

Issues of Interest to Lobbyists in Proposed New Rules and Amended Rules as Published by the GTCFC for Consideration on December 15, 2015

189-3-.11 Lobbying Expenditures Made to or for the Family Members of Public Officials and Public Employees

Purpose: To clarify that the limitations on lobbyist expenditures by lobbyists cannot be evaded by the making of lobbyist expenditures to or for the family members of public officials and employees rather than directly to the public official or employee.

Summary: Anything that would qualify as a lobbying expenditure that is made by a lobbyist to or for a public official or public employee is also considered a lobbying expenditure if made by a lobbyist to or for a family member of a public official or public employee. A “family member” refers to the spouse, parents, and dependent children of the respective public official or public employee. Parents were not previously included in this definition.

189-3-.12 Acceptance of Facsimile Signatures on Lobbyist Renewals

Purpose: To clarify that Commission staff may accept facsimile signatures of lobbyists who are renewing their registration.

Summary: The signature requirement for renewal of a lobbyist registration may be satisfied by the transmittal of a facsimile, copy, or reproduction of the lobbyist signature. This signature will constitute a representation that the statements on the application are true to the extent an original signature would do so. This allowance also applies to signatures of supervising clients on registrations or renewals.

189-6-.11 When Campaign Contributions Made via Check or Negotiable Instrument are Deemed Received

Purpose: To establish when campaign contributions made via check or negotiable instrument are deemed received. This is a new rule that reflects Commission staff’s understanding of the established practice. Under the rule, campaign contributions made via check or negotiable instrument are deemed received upon receipt of the check or other negotiable instrument.

Summary: A contribution is considered received when a candidate opens the envelope. However, a contributor should record the presentation date of the check using one of the following criteria: the date the check is written, the date presented, or the date mailed. A legislator is forbidden from raising money during session, but there is an exception for legislators to deposit checks during session if the money was raised prior to session beginning.

189-6-.12 Notice to Commission of Anonymous Campaign Contributions

Purpose: To implement the requirements of the Code that candidates cannot accept anonymous contributions and must transmit them to the State treasury for deposit in the State's general fund.

Summary: Any anonymous campaign contributions received by a candidate or campaign committee must be transmitted to the state treasurer for deposit into the state treasury. Notice of the contribution must also be reported to the Commission by disclosing the contribution on the candidate's or campaign committee's next regularly filed Campaign Contribution Disclosure Report.

189-1-.07 Adjustment of Contribution Limits Based Upon Inflation

Purpose: To clarify the procedure and to provide a schedule for the adjustment of campaign contribution limits by the Commission. The Commission is required by O.C.G.A. 21-5-41(k) to adopt an appropriate rule interpreting that subsection.

Summary: Each calendar year, the Commission will review the maximum campaign contribution limits imposed by the Georgia Government Transparency and Campaign Finance Act. Unless the legislature acts, the Commission will determine the contribution limits.

189-2-.01 Definition

Advisory Opinion: An opinion issued by the Commission pursuant to its authority under O.C.G.A. 21-5-6(b)(13). Information or advice given by Commission staff in response to questions does not constitute an "advisory opinion" unless the information or advice is formally adopted by the Commission. Commission staff correspondence is considered informal advice and is not binding.

Note: Vendor lobbyists

Commission staff state that Commissioners are seeking to create language to clarify whether or not vendors who represent companies in sales or service transactions with the state should be required to register as lobbyists. The determination will hinge on the definition of substantial duties. For example, a bona fide sales person who does not regularly contact state agency heads or staff to promote the approval of the selection of a specific sales or service would not be required to register. However, a person employed or under contract with a company whose job or contract responsibility is to advocate for the selection of specific products or services by state department heads or staff would be required to register.