Rules and Regulations of the State of Georgia

Department 189 RULES OF STATE ETHICS COMMISSION

Current through Rules and Regulations filed through November 6, 2026

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ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follows:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 189-1 entitled "Organization" and 189-2 entitled "Practice and Procedure" has been adopted. Filed April 9, 1987; effective April 29, 1987.

Rule 189-2-.03 has been amended. Filed May 6, 1987; effective May 26, 1987.

Chapter 189-3 entitled "Disclosure Reports" has been adopted. Filed August 5, 1988; effective August 25, 1988.

Rule 189-2-.05 has been adopted. Chapter 189-4 entitled "Campaign Committees" has been adopted. Filed May 30, 1989; effective June 19, 1989.

Rules 189-2-.06 and 189-2-.07 have been adopted. Filed July 18, 1989; effective August 7, 1989.

Rules 189-1-.03 to .05; 189-2-.01, .03 to .09; 189-3-.01 to .05 and 189-4-.01 have been amended. Chapter 189-5 entitled "Disposition of Contributions" has been adopted. Filed February 22, 2000; effective March 13, 2000.

Rule 189-3-.01 has been amended. Rule 189-4-.01 has been repealed and a new Rule adopted. Rules 189-5-.02 thru .12 have been adopted. Chapter 189-6 entitled "Campaign Contributions" has been adopted. Filed July 19, 2001; effective August 8, 2001.

Rule 189-3-.04 has been amended. Filed August 28, 2002; effective September 17, 2002.

Rules 189-2-.01, .03, .05, and .08 have been amended. Filed October 12, 2006; effective November 1, 2006.

Rules 189-1-.01 to .05, 189-2-.01, .03 to .05, .07, .08, 189-3-.01 to .05 have been repealed and new Rules adopted. Rules 189-1-.06 to .10, and 189-2-.10 have been adopted. Filed December 18, 2007; eff. January 7, 2008.

Rules 189-4-.01, 189-5-.02 to .05 have been repealed and new Rules adopted. Rules 189-5-.01, 189-6-.01 to .04 have been amended. Rules 189-5-.06 to .12 have been repealed. Rules 189-6-.05 to .09 have been adopted. Filed February 4, 2008; effective February 24, 2008.

Rule 189-4-.01 has been amended. Filed May 23, 2008; effective June 12, 2008.

Rules 189-3-.06 and .07 have been adopted. Filed December 5, 2008; effective January 1, 2009, as specified by the Agency.

Chapter 189-7 entitled "Filing Officers" has been adopted. Filed February 18, 2009; effective March 10, 2009.

Rules 189-1-.11, 189-3-.08 to .10, 189-6-.12 adopted. Rules number 189-6-.10, .11 reserved. Rules 189-1-.01 to .04, .10, 189-2-.01 to .06, .09, 189-3-.01, 189-4-.01, 189-5-.01, 189-6-.04, .07 amended. Rules 189-1-.05, .06, 189-2-.10, 189-6-.03 repealed. F. Aug. 24, 2015; eff. Sep. 13, 2015.

Rules 189-1-.07, 189-2-.01, .03, .04, .05, .07, 189-3-.06, 189-6-.12 amended. Rules 189-3-.11, 189-3-.12, 189-6-.10, 189-6-.11 adopted. F. Jan. 11, 2016; eff. Jan. 31, 2016.

Rule 189-2-.01 amended. Rule 189-2-.11 adopted. F. Jan. 13, 2020; eff. Feb. 2, 2020.

Rule 189-2-.12 adopted. F. Sep. 2, 2020; eff. Sep. 22, 2020.

Department 189 title changed from "Rules of State Ethics Commission" to "Georgia Government Transparency and Campaign Finance Commission", as filed by the Agency on September 15, 2020.

Rule 189-3-.03 repealed. F. Oct. 5, 2020; eff. Oct. 25, 2020.

