

User Name: Robert Lane

Date and Time: Thursday, May 26, 2022 1:13:00 PM EDT

Job Number: 171957538

Documents (50)

1. [CHAPTER 5 Ethics in Government](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

2. [21-5-1. Short title.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

3. [21-5-2. Declaration of policy.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

4. [21-5-3. Definitions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

5. [21-5-4. Georgia Government Transparency and Campaign Finance Commission; membership; officers; quorum; meetings.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

6. [21-5-5. Operating expenses.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

7. [21-5-6. Powers and duties of the commission.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

8. [21-5-7. Initiation of complaints.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

9. [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.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

10. [21-5-8. Venue.](#)

Client/Matter: -None-

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Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

12. [21-5-9.1. Prerequisite to seeking election or reelection to General Assembly.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

13. [21-5-10. Chapter as continuation of laws; effect of enactment.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

14. [21-5-11. Acceptance by public officers of monetary fees or honoraria.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

17. [21-5-14. E-mail address reporting requirements; exceptions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

18. [21-5-15. Notice to local officials regarding certain actions to be given by certified mail or statutory overnight delivery.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

19. [Article 2 Campaign Contributions](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

20. [21-5-30. Contributions made to candidate or campaign committee or for recall of a public officer.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

23. [21-5-31. Contributions or expenditures other than through candidate or committee; disclosure of extensions of credit.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

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Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

26. [21-5-34. Disclosure reports.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

27. [21-5-34.1. Filing campaign contribution disclosure reports electronically.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

28. [21-5-34.2. Leadership committee defined; operation; separate from campaign committees.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

29. [21-5-35. Acceptance of contributions or pledges during legislative sessions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

30. [21-5-36. Disposition of reports; handling of complaints and violations.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

31. [21-5-40. Definitions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

32. [21-5-41. Maximum allowable contributions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

33. [21-5-42. Contribution to campaign committee deemed contribution to candidate; rules for construction.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

34. [21-5-43. Accounting for and expenditure of campaign contributions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

35. [21-5-43.1. Maximum allowable contribution by political parties.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

36. [21-5-44. Contribution to campaign committee deemed contribution to candidate; rules for construction.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

37. [21-5-45. Limitations on contributions apply separately to each election.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

38. [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.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

39. [21-5-51. Inspection and copying of financial disclosure statements.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

40. [21-5-52. Filing by mail.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

41. [21-5-53. Public record.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

42. [Article 4 Public Officials' Conduct and Lobbyist Disclosure](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

43. [21-5-70. Definitions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

44. [21-5-71. Registration required; application for registration; supplemental registration; expiration; docket; fees; identification cards; public rosters; exemptions.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

45. [21-5-72. Denial, suspension, or revocation of registration; reinstatement; civil penalty.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

46. [21-5-72.1. Regulation of certain contact between lobbyists and members of the General Assembly; making or acceptance of certain expenditures.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

47. [21-5-73. Disclosure reports.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

48. [21-5-74. Postemployment restrictions on lobbyists.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

49. [21-5-75. Postemployment restrictions on public officers.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

50. [21-5-76. Contingent fees for lobbying prohibited; unauthorized persons on the floor while the General Assembly is in session.](#)

Client/Matter: -None-

Search Terms: ocga 21-5-1

Search Type: Natural Language

O.C.G.A. Title 21, Ch. 5

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4)

CHAPTER 5 Ethics in Government

Annotations

Notes

Editor's notes.

Ga. L. 1986, p. 957, § 1 repealed the former chapter, the “Campaign and Financial Disclosure Act”, and enacted the present chapter. The former chapter consisted of §§ [21-5-1](#) through [21-5-5](#), 21-5-5.1, [21-5-6](#) through [21-5-10](#), 21-5-10.1, [21-5-11](#), 21-5-11.1, and [21-5-12](#) through [21-5-14](#) and was based on Ga. L. 1974, p. 155, §§ 1 through 10; Ga. L. 1975, p. 1120, §§ 1 through 3, 3A, 4, 5 through 7, 7A, 9, 10, 12, 12A; Ga. L. 1976, p. 1423, §§ 1 through 5; Ga. L. 1977, p. 1302, §§ 1 through 10, 12 through 19; Ga. L. 1979, p. 602, §§ 1 through 6; Ga. L. 1980, p. 724, §§ 1 through 3; Ga. L. 1981, p. 851, § 1; Ga. L. 1982, p. 3, § 21; Ga. L. 1984, p. 133, § 1; Ga. L. 1984, p. 764, §§ 1 to 7; Ga. L. 1984, p. 1100, § 1; Ga. L. 1985, p. 206, § 1; and Ga. L. 1986, p. 855, § 8.

Ga. L. 1992, p. 1075, § 1, effective April 6, 1992, not codified by the General Assembly, provides that that Act is entitled “The Public Officials Conduct and Lobbyist Disclosure Act of 1992.”

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

In light of the similarity of the statutory provisions, decisions under the former chapter and [Code Section 21-5-10](#) are included in the annotations for this chapter.

Basic purpose of the former chapter

was to provide the electorate with information about fiscal contributions made to, and expenditures made by, those who seek public office; to be of reasonable value, and to avoid confusion both in the mind of the general public and in the administrative supervision and enforcement of this chapter, uniformity of reporting, both as to substance and procedure, was highly desirable, if not a practical necessity. 1976 Op. Att'y Gen. No. 76-22 (decided under former chapter).

Chapter superseded in entirety. —

O.C.G.A. Title 21, Ch. 5

Ga. L. 1986, p. 957, which by its terms struck O.C.G.A. T. 21, Ch. 5 in its entirety and replaced it with a new O.C.G.A. T. 21, Ch. 5, is intended as a complete substitute for the former chapter and superseded it in its entirety on March 1, 1987. 1986 Op. Att'y Gen. No. 86-50.

Enforcement of former law. —

The State Ethics Commission may enforce all filing requirements of the law in effect until March 1, 1987, which are continued in effect under the provisions of Ga. L. 1986, p. 957. 1986 Op. Att'y Gen. No. 86-50.

Actions brought to enforce the provisions of the law in effect until March 1, 1987, which are continued in force and effect under the new law may proceed under the new law. 1986 Op. Att'y Gen. No. 86-50.

Applicability of advisory opinions. —

To the extent that the provisions of this chapter in effect until March 1, 1987, are continued under Ga. L. 1986, p. 957, the opinions of the Attorney General interpreting the provisions will continue to be applicable until and unless they are modified by subsequent opinion, judicial decision, or other change in law, and although the opinions issued by the State Campaign and Financial Disclosure Commission are not binding on the new State Ethics Commission, the advisory opinions of the State Campaign and Financial Disclosure Commission will be persuasive authority as to the provisions of law which continue under the new law. 1986 Op. Att'y Gen. No. 86-50.

Expenditures made independently of a candidate,

including expenditures in favor of or opposing a candidate, are not subject to the dollar limitations and reporting and registration requirements of O.C.G.A. T. 21, C. 5. 1995 Op. Att'y Gen. No. 95-26.

Special treatment of public officials by municipal utilities. —

Special treatment of public employees and officials by a municipally owned and operated public utility system may need to be disclosed under O.C.G.A. T. 21, C. 5. 2000 Op. Att'y Gen. No. 2000-4.

Research References & Practice Aids

Cross references.

Ethics and Efficiency in Government Act, T. 28, C. 11.

Codes of ethics and conflicts of interest relating to public officers and employees, T. 45, C. 10.

Administrative rules and regulations.

Organization, practice and procedure, and other provisions, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-1 et seq.

Law reviews.

For annual survey of administrative law, see 38 Mercer L. Rev. 17 (1986).

For annual survey of local government law, see 40 Mercer L. Rev. 303 (1988).

For article, "Georgia's New Ethics Laws: A Summary of the Changes Relevant to Lobbyists and Legislators," see 11 Ga. St. B. J. 22 (No. 4, 2005).

O.C.G.A. Title 21, Ch. 5

For article, “Georgia’s New Ethics Laws: A Summary of the Changes Relevant to Candidates, Campaigns and Contributors,” see 11 Ga. St. B. J. 16 (No. 6, 2006).

For note on 1990 amendment of Code sections within this chapter, see 7 Ga. St. U. L. Rev. 279 (1990).

RESEARCH REFERENCES**ALR. —**

Constitutionality of corrupt practices acts, 69 A.L.R. 377.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

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End of Document

O.C.G.A. § 21-5-1

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

21-5-1. Short title.

This chapter shall be known as and may be cited as the “Georgia Government Transparency and Campaign Finance Act.”

History

Code 1981, § 21-5-1, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 2022, § 2/SB 120, effective March 2, 2022; Ga. L. 2022, § 2/SB 120, effective March 2, 2022.

Annotations

Notes

Editor's notes.—

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-2

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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 recall 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.

History

Code 1981, § 21-5-2, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 1; [Ga. L. 2005, p. 859, § 1/HB 48](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Research References & Practice Aids

Law reviews.

O.C.G.A. § 21-5-2

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-3

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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.

(16.2) “Loan” means a thing that is borrowed, especially a sum of money that is expected to be paid back with interest to the lender.

(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) The Governor, Lieutenant Governor, Secretary of State, Attorney General, Commissioner of Labor, Commissioner of Agriculture, Commissioner of Insurance, and State School Superintendent;

(B) Every other elected state official not listed in subparagraph (A) of this paragraph;

(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.

(25) “Staff attorney” means a licensed member of the Georgia Bar Association that is employed by the Georgia Government Transparency and Campaign Finance Commission.

History

O.C.G.A. § 21-5-3

Code 1981, § 21-5-3, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 2; Ga. L. 1987, p. 458, § 1; Ga. L. 1990, p. 922, § 1; Ga. L. 1992, p. 1075, § 2; Ga. L. 1993, p. 118, § 1; Ga. L. 1993, p. 1279, § 14; Ga. L. 2000, p. 1491, §§ 1, 2; [Ga. L. 2005, p. 859, § 2/HB 48](#); [Ga. L. 2006, p. 69, § 1/SB 467](#); [Ga. L. 2010, p. 1173, § 2/SB 17](#); [Ga. L. 2013, p. 173, § 2/HB 143](#); Ga. L. 2022, § 3/SB 120, effective March 2, 2022.

Annotations

Notes

Editor's notes.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations, that Act became effective May 1, 2000.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.'"

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: "This act shall be known as and may be cited as the 'Ethics in Government Act of 2021.'"

JUDICIAL DECISIONS

General Consideration

Contributions

Person

General Consideration

Editor's notes.

In light of the similarity of the statutory provisions, annotations decided under the former chapter are included in the annotations for this Code section.

Officers may not receive valuables in exchange for act related to office. —

Other than those emoluments of public office that are expressly authorized and established by law, no holder of public office is entitled to request or receive — from any source, directly or indirectly — anything of value in exchange for the performance of any act related to the functions of that office. [State v. Agan, 259 Ga. 541, 384 S.E.2d 863, 1989 Ga. LEXIS 542 \(1989\)](#), cert. denied, 494 U.S. 1057, 110 S. Ct. 1526, 108 L. Ed. 2d 765, 1990 U.S. LEXIS 1549 (1990).

Contributions

Change in act definition enlarged definition of contribution. —

The Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq., carried forward the substance of the definition of contribution from the Financial Disclosure Act, [O.C.G.A. § 21-5-50](#) et seq., but removed the words that restricted the term “influence” to influencing the introduction of enriching legislation; that change was not as an attempt to restrict the definition of a bribe, but as a manner of enlarging the definition of a contribution so as to insure the reporting of almost all transfers to the candidate or office holder. [State v. Agan, 259 Ga. 541, 384 S.E.2d 863, 1989 Ga. LEXIS 542 \(1989\)](#), cert. denied, 494 U.S. 1057, 110 S. Ct. 1526, 108 L. Ed. 2d 765, 1990 U.S. LEXIS 1549 (1990).

Contributions includes funds received and funds expended. —

For a candidate, “contribution” includes not only the transfer of personal funds to the candidate’s campaign committee for its expenditure on behalf of the candidate’s campaign, but also the candidate’s expenditure of these funds toward the same end. [Kaler v. Common Cause, 244 Ga. 838, 262 S.E.2d 132, 1979 Ga. LEXIS 1435 \(1979\)](#) (decided under the former chapter).

For a noncandidate, “contribution” includes not only the transfer of personal and nonpersonal funds to the candidate or the candidate’s campaign committee for expenditure by them on behalf of the candidate’s campaign, but also the noncandidate’s expenditure of these funds toward the same end. [Kaler v. Common Cause, 244 Ga. 838, 262 S.E.2d 132, 1979 Ga. LEXIS 1435 \(1979\)](#) (decided under the former chapter).

Transfer may come within definition of “contribution”. —

A transfer that is a bribe as defined in [O.C.G.A. § 16-10-2](#) also may come within the definition of “contribution” as contained in the third sentence of paragraph (6) of [O.C.G.A. § 21-5-3](#); the fact that such a transfer must be reported does not change its character as a bribe. [State v. Agan, 259 Ga. 541, 384 S.E.2d 863, 1989 Ga. LEXIS 542 \(1989\)](#), cert. denied, 494 U.S. 1057, 110 S. Ct. 1526, 108 L. Ed. 2d 765, 1990 U.S. LEXIS 1549 (1990).

Purchase of media publicity for a candidate is a “contribution”. [Fortson v. Weeks, 232 Ga. 472, 208 S.E.2d 68, 1974 Ga. LEXIS 987 \(1974\)](#) (decided under the former chapter).

Person**“Person” definition not too vague to be enforced. —**

The terms used in defining “person”, when given a reasonable meaning and when the provisions wherein they appear are given a reasonable construction, are not too vague to be enforced. [Fortson v. Weeks, 232 Ga. 472, 208 S.E.2d 68, 1974 Ga. LEXIS 987 \(1974\)](#) (decided under the former chapter).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL**Editor’s notes.**

In light of the similarity of the statutory provisions, annotations decided under the former chapter are included in the annotations for this Code section.

