

# **Summary of SB 17**

## **Georgia Government Transparency and Campaign Finance Act of 2010**

The 2010 Georgia General Assembly passed legislation which made significant changes to the Georgia Ethics law. Below is summary of the final ethics legislation (SB 17/HCSFA/AM 29 0945) adopted by the Georgia Legislature and entitled the “Georgia Government Transparency and Campaign Finance Act of 2010”.

### **General**

- The Commission has a new name: The Georgia Government Transparency and Campaign Finance Commission.
- All local filings (county and municipal) are now made with the Commission. Local filing officers will no longer be required to maintain Campaign Finance Commission filings which are made after 1/10/2011. Local filings officers will continue to maintain filings which were made previous to 1/10/2011.
- Adds the definition and duties of a Qualifying Officer; Qualifying Officer means a person who qualifies a candidate for an election; Qualifying Officers 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. The Education and Information division will be sending out bulletins to Qualifying Officers explaining this process.

### **Commission Authority**

- The Commission has the authority to award attorney’s fees for frivolous complaints or in the situation where the complaining party fails to appear at the preliminary hearing without good cause.
- Civil penalties for a second violation of the same provision of the Act were raised from \$5,000 to \$10,000 and from \$10,000 to \$25,000 for a third violation.
- The Commission was given the discretion to waive penalties or late fees in cases of hardship.
- Requires the Commission to send late fee notices via registered mail.
- Public officers who are required to file state business transaction reports under will now file the reports with the Commission (business transaction reports were formerly filed

with the Secretary of State). Link to business transaction report form and requirements will be available on the Commission website.

## **Email**

- All filers are now required to provide a current e-mail address to the Commission. If there are changes to the email address, the Commission must be notified within 10 days of the changes to the email address.

## **Campaign Finance**

- Makes electronic filing mandatory for all campaign disclosure reports by candidates and campaign committees. All candidates and/or campaign committees must file a PIN application found in the forms section of the Commissions website in order to begin filing electronically if they have not already done so.
- Adds graduated late fees of \$125, \$250 and \$1,000 for failure to timely file CCDRs and prohibits campaigns from using campaign funds to pay late fees.

## **Personal Financial Disclosure**

- Removes the filing of a PFD for the director and members of boards, commissions and authorities. However, the PFD filing requirement is replaced with the filing of an annual affidavit swearing that the director or member did not take any official action from which he derived personal gain. Link to public officer affidavit will be provided on the Commission website.
- Adds graduated late fees of \$125, \$250 and \$1,000 for failure to timely file PFD and prohibits campaigns from using campaign funds to pay late fees.
- Lowers threshold for disclosing business interests and real property to \$5,000 from \$10,000.
- Lowers threshold for disclosing annual payments from the State from \$20,000 to \$10,000.
- Removes requirement that filers of a PFD disclose the name(s) of dependent children.

## **Lobbyists**

- For reporting purposes, adds the following to the term Expenditure, “reimbursement or payment of actual and reasonable expenses provided to a public officer for transportation (unless not arranged by the lobbyist), travel, lodging, registration, food, beverages, and other activities related to attending a meeting or conference”.

- Registration fees for lobbyists are increased to \$300. Previously lobbyist fees were not charged due to a federal injunction preventing Georgia from charging lobbyist fees on a discriminatory basis. The Georgia statute was amended to remove the language which caused the policy concerns and the Commission will once again charge a lobbyist registration fee.
- Prohibits a lobbyist from registering if convicted of a felony involving moral turpitude within the last 10 years and requires oath verifying no conviction exists. Oath will be contained in the lobbyist registration form. Explanation of felonies occurring more than 10 years prior must be provided.
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- Requires all lobbyists to file disclosure reports electronically.
- Requires lobbyists involved in legislation before the General Assembly to file disclosure reports on a bimonthly basis during the Session and a monthly basis outside the Session.
- Requires lobbyists involved in local ordinances or rule making to file disclosure reports by the fifth day of May, September and January for the preceding period, excluding state employees who must file monthly for the same activities (there was no change in the reporting for these lobbyists).
- Requires lobbyists involved in influencing the selection of state vendors to file disclosure reports on a monthly basis (except for those who file bimonthly during Session).
- Adds graduated late fees of \$250, \$1,000 and \$10,000 for failure to timely file report.
- Expands definition of lobbying a “state agency” to include political subdivisions.
- Requires identification of public officers on whose behalf expenditures are made and on whose behalf the lobbyist is registered.