

GEORGIA

Governing Agency

- 1. What agency is charged with administering the state's campaign finance laws? Does it have authority to conduct its own investigations, including public hearings and subpoena power?**

The Georgia Government Transparency and Campaign Finance Commission has primary responsibility for the administration and implementation of the Georgia Government Transparency and Campaign Finance Act. [GA. CODE ANN. § 21-5-1, 21-5-6](#). The Act regulates campaign contributions, contributions to candidates, financial disclosure statements, public official's conduct, and lobbyist disclosure. [GA. CODE ANN. § 21-5](#).

The Commission's jurisdiction includes campaigns for "all constitutional, state, county and municipal elections." [GA. CODE ANN. § 21-5-2; 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 also issue subpoenas. [GA. CODE ANN. § 21-5-6\(a\)\(5\)](#).

- 2. Does the agency have the ability to sanction, including injunctions and fines?**

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 law. [GA. CODE ANN. § 21-5-6\(b\)\(14\)\(A\), \(B\)](#).

Fines – The Commission may require violators to pay a civil penalty not to exceed \$1,000 for each violation. A penalty not to exceed \$10,000 may be imposed for a second occurrence and a penalty not to exceed \$25,000 may be imposed for a third or subsequent occurrence. [GA. CODE ANN. § 21-5-6\(b\)\(14\)\(C\)\(i\)](#).

- 3. Is the agency headed by an elected official? If not, are the members of the agency protected from removal without cause?**

The Commission is headed by five appointed members: the Governor appoints three members, and the Senate and the Speaker of the House each appoints one member. [GA. CODE ANN. § 21-5-4\(b\)](#). There is no statutory protection for members of the Commission.

Campaign Coordination

4. (a) Are there rules defining the types of conduct and campaign spending that presumptively establish coordination between campaigns and independent expenditure committees?

An independent expenditure 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. [GA. GOV'T TRANSPARENCY AND CAMPAIGN FIN. COMM'N RULES § 189-3-01\(9\)\(f\)](#).

(b) Does the state have a safe harbor rule and, if so, what does it allow?

There is no safe harbor rule.

Campaign Contributions

5. (a) Does the state limit the amount of contributions to political candidates for state level offices by individuals, corporations, other entities (PACs, 501(c)(4)s)?

The following limits apply to contributions by any person, corporation, political committee, and political party to any candidate or campaign committee.

For state-wide elected office, in the aggregate for an election cycle:

- (1) \$7,000 for a primary election;
- (2) \$4,100 for a primary run-off election;
- (3) \$7,000 for a general election; and
- (4) \$4,100 for a general election run-off election.

For General Assembly, in the aggregate for an election cycle:

- (1) \$2,800 for a primary election;
- (2) \$1,500 for a primary runoff election;
- (3) \$2,800 for a general election; and
- (4) \$1,500 for a general run-off election.

Campaign Contribution Limits, [GA. GOV'T TRANSPARENCY AND CAMPAIGN FIN. COMM'N](#).

The Commission may adjust contribution limits by \$100 increments based on changes to the Consumer Price Index. [GA. CODE ANN. § 21-5-41\(k\)](#).

(b) Does the state limit the amount of contributions to state political parties?

The statute and rules are silent on contributions to state political parties.

Campaign Disclosure Requirements

6. What is the dollar amount for disclosure of campaign contributions to candidates?

Candidates must disclose contributions which total more than \$100, including the amount and date of receipt, 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.

7. Does the state require reporting of contributors to independent expenditure committees, including second level disclosure of members of contributing LLCs and donors to contributing 501(c)(4)s or similar entities?

Any independent committee organized to support the election or defeat of a candidate must itemize and report 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.

8. 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 Op., S.E.C. No. 2010-02 \(Ga. State Ethics Comm.\)](#).

Campaign Finance Filing Requirements

9. (a) Is there a requirement for candidates to report contributions of \$1,000 or more received within 30 days prior to an election and, if so, what is the filing deadline?

A candidate must report within two days of receipt all contributions of \$1,000 or more which are received (i) within six days before a run-off primary or general election or (ii) between the date of the last quarterly filing and the election. [GA. CODE ANN. § 21-5-34 \(c\)\(2\)\(C\)](#).

(b) Is there a requirement for independent spenders to report expenditures of \$5,000 or more that are made during the 30 days prior to an election and, if so, what is the filing deadline? Also do these reports include information on contributions received, as well as expenditures made?

An independent committee must report within two business days any contributions received or expenditures made of more than \$1,000.00 within two weeks prior to the date of an election. [GA.](#)

CODE ANN. § 21-5-34 (f)(1)(C). The reports must include information on contributions received during the period since the last filing. GA. CODE ANN. § 21-5-34 (f)(2)(C)(iii).

(c) Is there a requirement for candidates and independent spenders to file a post-election report within 30 days of an election and, if so, what is the filing deadline?

Candidates and independent spenders must file reports on December 31 of an election year. GA. CODE ANN. § 21-5-34 (c)(2)(C).

Accessibility of Reports

10. (a) Can the reports be filed through an online portal provided by the agency?

Candidates and candidate committees must file electronically through Georgia's electronic filing system. GA. CODE ANN. § 21-5-34.1(a).

(b) Are reports available on an easily searchable and sortable website?

Search by candidates/committee -

- Name - YES
- Election Year - YES
- Office - YES
- Date and Amount of Contribution - YES
- Date and Amount of Expenditure - YES
- Contributor - YES

Search by independent expenditure -

- Election Year - NO
- Amount of Expenditure - YES
- Candidate Supported or Opposed - NO

GA. GOV'T TRANSPARENCY AND CAMPAIGN FIN.

COMM'N, https://media.ethics.ga.gov/Search/Campaign/Campaign_ByName.aspx (last visited May 19, 2021).

Appendix: Sources of Law & Guidance

Statutes

Georgia Government Transparency and Campaign Finance Act, GA. CODE ANN. § 21 (2018).

Regulations

GA. COMP. R. & REGS. § 189 (2021).

Guidance

Campaign Contribution Limits, GA. GOV'T TRANSPARENCY AND CAMPAIGN FIN. COMM'N Advisory Op., S.E.C. No. 2010-02 (Ga. State Ethics Comm.).

GA. GOV'T TRANSPARENCY AND CAMPAIGN FIN. COMMISSION RULES (2020).

GA. GOV'T TRANSPARENCY AND CAMPAIGN FIN. COMM'N,

https://media.ethics.ga.gov/Search/Campaign/Campaign_ByName.aspx (last visited June 23, 2021).

Pre-2006 Campaign Contribution Disclosure Reports & Candidate Financial Disclosure Statements. ELECTIONS DIV., <https://sos.ga.gov/elections/disclosure/disclosureindex.asp> (last visited June 23, 2021).