Campaign Committee**Political action committee is not a campaign committee. —**

O.C.G.A. § 21-5-3

A political action committee does not constitute a campaign committee, as contemplated under [O.C.G.A. § 21-5-3](#), because it neither accepts contributions nor makes expenditures designated to bring about the nomination or election of an individual to any elected office. 1987 Op. Att'y Gen. No. 87-18. (But see 1989 Op. Att'y Gen. No. 89-54).

Contributions

When a candidate transfers personal funds to a campaign committee,

it is a “contribution” and it should be reported. 1979 Op. Att'y Gen. No. 79-24 (decided under the former chapter).

Persons who cosign notes as sureties on loans to candidates

for their campaigns are “contributors”, and the amount of the loan must be included in the campaign financing disclosure report if it exceeds \$101.00. 1974 Op. Att'y Gen. No. 74-102 (decided under the former chapter).

Social function sponsored by a political action committee

may constitute a reportable contribution and/or a reportable expenditure under O.C.G.A. T. 21, Ch. 5, depending upon the purpose of the social function sponsored by the political action committee. 1989 Op. Att'y Gen. No. 89-47.

“Value” of attendance of an elected official at an event sponsored by a public or private entity

is not required to be reported where the purpose of the appearance is not designed to bring about the nomination or election of the official. 1997 Op. Att'y Gen. No. U97-1.

Officers required to file disclosure reports. —

Executive directors and members of state examining boards, as well as other public officers defined in [O.C.G.A. § 21-5-3\(15\)](#), must file financial disclosure reports required under the Financial Disclosure Act, O.C.G.A. T. 21, Ch. 5. 1997 Op. Att'y Gen. No. 97-18.

Monetary contributions. —

A candidate for public office may receive monetary campaign contributions for an election, and throughout each of the applicable elections for that particular public office’s cycle, whichever elections actually occur and for which the candidate is actually on the ballot. An individual may only contribute up to the maximum contribution limit to that candidate for that particular election. 2020 Op. Att'y Gen. 20-3.

Person

Organization collecting money from candidates to spend on political activities. —

An organization that would collect money from candidates, which it would then spend on political activities on behalf of candidates, regardless of its precise legal structure, would be a “person”. 1979 Op. Att'y Gen. No. U79-18 (decided under the former chapter).

Research References & Practice Aids

Administrative rules and regulations.

Disclosure reports, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-3.

Law reviews.

O.C.G.A. § 21-5-3

For article on 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For note on 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-4

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

Those changes will appear on Lexis Advance after the publication of the replacement volumes and supplements. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Session Laws in conjunction with the Official Code of Georgia Annotated.

Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

21-5-4. Georgia Government Transparency and Campaign Finance Commission; membership; officers; quorum; meetings.

(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.

History

Code 1981, § 21-5-4, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 3; [Ga. L. 2005, p. 859, § 3/HB 48](#); [Ga. L. 2006, p. 69, § 1/SB 467](#); [Ga. L. 2010, p. 1173, § 3/SB 17](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the ' Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

JUDICIAL DECISIONS

Editor's notes.

In light of the similarity of the statutory provisions, annotations decided under the former chapter are included in the annotations for this Code section.

Appointment of member by legislature not unconstitutional. —

The mere appointment, by a member of the legislative branch, of a nonlegislator to an executive commission, such as the State Campaign and Financial Disclosure Committee (now State Ethics Commission), is not a simultaneous discharge of duties and functions against which the constitutional doctrine of separation of powers is directed. [Caldwell v. Bateman, 252 Ga. 144, 312 S.E.2d 320, 1984 Ga. LEXIS 640 \(1984\)](#) (decided under the former chapter).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Editor's notes.

In light of the similarity of the statutory provisions, annotations decided under the former chapter are included in the annotations for this Code section.

Reimbursement for food and lodging expenses. —

Members of the commission are not entitled to reimbursement for food and lodging expenses, but only for traveling expenses, i.e., the actual cost of transportation, depending on the type of carrier utilized, while engaged in the business of the commission. 1975 Op. Att'y Gen. No. 75-103 (decided under the former chapter).

Terms. —

Members of the Georgia Government Transparency and Campaign Finance Commission may serve no more than one complete four year term of office, as set by law, and may for a period of less than a complete term hold over in office until one's successor is duly appointed and properly takes office. 2011 Op. Att'y Gen. No. 11-4.

Research References & Practice Aids

Administrative rules and regulations.

Organization, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-1.

Law reviews.

For article on 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-5

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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 State Accounting Office.

History

Code 1981, § 21-5-5, enacted by Ga. L. 1986, p. 957, § 1; [Ga. L. 2005, p. 859, § 4/HB 48](#); [Ga. L. 2010, p. 1173, § 4/SB 17](#); Ga. L. 2022, § 4/SB 120, effective March 2, 2022.

Annotations

Notes

Editor’s notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-6

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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) Except as provided for in subsection (c) of [Code Section 21-5-33](#), 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 campaign contribution disclosure report or personal financial disclosure statement than is expressly required to be reported or disclosed by 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”;

O.C.G.A. § 21-5-6

- (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, including a staff attorney employed by the commission, verified under oath to the best information, knowledge, and belief by the person or staff attorney 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, including a staff attorney employed by the commission, who believes that a violation of this chapter has occurred, verified under oath to the best information, knowledge, and belief by the person or staff attorney 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, through a staff attorney employed by the commission, 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;

O.C.G.A. § 21-5-6

- (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; and
- (24) To issue a warning letter to persons who have not filed any statement or report required by this chapter.

History

Code 1981, § 21-5-6, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, §§ 4, 5; Ga. L. 1992, p. 56, § 1; [Ga. L. 2005, p. 859, § 5/HB 48](#); [Ga. L. 2006, p. 69, § 1/SB 467](#); [Ga. L. 2009, p. 620, § 1/SB 168](#); [Ga. L. 2010, p. 838, § 10/SB 388](#); [Ga. L. 2010, p. 1173, § 5/SB 17](#); [Ga. L. 2011, p. 19, § 1/HB 232](#); [Ga. L. 2011, p. 590, § 1/HB 143](#); [Ga. L. 2013, p. 173, § 1/HB 143](#); [Ga. L. 2013, p. 540, § 1/HB 142](#); Ga. L. 2022, § 5/SB 120, effective March 2, 2022.

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

[Ga. L. 2011, p. 19, § 10/HB 232](#), not codified by the General Assembly, provides: "This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively." This Act became effective March 15, 2011.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: "This act shall be known as and may be cited as the 'Ethics in Government Act of 2021.'"

JUDICIAL DECISIONS

Judicial enforcement of administrative subpoenas. —

In a case in which the Georgia Government Transparency and Campaign Finance Commission initiated a preliminary investigation and issued administrative subpoenas to the appellees, the Commission could seek judicial enforcement of the Commission's administrative subpoenas in accordance with the Georgia Administrative Procedure Act, [O.C.G.A. § 50-13-1](#) et seq., because the subpoenas issued "commanded" and "compelled" the respective appellees to produce various communications and records; and those subpoenas sufficiently "ordered" the respective appellees to produce the requested materials, the alleged noncompliance with which would allow for the Commission to seek enforcement in the superior court. [Ga. Gov't Transparency & Campaign Fin. Comm'n v. New Ga. Project Action Fund](#), 359 Ga. App. 32, 856 S.E.2d 733, 2021 Ga. App. LEXIS 152 (2021).

Commission's finding of reasonable grounds for violation not appealable. —

Candidate had not shown irreparable harm justifying immediate appeal to the superior court under [O.C.G.A. § 50-13-19\(a\)](#) from an interim decision of the Georgia Government Transparency and Campaign Finance Commission because judicial review would be available after the final decision; the charges had been pending over eight years and alleged damage to the candidate's reputation was not irreparable harm. [Oxendine v. Gov't Transparency & Campaign Fin. Comm'n](#), 341 Ga. App. 901, 802 S.E.2d 310, 2017 Ga. App. LEXIS 304 (2017), cert. denied, [No. S17C1925](#), 2017 Ga. LEXIS 1018 (Ga. Dec. 11, 2017).

Attorneys' fees. —

The superior court erred in failing to award attorneys' fees to the commission after the commission prevailed in an enforcement action under the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq. [State Ethics Comm'n v. Long](#), 223 Ga. App. 621, 478 S.E.2d 618, 1996 Ga. App. LEXIS 1189 (1996), cert. denied, [No. S97C0463](#), 1997 Ga. LEXIS 330 (Ga. Mar. 7, 1997).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL**Editor's notes.**

In light of the similarity of the statutory provisions, opinions decided under the former chapter are included in the annotations for this Code section.

Activities constituting "meeting" within meaning of Open Meetings Law. —

The activities conducted in accordance with [O.C.G.A. § 21-5-6\(b\)\(10\)\(A\)](#), including convening a quorum to hear testimony, taking evidence, considering arguments of the parties, deliberating, and imposing penalties, constitute a "meeting" within the meaning of the Open Meetings Law, [O.C.G.A. § 50-14-1](#) et seq. Accordingly, the commission must conduct all of these activities regarding the resolution of a contested case in accordance with the dictates of the Open Meetings Law. 1989 Op. Att'y Gen. No. 89-6.

Recusal motion. —

The commission acting as a body, or through an individual member of the commission, has no express or implied statutory authority to rule on a motion to recuse one of its members; rather, the member against whom the recusal motion is filed must determine, in light of [O.C.G.A. § 45-10-3](#), whether he or she should voluntarily abstain. 1989 Op. Att'y Gen. 89-9.

Commission is not authorized to grant exemptions from reporting and disclosure requirements of chapter.

O.C.G.A. § 21-5-6

1977 Op. Att'y Gen. No. 77-85 (decided under the former chapter).

Investigation of possible retrospective violations. —

The commission was authorized to investigate possible violations of the former chapter whether or not the questioned acts occurred prior to the commission's existence. 1976 Op. Att'y Gen. No. 76-52 (decided under the former chapter).

Two-year misdemeanor statute of limitations inapplicable to investigations. —

Investigative powers of Campaign and Financial Disclosure Commission (now State Ethics Commission) not barred by two-year misdemeanor statute of limitations. 1981 Op. Att'y Gen. No. 81-102 (decided under the former chapter).

Identifying persons not filing timely financial disclosure statements. —

While there is no statutory authority to compel local filing officers to report candidates or public officers who have not timely filed their financial disclosure statements, O.C.G.A. T. 21, Ch. 5 requires the Ethics Commission to identify such persons. 1987 Op. Att'y Gen. No. 87-26.

Who may adjust contribution limits. —

The Georgia Government Transparency and Campaign Finance Commission, and not its staff, is the regulatory body under Georgia law granted the discretionary ability to determine whether and to what extent to adjust contribution limits. There is no express grant of authority by the General Assembly that would permit the delegation of this discretionary duty to Commission staff. Therefore, only the Commission, not the staff, can alter contribution limits pursuant to the discretionary authority granted to the Commission by statute. 2020 Op. Att'y Gen. 20-3.

Research References & Practice Aids

Administrative rules and regulations.

Organization, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-1.

Law reviews.

For article on the 2013 amendment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-7

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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, including a staff attorney employed by the commission, unless that person or staff attorney 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.

History

Code 1981, § 21-5-7, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 6; Ga. L. 2000, p. 1619, § 6; [Ga. L. 2005, p. 859, § 6/HB 48](#); Ga. L. 2022, § 6/SB 120, effective March 2, 2022.

Annotations

Notes

The 2022 amendment, effective March 2, 2022, inserted “, including a staff attorney employed by the commission,” and “or staff attorney” in the first sentence, and deleted the former last sentence, which read: “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.”

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

JUDICIAL DECISIONS

Editor's notes.

In light of the similarity of the statutory provisions, decisions decided under the former chapter are included in the annotations for this Code section.

Unconstitutional to conduct hearing without allowing accused to participate. —

Due process is violated where the commission subpoenas witnesses, holds public hearings at which witnesses are interrogated, and ultimately issues a report, but all the while refusing to allow a request by the alleged violator to participate in the public hearings by cross examining witnesses, making objections, and presenting evidence. [*Caldwell v. Bateman*, 252 Ga. 144, 312 S.E.2d 320, 1984 Ga. LEXIS 640 \(1984\)](#) (decided under former chapter).

Research References & Practice Aids

Law reviews.

For article on 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-7.1

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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.

History

O.C.G.A. § 21-5-7.1

Code 1981, § 21-5-7.1, enacted by [Ga. L. 2005, p. 859, § 7/HB 48](#); [Ga. L. 2010, p. 1173, § 6/SB 17](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the ' Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Research References & Practice Aids

Law reviews.

For article on the 2005 enactment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

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O.C.G.A. § 21-5-8

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

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.

History

Code 1981, § 21-5-8, enacted by Ga. L. 1986, p. 957, § 1.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

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O.C.G.A. § 21-5-9

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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.

History

Code 1981, § 21-5-9, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 7; Ga. L. 1988, p. 603, § 8; Ga. L. 1989, p. 10, § 1; [Ga. L. 2016, p. 173, § 6/SB 199](#).

Annotations

JUDICIAL DECISIONS

Venue. —

When the defendants were indicted under [O.C.G.A. § 21-5-9](#) for failing to file documents with the State Ethics Commission under [O.C.G.A. § 21-5-34](#), venue was in the county where the commission was exclusively located; the place fixed for performance of the required act fixed the situs of the alleged crime. [McKinney v. State, 282 Ga. 230, 647 S.E.2d 44, 2007 Ga. LEXIS 479 \(2007\)](#).

Research References & Practice Aids

Law reviews.

For survey article on local government law, see [60 Mercer L. Rev. 263 \(2008\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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[O.C.G.A. § 21-5-9.1](#)

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21-5-9.1. Prerequisite to seeking election or reelection to General Assembly.

