

GEORGIA

Ethics Agencies

1. Is there an ethics agency, with the authority to conduct its own investigations, including public hearings and subpoena power?

The Georgia Government Transparency and Campaign Finance Commission, formerly known as the State Ethics Commission, oversees “public officers,” which includes elected and appointed executive branch officials as well as members of the legislature, but not public employees. [GA. CODE ANN. § 21-5-2](#). With respect to public officers, the Commission’s jurisdiction relates only to requirements related to financial disclosure and not to the Code of Ethics applicable to the Executive Branch. [GA. GOV’T TRANSPARENCY AND CAMPAIGN FIN. COMM’N RULES. § 189-1-01](#).

The Commission has the power to conduct investigations on its own authority or upon referral. [GA. CODE ANN. § 21-5-6\(b\)\(9\)](#). The Commission is empowered to hold hearings, which are open to the public. [GA. CODE ANN. § 21-5-6\(b\)\(10\)](#); The Commission may issue subpoenas. [GA. CODE ANN. § 21-5-6\(a\)\(5\)](#).

2. Will the ethics agency accept anonymous complaints and is the ethics agency required to reveal the name of the complainant to the respondent?

The Commission only has jurisdiction over complaints concerning violations of the Georgia Government Transparency and Campaign Finance Act. [GA. GOV’T TRANSPARENCY AND CAMPAIGN FIN. COMM’N RULES § 189-1-01](#). In order for the complaint to be considered by the Commission, the complaint shall include the name, address, and e-mail address if the person who filed the complaint. [GA. GOV’T TRANSPARENCY AND CAMPAIGN FIN. COMM’N RULES § 189-2-03\(1\)\(a\)](#). After receiving a complaint, the Commission forwards a copy of the complaint to the Respondent. [GA. GOV’T TRANSPARENCY AND CAMPAIGN FIN. COMM’N RULES § 189-2-03\(3\)](#).

3. Does the ethics agency have the ability to sanction, including personnel actions, injunctions, and fines?

Personnel actions – NONE

Injunctions - The commission has the power to issue orders to cease and desist from committing further violations, and/or to make public complete statements, in corrected form, containing the information required by statutory law. [GA. CODE ANN. § 21-5-6\(b\)\(14\)\(A\), \(B\)](#).

Fines – The fine for a technical defect that is not corrected within thirty days shall not exceed \$50. [GA. CODE ANN. § 21-5-7.1\(2\)](#). For all violations of the Campaign Finance Act, the violator will face a civil penalty not to exceed \$1,000.00 for a first offense. The penalty for a second offense is not to exceed \$10,000.00, and for each third or subsequent violation of the same provision, the penalty shall not exceed \$25,000.00. [GA. CODE ANN. § 21-5-6\(b\)\(14\)\(C\)](#).

4. Are the members of the ethics agency protected from removal without cause?

There is no statutory protection for members of the ethics agency.

Gifts

5. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from high-risk sources (lobbyists, lobbyists' principals, government contractors) in an aggregate of \$250 or more?

Public officers may not accept any expenditures from registered lobbyists. [GA. CODE ANN. § 21-5-72.1\(b\)\(2\)](#). Expenditures include any payment that could be “reasonably construed as designed to encourage or influence a public officer;” any reimbursement or payment of expenses for transportation, travel, lodging, registration, food, and beverages that exceed \$75.00; 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; any reimbursement or payment of expenses for recreational or leisure activities.” [GA. CODE ANN. § 21-5-70\(1\)\(B-D\)](#). Certain exceptions apply. [GA. CODE ANN. § 21-5-70\(B\)\(E\)](#).

Elected and appointed executive branch officials are subject to the same statute, but also to a more expansive executive order. The order mandates that no executive branch employee may accept any gift from any person “with whom the employee interacts on official state business, including, without limitation, lobbyists and state vendors.” [GA. EXEC. ORDER NO. 2017-03-30-02 \(Mar. 30 2017\)](#). The definition of a gift only applies to receipts worth over \$75. *Id.*

Gift is defined under the code as any gratuitous transfer made to a public officer, that is not considered a contribution and exceeds \$100. [GA. CODE ANN. § 21-5-3\(14\)](#).

6. Are elected and appointed executive branch officials and legislators prohibited from accepting gifts from persons other than high-risk sources in an aggregate of \$250 or more?

Executive elected and appointed officials are prohibited from accepting any gifts over \$75. [GA. EXEC. ORDER NO. 2017-03-30-02 \(Mar. 30 2017\)](#). There is no statutory gift restriction for legislators from non-high risk sources.

7. Are elected and appointed executive branch officials and legislators required to publicly disclose gifts that they receive?

All elected officials and many appointed officials must file annual financial disclosure reports, but they do not have to disclose gifts. [GA. CODE ANN. § 21-5-50\(B\)](#).

Campaigns

8. Does the state require reporting of contributors to independent spenders?

The Campaign Finance Act requires that all independent committees to register with the Commission prior to making any contributions or expenditures. [GA. CODE ANN. § 21-5-34\(e\), \(f\); Advisory Opinion 2010-02, Ga. State Ethics Commission](#). Any committee organized to support the election or defeat of a candidate must itemize every contribution over \$100, including the date and amount of the contribution and the name and address of the contributor. [GA. CODE ANN. § 21-5-34\(b\)\(1\)\(A\)](#). “Independent committees/SuperPACs have to report ALL of their contributions and all of their sources of money even if some of it is not used to expressly advoc[ate] for or against a named or identified candidate.” Email from David Emadi, Executive Director, Georgia Government Transparency & Campaign Finance Commission, (July 7, 2020, 12:46 PM EDT). However, there is no requirement to report the donors to contributing 501(c) organizations or the beneficial owners of LLCs that contribute to independent spenders. Id.

9. Does the state require the disclosure of the payors of political advertisements or other electioneering communications to appear directly on the communication made through print media, broadcast media (TV, radio etc.), and Internet-based media (Facebook, Twitter, Google, and other online platforms)?

There are no laws or regulations governing disclosures of funders. [GA. CODE ANN. § 21-5 et seq.; GA. GOV’T TRANSPARENCY AND CAMPAIGN FIN. COMM’N RULES. Advisory Opinion 2010-02, Ga. State Ethics Commission](#).

Legislators

10. Do legislators have to disclose client names as part of their financial disclosure reports?

Legislator financial disclosure does not include client names. [GA. CODE ANN. § 21-5-50\(b\)](#).

Appendix: Sources of Law & Guidance

Statutes

[Georgia Ethics in Government Act \(GA. CODE ANN. § 21-5 et seq.\)](#)

Regulations

[GA. EXEC. ORDER NO. 2017-03-30-02 \(Mar. 30, 2017\)](#)

[GA. EXEC. ORDER NO. 01.13.03.02 \(Jan. 13, 2003\)](#)

[Rules of the Georgia Government Transparency and Campaign Finance Commission](#)

Guidance

[Advisory Opinion 2010-02, Ga. State Ethics Commission](#)

[Office of the Inspector General, *About the Office: FAQ’s* \(last visited August 12, 2020\)](#)