

**NOTICE OF INTENT TO AMEND RULES OF THE
GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION RULES**

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Government Transparency and Campaign Finance Commission (hereinafter "Commission") proposes amendments to:

189-3-.01 Campaign Contribution Disclosure Reports

This notice, together with an exact copy of the proposed amendments and a synopsis of the proposed amendments are being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed amendments, and a synopsis of the proposed amendments may be reviewed during normal business hours of 8:30 a.m. to 4:30 p.m. Monday through Friday, except official State holidays, at the Georgia Government Transparency and Campaign Finance Commission, 200 Piedmont Avenue SE, Suite 1402 - West Tower, Atlanta, Georgia 30334. These documents will be available for review on the Georgia Government Transparency and Campaign Finance Commission website (www.ethics.ga.gov). Copies may be requested by contacting the Commission at 404-463-1980.

A public hearing is scheduled to begin at 10:00 AM on March 24, 2016 in Room 606 at the Coverdell Legislative Office Building, 18 Capitol Square SW, Atlanta, GA 30334 to provide the public an opportunity to comment upon and provide input into the proposed amendments. At the public hearing anyone may present data, make a statement, comment, or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five (5) minutes per person. Written comments are welcome. Such written comments must be legible and signed, and should contain contact information from the maker (address, telephone and/or facsimile number, etc.). To ensure their consideration, written comments must be received on or before March 20, 2016. Written Comments should be addressed to Nancy Sandberg, Legal Administrative Assistant, Georgia Government Transparency and Campaign Finance Commission, 200 Piedmont Avenue SE, Suite 1402 – West Tower, Atlanta, Georgia 30334. Fax: 404-463-1988.

The proposed amendments will be considered for adoption by the Commission at its meeting scheduled to begin at 10:00 a.m. on March 24, 2016, at the Coverdell Legislative Office Building, Room 606, 18 Capitol Square SW, Atlanta, GA 30334.

The Georgia Government Transparency and Campaign Finance Commission has the authority to adopt these rules pursuant to authority contained in O.C.G.A. § 21-5-6(a)(7).

This 22nd day of February, 2016.


Stefan Ritter, Executive Secretary

**SYNOPSIS OF PROPOSED RULE OF THE GEORGIA GOVERNMENT
TRANSPARENCY AND CAMPAIGN FINANCE COMMISSION RULES**

RULE 189-3-.01 CAMPAIGN CONTRIBUTION DISCLOSURE REPORTS

Purpose and Main Features: The purpose of the amendment is to account for the change of the contribution disclosure limit found at O.C.G.A. §§ 21-5-30, 21-5-34 and to account for other changes to the Georgia Government Transparency and Campaign Finance Act relating to campaign contribution disclosure reports.

**PROPOSED RULE FOR THE GEORGIA GOVERNMENT TRANSPARENCY AND
CAMPAIGN FINANCE COMMISSION RULES
RULE 189-3-.01 CAMPAIGN CONTRIBUTION DISCLOSURE REPORTS**

Note: Struck through text is proposed to be deleted. Underlined text is proposed to be added.

189-3-.01 Campaign Contribution Disclosure Reports.

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

- (a) For contributions by any individual list:
 - 1. the individual's name in alphabetical order by last name;
 - 2. the individual's occupation;
 - 3. the complete mailing address of the individual;
 - 4. the amount of the contribution;
 - 5. the date of receipt of the contribution,
 - 6. the individual's employer; and,
 - 7. the election for which the contribution has been accepted and allocated.
- (b) For contributions by any corporation, labor union, political action committee, or other organization or entity list:
 - 1. the contributor's name in alphabetical order;
 - 2. the contributor's complete mailing address;
 - 3. the corporate, labor union, or other affiliation of any political action committee if applicable; 4. the amount of the contribution,
 - 4. the date of receipt of the contribution; and,
 - 5. the election for which the contribution has been accepted and allocated.

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

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

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

(a) Unless otherwise reported individually, separate contributions of \$100.00 or less which are knowingly received from a common source (members of the same family, firm, or partnership, or employees of the same company, firm, corporation or other association or group are considered a common source) must be aggregated and listed on campaign contribution disclosure reports.

(b) The purchase of tickets for not more than \$25.00 each and for attendance at a fundraising event by members of the same family, firm, or partnership or employees of the same person shall not be considered to be contributions from a common source except to the extent that tickets are purchased as a block.

