



Ethics

Fast

Facts



Ethics in Government Act

<http://ethics.georgia.gov/references/ethicsact.aspx>

was enacted to strengthen the faith and confidence of state and local citizens in their government and to ensure that the financial interest of office holders or of nominees or candidates for public office do not conflict with the public trust. The EiGA requires public disclosure of campaign financing and significant private interests of public officers and candidates for public office so that voters are better able to determine whether personal financial concerns or obligations to special interest may prevent a candidate or public officer from acting solely in the public's interest.

Rules

<http://ethics.georgia.gov/references/Rulesandlaws.aspx>

are any regulation, standard, or statement of general or particular applicability that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the Commission. Rules do not replace the law, but provide clarity to it.

Advisory Opinions

- <http://ethics.georgia.gov/references/opinions.aspx>
- http://ethics.georgia.gov/references/pdf/how_to_request_advisory_opinion.pdf

official Commission responses to questions regarding the application of State campaign finance law to specific factual situations.

Filing Schedule

<http://ethics.georgia.gov/filingschedule/ReportFilingSchedule.aspx>

provides the due dates of the required disclosure reports, the grace period end dates for each file period, late filing fee amounts, and the dates the late filing fees will be assessed. It is a filer's responsibility to comply with filing deadlines.

Training Workshops

<http://ethics.georgia.gov/news/trainingSCHD.aspx>

The State Ethics Commission offers FREE training Workshops for a better understanding of the EiGA and how it applies to you.

DEFINITIONS

Contribution

means a gift, subscription, membership, loan, forgiveness of debt, advance or deposit of money, or anything of value conveyed or transferred by or on behalf of an agency, without receipt of payment therefore, to any campaign committee, political action committee, or political organization or to any candidate for campaign purposes.

In-kind Contributions

is anything of value, other than money in any form, goods or services transferred to the candidate or campaign committee. Valuation of in-kind contributions should reflect what the goods or services would have cost if they had been obtained commercially through an arms length transaction.

Anonymous

The making and acceptance of anonymous contributions are prohibited. Any anonymous contributions received by a candidate or campaign committee shall be transmitted to the director of the Office of Treasury and Fiscal Services for deposit in the state treasury, and the fact of such contribution and transmittal shall be reported to the commission.

Reporting Period

Campaign Contribution Disclosure Reports require cumulative totals of the money expended during the entire **Reporting Cycle**.

For new candidates reporting for the first time, a reporting period begins when the first contribution is received and continues until midnight of the due date of the first report.

Subsequent reporting periods will begin immediately after the due date of the previous report and end at midnight on the date the report is due.

The first report required in the calendar year of the election must contain all expenditures made and all contributions received in previous years in support of the same campaign.

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 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 in behalf of a candidate.

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.

Reporting Cycle

commences on January 1 of the year in which a candidate's election for office is held and concludes:

- At the expiration of the term of office if the candidate does not seek reelection or another office;
- On December 31 of election year if candidate was unsuccessful;
- If candidate seeks reelection or another office, the current reporting cycle ends when the reporting cycle for reelection or the reporting cycle for another office sought begins.

Ordinary and necessary expenses

shall include, but shall not be limited to, expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.

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.

Public officer means:

- (A) Every constitutional officer;
- (B) Every elected state official;
- (C) The executive head of every state department or agency, whether elected or appointed;
- (D) Each member of the General Assembly;
- (E) The executive director of each state board, commission, 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.

PRELIMINARY MATTERS

- What constitutes “candidate status”?
 - Filing a DOI
 - Qualifying
 - Making a Contribution
 - Making a Expenditure

- Who is the filing Officer?
 - State: State Ethics Commission
 - County: Elections Superintendent or Probate Judge
 - City: City Clerk or Chief Executive Official

- Records must be kept of all contributions and expenditures

- Contributions of money received are to be deposited in a campaign depository account opened and maintained by the candidate or candidates committee.

- A campaign depository account must be opened for all contributions to your campaign. 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.

- **Accounts** kept by the candidate or treasurer of a campaign committee **may be inspected** under reasonable circumstances before, during or after the election to which the accounts refer **by any authorized representative of the State Ethics Commission.**

- A candidate may use his personal money or resources without limitation to finance a campaign. Such use of **personal funds** by a candidate is a campaign contribution, and all such contributions must be reported.