Rule 189-3-.06 repealed. F. May 11, 2023; eff. May 31, 2023.

Rule 189-1-.07 repealed. F. Aug. 16, 2023; eff. Sept. 5, 2023.

Rule 189-3-.12 repealed. F. Oct. 18, 2023; eff. Nov. 7, 2023.

Chapter 189-8 entitled "Leadership Committees" adopted. F. Jan. 16, 2024; eff. Feb. 5, 2024.

Department 189 title changed from "Georgia Government Transparency and Campaign Finance Commission" to "Rules of State Ethics Commission." F. Jan. 23, 2024; eff. Feb. 12, 2024.

Rule 189-2-.13 adopted. F. Apr. 26, 2024; eff. May 16, 2024.

Rule 189-2-.09 amended. F. July 23, 2024; eff. Aug. 12, 2024.

Rule 189-3-.01 amended. Rule 189-5-.06 adopted. F. Apr. 30, 2026; eff. May 20, 2026.

Cite as Ga. Comp. R. & Regs. R. dept. 189, ADMINISTRATIVE HISTORY

Chapter 189-1. ORGANIZATION.

Rule 189-1-.01. Organization.

The Georgia Government Transparency and Campaign Finance Commission is a regulatory agency entrusted with protecting the integrity of the democratic process and ensuring fair elections for all constitutional, state, county and municipal elections, regulating the disclosure of significant private interests of public officers and officials as designated by the General Assembly and regulating lobbyists and state vendors.

Cite as Ga. Comp. R. & Regs. R. 189-1-.01
Authority: O.C.G.A. Secs. 21-5-2, 21-5-4, 50-13-3.
History. Original Rule entitled "Membership and Officers" adopted. F.Apr. 9, 1987; eff. Apr. 29, 1987.
Repealed: New Rule entitled "Organization" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.02. Membership and Officers.

The Commission shall elect a Chair and Vice-Chair from among its members, and other officers, as the Commission may deem necessary. The Chair, Vice-Chair and other officers shall be elected by a majority vote of the members of the Commission.

Cite as Ga. Comp. R. & Regs. R. 189-1-.02
Authority: O.C.G.A. Secs. 21-5-4, 21-5-6.
History. Original Rule entitled "Appearances Before Commission by Prior Members" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.
Repealed: New Rule entitled "Membership and Officers" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.03. Appearances Before Commission by Prior Members.

No former member or Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission or counsel to the Commission shall, after the termination of his or her service on or employment with the Commission, represent any person or entity, other than the State of Georgia, by making any formal appearance or any oral or written communication with the intent to influence a decision of the Commission, until at least one year has elapsed since the termination of his or her service on or employment with the Commission.

Cite as Ga. Comp. R. & Regs. R. 189-1-.03
Authority: O.C.G.A. Secs. 21-5-4, 21-5-6.
History. Original Rule entitled "Mailing Address" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.
Amended: Feb. 22, 2000; eff. March 13, 2000.
Repealed: New Rule entitled "Appearances Before Commission by Prior Members" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.04. Mailing Address.

The physical and mailing address of the Georgia Government Transparency and Campaign Finance Commission will be as designated on the Commission's official website, www.ethics.ga.gov.

Cite as Ga. Comp. R. & Regs. R. 189-1-.04
Authority: O.C.G.A. Secs. 21-5-4, 21-5-6.
History. Original Rule entitled "Meetings to Be Held" adopted. F.Apr. 9, 1987; eff. Apr. 29, 1987.
Amended: F. Feb. 22, 2000; eff. March 13, 2000.
Repealed: New Rule entitled "Mailing Address" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.05. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-1-.05
Authority: O.C.G.A. Sec. 21-5-6.
History. Original Rule entitled "Quorum Requirement for Official Action" adopted. F.Apr. 9, 1987; eff. Apr. 29, 1987.
Amended: F. Feb. 22, 2000; eff. March 13, 2000.
Repealed: New Rule entitled "Commission Meetings" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Repealed: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-1-.06
Authority: O.C.G.A. Sec. 21-5-6.
History. Original Rule entitled "Quorum Requirement for Official Action" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Repealed: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-1-.07
Authority: O.C.G.A. § 21-5-6(a)(7).
History. Original Rule entitled "Adjustment of Contribution Limits Based Upon Inflation" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.
Repealed: F. Aug. 16, 2023; eff. Sept. 5, 2023.