No person who has served or is serving as a member of the General Assembly shall be eligible to qualify to seek election or reelection to the General Assembly until and unless all fines and fees owing to the commission have been paid, all disclosure reports due have been filed, and all outstanding taxes have been paid.

History

Code 2022, § 21-5-9.1, enacted by Ga. L. 2022, § 6A/SB 120, effective March 2, 2022.

Annotations

Notes

Effective date.—

This Code section became effective March 2, 2022.

Editor's notes.—

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

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O.C.G.A. § 21-5-10

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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 theretofore committed.

History

Code 1981, § 21-5-10, enacted by Ga. L. 1987, p. 297, § 8.

Annotations

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-11

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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.

History

Code 1981, § 21-5-11, enacted by Ga. L. 1992, p. 1075, § 3; [*Ga. L. 2010, p. 1173, § 7/SB 17.*](#)

Annotations

Notes

Editor's notes.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Research References & Practice Aids

Law reviews.

For note on the 1992 enactment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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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.

History

Code 1981, § 21-5-12, enacted by Ga. L. 1994, p. 258, § 1; [Ga. L. 2005, p. 859, § 8/HB 48](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Research References & Practice Aids

Law reviews.

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-12

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[O.C.G.A. § 21-5-13](#)

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21-5-13. Limitation of actions.

- (a) Any action alleging a violation of this chapter shall be commenced within three years after the date on which the violation, wrongful action, or omission occurred, unless otherwise provided by subsections (b) or (c) of this Code section.
- (b) Any action alleging a violation involving any person elected to serve for a term of four or more years, but fewer than six years, or involving any candidate for an office with a term of four, but fewer than six years, shall be commenced within five years after the date on which the violation, wrongful action, or omission occurred.
- (c) Any action alleging a violation of this chapter involving any person elected to serve a term of six or more years or involving any candidate for an office with a term of six or more years shall be commenced within seven years after the date on which the violation, wrongful act, or omission occurred.
- (d) 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.

History

Code 1981, § 21-5-13, enacted by [Ga. L. 2005, p. 859, § 9/HB 48](#); [Ga. L. 2006, p. 69, § 1/SB 467](#); [Ga. L. 2010, p. 1173, § 8/SB 17](#); Ga. L. 2022, § 7/SB 120, effective March 2, 2022.

Annotations

Notes

The 2022 amendment, effective March 2, 2022, rewrote this Code section, which formerly read: “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.”

Editor’s notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’ ”

Research References & Practice Aids

Law reviews.

For article on the 2005 enactment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-14

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

21-5-14. E-mail address reporting requirements; exceptions.

(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.

History

Code 1981, § 21-5-14, enacted by [Ga. L. 2010, p. 1173, § 9/SB 17](#); [Ga. L. 2011, p. 19, § 2/HB 232](#).

Annotations

Notes

Editor's notes.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that this Code section applies to all reports filed on and after January 10, 2011.

[Ga. L. 2011, p. 19, § 10/HB 232](#), not codified by the General Assembly, provides: "This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively." This Act became effective March 15, 2011.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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[O.C.G.A. § 21-5-15](#)

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 1 General Provisions (§§ 21-5-1 — 21-5-15)

21-5-15. Notice to local officials regarding certain actions to be given by certified mail or statutory overnight delivery.

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.

History

Code 1981, § 21-5-15, enacted by [Ga. L. 2011, p. 19, § 3/HB 232](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2011, p. 19, § 10/HB 232](#), not codified by the General Assembly, provides: "This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively." This Act became effective March 15, 2011.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-15

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O.C.G.A. Title 21, Ch. 5, Art. 2

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

Article 2 Campaign Contributions

Annotations

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Editor's notes.

In light of the similarity of the statutory provisions, opinions decided under the former chapter are included in the annotations to this article.

Candidates for county education board. —

The members of a county board of education are county officers and candidates for these offices were subject to the requirements of the former chapter. 1975 Op. Att'y Gen. No. 75-129 (decided under former chapter).

Chapter not applicable to legislator's attempt to be elected House speaker pro tem. —

The former chapter did not mention and therefore does not apply to contributions and expenditures made in connection with a legislator's attempt to be elected speaker pro tem of the Georgia House of Representatives. 1976 Op. Att'y Gen. No. 76-100 (decided under former chapter).

Corporate contribution to campaign of incumbent state candidate. —

Nothing in any provision of the former chapter prohibited a corporate contribution to the election or reelection campaign of an incumbent candidate for state office. 1975 Op. Att'y Gen. No. 75-143 (decided under former chapter).

Administration costs of employee participation plan. —

The payment by a corporation of the cost of the administration of an employee participation plan established pursuant to [*11 C.F.R. § 114.11*](#), which is a political giving program, was not subject to the disclosure provisions of the former Campaign and Financial Disclosure Act. 1984 Op. Att'y Gen. No. 84-11 (decided under former chapter).

Candidate should keep records for a minimum period of four years. —

Prudence would seem to dictate that the candidate who in good faith is attempting to comply with all aspects of the former chapter should keep the candidate's records as evidence for a minimum period of four years from the date of the last contribution or expenditure made in connection with the campaign. 1976 Op. Att'y Gen. No. 76-108 (decided under former chapter).

Research References & Practice Aids

Administrative rules and regulations.

Disclosure reports, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-3.

Committees, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-4.

Disposition of contributions, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-5.

Campaign contributions, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-6.

Law reviews.

For annual survey on administrative law, see [66 Mercer L. Rev. 1 \(2014\)](#).

RESEARCH REFERENCES

ALR. —

Constitutionality and construction of statutes respecting political contributions or other political activities by labor organizations, 167 A.L.R. 1465.

Power of corporation to make political contribution or expenditure under state law, [79 A.L.R.3d 491](#).

State regulation of the giving or making of political contributions or expenditures by private individuals, [94 A.L.R.3d 944](#).

Constitutional validity of state or local regulation of contributions by or to political action committees. [24 A.L.R.6th 179](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-30

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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 fundraising event by members of the family, members of the same firm or partnership, or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.

(e) 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 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.

History

Code 1981, § 21-5-30, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 9; Ga. L. 1987, p. 458, § 2; Ga. L. 1988, p. 603, § 1; Ga. L. 1990, p. 922, § 2; Ga. L. 1992, p. 1075, § 4; Ga. L. 1993, p. 1402, § 18; Ga. L. 1994, p. 258, §§ 2, 3; Ga. L. 1996, p. 1092, § 1; [Ga. L. 2005, p. 859, § 10/HB 48](#); [Ga. L. 2006, p. 69, § 1/SB 467](#); [Ga. L. 2010, p. 863, § 3/SB 296](#); [Ga. L. 2010, p. 1173, § 10/SB 17](#); [Ga. L. 2011, p. 569, § 1/SB 160](#); [Ga. L. 2014, p. 9, § 1/SB 297](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

O.C.G.A. § 21-5-30

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘ Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

JUDICIAL DECISIONS

Editor’s notes.

In light of the similarity of the statutory provisions, decisions decided under Ga. L. 1974, p. 155 and the former chapter are included in the annotations for this Code section.

Subsection (e) is not unconstitutional, as it does not take private property without compensation. An anonymous contribution never becomes the property of the candidate or the candidate’s committee. [*Fortson v. Weeks*, 232 Ga. 472, 208 S.E.2d 68, 1974 Ga. LEXIS 987 \(1974\)](#) (decided under provisions of Ga. L. 1974, p. 155 similar to subsection (e) of this Code section).

Liability for failure to report “common source” contributions. —

Candidate charged with failure to report certain “common source” contributions, as defined by [O.C.G.A. § 21-5-30](#), could not be penalized for such failure, even though the candidate knew the contributions were from a common source, where it was the candidate’s campaign treasurer who was unaware of the common source of the contributions and who filed the campaign report as authorized by [O.C.G.A. § 21-5-34\(a\)\(3\)](#). [*State Ethics Comm’r v. Moore*, 214 Ga. App. 236, 447 S.E.2d 687, 1994 Ga. App. LEXIS 847 \(1994\)](#), cert. denied, [No. S94C1821, 1994 Ga. LEXIS 1180 \(Ga. Dec. 2, 1994\)](#).

Attorney improperly held in contempt following delivery of anonymous campaign contribution. —

Attorney who delivered an anonymous campaign contribution on behalf of a client was improperly held in contempt for failing to disclose the client’s name to the State Ethics Commission; the attorney invoked the self-incrimination privilege, and the trial court found the attorney in contempt without first determining whether the Commission’s proposed questions might have been incriminating. [*Begner v. State Ethics Comm’n*, 250 Ga. App. 327, 552 S.E.2d 431, 2001 Ga. App. LEXIS 754 \(2001\)](#).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

General Consideration

Editor’s notes.

In light of the similarity of the statutory provisions, opinions decided under the former chapter and former Code Section 21-5-10 are included in the annotations for this Code section.

Effect of federal legislation. —

The prohibition against for-hire motor carriers regulated by the Public Service Commission from contributing to a political campaign is still applicable despite the partial preemption provisions contained in the Federal Aviation Administration Act of 1994, Pub. L. No. 103-305, § 601. 1996 Op. Att’y Gen. No. 96-1.

Registration at time committee is formed. —

Campaign committees must register with the Secretary of State at the time the committee is formed, regardless of the amount of money to be raised or expended. 1985 Op. Att'y Gen. No. 85-51 (decided under the former chapter).

Dollar amount of state bank contributions not disclosed to state commission. —

Assuming campaign contributions are made by state banks, there is no dollar amount that must be disclosed to the State Campaign and Financial Disclosure Commission (now the State Ethics Commission). 1976 Op. Att'y Gen. No. 76-109 (decided under the former chapter).

Private carriers are not included

within the purview of the Public Service Commission's general supervision, and are not subject to the prohibition against political contributions set forth in [O.C.G.A. § 21-5-30\(f\)](#). 1990 Op. Att'y Gen. No. 90-32.

Public Utility Corporations

Constitutionality. —

Ga. L. 1974, pp. 155-62, as amended by Ga. L. 1975, pp. 1120, 1127 does not unconstitutionally infringe guarantees of freedom of speech and association. 1982 Op. Att'y Gen. No. 82-56 (decided under Ga. L. 1974, pp. 155-62 as amended by Ga. L. 1975, pp. 1120, 1127).

Ga. L. 1974, pp. 155-62, as amended by Ga. L. 1975, pp. 1120, 1127 does not unconstitutionally deny equal protection to common carriers. 1982 Op. Att'y Gen. No. 82-56 (decided under Ga. L. 1974, pp. 155-62 as amended by Ga. L. 1975, pp. 1120, 1127).

The differential treatment between regulated and nonregulated corporations imposed by Ga. L. 1974, pp. 155-62, as amended by Ga. L. 1975, pp. 1120-1127 can be justified on the ground that in granting and protecting the monopolies of public utilities, the state has the duty also to see that the power so granted is not abused and does not even appear to have a corrupting influence on the political process. 1982 Op. Att'y Gen. No. 82-56 (decided under Ga. L. 1974, pp. 155-62 as amended by Ga. L. 1975, pp. 1120, 1127).

“Public utility” and “regulated” defined. —

“Public utility” is a business organization which regularly supplies the public with some commodity or service; “regulated” is defined in former Code 1933, § 93-307 (see now [O.C.G.A. § 46-2-20](#)). 1976 Op. Att'y Gen. No. 76-53.

“Public utility corporation regulated by the Public Service Commission.” —

An electric membership corporation falls within the definition of a “public utility corporation, regulated by the Public Service Commission.” 1985 Op. Att'y Gen. No. U85-35.

“Common carrier of persons or property” is a “public utility”.

1982 Op. Att'y Gen. No. 82-56 (decided under Ga. L. 1974, pp. 155-62 as amended by Ga. L. 1975, pp. 1120, 1127).

Public utility may not provide logistical assistance. —

Public utility corporations regulated by the Public Service Commission are prohibited under the Campaign and Financial Disclosure Act, O.C.G.A. T. 21, Ch. 5, from rendering logistical assistance, including utility-compensated employee services of any kind, to a political campaign. 1983 Op. Att'y Gen. No. 83-1.

Ga. L. 1974, pp. 155-62 as amended by Ga. L. 1975, pp. 1120, 1127 is a strict prohibition

of any person acting on behalf of a regulated utility from making any contribution to any political campaign. 1982 Op. Att'y Gen. No. 82-56 (decided under Ga. L. 1974, pp. 155-62 as amended by Ga. L. 1975, pp. 1120, 1127).

Public utility employee may not provide services to campaign on utility time. —

The value of any services performed by employees of a regulated public utility corporation on behalf of a campaign would constitute prohibited contributions, if those employees are performing such services on company time, while they are on duty, drawing or eligible for their salary or hourly pay. This would include a situation in which a regulated public utility employee collects personal contributions from other employees and forwards those contributions to a political campaign, if this activity is being done on company time. It would also apply to secretarial or any other services performed toward this end. 1983 Op. Att'y Gen. No. 83-1.

Attorneys who represent regulated public utilities

are prohibited from making contributions to political campaigns on behalf of the regulated public utility, but are not prohibited from contributing to political campaigns in their personal capacity. 1986 Op. Att'y Gen. No. U86-34.

Contributions by political action committee funded by employees of utility. —

Former § 21-5-10 did not prohibit political action committees, formed and operated pursuant to the Federal Election Campaign Act of 1971, as amended, and funded by voluntary personal contributions from employees and persons affiliated with public utility corporations regulated by the Public Service Commission, which do not receive any assistance whatsoever from the regulated public utility corporation, from making political contributions to state and local political campaigns in Georgia; however, each situation must be determined on its own factual basis. 1986 Op. Att'y Gen. No. 86-2.

Regulated utility not prohibited from publicizing views on tax referendum. —

Former Code 1933, § 40-3808.2 does not prohibit a public utility regulated by the Public Service Commission from contributing to efforts to publicize views with respect to a referendum on the imposition of a county sales tax. 1979 Op. Att'y Gen. No. 79-54 (decided under former Code 1933, § 40-3808.2).

