

House Bill 963

By: Representatives Martin of the 49th, Anderson of the 10th, Fleming of the 114th, Carson of the 46th, and Blackmon of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
2 government transparency and campaign finance, so as to prohibit foreign nationals from
3 contributing to or participating in any campaign to bring about the approval or rejection by
4 the voters of any proposed question which appears on the ballot; to provide for definitions;
5 to require certifications by certain campaign committees as to compliance with such
6 prohibition; to prohibit the disclosure of certain protected donor information; to provide for
7 a penalty; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to government
11 transparency and campaign finance, is amended in Code Section 21-5-3, relating to
12 definitions, by revising paragraph (2) and adding new paragraphs to read as follows:

13 "(2) 'Campaign committee' means the candidate, person, or committee which accepts
14 contributions or makes expenditures designed to bring about the nomination or election
15 of an individual to any elected office. The term 'campaign committee' also means any
16 person or committee which accepts contributions or makes expenditures designed to

17 bring about the recall of a public officer holding elective office or to oppose the recall of
18 a public officer holding elective office or any person or any committee which accepts
19 contributions or makes expenditures designed to bring about the approval or rejection by
20 the voters of any proposed constitutional amendment, a state-wide referendum, or a
21 proposed question which is to appear on the ballot in this state ~~or including any proposed~~
22 question which is to appear on the ballot in a county or a municipal election in this state."

23 "(8.1) 'Directly or indirectly' means acting either alone or jointly with, through, or on
24 behalf of any other individual, person, committee, organization, business entity, or group
25 of persons."

26 "(13.1) 'Foreign national' means:

27 (A) An individual who is not a citizen or lawful permanent resident of the United
28 States;

29 (B) A government of a foreign country or any subdivision thereof;

30 (C) A foreign political party;

31 (D) Any business entity that is organized under the laws of, or has its principal place
32 of business in, a foreign country; or

33 (E) Any business entity organized under federal law or the law of one of the United
34 States which is wholly or majority owned by individuals or organizations qualifying as
35 foreign nationals pursuant to subparagraphs (A) through (D) of this paragraph, unless:

36 (i) Any contribution or expenditure made by such entity is derived entirely from
37 funds generated by the such business entity's operations occurring within the United
38 States; and

39 (ii) All decisions, except for setting overall budget amounts, concerning the
40 contribution or expenditure are made by individuals who are American citizens or
41 lawful permanent residents of the United States.

42 (13.2) 'Foreign political party' means any organization or any other combination of
43 individuals in a country other than the United States, or any unit or branch thereof, having

44 for an aim or purpose, or which is engaged in any activity devoted in whole or in part to
45 the establishment, administration, control, or acquisition of administration or control, of
46 a government of a foreign country or any subdivision thereof, or the furtherance or
47 influencing of the political or public interests, policies, or relations of a government of
48 a foreign country or any subdivision thereof."
49 "(20.1) 'Preliminary activity' includes, but is not limited to, conducting a poll or a focus
50 group, drafting ballot measure language, telephone calls, and travel."

51 **SECTION 2.**

52 Said chapter is further amended in Code Section 21-5-34, relating to campaign contribution
53 disclosure reports and committee registration, by revising subsections (a) and (h) as follows:

54 "(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee
55 organized to bring about the nomination or election of a candidate for any office and
56 the chairperson or treasurer of every campaign committee designed to bring about the
57 recall of a public officer or to oppose the recall of a public officer or designed to bring
58 about the approval or rejection by the voters of any proposed constitutional amendment,
59 state-wide proposed question, or state-wide referendum shall electronically sign and file
60 with the commission the required campaign contribution disclosure reports.

61 (B) The chairperson or treasurer of each independent committee shall file the required
62 disclosure reports with the commission.

63 (2)(A) Any campaign committee which accepts contributions or makes expenditures
64 designed to bring about the approval or rejection by the voters of any proposed question
65 which is to appear on the ballot in this state shall register with the commission and file
66 campaign contribution disclosure reports as prescribed by this chapter; provided,
67 however, that such reports shall only be required if such campaign committee has
68 received contributions which total more than \$500.00 or if such campaign committee
69 has made expenditures which total more than \$500.00. All advertising pertaining to

70 referendums shall identify the principal officer of such campaign committee by listing
71 or stating the name and title of the principal officer.