Rule 189-1-.08. Retention Schedule.

The retention schedule for all documents received by the Commission shall be five years unless otherwise provided by law or written direction of the Commission.

Cite as Ga. Comp. R. & Regs. R. 189-1-.08
Authority: O.C.G.A. Sec. 21-5-6.

History. Original Rule entitled "Retention Schedule" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 189-1-.09. Petitions Requesting the Promulgation, Amendment, or Repeal of a Rule.

Any interested person may petition the Commission in writing to request the promulgation, amendment or repeal of a rule. The petition shall contain the name, address and phone number of the petitioner, as well as a clear and concise statement as to the rule in question or the subject matter upon which a rule is requested. The Commission or staff shall, within thirty days of the receipt of said petition, deny the petition in writing or initiate rule making proceedings in accordance with O.C.G.A. § 50-13-4.

Cite as Ga. Comp. R. & Regs. R. 189-1-.09
Authority: O.C.G.A. Secs. 21-5-6, 50-13-9.
History. Original Rule entitled "Petitions Requesting the Promulgation, Amendment or Repeal of a Rule" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 189-1-.10. Electronic Filing of Reports.

Any and all reports required to be filed with the Commission shall be filed by electronic means, unless otherwise accepted by way of Commission vote.

Cite as Ga. Comp. R. & Regs. R. 189-1-.10
Authority: O.C.G.A. Sec. 21-5-6.
History. Original Rule entitled "Electronic Filing of Reports" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-1-.11. E-mail address.

Except for city, county, and school board officials, each individual required to file reports or disclosure statements with the Commission shall provide a current e-mail address and shall advise the Commission of any change to such address within ten days of the change.

Cite as Ga. Comp. R. & Regs. R. 189-1-.11
Authority: O.C.G.A. § 21-5-14.
History. Original Rule entitled "E-mail address" adopted. F. Aug. 24, 2015; eff. Sept. 13, 2015.

Chapter 189-2. PRACTICE AND PROCEDURE.

Rule 189-2-.01. Definitions.

The following words and terms as used in these rules shall have the meaning hereinafter ascribed to them or as set forth in O.C.G.A. §21-5 et seq.:

(1) "Advisory Opinion" an opinion issued by the Commission pursuant to its authority under O.C.G.A. § 21-5-6(b)(13). The provision of information or advice by Commission staff in response to questions shall not constitute an "advisory opinion" in terms of the law unless such information or advice is formally adopted by the Commission pursuant to O.C.G.A. § 21-5-6(b)(13).

(2) "Complainant" a person who files a written complaint alleging a violation of one or more laws under the jurisdiction of the Georgia Government Transparency and Campaign Finance Commission.

(3) "Compliance Order" a written document wherein the Commission and the Respondent agree and consent to terms which may include findings of fact, conclusions of law, cease and desist language, remedial action to be taken, oral or written statements to be made or issued, prohibition of actual or threatened violations, the ordering of actions necessary to correct cited deficiencies and a waiver of any appeal rights.

(4) "Consent Order" a written document wherein the Commission and the Respondent agree and consent to terms which shall include admissions of violations by the Respondent, findings of fact; conclusions of law, cease and desist language, imposition of civil penalties, late filing fees, and/or administrative fees and which may include, among other things, remedial actions to be taken, oral or written statements to be made or issued, prohibition of actual or threatened violations, or the ordering of actions necessary to correct cited deficiencies and a waiver of any appeal rights. Consent Orders must be signed by the Respondent and received by the Commission staff not later than seven (7) days prior to the date the case is scheduled to be heard before the Commission, unless the Executive Secretary has approved an extension of time.