Research References & Practice Aids

Law reviews.

For article, “Georgia Campaign Finance and Disclosure Law,” see 27 Ga. St. B. J. 175 (1991).

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

RESEARCH REFERENCES**Am. Jur. 2d. —**

26 Am. Jur. 2d, Elections, § 459 et seq.

C.J.S. —

29 C.J.S., Elections §§ 372 et seq., 587 et seq.

ALR. —

Solicitation or receipt of funds by public officer or employee for political campaign expenses or similar purposes as bribery, [55 A.L.R.2d 1137](#).

Constitutional validity of state or local regulation of contributions by or to political action committees, [24 A.L.R.6th 179](#).

Construction and application of Supreme Court's holding in [*Citizens United v. Federal Election Com'n*, 130 S. Ct. 876, 175 L. Ed. 2d 753, 187 L.R.R.M. \(BNA\) 2961, 159 Lab. Cas. \(CCH\) P 10166 \(2010\)](#), that government may not prohibit independent and indirect corporate expenditures on political speech, [65 A.L.R.6th 503](#).

Validity Under First Amendment of State Disclosure or Reporting Requirements of Political Contributions or Expenditures by Private Individuals or Entities, [51 A.L.R.7th 1](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-30.1

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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

O.C.G.A. § 21-5-30.1

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; and

(2) It shall be unlawful for any regulated entity or elected executive officer to require another by coercive action to make any such contribution.

History

Code 1981, § 21-5-30.1, enacted by Ga. L. 1989, p. 784, § 1; Ga. L. 1992, p. 1075, § 4A; [Ga. L. 2009, p. 620, § 2/SB 168](#); [Ga. L. 2011, p. 569, § 2/SB 160](#).

Annotations

JUDICIAL DECISIONS

Section constitutional. —

[O.C.G.A. § 21-5-30.1](#) is not an unconstitutional infringement upon freedom of speech as it is narrowly tailored to meet the legitimate interest of preserving the integrity of the democratic process, nor is it an unconstitutional deprivation of property rights without due process since private citizens may contribute freely in their individual capacities. [Gwinn v. State Ethics Comm'n](#), 262 Ga. 855, 426 S.E.2d 890, 1993 Ga. LEXIS 318 (1993).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Motor clubs providing indemnification services are not regulated entities

for purposes of [O.C.G.A. § 21-5-30.1](#). 1994 Op. Att'y Gen. No. 94-20.

Self-insurers deemed regulated entities.

 —

A company or group which has been issued a certificate of authority to operate a self-insurance program is a regulated entity for purposes of [O.C.G.A. § 21-5-30.1](#). 1994 Op. Att'y Gen. No. 94-20.

Campaign contributions to the Commissioner of Insurance or to a candidate for that office. —

An employee of an “industrial loan licensee” or an “insurer” may contribute to the election campaign of the Commissioner of Insurance or a candidate for the Office of Commissioner of Insurance from the employee’s own personal funds, and such employee may solicit contributions for such campaigns from third-parties and fellow employees as long as no coercion is utilized in making the solicitation. Solicitation by full time lobbyists employed by insurers or licensees may be construed as “contributions” by their employers. 1990 Op. Att’y Gen. No. U90-19.

Secretary of State. —

Corporations which are not otherwise engaged in business activities or professions regulated by the Secretary of State are not regulated entities under [O.C.G.A. § 21-5-30.1](#). 1998 Op. Att’y Gen. No. 98-4.

Examining boards connected to the Secretary of State which issue professional and business licenses are under the jurisdiction of the Secretary of State for purposes of [O.C.G.A. § 21-5-30.1](#). 1998 Op. Att’y Gen. No. 98-4.

Under [O.C.G.A. § 21-5-30.1\(d\)](#), individuals who hold licenses issued by examining boards under the jurisdiction of the Secretary of State are permitted to make campaign contributions from their personal funds to the Secretary of State or a candidate for that office. 1998 Op. Att’y Gen. No. 98-11.

Research References & Practice Aids

Law reviews.

For note the on the 1989 enactment of this Code section, see 6 Ga. St. U. L. Rev. 240 (1989).

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

RESEARCH REFERENCES**ALR. —**

Constitutional validity of state or local regulation of contributions by or to political action committees, [24 A.L.R.6th 179](#).

Construction and application of Supreme Court’s holding in [Citizens United v. Federal Election Com’n, 130 S. Ct. 876, 175 L. Ed. 2d 753, 187 L.R.R.M. \(BNA\) 2961, 159 Lab. Cas. \(CCH\) P 10166 \(2010\)](#), that government may not prohibit independent and indirect corporate expenditures on political speech, [65 A.L.R.6th 503](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-30.2

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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 therefor, 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.

O.C.G.A. § 21-5-30.2

(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 as defined by [Code Section 45-20-2](#);
- (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, that this paragraph shall not be construed to create a right for a political organization to use a public meeting place.

History

Code 1981, § 21-5-30.2, enacted by Ga. L. 1990, p. 368, § 1; Ga. L. 1992, p. 56, § 1; Ga. L. 1994, p. 258, § 4; [Ga. L. 2008, p. 261, § 1/SB 456](#); [Ga. L. 2009, p. 745, § 1/SB 97](#); [Ga. L. 2012, p. 446, § 2-31/HB 642](#).

Annotations

Notes

Editor's notes.

Ga. L. 2012, p. 446, § 3-1/HB 642, not codified by the General Assembly, provides that: "Personnel, equipment, and facilities that were assigned to the State Personnel Administration as of June 30, 2012, shall be transferred to the Department of Administrative Services on the effective date of this Act." This Act became effective July 1, 2012.

Ga. L. 2012, p. 446, § 3-2/HB 642, not codified by the General Assembly, provides that: "Appropriations for functions which are transferred by this Act may be transferred as provided in [Code Section 45-12-90](#)."

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-31

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Official Code of Georgia Annotated > **TITLE 21 Elections (Chs. 1 — 5)** > **CHAPTER 5 Ethics in Government (Arts. 1 — 4)** > **Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)**

21-5-31. Contributions or expenditures other than through candidate or committee; disclosure of extensions of credit.

Reserved. Repealed by [Ga. L. 2005, p. 859, § 11/HB 48](#), effective January 9, 2006.

Annotations

Notes

Editor's notes.

This Code section was based on Code 1981, [§ 21-5-31](#), enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 1431, § 1; Ga. L. 1988, p. 603, § 2; Ga. L. 1989, p. 790, § 1.

Research References & Practice Aids

Law reviews.

For article on the 2005 repeal of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

RESEARCH REFERENCES

ALR. —

Construction and application of Supreme Court's holding in [Citizens United v. Federal Election Com'n, 130 S. Ct. 876, 175 L. Ed. 2d 753, 187 L.R.R.M. \(BNA\) 2961, 159 Lab. Cas. \(CCH\) P 10166 \(2010\)](#), that government may not prohibit independent and indirect corporate expenditures on political speech, [65 A.L.R.6th 503](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-32

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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 account 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:

(1) For a person or a campaign committee campaigning for an elective office with a term of less than four years, shall be preserved for three years from the date of the contribution, expenditure, gift, investment, or loan;

(2) For a person or a campaign committee campaigning for an elective office with a term of four or more years, but fewer than six years, shall be preserved for five years from the date of the contribution, expenditure, gift, investment, or loan;

(3) For a person or a campaign committee campaigning for an elective office with a term of six or more years, shall be preserved for seven years from the date of the contribution, expenditure, gift, investment, or loan; and

(4) For any proposed constitutional amendment, referendum, or local issue or any recall vote, shall be preserved for three years from the date of contribution, expenditure, gift, investment, or loan.

History

Code 1981, § 21-5-32, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 10; Ga. L. 1988, p. 603, § 3; Ga. L. 2022, § 8/SB 120, effective March 2, 2022.

Annotations

Notes

The 2022 amendment, effective March 2, 2022, rewrote subsection (c), which read: “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.”

Editor's notes.—

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-33

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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 donations 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 subject to the prohibitions contained in paragraph (2) of this subsection;

(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;

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

(F) For transfer without limitation to one or more political action committees.

(2) Nothing in this Code section shall permit or authorize a candidate to utilize campaign funds for the purpose of making gifts, loans, or investments directly to:

(A) The candidate;

(B) A member of the candidate's family;

- (C) Any business in which the candidate or a member of the candidate's family has an ownership interest;
- (D) The candidate's trust or a trust of a member of the candidate's family; or
- (E) Any nonprofit organization of which the candidate or a member of the candidate's family is on the payroll or has a controlling interest.

(3) 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.

History

Code 1981, § 21-5-33, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 458, § 3; Ga. L. 1990, p. 1327, § 1; Ga. L. 1992, p. 1075, § 5; Ga. L. 2022, § 9/SB 120, effective March 2, 2022.

Annotations

Notes

The 2022 amendment, effective March 2, 2022, in subparagraph (b)(1)(A), substituted “donations” for “contributions” at the beginning and inserted “subject to the prohibitions contained in paragraph (2) of this subsection” at the end; deleted “or” at the end of subparagraph (b)(1)(D), substituted “; or” for a period at the end of subparagraph (b)(1)(E), and added subparagraph (b)(1)(F); added paragraph (b)(2); and redesignated former paragraph (b)(2) as present paragraph (b)(3).

Editor's notes.

Ga. L. 1990, p. 1327, § 2, not codified by the General Assembly, provides that nothing in that Act shall apply to or affect contributions lawfully converted to the personal use of a candidate or public officer prior to April 11, 1990.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

JUDICIAL DECISIONS

Relationship to bankruptcy. —

When the issue was whether the campaign funds of the debtor, a candidate for public office who filed for Chapter 13 bankruptcy without incorporating the campaign, were the property of the bankruptcy estate, the limitation in [O.C.G.A. § 21-5-33\(c\)](#) that campaign funds shall not constitute personal assets was not a restriction on the transfer of a beneficial interest of the debtor in a trust as required by [11 U.S.C.S. § 541\(c\)\(2\)](#). *In re Chambers*, 451 B.R. 621, 2011 Bankr. LEXIS 1986 (Bankr. N.D. Ga. 2011).

When the issue was whether the campaign funds of the debtor, a candidate for public office who filed for Chapter 13 bankruptcy without incorporating the campaign, were the property of the bankruptcy estate, although [O.C.G.A. § 21-5-33\(a\)-\(c\)](#) restricted use of the campaign funds, the anti-alienation provision in [11 U.S.C.S. § 541\(c\)\(1\)\(A\)](#) prevented the state law from excluding the funds from becoming the property of the estate. *In re Chambers*, 451 B.R. 621, 2011 Bankr. LEXIS 1986 (Bankr. N.D. Ga. 2011).

When the creditor with a general nonpriority unsecured claim for payment for campaign services which the creditor provided to the debtor sought priority status, the Georgia Ethics Act, [O.C.G.A. § 21-5-1](#) et seq., did not provide the creditor with a lien on the campaign funds and, even if Georgia law purported to establish the priority of the claim over others, that state statute would be preempted by the Bankruptcy Code. *Rosetta Stone Communs., LLC v. Gordon (In re Chambers)*, 500 B.R. 221, 2013 Bankr. LEXIS 4484 (Bankr. N.D. Ga. 2013).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Section applicable to campaign committees. —

A campaign committee which is formed for the purpose of accepting contributions for, making contributions to, or making expenditures on behalf of a candidate, is subject to the requirements of [O.C.G.A. § 21-5-33](#) relative to the disposition of excess contributions in the same manner as a candidate’s campaign committee. 1987 Op. Att’y Gen. No. 87-26.

Compensation of secretary for political action committee. —

A secretary who maintains the records of a political action committee may be compensated from committee funds under state law since the provisions of [O.C.G.A. § 21-5-33](#) which limit the distribution of funds received by the candidate and campaign committees would not apply to political action committees and, even assuming that they did, the funds can be utilized to defray ordinary and necessary expenses involved in a campaign. 1987 Op. Att’y Gen. No. 87-18. (But see 1989 Op. Att’y Gen. No. 89-54).

Distribution of campaign contributions for future campaigns. —

Elected officials may distribute campaign contributions in excess of those necessary to defray expenses to a national, state, or local committee of their political party for use in future campaigns, as long as the transfer is not made for the purpose of avoiding the restrictions contained in [O.C.G.A. § 21-5-33](#). 1992 Op. Att’y Gen. No. U92-18.

Use of campaign contributions for political advertising. —

There is no prohibition on the use of campaign contributions for political advertising in publications. 1992 Op. Att’y Gen. No. U92-18.

Campaign contributions and nonprofit organizations. —

Nonprofit organizations may receive those campaign contributions which are in excess of those necessary to defray expenses. 1992 Op. Att’y Gen. No. U92-18.

Research References & Practice Aids

Law reviews.

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

Hierarchy Notes:

[*O.C.G.A. Title 21*](#)

[*O.C.G.A. Title 21, Ch. 5*](#)

[*O.C.G.A. Title 21, Ch. 5, Art. 2*](#)

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O.C.G.A. § 21-5-34

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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 offices 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 fund-raising 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 filed after an election year 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 filed after an election year 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 filed after the election year;

(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 which 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:

(A) Candidates for public office and public officers as defined in subparagraphs (A), (C), and (D) of paragraph (22) of [Code Section 21-5-3](#) shall file on January 31 and June 30.

(B) Candidates for public office and public officers as defined in subparagraphs (B), (F), and (G) of paragraph (22) of [Code Section 21-5-3](#) shall file on June 30 and December 31;

(2) In each election year:

(A) On January 31, April 30, 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 and a December 31 campaign contribution disclosure report regardless of whether the candidate they are supporting has a December 31 campaign contribution disclosure report due. 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.
- (i)
- (1) Any person elected to a public office who is required to file campaign contribution disclosure reports pursuant to this article shall, upon leaving public office with excess contributions, be required to file supplemental campaign contribution disclosure reports on June 30 and December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of [Code Section 21-5-33](#).
 - (2) Any person who is an unsuccessful candidate in an election and who is required to file campaign contribution disclosure reports pursuant to this article shall for the remainder of the election cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of [Code Section 21-5-33](#). Any unsuccessful candidate in an election who is required to file campaign contribution disclosure reports pursuant to this article and who receives contributions following such election to retire debts incurred in such campaign for elective office shall be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such unpaid expenditures from such campaign are satisfied.