- **Millionaire's Clause** provides that a candidate who loans money to his campaign **will not** be able to **use campaign funds to repay that loan after an election** to the extent that the loan **exceeds \$250,000.00**.
- The EiGA prohibits all state, county, and municipal departments, bureaus, agencies, commissions, authorities, or other political subdivisions, from making contributions to political campaigns.
- Excess contributions may only be disposed of in accordance with O.C.G.A. § 21-5-33.
- The record keeping requirements under the Ethics in Government Act are the same for both a candidate and a candidate's committee.
- **Records** of the accounts kept by the candidate or candidate's committee are required to be **preserved for three years past the termination date of the candidate's campaign**. However, since public disclosures are maintained for not less than five years candidates would be well advised to keep their records for at least as long.
- The candidate or treasurer of each campaign committee must **keep detailed accounts, current within not more than five days** after the receipt of a contribution or the making of an expenditure.
- Flight on Noncommercial Aircraft
See Rules 189-3-.06 & 189-3-.07

- **Third Party**

Campaign expenditures made by a third party on behalf of a candidate or campaign committee must be itemized to identify the actual end recipient of the expenditure and shall be reported on the campaign contribution disclosure report for the time period during which the expense is incurred when the third party making the expenditure or the actual end recipient of the expenditure is under the management, direction or control of the candidate or campaign committee regarding the performance of its work.

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

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

- **End Recipient**

the party paid for providing goods or services to benefit a candidate, officeholder, or campaign committee regardless of whether such payment is arranged, passed through, or paid by a third party or agent for the candidate, officeholder, or campaign committee.

REGISTRATION

Declaration of Intention to Accept
Campaign Contributions (Form DOI) (#1)

If you are **not** currently a public officer holding elective office and plan to run for public office, you must file a DOI prior to accepting campaign contributions.

Candidates for state offices, including candidates for the General Assembly, file a DOI with the State Ethics Commission.

Candidates for a county or city office file a DOI with their local filing officer.

Registration Form for a
Campaign Committee
for Use by Candidate (Form RC) (#2)

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

Choosing Option of Separate Accounting
(Form COOSA) (#3)

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 “Choosing Option of Separate Accounting” form with the State Ethics Commission prior to accepting contributions for any election other than the next upcoming election and **only if** contributions are to be accepted for more than one election at a time. If this option is chosen, a separate bank account **may** be opened for each election. A candidate is only required to file one COOSA form which is used for all subsequent elections to the same elective office, regardless of whether an election occurs in a new election cycle.

PIN Application for electronically filing
CCDR & PFD (#4)
(Statewide and State Level Only)

All applicable filers (**Reference: O.C.G.A. § 21-5-34.1 (a)(b)**) must complete and hand-deliver or mail an original CCDR PIN APPLICATION prior to *filing electronically with the State Ethics Commission*.

All state-wide elected officials, state level officials and members of the General Assembly shall electronically file a PFD with the State Ethics Commission.

THE PIN APPLICATION MUST INCLUDE A VALID EMAIL ADDRESS IN ORDER TO RECEIVE A PASSWORD TO FILE ELECTRONICALLY.

When Campaign Contribution Disclosure Reports are filed electronically, the filer shall submit to the State Ethics Commission a notarized affidavit certifying that the electronic filing is correct. The affidavit is the first page of the electronically filed report.

NO PAPER COPY OF THE REPORT SHALL BE FILED WITH THE STATE ETHICS COMMISSION.

Electronically filing CCDR
(Local Level Only)

Reference: O.C.G.A. § 21-5-34.1 (c)

Candidates seeking election to the county or municipal offices are required to file campaign contribution disclosure reports electronically with the election superintendent of their county or the municipal clerk or chief executive officer of their municipality upon having raised or spent a minimum of \$10,000.00 in an election cycle.

When campaign contribution disclosure reports are filed electronically, no paper notarized affidavit need be filed. The act of filing electronically is the filer's declaration that the filing is true and correct.

The filer should contact the local filing officer to determine their preferred method of e-filing.

REPORTS

Campaign Contribution Disclosure Report

Reference: O.C.G.A. § 21-5-3 (3)

“Campaign Contribution Disclosure Report” means a report filed with the appropriate filing officer by a candidate or the chairperson or treasurer of a campaign committee that itemizes all expenditures of \$101.00 or more and all contributions of \$101.00 or more, including contributions and expenditures of lesser amounts when the aggregate amount thereof by or to a person is \$101.00 or more 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 \$101.00 each.