(5) "Contested Case" a case that will proceed to an administrative hearing in accordance with the Georgia Administrative Procedure Act following a finding that there are reasonable grounds to believe that the Georgia Government Transparency and Campaign Finance Act or other statute under the jurisdiction of the Commission has been violated.

(6) "Credit Received on Loan" a contribution received by a candidate or campaign committee for the forgiveness of a loan and/or a portion of an outstanding loan carried by the candidate or campaign committee.

(7) "Deferred Payment" an expenditure for the payment of anything of value which is received by, provided to, furnished to, or conveyed to/or on behalf of a candidate or a campaign committee that was previously reported on a prior or current Campaign Contribution Disclosure Report for the time period in which the thing of value was provided.

(8) "End Recipient" the person or entity 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.

(9) "Frivolous Complaint" a complaint that lacks a Legal Basis, Legal Merit, or factual basis to support the allegations in said complaint, as alleged by the Complainant, that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(10) "Good Faith" a state of mind consisting in (1) honesty in belief or purpose, (2) faithfulness to one's duty or obligation, or (3) absence of intent to defraud or to seek unconscionable advantage.

(11) "Hearing" a proceeding before the Commission or its designated hearing officer for either the consideration of a modification or a change in existing rules, or for an adjudication of issues presented in a contested case, at which all parties at interest are afforded an opportunity to present testimony, documentary evidence and arguments, as to the matter under consideration.

(12) "Hearing Officer" an individual designated by the Commission for the purpose of presiding over a hearing as herein defined.

(13) "In-kind expenditure" an expenditure of any goods or services for which a candidate or campaign committee did not extend payment to an end-recipient for the goods or services provided, but for which the campaign received the use / benefit of said goods or services (*e.g.*, A computer is loaned to the campaign and the computer is returned to the donor upon the conclusion of the campaign).

(14) "Independent Expenditure" a political campaign communication that expressly advocates the election or defeat of a clearly identified candidate that is not made in cooperation, consultation, or concert with or at the request or suggestion of a candidate or candidate's authorized committees.

(15) "Legal Basis" a legal principle or statute which constitutes the basis for the claim that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(16) "Legal Merit" an argument that is supported by a legal principle or statute, that is advanced by the Complainant in Good Faith, that constitutes the basis for the claim that the Respondent violated the Georgia Government Transparency & Campaign Finance Act.

(17) "Loan Repayment" an expenditure made by a candidate or campaign committee to retire or reduce any outstanding loan carried by the candidate or campaign committee. Any such expenditure must note and itemize which loan the payment is being applied to (*e.g.,* 2012 General Election Loan $500.00; and, 2012 Primary Election Loan $1,000.00).

(18) "Local Filing Officer" a local filing officer is any person who supervises and/or qualifies local officials for election to county and/or municipal offices, said term shall include, but not be limited to, all county election superintendents, municipal clerks, and chief executive officers of municipalities.

(19) "Notice of Hearing" a written statement of the substance of a specific charge alleging violation of the statute, rule, or regulation to be considered at a hearing to the person or party affected thereby, or of the substance of a proposed rule to be considered, which will afford actual notice to all interested persons. Notice shall be given in accordance with the Georgia Administrative Procedure Act.

(20) "Preliminary Hearing" a proceeding before the Commission for the purpose of deciding if there are reasonable grounds to believe that the Georgia Government Transparency and Campaign Finance Act or other statute under the jurisdiction of the Commission has been violated, or if there are reasonable grounds to believe there has been a failure to comply with any rule or regulation promulgated by the Commission, and if the matter should be set down for a "Hearing" for the purpose of determining whether a violation of the Georgia Government Transparency and Campaign Finance Act or other statute within the jurisdiction of the Commission and whether any sanctions should be imposed should a violation be found. This term also specifically includes hearings held pursuant to the issuance of an Administrative Subpoena.