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

(k)

(1) In addition to other penalties provided under this chapter, a late fee of \$125.00 shall be imposed 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.

History

Code 1981, § 21-5-34, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 11; Ga. L. 1987, p. 458, §§ 4, 5; Ga. L. 1988, p. 603, §§ 4, 5; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 643, § 1; Ga. L. 1990, p. 922, §§ 3, 4; Ga. L. 1992, p. 1075, § 6; Ga. L. 1994, p. 257, § 1; Ga. L. 1994, p. 258, §§ 5-9; Ga. L. 1996, p. 26, § 1; Ga. L. 2000, p. 1491, § 3; [Ga. L. 2005, p. 859, § 12/HB 48](#); [Ga. L. 2006, p. 69, § 1/SB 467](#); [Ga. L. 2009, p. 620, § 3/SB 168](#); [Ga. L. 2010, p. 9, § 1-47/HB 1055](#); [Ga. L. 2010, p. 1173, § 11/SB 17](#); [Ga. L. 2011, p. 19, § 4/HB 232](#); [Ga. L. 2011, p. 590, § 1/HB 143](#); [Ga. L. 2013, p. 173, § 3/HB 143](#); [Ga. L. 2013, p. 540, § 3/HB 142](#); [Ga. L. 2014, p. 1, § 9/HB 310](#); [Ga. L. 2014, p. 9, § 2/SB 297](#); [Ga. L. 2016, p. 173, § 7/SB 199](#); [Ga. L. 2018, p. 1112, § 21/SB 365](#); [Ga. L. 2019, p. 929, § 1/SB 213](#).

Annotations

Notes

The 2018 amendment, effective May 8, 2018, part of an Act to revise, modernize, and correct the Code, deleted the reservation of former subsection (n).

The 2019 amendment, effective July 1, 2019, in subsection (b), substituted “report filed after an election year” for “report of an election cycle” in divisions (b)(1)(D)(i) and (b)(1)(D)(iii), substituted “report filed after the election year” for “report of the

applicable new election cycle” at the end of division (b)(1)(D)(v), and inserted “which” near the end of subparagraph (b)(1)(F); in subsection (c), substituted a colon for “on January 31 and June 30;” at the end of paragraph (c)(1), added subparagraphs (c)(1)(A) and (c)(1)(B) and substituted “April 30” for “March 31” in subparagraph (c)(2)(A); and, in subsection (e), added “and a December 31 campaign contribution disclosure report regardless of whether the candidate they are supporting has a December 31 campaign contribution disclosure report due” at the end of the second sentence of the introductory language.

Code Commission notes.

The amendment of this Code section by Ga. L. 2010, p. 9, § 1-47, irreconcilably conflicted with and was treated as superseded by Ga. L. 2010, p. 1173, § 11. See [County of Butts v. Strahan, 151 Ga. 417 \(1921\)](#); [Keener v. McDougall, 232 Ga. 273 \(1974\)](#).

Pursuant to [Code Section 28-9-3](#), in 2013, the amendment of subsection (n) of this Code section by Ga. L. 2013, p. 173, § 3, was treated as impliedly repealed and superseded by Ga. L. 2013, p. 540, § 3, due to irreconcilable conflict. See [County of Butts v. Strahan, 151 Ga. 417 \(1921\)](#); [Keener v. McDougall, 232 Ga. 273 \(1974\)](#) and Ga. L. 2013, p. 141, § 54(d)/HB 79.

Pursuant to [Code Section 28-9-5](#), in 2019, “paragraph (22)” was substituted for “paragraph 22” in subparagraphs (c)(1)(A) and (c)(1)(B).

Editor’s notes.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations, that Act became effective May 1, 2000.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part: “This Act shall become effective on January 10, 2011, and shall apply to all reports filed on and after such date; provided, however, that if [Code Section 45-12-92.1](#) as enacted by HB 1055 at the regular session of the 2010 General Assembly does not become law, then the following provisions as enacted by this Act shall not become effective and shall be reserved instead: paragraph (2) of subsection (k) of [Code Section 21-5-34](#); paragraph (2) of subsection (f) of [Code Section 21-5-50](#); division (f)(2)(D)(ii) of [Code Section 21-5-71](#); and division (f)(2)(E)(ii) of [Code Section 21-5-71](#).” HB 1055 became effective May 12, 2010.

[Ga. L. 2011, p. 19, § 10/HB 232](#), provides: “This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.” This Act became effective March 15, 2011.

JUDICIAL DECISIONS

Editor’s notes.

In light of the similarity of the statutory provisions, decisions under Ga. L. 1974, p. 155, are included in the annotations for this Code section.

Disclosure of contributions to political campaigns does not violate the right to a secret ballot. [Fortson v. Weeks, 232 Ga. 472, 208 S.E.2d 68, 1974 Ga. LEXIS 987 \(1974\)](#) (decided under Ga. L. 1974, p. 155).

Liability for failure to report “common source” contributions. —

Candidate charged with failure to report certain “common source” contributions, as defined by [O.C.G.A. § 21-5-30](#), could not be penalized for such failure, even though the candidate knew the contributions were from a common source where it was the candidate’s campaign treasurer who was unaware of the common source of the contributions and who filed the campaign report as authorized by [O.C.G.A. § 21-5-34\(a\)\(3\)](#). *State Ethics Comm'r v. Moore*, 214 Ga. App. 236, 447 S.E.2d 687, 1994 Ga. App. LEXIS 847 (1994), cert. denied, [No. S94C1821](#), 1994 Ga. LEXIS 1180 (Ga. Dec. 2, 1994).

Venue in criminal cases. —

When the defendants were indicted under [O.C.G.A. § 21-5-9](#) for failing to file documents with the State Ethics Commission under [O.C.G.A. § 21-5-34](#), venue was in the county where the commission was exclusively located; the place fixed for performance of the required act fixed the situs of the alleged crime. *McKinney v. State*, 282 Ga. 230, 647 S.E.2d 44, 2007 Ga. LEXIS 479 (2007).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Editor’s notes.

In light of the similarity of the statutory provisions, opinions decided under the former chapter are included in the annotations for this Code section.

Designated organizations to fulfill requirements. —

Disclosure requirements of the former chapter must be fulfilled by the organizations designated in the former provisions. 1975 Op. Att’y Gen. No. 75-53 (decided under former chapter).

Corporation accepting contributions on behalf of candidates

was subject to reporting requirements of the former provisions. 1981 Op. Att’y Gen. No. 81-109 (decided under former chapter).

Incumbent receiving or making campaign contributions during nonelection years. —

The incumbent of a covered office who receives campaign contributions or makes campaign expenditures during nonelection years must report the transactions, both in the incumbent’s supplemental report and in the initial report during the calendar year in which an election for the office the incumbent holds occurs. 1977 Op. Att’y Gen. No. 77-84 (decided under former chapter).

Withdrawal of candidate prior to reporting dates surrounding primary

would not relieve the candidate of compliance with those dates in light of the broad definition of the term “candidate” and the absence of any applicable limiting provision. 1976 Op. Att’y Gen. No. 76-22 (decided under former chapter).

Reports can be omitted only where the candidate has no opposition

either in the primary or in the general election. 1976 Op. Att’y Gen. No. 76-22 (decided under former chapter).

Reports before and after primary apply to all candidates. —

The General Assembly intended for the 45, 15 and ten-day reports before and after the primary to apply to all candidates, regardless of the methods they employ in the seeking of political office. 1976 Op. Att’y Gen. No. 76-22 (decided under former chapter).

General election filing date applies only to general election candidates. —

The filing dates which the former chapter specified for campaign financing disclosure reports are of general applicability and are ordinarily not affected by the method or procedures used by a “candidate” to seek office, but the “15 days prior to the general election” filing date applies only to those candidates in the general election campaign. 1976 Op. Att’y Gen. No. 76-22 (decided under former chapter).

Reporting dates enforceable against write-in candidate. —

While a write-in candidate who has in fact filed a notice of intention of candidacy prior to any of the fiscal disclosure report filing dates surrounding the primary must comply with those report requirements occurring after the individual has become a candidate, and while an individual who intends to subsequently become a write-in candidate should file such reports, the practical consequence is probably that only those reporting dates fixed with respect to the general election can be enforced against a write-in candidate. 1976 Op. Att’y Gen. No. 76-22 (decided under former chapter).

Filing of supplemental disclosure report. —

Person elected to covered office must file supplemental disclosure report on or before December 31 of each year during the person’s term of office, provided that a contribution or expenditure was received or made during the year which is covered. 1977 Op. Att’y Gen. No. 77-10 (decided under former chapter).

Fee for filing of campaign financing disclosure reports. —

Former Code 1933, § 24-1716 (see now [O.C.G.A. § 15-9-60](#)), in authorizing the probate judge to charge a fee for the filing of any “application, petition, or case” where no costs are prescribed, did not authorize charging this fee for the filing of campaign financing disclosure reports by candidates for county office. 1980 Op. Att’y Gen. No. U80-29 (decided under former chapter).

Individual disclosure reports not required. —

Although [O.C.G.A. § 21-5-34](#) requires a campaign committee formed for the purpose of opposing a local option sales tax referendum to file a campaign contribution disclosure report, the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq., does not compel each contributor to such a committee to file a separate disclosure report. 1994 Op. Att’y Gen. No. U94-2.

Research References & Practice Aids

Cross references.

District supervisors; election procedure for elected supervisors, [§ 2-6-30](#).

Law reviews.

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article on the 2013 amendment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

For article on the 2014 amendment of this Code section, see [31 Ga. St. U. L. Rev. 93 \(2014\)](#).

For article on the 2019 amendment of this Code section, see [36 Ga. St. U.L. Rev. 123 \(2019\)](#).

RESEARCH REFERENCES

C.J.S. —

29 C.J.S., Elections, § 597.

ALR. —

Constitutionality, construction, and application of statute or regulatory action respecting political advertising — print media cases, [51 A.L.R.6th 359](#).

Constitutionality, construction, and application of statute or regulatory activity respecting political advertising nonprint media cases, or cases implicating both print and nonprint media, [53 A.L.R.6th 491](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

Official Code of Georgia Annotated

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End of Document

O.C.G.A. § 21-5-34.1

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

Those changes will appear on Lexis Advance after the publication of the replacement volumes and supplements. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Session Laws in conjunction with the Official Code of Georgia Annotated.

Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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.

History

Code 1981, § 21-5-34.1, enacted by Ga. L. 2000, p. 1491, § 3; [Ga. L. 2005, p. 859, § 13/HB 48](#); [Ga. L. 2009, p. 620, § 4/SB 168](#); [Ga. L. 2010, p. 1173, § 12/SB 17](#); [Ga. L. 2011, p. 19, § 5/HB 232](#); [Ga. L. 2013, p. 173, § 4/HB 143](#).

Annotations

Notes

Editor's notes.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations, that Act became effective May 1, 2000.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

O.C.G.A. § 21-5-34.1

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

[*Ga. L. 2011, p. 19, § 10/SB 232*](#), not codified by the General Assembly, provides: “This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.” This Act became effective March 15, 2011.

Research References & Practice Aids

Law reviews.

For article on the 2005 amendment of this Code section, see [*22 Ga. St. U. L. Rev. 119 \(2005\)*](#).

Hierarchy Notes:

[*O.C.G.A. Title 21*](#)

[*O.C.G.A. Title 21, Ch. 5*](#)

[*O.C.G.A. Title 21, Ch. 5, Art. 2*](#)

Official Code of Georgia Annotated

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O.C.G.A. § 21-5-34.2

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

21-5-34.2. Leadership committee defined; operation; separate from campaign committees.

(a) As used in this Code section, the term “leadership committee” means a committee, corporation, or organization chaired by the Governor, the Lieutenant Governor, the nominee of a political party for Governor selected in a primary election in the year in which he or she is nominated, or the nominee of a political party for Lieutenant Governor selected in a primary election in the year in which he or she is nominated. Such term shall also mean up to two political action committees designated by the majority caucus of the House of Representatives, the minority caucus of the House of Representatives, the majority caucus of the Senate, and the minority caucus of the Senate. No person may chair more than one leadership committee.

(b) A leadership committee may receive contributions from persons who are members or supporters of the leadership committee and expend such funds as permitted by this Code section.

(c) If a person chairing a leadership committee ceases to hold the office or the status as a nominee of a political party as described in subsection (a) of this Code section, such person shall transfer the remaining assets of the leadership committee, if any, to another leadership committee within 60 days, name an eligible person as the new chairperson of the leadership committee within 60 days, or dispose of the leadership committee’s assets as provided by [Code Section 21-5-33](#).

(d) A leadership committee may accept contributions or make expenditures for the purpose of affecting the outcome of any election or advocating for the election or defeat of any candidate, may defray ordinary and necessary expenses incurred in connection with any candidate’s campaign for elective office, and may defray ordinary and necessary expenses incurred in connection with a public officer’s fulfillment or retention of such office.

(e) A leadership committee which accepts contributions or makes expenditures in excess of \$500.00 shall register with the commission within ten days of such accepted contribution or such expenditure and, thereafter, shall file disclosure reports pursuant to the schedule defined for candidates and campaign committees in subsection (c) of [Code Section 21-5-34](#). Such disclosure reports shall be made pursuant to subsection (b) of [Code Section 21-5-34](#). The contribution limits in [Code Section 21-5-41](#) shall not apply to contributions to a leadership committee or expenditures made by a leadership committee in support of a candidate or a group of named candidates. All communications paid for by expenditures of the leadership committee shall contain a disclaimer, either audibly or in writing, that the communication is paid for by the leadership committee, unless such disclaimer is impractical.