(3) Expenditures. Expenditures of more than \$100.00, including expenditures of lesser amounts when the aggregate amount to a recipient is more than \$100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:

- (a) the name of each recipient in alphabetical order by last name or by company name;
- (b) the complete mailing address of the recipient;
- (c) if recipient is an individual, list the occupation and place of employment;
- (d) the amount of the expenditure;
- (e) the general purpose of the expenditure with such detail as shows the expenditure is for a purpose lawfully authorized for campaign funds; and,
- (f) the date of the expenditure.

(4) Campaign Contribution Disclosure Reports by Candidates who file a Declaration of Intention to Accept Campaign Contributions but do not qualify to run for office. If a person files a declaration of intention to accept campaign contributions but does not qualify to run for office, the following campaign contribution disclosure reports are required:

(a) Persons who would have been in a primary election must file: (1) The June 30 Campaign Contribution Disclosure Report, and (2) the January 31 Campaign Contribution Disclosure Report immediately following the election referred to in the declaration of intention to accept campaign contributions. Any person who has excess

contributions from the campaign must file a December 31 supplemental campaign contribution disclosure report each year thereafter until all contributions are expended as provided in the Act.

- (b) Persons who would have been in a general or special election must file: (1) the October 25 and December 31 reports if the person would have been in a general election, and (2) the fifteen days before special election report and December 31 report if the person would have been in a special election.

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

(5) Campaign Contribution Disclosure Reports by Candidates who file an Exemption Affidavit. A candidate who files an Exemption Affidavit but exceeds the \$2,500 contribution threshold for either contributions or expenditures during the election cycle must file the next regularly scheduled Campaign Contribution Disclosure Report. Such a candidate must report all contributions and expenditures from January 1 to the date of the report.

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

- (a) Election Year: Local Candidates must file a June 30 and October 25 Campaign Contribution Disclosure Report. Additionally, Local Candidates must also file an amendment to their October 25 Campaign Contribution Disclosure Report which reports all contributions and expenditures made between the October 25 Campaign Contribution Disclosure Report and December 31.
- (b) Non-Election Year: Local Candidates are not required to file the non-election year Campaign Contribution Disclosure Reports required by O.C.G.A. § 21-5-34(c)(1).
- (c) Special Election: Local Candidates are not required to file the special election year Campaign Contribution Disclosure Reports required by O.C.G.A. § 21-5-34(c)(3) or (c)(4).

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

~~(8)~~(7) Campaign Contribution Disclosure Reports by Candidates in Special Elections. Except as provided above, candidates in special elections must file a December 31 Campaign Contribution Disclosure Report.

~~(9)~~(8) Campaign Contribution Disclosure Reports by Non-Candidate Campaign Committees.

- (a) Contributions made to political parties or political action committees must be disclosed on campaign contribution disclosure reports the same as if those contributions had been made directly to candidates.
- (b) There are three instances in which a contributor is not required to file campaign contribution disclosure reports: (1) if the contributor's total contributions and expenditures to or on behalf of all candidates for the calendar year does not exceed \$25,000 in the aggregate; or, (2) if, regardless of the dollar amount involved, the contributor makes contributions to only one candidate during the calendar year, or (3) if the contributor is an individual who makes aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year.
- (c) A Recall Committee which supports or opposes a recall election shall file campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(g).
- (d) A Committee which supports or opposes a proposed constitutional amendment or state-wide referendum shall file campaign contribution disclosure reports if any contributions are received or any expenditures are made and shall register with the Commission and file campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(h).
- (e) Any Campaign Committee which accepts contributions which total more than \$500 or makes expenditures which total more than \$500 designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in a county or municipal election, shall register and file campaign contribution disclosure reports with the same officials as prescribed by O.C.G.A. § 21-5-34(a) (3) or O.C.G.A. § 21-5-34(a)(2)(A).
- (f) Campaign contribution limits on contributions to candidates do not apply to independent expenditures made to influence candidate elections. An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate but which is made independently of any candidate's campaign. However, an expenditure is "independent" only if it meets certain conditions. It must not be made with the cooperation or consent of, or in consultation with, or at the request or suggestion of any candidate or any of his or her agents or authorized committees. An expenditure which does not meet the above criteria for independence is considered a contribution which is subject to limits.

Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-30, 21-5-34, 21-5-34(d.1)(1).