(21) "Refund" any contribution (either cash or in-kind) which is returned by a candidate or campaign committee to the original donor and not expended for campaign purposes. A refund must be made in full to the donor making a contribution if the campaign is refunding a single contribution; or pro rata to all donors if the campaign is being terminated and excess funds must be disposed of. All funds contributed to any candidate or campaign committee are not personal assets of the candidate or committee and can only be disposed of by refund to the donor(s) or transfer in accordance with O.C.G.A. § 21-5-33.

(22) "Respondent" a person against whom a complaint is filed or who has been added as such by the Commission at a preliminary hearing based on a finding of reasonable grounds to believe that a violation of the Georgia Government Transparency and Campaign Finance Act has occurred; or a person who has been named a Respondent by the Commission by virtue of a finding of probable cause to open an investigation.

(23) "Rule" 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.

(24) "Substantial Compliance" the requirement that all reports submitted pursuant to the Georgia Government Transparency and Campaign Finance Act be at least 90% compliant with respect to technical defects.

(25) "Technical Defect" an inadvertent or scrivener's error in the preparation or making of a filing with the Commission or with a local filing officer. "Technical defects" include such mistakes as showing incorrectly or failing to show a date, a contributor's occupation, an address, an email address or an employer, or other similar errors. Accounting errors constitute technical defects if they include obvious errors in addition

or subtraction. The failure to list or show the disposition of a contribution is not an accounting error that constitutes a "technical defect."

Cite as Ga. Comp. R. & Regs. R. 189-2-.01
Authority: O.C.G.A. §§ 21-5-6, 21-5-7, 21-5-7.1, 21-5-34.
History. Original Rule entitled "Definitions" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.
Amended: F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Oct. 12, 2006; eff. Nov. 1, 2006.
Repealed: New Rule of same title adopted. F: Dec. 18, 2007; eff: Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.
Amended: F. Jan. 13, 2020; eff. Feb. 2, 2020.

Rule 189-2-.02. Administrative Declaratory Rulings.

(1) Availability of Declaratory Ruling. Any person whose legal rights have been interfered with or impaired by the application of any statutory provision or any rule or order of the Commission may petition the Commission and request a declaratory ruling thereon. The Commission will not render advisory opinions or resolve questions that become moot or take any other action hereunder except with respect to cases upon which a superior court would be required to act under the Georgia declaratory judgment statutes as construed by the appellate courts of Georgia.

(2) Form of Petition. Each such petition shall be filed with the Commission in writing and shall state:

(a) The name, post office address, and e-mail address of the petitioner;

(b) The full text of the statute, rule, order upon which a ruling is requested;

(c) A paragraph statement of all pertinent and existing facts necessary to a determination of the applicability of the quoted statute or rule;

(d) Petitioner's contention, if any, as to the aforesaid applicability with citations of legal authorities, if any, that authorize, support, or require a decision in accordance therewith;

(e) A statement setting forth in detail the petitioner's interest in the matter and why and how the petitioner is uncertain or insecure with respect to his rights. The petition shall be verified under oath by, or in proper behalf of, the petitioner.

(3) Proceedings on Petition. If the Commission shall determine that a decision can be rendered on the face of the petition without further proceedings, it shall render a summary decision thereon. Otherwise, all parties known by the Commission to have a legal interest in the matter shall be notified and given an opportunity to be heard at an informal hearing.

(4) Informal Request for Interpretation and Rulings. The provisions of this Rule shall not be construed to preclude:

(a) Any person from requesting the Commission to interpret or otherwise rule upon the applicability of any pertinent statute or rule informally by personal appearance before the Commission, by letter or by telegram to the Commission; or

(b) The Commission from acting upon any such request whenever and however it deems appropriate, or from issuing any interpretative ruling without petition therefor.