(f) A leadership committee shall be a separate legal entity from a candidate’s campaign committee and shall not be considered an independent committee.

History

O.C.G.A. § 21-5-34.2

Code 1981, § 21-5-34.2, enacted by [Ga. L. 2021, p. 467, § 1/SB 221](#).

Annotations

Notes

Effective date. —

This Code section became effective July 1, 2021.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-35

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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.

History

Code 1981, § 21-5-35, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1990, p. 922, § 5; Ga. L. 1994, p. 258, § 10; [Ga. L. 2005, p. 859, § 14/HB 48](#); [Ga. L. 2013, p. 173, § 5/HB 143](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

JUDICIAL DECISIONS

Preempted by federal law. —

As applied to candidates for federal office, [O.C.G.A. § 21-5-35](#) is preempted by the Federal Election Campaign Act, [2 U.S.C.S. § 431](#) et seq. *Teper v. Miller*, 82 F.3d 989, 1996 U.S. App. LEXIS 9280 (11th Cir. 1996).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Soliciting pledges should be avoided. —

While the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq., does not expressly prohibit an incumbent member of the General Assembly from soliciting a pledge or setting goals for contributions during a legislative session, such actions would clearly be contrary to the policies and purposes of the Act and should be avoided. 1995 Op. Att’y Gen. No. U95-27.

Research References & Practice Aids

Law reviews.

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article, “Elections: Elections and Primaries Through the Pandemic,” see [37 Ga. St. U.L. Rev. 241 \(2020\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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O.C.G.A. § 21-5-36

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2 Campaign Contributions (§§ 21-5-30 — 21-5-36)

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.

History

Code 1981, § 21-5-36, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 12; [Ga. L. 2010, p. 1173, § 13/SB 17](#).

Annotations

Notes

Editor's notes.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Identifying persons not filing timely financial disclosure statements. —

While there is no statutory authority to compel the local filing officers to report candidates or public officers who have not timely filed their financial disclosure statements, O.C.G.A. T. 21, Ch. 5 requires the Ethics Commission to identify such persons. 1987 Op. Att'y Gen. No. 87-26.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 2](#)

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[O.C.G.A. § 21-5-40](#)

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2A Contributions to Candidates for Public Office (§§ 21-5-40 — 21-5-45)

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.

History

Code 1981, § 21-5-40, enacted by Ga. L. 1990, p. 922, § 6; Ga. L. 1992, p. 1075, § 7; Ga. L. 1994, p. 258, § 11; Ga. L. 1998, p. 295, § 3; Ga. L. 2000, p. 1491, § 4; Ga. L. 2001, p. 20, § 1; [Ga. L. 2005, p. 859, § 15/HB 48](#); [Ga. L. 2010, p. 1173, § 14/SB 17](#).

Annotations

Notes

Editor's notes.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations, that Act became effective May 1, 2000.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the ' Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Labor union as "political committee." —

For purposes of determining the maximum amount of contributions permitted to an individual candidate for office under [O.C.G.A. § 21-5-43](#), a labor union is a "political committee" pursuant to [O.C.G.A. § 21-5-40\(6\)](#). 1994 Op. Att'y Gen. No. 94-16.

Research References & Practice Aids

Law reviews.

For article, "Georgia Campaign Finance and Disclosure Law," see 27 Ga. St. B. J. 175 (1991).

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

RESEARCH REFERENCES

Am. Jur. 2d. —

26 Am. Jur. 2d, Elections, § 459 et seq.

C.J.S. —

29 C.J.S., Elections §§ 372 et seq., 587 et seq.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-41

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2A Contributions to Candidates for Public Office (§§ 21-5-40 — 21-5-45)

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 each gubernatorial election cycle, the contribution limitations in this Code section shall be raised or lowered in increments of \$100.00 by order of the commission pursuant to a consideration 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.

History

Code 1981, § 21-5-41, enacted by Ga. L. 1990, p. 922, § 6; Ga. L. 1992, p. 1075, § 8; Ga. L. 1994, p. 258, § 11; Ga. L. 1995, p. 8, § 1; Ga. L. 2000, p. 1491, § 4; [Ga. L. 2005, p. 859, § 16/HB 48](#); [Ga. L. 2010, p. 1173, § 15/SB 17](#); Ga. L. 2022, § 10/SB 120, effective March 2, 2022.

Annotations

Notes

The 2022 amendment, effective March 2, 2022, rewrote the first sentence of subsection (k), which read: “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.”

Editor's notes.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations, that Act became effective May 1, 2000.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘ Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

JUDICIAL DECISIONS

Commission decision finding reasonable grounds for violation not immediately appealable. —

Candidate had not shown irreparable harm justifying immediate appeal to a superior court under [O.C.G.A. § 50-13-19\(a\)](#) from an interim decision of the Georgia Government Transparency and Campaign Finance Commission because judicial review would be available after the final decision; the charges had been pending over eight years and alleged damage to the candidate’s reputation was not irreparable harm. [Oxendine v. Gov’t Transparency & Campaign Fin. Comm’n, 341 Ga. App. 901, 802 S.E.2d 310, 2017 Ga. App. LEXIS 304 \(2017\)](#), cert. denied, [No. S17C1925, 2017 Ga. LEXIS 1018 \(Ga. Dec. 11, 2017\)](#).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Campaign contributions prior to January 1, 2001,

under the election year/non-election year format should not be counted against the new election cycle contribution limits set forth in the revised version of the statute which became effective on that date. 2001 Op. Att’y Gen. No. 2001-4.

Term “immediate family”

in the campaign contributions portion of the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq., refers to a candidate’s spouse and children. 1995 Op. Att’y Gen. No. 95-42.

Loan made to candidate in ordinary course of business. —

A loan made to a candidate for public office, which is made in the ordinary course of business and not for the purpose of influencing the nomination or election of the candidate, is not subject to the monetary limitations on contributions contained in the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq.; any other type of loan, including one guaranteed by individuals other than the candidate, would be subject to that Act’s limitation on contributions. 1992 Op. Att’y Gen. No. 92-26 (Subsection (c) codifies the conclusion and broadens the dollar limit exclusion to include contributions from candidate’s family).

Adjustment of contribution limits. —

O.C.G.A. § 21-5-41

Georgia Government Transparency and Campaign Finance Commission's existing rule that requires the contribution limits be adjusted every calendar year is in line with the requirement of contribution limits being adjusted "at the end of the election cycle," under [O.C.G.A. § 21-5-41\(k\)](#), since some election cycles end every calendar year. 2020 Op. Att'y Gen. 20-3.

While the Georgia Government Transparency and Campaign Finance Commission's rule permits the revisiting of setting contribution limits if the Commission fails to timely adjust the contribution limits at its first regularly scheduled meeting of the year, the language of the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq., does not allow the Commission to revisit an affirmative vote that raises, lowers, or rejects an adjustment to contribution limits. Such an affirmative vote of the Commission locks the adjusted contribution limits into place for the duration of that election cycle. 2020 Op. Att'y Gen. 20-3.

When adjustments should occur. —

Adjustment of a contribution limit should occur as close as practically possible to the end of an election cycle or every four years to avoid changes to limits during any subsequent election cycle. 2020 Op. Att'y Gen. 20-3.

Who may adjust contribution limits. —

The Georgia Government Transparency and Campaign Finance Commission, and not its staff, is the regulatory body under Georgia law granted the discretionary ability to determine whether and to what extent to adjust contribution limits. There is no express grant of authority by the General Assembly that would permit the delegation of this discretionary duty to Commission staff. Therefore, only the Commission, not the staff, can alter contribution limits pursuant to the discretionary authority granted to the Commission by statute. 2020 Op. Att'y Gen. 20-3.

Frequency of setting contribution limits. —

For an office with a four-year term, a candidate may appear on the ballot several times during that period. The limits applicable to the primary, primary run-off, general, and general run-off, which will each occur at most once during that four year period, will be the limits set by the Commission at the conclusion of the last election cycle concluding with a general election or, if applicable, the general election run-off. Any special election, special election run-off, and recall election shall be governed by the contribution limits set once every four years by the Commission for all offices as to those types of elections. 2020 Op. Att'y Gen. 20-3.

Research References & Practice Aids

Administrative rules and regulations.

Adjustment of contribution limits based upon inflation, Official Compilation of the Rules and Regulations of the State of Georgia, Georgia Government Transparency and Campaign Finance Commission, Organization, Sec. 189-1-.07.

Disclosure reports, Official Compilation of the Rules and Regulations of the State of Georgia, State Ethics Commission, Chapter 189-3.

Law reviews.

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article, "An Intersection of Laws: Citizens United v. FEC: Rational Coercion: Citizens United and a Modern Day Prisoner's Dilemma," see [27 Ga. St. U. L. Rev. 1105 \(2011\)](#).

For annual survey on administrative law, see [70 Mercer L. Rev. 1 \(2018\)](#).

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

For comment, “Awakening a Slumbering Giant: Georgia’s Judicial Selection System After *White* and *Weaver*,” see [56 Mercer L. Rev. 1035 \(2005\)](#).

RESEARCH REFERENCES

ALR. —

Construction and application of Supreme Court’s holding in [Citizens United v. Federal Election Com’n, 130 S. Ct. 876, 175 L. Ed. 2d 753, 187 L.R.R.M. \(BNA\) 2961, 159 Lab. Cas. \(CCH\) P 10166 \(2010\)](#), that government may not prohibit independent and indirect corporate expenditures on political speech, [65 A.L.R.6th 503](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

Official Code of Georgia Annotated

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O.C.G.A. § 21-5-42

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2A Contributions to Candidates for Public Office (§§ 21-5-40 — 21-5-45)

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.

History

Code 1981, § 21-5-44, enacted by Ga. L. 1990, p. 922, § 6; Ga. L. 1992, p. 1075, § 12; Ga. L. 1994, p. 258, § 11; Code Section 21-5-42, as redesignated by Ga. L. 2000, p. 1491, § 4.

Annotations

Notes

Editor's notes.

O.C.G.A. § 21-5-42

Ga. L. 2000, p. 1491, § 4, effective January 1, 2001, redesignated the provisions of former Code Section 21-5-44 as this Code section. Former Code Section 21-5-42, concerning the maximum allowable contribution by corporations, was based on Code 1981, [§ 21-5-42](#), enacted by Ga. L. 1990, p. 922, § 6, Ga. L. 1992, p. 1075, § 9, Ga. L. 1994, p. 258, § 11.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations that Act became effective May 1, 2000.

Research References & Practice Aids

Law reviews.

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-43

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2A Contributions to Candidates for Public Office (§§ 21-5-40 — 21-5-45)

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 an election in which the candidate does appear on the ballot 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, any remaining contributions may be used only as provided in [Code Section 21-5-33](#).

(d) Contributions accepted and separately accounted for in an election in which the candidate does not appear on the ballot, 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) For purposes of separate accounting, a candidate shall be deemed to have advanced to the next election in the election cycle upon the official certification of the election result by the Secretary of State, or upon the concession of the candidate’s election opponents, or upon receiving a preliminary consolidated election return of 50 percent plus one for advancement to a general election, or upon receiving a preliminary consolidated election return of 50 percent or less for a runoff election and placing in one of the two spots that will advance to the runoff election, whichever event shall first occur. In the event that the official certification of the election result by the Secretary of State differs from or

is in conflict with a preliminary consolidated election return for advancement to a general or runoff election, the official certification of the election result by the Secretary of State shall control for purposes of this Code section.

(f) 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.”

History

Code 1981, § 21-5-43, enacted by Ga. L. 1990, p. 922, § 6; Ga. L. 1992, p. 1075, § 10; Ga. L. 1994, p. 258, § 11; Ga. L. 2000, p. 1491, § 4; [Ga. L. 2005, p. 859, § 17/HB 48](#); Ga. L. 2022, § 11/SB 120, effective March 2, 2022.

Annotations

Notes

The 2022 amendment, effective March 2, 2022, in subsection (c), substituted “the date of an election in which the candidate does appear on the ballot may” for “the date of the election may” in the first sentence, and substituted “any remaining contribution” for “such contributions” in the second sentence; in subsection (d), substituted “election in which the candidate does not appear on the ballot” for “election which does not occur or for which the candidate does not qualify” in the first sentence; added present subsection (e) and redesignated former subsection (e) as present subsection (f).

Editor’s notes.

Ga. L. 2000, p. 1491, § 5, not codified by the General Assembly, provides for severability.

Ga. L. 2000, p. 1491, § 6, not codified by the General Assembly, provides that for purposes of issuing rules and regulations, that Act became effective May 1, 2000.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’”

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Applicability to labor organizations. —

[O.C.G.A. § 21-5-43](#) limits local labor unions which are “established, financed, maintained, or controlled” by the same labor organization to making contributions for any one candidate not to exceed the total aggregate maximum contribution provided for in that Code section; whether any such local unions are deemed to be so affiliated with one labor organization is a question to be determined on a case by case basis. 1994 Op. Att’y Gen. No. 94-16.

Monetary contributions. —

A candidate for public office may receive monetary campaign contributions for an election, and throughout each of the applicable elections for that particular public office’s cycle, whichever elections actually occur and for which the candidate is

actually on the ballot. An individual may only contribute up to the maximum contribution limit to that candidate for that particular election. 2020 Op. Att'y Gen. 20-3.

Research References & Practice Aids

Law reviews.

For note on the 1992 amendment of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-43.1

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2A Contributions to Candidates for Public Office (§§ 21-5-40 — 21-5-45)

21-5-43.1. Maximum allowable contribution by political parties.

Repealed by Ga. L. 2000, p. 1491, § 4, effective January 1, 2001.

Annotations

Notes

Editor's notes.

