSA, a candidate may accept funds for a future election that is not the candidate's next upcoming election (note, candidates may only receive funds for prior elections in order to retire debt). For example, if the candidate's next upcoming election is the primary, by filing a COOSA form, the candidate may accept contributions for both the primary and succeeding general election.

Campaign Record Keeping

CANDIDATE OR CANDIDATE COMMITTEE: The following are the record keeping requirements under the Campaign Finance Act for both candidates and candidate committees; Detailed records must be kept of all contributions received and expenditures made. Records must be maintained by the candidate or treasurer of

a campaign committee and may be inspected by the Commission at any time. The right of inspection may be enforced by the Commission or by the Superior Court of the State of Georgia. Financial records of the accounts kept by a candidate or candidate's committee are required to be preserved for three years from the termination date of the candidate's campaign. However, since public disclosures are maintained for not less than five years, candidates are advised to keep records for at least five years.

Personal Financial Disclosure Statement (PFDS)

CANDIDATE: Candidates must file a PFDS within 15 days after qualifying for election. However, candidates for statewide officer must file a PFDS within 7 days after qualifying for election.

Campaign Contribution Disclosure Report (CCDR)

CANDIDATE: Candidates must file CCDRs according to their filing schedule once they become a candidate as further defined by the Campaign Finance Act. [Learn more here about being a Candidate.](#)

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Georgia Government Transparency & Campaign Finance Commission

Filing Schedule

County-level Elected Officials & Candidates

Election Year Filing Schedule	Due Date
	January 31 st
	April 30 th
	June 30 th
	September 30 th
	October 25 th
	December 31 st

All candidates and elected officials required to file reports shall have a 5-day grace period

Non - Election Year Filing Schedule	Due Date
	June 30 th
	December 31 st

Municipal-level Elected Officials & Candidates

Election Year Filing Schedule	Due Date
	January 31 st
	April 30 th
	June 30 th
	September 30 th
	October 25 th
	December 31 st

All candidates and elected officials required to file reports shall have a 5-day grace period

Non - Election Year Filing Schedule	Due Date
	June 30 th
	December 31 st

**County and Municipal level candidates and elected officials that file an Affidavit of Exemption, are not required to file CCDF's during their election cycle unless they cross the threshold of \$2,500 in contributions and/or expenditures.*

Special Primary/Special Election

Special Election	Due Date
	15 Days before the Election Date
	December 31 st

All candidates and elected officials required to file reports shall have a 5-day grace period

Special Primary Run-Off/Special Election Runoff

Special Election Run-Off	Due Date
	6 Days before the Election Date
	December 31 st

Run-Off Primary/Run-Off Election

Run-Off Election	Due Date
	6 Days before the Election Date
	December 31 st

*All candidates and elected officials required to file runoff reports shall have a **2-day** grace period*

*All grace periods include business days and **DO NOT** include weekends or State of Georgia holidays.*

TRAINING WORKSHOPS

Not all courses listed below are scheduled at this time. Please check back often to see when new classes are scheduled. You can contact our training staff by emailing training@ethics.ga.gov. Use the link in the Sections area to access and register for all Training Classes.

Candidates/Public Officials

- Candidates: How to get started: A basic guide to assist candidates in complying with the Campaign Finance Act. Topics will include: forms, reports, filing schedules, late fees and deadlines.
- How to e-File CCDR- basic: A basic step by step guide on how to electronically file (e-File) a Campaign Contribution Disclosure Report (CCDR) in the Commission e- filing system.
- How to e-File CCDR- advanced: An advanced step by step guide on how to electronically file (e-File) a Campaign Contribution Disclosure Report (CCDR) in the Commission e-filing system.
- How to e-File a PFD: A step by step guide on how to electronically file (e-File) a Personal Financial Disclosure report (PFD) in the Commission e- filing system.
- How to e-File PFD- Statewide: A step by step guide on how to electronically file (e-File) a Personal Financial Disclosure report (PFD) for statewide candidates and officials in the Commission e-filing system.
- How to e-File a TBD/How to amend a TBD: A step by step guide on how to electronically file (e-File) a Two Business Disclosure report (TBD) in the Commission e-filing system.
- How to e-File a Final Report & Termination Statement: A step by step guide on how to electronically file (e-File) a Final Report & Termination Statement in the Commission e-filing system.

Lobbyists

- Lobbyist: General instructions for lobbyists including lobbying levels; registration and reporting requirements; filing schedules; late fees and termination.
- How to e-File a lobbyist expenditure report: A step by step guide on how to electronically file (e-File) a lobbyist expenditure report in the Commission e-filing system.

Qualifying Officers

- How to e-File in the QOERS: A step by step guide on how to electronically file (e-File) in the Qualifying Officer Electronic Reporting System (QOERS).

Local Filing Entities

- Instructions for Local Filing Entities: General instructions for local filing entities. A local filing entity is the municipal clerk or the county election superintendent. Topics will include: reporting process, document retention and e-Faxing.

State Business Transaction Reporting

- How to e-File a state business transaction report: A step by step guide on how to electronically file (e-File) a state business transaction report.

Vendor Gift Reporting

- How to e-File a vendor gift disclosure report: A step by step guide on how to electronically file (e-File) a vendor gift disclosure report.

Non Candidate Committees

- Non candidate committees: General instructions for non-candidate committees including PACs, political parties, independent committees, ballot/referendum/constitutional amendment committees and recall committees as well as individuals and corporations.

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SECTIONS

[All Training Classes](#)