Reference: O.C.G.A. § 21-5-34(b) (1)

All reports shall list the following:

(A) For contributions of \$101.00 or more: the 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/her employer.

(B) For expenditures of \$101.00 or more: the 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/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) All contributions received and total expenditures made.

Termination Statement

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

Common Source

Common Source Contributions of less than \$101.00

(a) Separate contributions of less than \$101.00 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.

Investment Statement

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

Indebtedness

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

Personal Financial Disclosure Statement

All constitutional officers, state-wide elected officials, members of the General Assembly, and all other state level offices shall electronically file a PFD with the State Ethics Commission.

When a PFD is filed electronically, no paper notarized affidavit is needed. The act of filing electronically is the filer's declaration that the filing is true and correct.

Each elected county official, every elected member of a local board of education and every elected municipal official shall file with their filing office a financial disclosure statement for the preceding calendar year.

Two Business Day Report
(TBD)

This form is used to report contributions (including loans) of \$1,000.00 or more, during the period of time between the last report due prior to the date of any election for which a candidate has qualified and the date of such election. The contribution (s) must be reported within two business days of receipt of the contribution to the location where the original disclosure report for such candidate or committee was filed and must be reported on the next regularly scheduled campaign contribution disclosure report .

DUE DATES

CCDR DUE DATES

ELECTION YEAR

March 31	5 day grace
June 30	5 day grace
September 30	5 day grace
October 25	5 day grace
December 31	5 day grace

NON ELECTION YEAR

June 30	5 day grace
December 31	5 day grace

SPECIAL ELECTIONS

15 DAYS BEFORE ELECTION

December 31	5 day grace
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RUN-OFFS

6 days before election

December 31	2 day grace
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(Annual filing schedules can be found on our website)

PFD DUE DATES

ELECTION YEAR STATEWIDE*

NO LATER THAN THE
SEVENTH DAY
FOLLOWING THE DATE OF
QUALIFYING AS A
CANDIDATE

(*Governor, Lt Governor, Attorney General, Secretary of State,
Commission of Insurance, Commissioner of Agriculture,
Commissioner of Labor, State School Superintendent,
Public Service Commissioners)

ELECTION YEAR ALL OTHERS

NO LATER THAN THE
FIFTEENTH DAY
FOLLOWING THE DATE OF
QUALIFYING AS A
CANDIDATE

NON ELECTION YEAR

File between
January 1 & July 1

NO GRACE PERIOD

MAXIMUM
ALLOWABLE
CONTRIBUTION
LIMITS

State-wide elected offices

\$6100.00 for a primary election

\$3600.00 for a primary run-off election

\$6100.00 for a general election

\$3600.00 for a general election run-off

(Contribution Limits are subject to change annually per
Consumer Price Index)

All other elected offices and General Assembly

\$2400.00 for a primary election

\$1200.00 for a primary run-off election

\$2400.00 for a general election

\$1200.00 for a general election run-off

(Contribution Limits are subject to change annually per
Consumer Price Index)

LATE FEES
&
PENALTIES

Late Fees

A \$25.00 filing fee is imposed for each report that is filed late.

An additional \$50.00 filing fee is imposed on the fifteenth day after the due date if the report has still not been filed.

Penalties

A civil penalty not to exceed \$1,000.00 may be imposed for each violation contained in any report.

A civil penalty not to exceed \$5,000.00 may be imposed for a second occurrence of a violation of the same provision.

A civil penalty not to exceed \$10,000.00 may be imposed for each third or subsequent occurrence of a violation of the same provision.

Educational Outreach Program Training Workshops

The Commission staff conducts training workshops that provide an educational opportunity for Public Officials, Candidates, Lobbyist, and Filing Officers to learn more about the Georgia Ethics in Government Act and how it applies to them.

These free training workshops are designed to provide the fundamentals of achieving and maintaining compliance with the Ethics in Government Act.

The emphasis will be on promoting compliance with the Ethics in Government Act particularly form completion.

We will outline requirements, answer related questions, and demonstrate the proper completion of forms.

Visit our website for the Training Workshop Schedule **www.ethics.ga.gov**



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