This Code section was based on Code 1981, [§ 21-5-43.1](#), enacted by Ga. L. 1992, p. 1075, § 11; Ga. L. 1994, p. 258, § 11.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-44

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 2A Contributions to Candidates for Public Office (§§ 21-5-40 — 21-5-45)

21-5-44. Contribution to campaign committee deemed contribution to candidate; rules for construction.

Annotations

Notes

Editor's notes.

Ga. L. 2000, p. 1491, § 4, effective January 1, 2001, redesignated the former provisions of this Code section as [Code Section 21-5-42](#).

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-45

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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21-5-45. Limitations on contributions apply separately to each election.

Repealed by Ga. L. 1994, p. 258, § 11, effective March 25, 1994.

Annotations

Notes

Editor's notes.

This Code section was based on Code 1981, [Code Section 21-5-45](#), enacted by Ga. L. 1990, p. 922, § 6; Ga. L. 1992, p. 1075, § 13.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

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O.C.G.A. § 21-5-50

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 3 Financial Disclosure Statements (§§ 21-5-50 — 21-5-53)

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; provided, however, that if a public officer as defined in subparagraph (E) of paragraph (22) of [Code Section 21-5-3](#) has previously filed a financial disclosure statement with the commission pursuant to paragraph (2) of subsection (a) of [Code Section 21-5-50](#), and said financial disclosure statement covers the same calendar year as would be covered by the affidavit required by this Code section, the public officer shall be exempted from filing an affidavit.

(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 and candidates for election as 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 and candidates for election as a public officer except that filings under this paragraph shall be made with the election superintendent of the county in the case of public officers and candidates for election as a public officer 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 or candidate for election as a public officer as having filed late or failed to file, shall be imposed by the commission on the public officer or candidate for election as a 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 preceding five calendar years:

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

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

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

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

(3.1) The financial disclosure statement required by paragraph (1) of this subsection shall include the source or sources of the candidate's income for the five calendar years 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 made 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) 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 shall not be required to file personal financial disclosure statements under this Code section.

History

Code 1981, § 21-5-50, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, §§ 13, 14; Ga. L. 1988, p. 603, § 6; Ga. L. 1989, p. 10, § 1; Ga. L. 1990, p. 922, §§ 7, 8; Ga. L. 1992, p. 56, § 1; Ga. L. 1992, p. 1075, §§ 14, 15; Ga. L. 1993, p. 118, § 1; Ga. L. 1994, p. 258, § 12; [Ga. L. 2005, p. 859, § 18/HB 48](#); [Ga. L. 2009, p. 620, § 5/SB 168](#); [Ga. L. 2010, p. 9, § 1-48/HB 1055](#);

[Ga. L. 2010, p. 1173, § 16/SB 17](#); [Ga. L. 2011, p. 19, § 6/HB 232](#); [Ga. L. 2013, p. 173, § 6/HB 143](#); [Ga. L. 2013, p. 540, § 4/HB 142](#); [Ga. L. 2016, p. 173, § 8/SB 199](#); [Ga. L. 2020, p. 493, § 21/SB 429](#); Ga. L. 2022, § 12/SB 120, effective March 2, 2022.

Annotations

Notes

The 2020 amendment, effective July 29, 2020, part of an Act to revise, modernize, and correct this title, deleted subsection (g) which was formerly designated as reserved.

The 2022 amendment, effective March 2, 2022, in subsection (a), added the proviso at the end of paragraph (a)(2), and, in paragraph (a)(3), inserted “and candidates for election as a public officer” in three places in the first sentence and inserted “or candidate for election as a public officer” twice in the third sentence; in subsection (c), substituted “the five calendar years prior” for “the calendar year prior” in paragraph (c)(3) and added paragraph (c)(3.1); and added subsection (g).

Code Commission notes.

The amendment of this Code section by Ga. L. 2010, p. 9, § 1-48/HB 1055, irreconcilably conflicted with and was treated as superseded by Ga. L. 2010, p. 1173, § 16/SB 17. See [County of Butts v. Strahan, 151 Ga. 417 \(1921\)](#); [Keener v. McDougall, 232 Ga. 273 \(1974\)](#).

Pursuant to [Code Section 28-9-3](#), in 2013, the amendment of subsection (g) of this Code section by [Ga. L. 2013, p. 173, § 6/HB 143](#), was treated as impliedly repealed and superseded by [Ga. L. 2013, p. 540, § 4/HB 142](#), due to irreconcilable conflict. See [County of Butts v. Strahan, 151 Ga. 417 \(1921\)](#); [Keener v. McDougall, 232 Ga. 273 \(1974\)](#) and Ga. L. 2013, p. 141, § 54(d)/HB 79.

Editor’s notes.

Ga. L. 1993, p. 118, § 1 which amended this Code section, contained an incorrect reference to [Code Section 21-2-50](#). The correct reference was to [Code Section 21-5-50](#) (this Code section).

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part: “This Act shall become effective on January 10, 2011, and shall apply to all reports filed on and after such date; provided, however, that if [Code Section 45-12-92.1](#) as enacted by HB 1055 at the regular session of the 2010 General Assembly does not become law, then the following provisions as enacted by this Act shall not become effective and shall be reserved instead: paragraph (2) of subsection (k) of [Code Section 21-5-34](#); paragraph (2) of subsection (f) of [Code Section 21-5-50](#); division (f)(2)(D)(ii) of [Code Section 21-5-71](#); and division (f)(2)(E)(ii) of [Code Section 21-5-71](#).” HB 1055 became effective May 12, 2010.

[Ga. L. 2011, p. 19, § 10/HB 232](#), not codified by the General Assembly, provides: “This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.” This Act became effective March 15, 2011.

Ga. L. 2022, p. SB120, { 12/SB 120, purported to amend subsection (g) but actually enacted a new subsection (g).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Editor's notes.

In light of the similarity of the statutory provisions, opinions decided under the former chapter are included in the annotations for this Code section.

Provisions applicable to candidates not contributors. —

The provisions of former § 21-5-5.1 applied only to candidates for state-wide office and did not apply to persons who accept contributions for, make contributions to, or make expenditures on behalf of candidates. 1985 Op. Att'y Gen. No. 85-61 (opinion decided under provisions of former Code Section 21-5-5.1 similar to this Code section).

Filing required of public officers seeking reelection. —

A public officer who is seeking reelection, and who has already filed an annual public officer financial disclosure statement, is required to complete the two sections of the form pertaining solely to public officers at the time that the officer intends to qualify for reelection. 1987 Op. Att'y Gen. No. 87-26.

Officers require to file disclosure reports. —

Executive directors and members of state examining boards, as well as other public officers defined in [O.C.G.A. § 21-5-3\(15\)](#), must file financial disclosure reports required under the Financial Disclosure Act, O.C.G.A. T. 21, Ch. 5. 1997 Op. Att'y Gen. No. 97-18.

Identifying persons not filing timely financial disclosure statements. —

For duty, prior to 1988 amendment to [O.C.G.A. § 21-5-53](#), to identify candidates or public officers who have not timely filed their financial disclosure statements, see 1987 Op. Att'y Gen. No. 87-26.

Disclosure of direct ownership by candidate or public officer. —

[O.C.G.A. § 21-5-50\(b\)\(3\)](#), as amended in 1988, does not require the disclosure of the amount of direct ownership a candidate or public officer owns in a business entity. 1988 Op. Att'y Gen. No. 88-22.

Disclosure of a public officer's direct ownership interest in real property

is required pursuant to [O.C.G.A. § 21-5-50\(b\)\(4\)](#) if the net fair market value of the interest exceeds \$20,000.00 as of December 31 of a covered year. 2000 Op. Atty. Gen. No. U2000-10.

Interest in corporately owned real estate. —

A public officer or candidate, who owns more than 10% or \$20,000 interest in a corporation, must disclose an interest in corporately owned real estate only if the officer has a legally enforceable right to use the land for personal enjoyment or profit and the officer's interest therein has a fair market value of more than \$20,000. 1998 Op. Att'y Gen. No. 98-7.

Candidates for election to state-wide judicial office

are not required to file the expanded financial disclosure forms outlined in [O.C.G.A. § 21-5-50\(c\)](#). 1996 Op. Att'y Gen. No. 96-9.

O.C.G.A. § 45-10-25 must be construed in tandem with O.C.G.A. § 21-5-50(b)(5)

O.C.G.A. § 21-5-50

and because salary, expense reimbursements, and per diem payments are not payments which are authorized and exempted from disclosure under [§ 45-10-25](#), paragraph (b)(5) does not require that these payments be included on the financial disclosure statement filed pursuant to [§ 21-5-50\(a\)](#). 1989 Op. Att'y Gen. No. 89-23.

Use of a “blind trust”

does not limit the information required to be disclosed in a public officer’s financial disclosure statement; individual assets and interests held in a “blind trust” must be disclosed to the extent they are otherwise subject to provisions of the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq. 2000 Op. Att’y Gen. No. 2000-6.

Private Colleges and Universities Authority

is not a “state authority” for purposes of the Ethics in Government Act, [O.C.G.A. § 21-5-1](#) et seq., and, therefore, its members need not file the disclosure forms required by [O.C.G.A. § 21-5-50](#). 1999 Op. Att'y Gen. No. 99-5.

Research References & Practice Aids

Law reviews.

For article, “Georgia Campaign Finance and Disclosure Law,” see 27 Ga. St. B. J. 175 (1991).

For note on the 1992 amendments of this Code section, see 9 Ga. St. U. L. Rev. 247 (1992).

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article on the 2013 amendment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. § 21-5-51

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 3 Financial Disclosure Statements (§§ 21-5-50 — 21-5-53)

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.

History

Code 1981, § 21-5-51, enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 15; [Ga. L. 2009, p. 620, § 6/SB 168](#); [Ga. L. 2010, p. 1173, § 17/SB 17](#).

Annotations

Notes

Editor's notes.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.'"

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 3 Financial Disclosure Statements (§§ 21-5-50 — 21-5-53)

21-5-52. Filing by mail.

Repealed by Ga. L. 2010, p. 1173, § 18/SB 17, effective January 10, 2011.

Annotations

Notes

Editor's notes.

This Code section was based on Code 1981, [§ 21-5-52](#), enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 16; [Ga. L. 2005, p. 859, § 19/HB 48](#); [Ga. L. 2009, p. 620, § 6/SB 168](#).

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the repeal of this Code section applies to all reports filed on and after January 10, 2011.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

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O.C.G.A. § 21-5-53

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21-5-53. Public record.

Repealed by Ga. L. 2010, p. 1173, § 19/SB 17, effective January 10, 2011.

Annotations

Notes

Editor's notes.

This Code section was based on Code 1981, [§ 21-5-53](#), enacted by Ga. L. 1986, p. 957, § 1; Ga. L. 1987, p. 297, § 17; Ga. L. 1988, p. 603, § 7.

Research References & Practice Aids

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

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O.C.G.A. Title 21, Ch. 5, Art. 4

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > *TITLE 21 Elections (Chs. 1 — 5)* > *CHAPTER 5 Ethics in Government (Arts. 1 — 4)* > *Article 4 Public Officials’ Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)*

Article 4 Public Officials’ Conduct and Lobbyist Disclosure

Annotations

Research References & Practice Aids

Law reviews.

For article, “Lobbying in the Shadows: Religious Interest Groups in the Legislative Process,” see [*64 Emory L.J. 1041 \(2015\)*](#).

Hierarchy Notes:

[*O.C.G.A. Title 21*](#)

[*O.C.G.A. Title 21, Ch. 5*](#)

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O.C.G.A. § 21-5-70

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials’ Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

21-5-70. Definitions.

As used in this article, the term:

(1) “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.

(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.

(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 or 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 an amount or value of \$75.00 per person.

(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;

O.C.G.A. § 21-5-70

(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.

History

Code 1981, § 21-5-70, enacted by Ga. L. 1992, p. 1075, § 16; Ga. L. 1994, p. 258, § 13; Ga. L. 1994, p. 277, § 1; Ga. L. 1996, p. 26, § 1; [Ga. L. 2005, p. 859, § 20/HB 48](#); [Ga. L. 2008, p. 261, § 1/SB 456](#); [Ga. L. 2009, p. 41, § 1/SB 47](#); [Ga. L. 2010, p. 1173, § 20/SB 17](#); [Ga. L. 2011, p. 19, § 7/HB 232](#); [Ga. L. 2011, p. 569, § 3/SB 160](#); [Ga. L. 2013, p. 540, § 2/HB 142](#); [Ga. L. 2016, p. 173, §§ 9, 10/SB 199](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.'"

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

[*Ga. L. 2011, p. 19, § 10/HB 232*](#), not codified by the General Assembly, provides: “This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.” This Act became effective March 15, 2011.

JUDICIAL DECISIONS

Editor’s notes.

In light of the similarity of the statutory provisions, decisions under former Code Section 28-7-1 are included in the annotations for this Code section.

Overcoming judgment of legislator by favors and promises proscribed. —

The definition of lobbying which proscribed only contact “not addressed solely to the judgment” of a member of the General Assembly meant activity aimed at overcoming the independent judgment of a legislator through favors, promises, and the like, rather than honest attempts to persuade the legislator to adopt a specific point of view in the exercise of the legislator’s independent judgment. [*Peacock v. Georgia Mun. Ass’n, 247 Ga. 740, 279 S.E.2d 434, 1981 Ga. LEXIS 851 \(1981\)*](#) (decided under former § 28-7-1).

Political subdivision not to spend tax moneys to influence voters. —

The expenditure of tax moneys by a political subdivision to influence the citizens and voters of that political subdivision was far different from the expenditure of tax moneys to inform and influence the General Assembly on behalf of these citizens and voters in regard to issues involving the respective political subdivision; the expenditure by a political subdivision of public money to influence the citizens and voters of the entity contained within it the possibility of the corrupt use of influence to perpetuate a local administrator’s power. [*Peacock v. Georgia Mun. Ass’n, 247 Ga. 740, 279 S.E.2d 434, 1981 Ga. LEXIS 851 \(1981\)*](#) (decided under former § 28-7-1).