72 (B) Any campaign committee registration required to be filed with the commission
73 under subparagraph (A) of this paragraph shall be accompanied by a certification
74 affirming that no preliminary activity was funded by one or more foreign nationals,
75 whether directly or indirectly.

76 (C) Each campaign committee report required to be filed with the commission under
77 subparagraph (A) of this paragraph shall be accompanied by a certification affirming
78 that the donor associated with each contribution is not a foreign national and has not
79 knowingly or willfully received, solicited, or accepted, whether directly or indirectly,
80 contributions or expenditures from one or more foreign nationals aggregating in excess
81 of \$100,000.00 within the four-year period immediately preceding the date of the
82 contribution.

83 (D) If a campaign committee is required to file a report with the commission under
84 subparagraph (A) of this paragraph, such report shall be electronically filed. Any such
85 report shall be filed 15 days prior to the date of the election. A final report shall be
86 filed prior to December 31 of the election year."

87 "(h) Any campaign committee which accepts contributions or makes expenditures
88 designed to bring about the approval or rejection by the voters of a proposed constitutional
89 amendment or a state-wide referendum shall file a campaign contribution disclosure report
90 75, 45, and 15 days prior to the date of the election and shall file a final report prior to
91 December 31 of the election year. Each report required by this subsection shall be
92 accompanied by a certification affirming that the donor associated with each contribution
93 is not a foreign national and has not knowingly or willfully received, solicited, or accepted,
94 whether directly or indirectly, contributions or expenditures from one or more foreign
95 nationals aggregating in excess of \$100,000.00 within the four-year period immediately
96 preceding the date of the contribution."

97 **SECTION 3.**

98 Said chapter is further amended by adding a new Code section to read as follows:

99 "21-5-37.

100 (a) A foreign national shall not direct, dictate, or control, directly or indirectly, or
101 participate in the decision-making process of any person with regard to that person's
102 activities to influence the approval or rejection by the voters of any proposed constitutional
103 amendment, proposed state-wide, county, or municipal question, or state-wide referendum.

104 (b) A foreign national shall not solicit, directly or indirectly, the making of a donation,
105 contribution, or expenditure by another person to influence the approval or rejection by the
106 voters of any proposed constitutional amendment, proposed state-wide, county, or
107 municipal question, or state-wide referendum.

108 (c) Upon receipt of a contribution by a campaign committee which accepts contributions
109 or makes expenditures designed to bring about the approval or rejection by the voters of
110 a proposed constitutional amendment, proposed state-wide, county, or municipal question,
111 or state-wide referendum, the committee shall obtain from the donor an affirmation that the
112 donor is not a foreign national and has not knowingly or willfully accepted funds
113 aggregating in excess of \$100,000.00 from one or more foreign nationals within the
114 four-year period immediately preceding the date the contribution is made.

115 (d) Any investigation of an alleged violation of this Code section or an action brought
116 pursuant to Code Section 21-5-7 shall ensure that such investigation or action shields the
117 identity of lawful donors from disclosure to the maximum extent possible. No state or
118 local governmental entity, court, or officer of the court shall collect or require the
119 submission of information on the identity of any donor to a tax-exempt organization other
120 than those directly related to an alleged violation of this chapter.

121 (e) No state or local governmental entity, court, or officer of the court shall disclose to the
122 public, or another government official not directly involved in the investigation or action
123 brought pursuant to Code Section 21-5-7, information revealing the identity of any donor

124 to a tax-exempt organization, unless the information is regarding the identity of a donor
125 that engaged in conduct prohibited by this chapter after a final determination has been
126 made that the donor committed such violation. Knowing or willful violations of this
127 subsection shall be punished as provided for in Code Section 21-5-9.
128 (f) Nothing in this chapter shall be deemed to create any new or eliminate any existing
129 donor disclosure rights or duties beyond those specifically enumerated in this Code
130 section."

131 **SECTION 4.**

132 All laws and parts of laws in conflict with this Act are repealed.