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Persons required to comply with act. —

Persons who fall within the definition of a lobbyist in relation to county or municipal matters, as defined under [*O.C.G.A. § 21-5-70\(6\)\(D\)*](#), (E), and (F), must comply with the registration and reporting requirements of the Public Officials Conduct and Lobbyist Disclosure Act, [*O.C.G.A. § 21-5-70*](#) et seq. 1995 Op. Att’y Gen. No. U95-2.

Compensated officers of unions and business organizations. —

Compensated officers of unions or business organizations who express their opinions on proposed or pending legislation to members of the General Assembly on behalf of such entities must register as lobbyists in accordance with the Public Officials Conduct and Lobbyist Disclosure Act of 1992, [*O.C.G.A. § 21-5-70*](#) et seq. 1993 Op. Att’y Gen. No. U93-2.

Member of State Ethics Commission. —

So long as a member of the State Ethics Commission who is an attorney refrains from lobbying, lawyers and others affiliated with the member’s law firm may, depending upon the particular facts and circumstances of each case, engage in lobbying without affecting the member’s service. 2002 Op. Att’y Gen. No. 2002-4.

Research References & Practice Aids

Cross references.

Prohibition against contributions by corporations for purpose of influencing vote, judgment, or action of officer of state, [§ 14-5-6](#).

Bribery of state officials, [§ 16-10-2](#).

Criminal penalty for action by public officer or employee who asks for or receives thing of value in return for agreement to seek passage or defeat of legislation, [§§ 16-10-4](#), [16-10-5](#).

Administrative rules and regulations.

Vendor relationships, Official Compilation of the Rules and Regulations of the State of Georgia, Department of Community Health Administration, Chapter 111-1-2.

Law reviews.

For article discussing the weaknesses in Georgia statutes prohibiting lobbying, and the effect of such law on lawyers, see 5 Mercer L. Rev. 311 (1954).

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article on the 2013 amendment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

For note on the 1994 amendment of this Code section, see 11 Ga. St. U. L. Rev. 193 (1994).

RESEARCH REFERENCES**Am. Jur. 2d. —**

51 Am. Jur. 2d, Lobbying, § 1 et seq.

C.J.S. —

16B C.J.S., Constitutional Law, § 1107 et seq.

ALR. —

Validity of lobbying contracts, 67 A.L.R. 684.

Validity and construction of state and municipal enactments regulating lobbying, [42 A.L.R.3d 1046](#).

Validity, construction, and application of state and municipal enactments regulating lobbying and of lobbying contracts, 35 A.L.R.6th 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

O.C.G.A. § 21-5-70

Official Code of Georgia Annotated

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O.C.G.A. § 21-5-71

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

Those changes will appear on Lexis Advance after the publication of the replacement volumes and supplements. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Session Laws in conjunction with the Official Code of Georgia Annotated.

Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials' Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

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;

(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; and

(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 in their registration, 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 in print or electronically public 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.

History

Code 1981, § 21-5-71, enacted by Ga. L. 1992, p. 1075, § 16; Ga. L. 1994, p. 258, § 14; [Ga. L. 2005, p. 859, § 21/HB 48](#); [Ga. L. 2010, p. 9, § 1-49/HB 1055](#); [Ga. L. 2010, p. 838, § 10/SB 388](#); [Ga. L. 2010, p. 1173, § 21/SB 17](#); [Ga. L. 2011, p. 19, § 8/HB 232](#); [Ga. L. 2013, p. 540, § 5/HB 142](#); [Ga. L. 2016, p. 173, § 11/SB 199](#); [Ga. L. 2017, p. 774, § 21/HB 323](#); [Ga. L. 2018, p. 994, § 1/HB 973](#); Ga. L. 2022, § 13/SB 120, effective March 2, 2022.

Annotations

Notes

The 2017 amendment, effective May 9, 2017, part of an Act to revise, modernize, and correct the Code, added “or” at the end of paragraph (i)(6.1).

The 2018 amendment, effective July 1, 2018, deleted “and” at the end of paragraph (b)(7); added “; and” at the end of paragraph (b)(8); added paragraph (b)(9); and added the proviso at the end of subsection (d).

The 2022 amendment, effective March 2, 2022, inserted “in their registration” in the first sentence in subsection (c).

Code Commission notes.

The amendments to subparagraphs (f)(2)(D) and (f)(2)(E) of this Code section by Ga. L. 2010, p. 9, § 1-49, irreconcilably conflicted with and were treated as superseded by Ga. L. 2010, p. 1173, § 21. See [County of Butts v. Strahan, 151 Ga. 417 \(1921\)](#); [Keener v. McDougall, 232 Ga. 273 \(1974\)](#).

Editor’s notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 304/SB 17, not codified by the General Assembly, provides: “This Act shall become effective on January 10, 2011, and shall apply to all reports filed on and after such date; provided, however, that if [Code Section 45-12-92.1](#) as enacted by HB 1055 at the regular session of the 2010 General Assembly does not become law, then the following provisions as enacted by this Act shall not become effective and shall be reserved instead: paragraph (2) of subsection (k) of [Code Section 21-5-34](#); paragraph (2) of subsection (f) of [Code Section 21-5-50](#); division (f)(2)(D)(ii) of [Code Section 21-5-71](#); and division (f)(2)(E)(ii) of [Code Section 21-5-71](#).” HB 1055 became effective May 12, 2010.

[Ga. L. 2011, p. 19, § 10/HB 232](#), not codified by the General Assembly, provides: “This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.” This Act became effective March 15, 2011.

Ga. L. 2022, p. sb120, § 1/SB 120, not codified by the General Assembly, provides: “This act shall be known as and may be cited as the ‘Ethics in Government Act of 2021.’ ”

Opinion Notes

OPINIONS OF THE ATTORNEY GENERAL

Editor's notes.

In light of the similarity of the statutory provisions, opinions decided under former Code 1933, § 47-1002 and former Code Section 28-7-2 are included in the annotations for this Code section.

Compensated officers of unions and business organizations. —

Compensated officers of unions or business organizations who express their opinions on proposed or pending legislation to members of the General Assembly on behalf of such entities must register as lobbyists in accordance with the Public Officials Conduct and Lobbyist Disclosure Act of 1992, [O.C.G.A. § 21-5-70](#) et seq. 1993 Op. Att'y Gen. No. U93-2.

Nonresident lobbyists must register. —

Persons, who reside outside of the state and who desire to aid or oppose legislation, must register regardless of whether they intend to appear in person to speak with members of the General Assembly. 1988 Op. Att'y Gen. No. 88-23 (decided under former § 28-7-2).

It is unnecessary for a person to appear in person in order to register

so long as the person files a writing containing the required information. 1988 Op. Att'y Gen. No. 88-23 (decided under former § 28-7-2).

Time of issuance of registration card. —

Person does not have to be issued identification card immediately upon registration, but must be issued an identification card as soon as it is feasible to do so. The Secretary of State may make a provision for the issuance of a picture identification card in addition to the card provided for by statute. 1988 Op. Att'y Gen. No. 88-23 (decided under former § 28-7-2).

Exemptions from registration. —

State, county and city officials, employees and their representatives who intend, in their official capacities, to aid or oppose the enactment of any bill by either House of the General Assembly are not required to register with the Secretary of State, since nothing in the chapter, or in former subsection (a) of former Code 1933, § 47-1002, specifically made the statute applicable to the state or its political subdivisions. 1975 Op. Att'y Gen. No. 75-28 (decided under former Code 1933, § 47-1002).

To the extent that an organization is comprised solely of political subdivisions and the elected representatives thereof, and is funded solely from public funds paid by the political subdivisions represented by the organization, the exemption given officials and employees of political subdivisions would extend to such organizations. 1975 Op. Att'y Gen. No. 75-28 (decided under former Code 1933, § 47-1002).

Research References & Practice Aids

Law reviews.

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article on the 2013 amendment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

RESEARCH REFERENCES**Am. Jur. 2d. —**

17A Am. Jur. 2d, Contracts, § 266 et seq.

C.J.S. —

16D C.J.S., Constitutional Law, § 2241. 17 C.J.S., Contracts, §§ 284, 285.

ALR. —

Validity of lobbying contracts, 67 A.L.R. 684.

Validity, construction, and application of state and municipal enactments regulating lobbying and lobbying contracts, 35 A.L.R.6th 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

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O.C.G.A. § 21-5-72

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials' Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

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.

History

Code 1981, § 21-5-72, enacted by Ga. L. 1992, p. 1075, § 16.

Annotations

Research References & Practice Aids

RESEARCH REFERENCES

ALR. —

Validity, construction, and application of state and municipal enactments regulating lobbying and lobbying contracts, 35 *A.L.R.6th* 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

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[O.C.G.A. § 21-5-72.1](#)

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21-5-72.1. Regulation of certain contact between lobbyists and members of the General Assembly; making or acceptance of certain expenditures.

(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 a 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](#).

History

Code 1981, § 21-5-72.1, enacted by [Ga. L. 2013, p. 540, § 6/HB 142](#).

Annotations

Research References & Practice Aids

Law reviews.

For article on the 2013 enactment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

O.C.G.A. § 21-5-72.1

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O.C.G.A. § 21-5-73

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials' Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

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 goods 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, that 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 subsection for an identifiable group not listed in subparagraph (D) of paragraph (4.1) 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.

History

Code 1981, § 21-5-73, enacted by Ga. L. 1992, p. 1075, § 16; Ga. L. 1994, p. 258, §§ 15, 16; [Ga. L. 2005, p. 859, § 22/HB 48](#); [Ga. L. 2010, p. 1173, § 22/SB 17](#); [Ga. L. 2011, p. 19, § 9/HB 232](#); [Ga. L. 2011, p. 569, § 4/SB 160](#); [Ga. L. 2013, p. 540, § 7/HB 142](#); [Ga. L. 2019, p. 1056, § 21/SB 52](#).

Annotations

Notes

The 2019 amendment, effective May 12, 2019, part of an Act to revise, modernize, and correct the Code, in paragraph (e)(1.1), substituted “this subsection” for “this Code section” and “subparagraph (D) of paragraph (4.1)” for “subparagraph (D) of paragraph (1)”.

Code Commission notes.

Pursuant to [Code Section 28-9-5](#), in 2013, a semicolon was substituted for the period at the end of paragraph (e)(1.1).

Editor’s notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: “This Act shall be known and may be cited as the ‘ Georgia Government Transparency and Campaign Finance Act of 2010.’ ”

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

[Ga. L. 2011, p. 19, § 10/HB 232](#), not codified by the General Assembly, provides: “This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.” This Act became effective March 15, 2011.

Research References & Practice Aids

Law reviews.

For article on the 2005 amendment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

For article on the 2013 amendment of this Code section, see [30 Ga. St. U. L. Rev. 129 \(2013\)](#).

RESEARCH REFERENCES

ALR. —

Validity, construction, and application of state and municipal enactments regulating lobbying and lobbying contracts, 35 *A.L.R.6th* 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

O.C.G.A. § 21-5-73

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O.C.G.A. § 21-5-74

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

Those changes will appear on Lexis Advance after the publication of the replacement volumes and supplements. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Session Laws in conjunction with the Official Code of Georgia Annotated.

Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials' Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

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.

History

Code 1981, § 21-5-74, enacted by [Ga. L. 2005, p. 859, § 23/HB 48](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Research References & Practice Aids

Law reviews.

For article on the 2005 enactment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

RESEARCH REFERENCES

ALR. —

Validity, construction, and application of state and municipal enactments regulating lobbying and lobbying contracts, 35 *A.L.R.6th* 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

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O.C.G.A. § 21-5-75

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials' Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

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.

History

Code 1981, § 21-5-75, enacted by [Ga. L. 2005, p. 859, § 23/HB 48](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Research References & Practice Aids

Law reviews.

For article on the 2005 enactment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

RESEARCH REFERENCES

ALR. —

O.C.G.A. § 21-5-75

Validity, construction, and application of state and municipal enactments regulating lobbying and lobbying contracts, 35 A.L.R.6th 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

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O.C.G.A. § 21-5-76

Current through House Bills 1, 383, 907, 1042, 1059, 1069, 1103, 1146, 1178, 1183, 1186, 1193, 1194, 1276, 1283, 1303, 1335, 1361 and Senate Bill 472 of the 2022 Regular Session of the General Assembly. The Georgia Office of Legislative Counsel, pursuant to Code Section 28-9-5, may make editorial changes to this version and may relocate or redesignate text.

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Official Code of Georgia Annotated > TITLE 21 Elections (Chs. 1 — 5) > CHAPTER 5 Ethics in Government (Arts. 1 — 4) > Article 4 Public Officials' Conduct and Lobbyist Disclosure (§§ 21-5-70 — 21-5-76)

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.

History

Code 1981, § 21-5-76, enacted by [Ga. L. 2005, p. 859, § 23/HB 48](#); [Ga. L. 2010, p. 1173, § 23/SB 17](#).

Annotations

Notes

Editor's notes.

[Ga. L. 2005, p. 859, § 28/HB 48](#), not codified by the General Assembly, provides that the Act shall not apply to any violation occurring prior to January 9, 2006.

Ga. L. 2010, p. 1173, § 1/SB 17, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'Georgia Government Transparency and Campaign Finance Act of 2010.' "

Ga. L. 2010, p. 1173, § 30/SB 17, not codified by the General Assembly, provides, in part, that the amendment to this Code section applies to all reports filed on and after January 10, 2011.

Research References & Practice Aids

Law reviews.

For article on the 2005 enactment of this Code section, see [22 Ga. St. U. L. Rev. 119 \(2005\)](#).

RESEARCH REFERENCES**ALR. —**

Validity, construction, and application of state and municipal enactments regulating lobbying and lobbying contracts, 35 *A.L.R.6th* 1.

Hierarchy Notes:

[O.C.G.A. Title 21](#)

[O.C.G.A. Title 21, Ch. 5](#)

[O.C.G.A. Title 21, Ch. 5, Art. 4](#)

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