(5) Any request presented in any manner other than in accordance with the provisions of this Rule shall not be deemed to be filed as a Petition for Declaratory Ruling but shall be deemed an informal request for interpretation or ruling and shall be acted on as such.

Cite as Ga. Comp. R. & Regs. R. 189-2-.02
Authority: O.C.G.A. Sec. 21-5-6.
History. Original Rule entitled "Administrative Declaratory Rulings" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-2-.03. Complaints.

(1) Form of Complaint. All complaints to be considered by the Commission shall be filed in writing with the Commission and shall contain the following:

(a) The name, address, and e-mail address of the person or persons who file the complaint.

(b) The sworn verification and signature of the complainant.

(c) The name and address of the party or parties against whom the complaint is filed, and if any such party is a candidate, the office being sought by said candidate.

(d) A clear and concise statement of the facts upon which the complaint is based along with an allegation that such facts constitute one or more violations of the Georgia Government Transparency and Campaign Finance Act or other law under the jurisdiction of the Commission.

(e) A general reference to the statutory provision(s) of the Georgia Government Transparency and Campaign Finance Act, Vendor Gift Disclosure Law, Commission Rule, or any other statute within the jurisdiction of the Commission allegedly violated by respondent.

(f) Any further information which might support the allegations in the complaint including, but not limited to, the following:

1. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint;

2. Any documentary evidence that supports the facts alleged in the complaint.

(2) Technical Defects. Upon receipt of a complaint that alleges technical defects, as defined in O.C.G.A. § 21-5-7.1 and by these Rules, Commission staff shall follow the requirements for handling technical defects stated in O.C.G.A. § 21-5-7.1. A respondent in receipt of a complaint sent to respondent pursuant to Rule 189-2-.03(3), below, may assert that the complaint contains technical defects which have not been identified by Commission staff. The respondent must state the grounds supporting the claim that a technical defect exists, provide all supporting evidence supporting that assertion, and submit appropriate filings correcting the technical defects. If, based on respondent's submission, Commission staff agrees that technical defects did indeed exist, and, if the technical defects are corrected, it shall treat the correction of the defects consistent with the provisions of O.C.G.A. § 21-5-7.1. If the alleged violations do not constitute technical defects or if they were not corrected, Commission staff shall begin investigation on the complaint consistent with the requirements of Rule 189-2-.03(5).

(3) Preliminary Action on the Complaint. Upon receipt of a complaint, the Commission staff shall send a copy of the complaint to the respondent affording an opportunity to respond to the complaint within thirty (30) days in writing if desired. Responses or other documents submitted by the Complainant or Respondent to the Commission after the thirty day period may be disregarded by the Commission or staff during the preliminary investigation or at the preliminary hearing. If additional violations are discovered during the investigation of any complaint, notice shall be given to the Respondent as to those additional violations. The Respondent shall then have fourteen (14) days from the date of the notice to provide a response. Otherwise, Commission staff shall present a Probable Cause petition to the Commission.

(4) Defective Complaint. Upon receipt of a written complaint which does not conform to the requirements of paragraph (1) of this Rule, the Executive Secretary of the Commission shall by letter acknowledge receipt of the complaint, advise the complainant of the defect in the complaint and inform the complainant that the complaint will not be considered by the Commission unless the defect is corrected.

(5) Preliminary Investigation of Complaint. The Commission staff shall conduct a preliminary investigation of any non-defective complaint and recommend as a part of its on-going investigation what further action, if any, should be taken. If the Commission staff should determine, after completing its preliminary investigation, that there is no evidentiary or jurisdictional basis for proceeding on a complaint under the Georgia Government Transparency and Campaign Finance Act or any other statute within the jurisdiction of the Commission, then the staff shall so notify the Complainant and administratively dismiss the complaint without requiring any formal action by the Commission.

(6) Preliminary Hearing. Following the preliminary investigation the complaint shall be scheduled for a preliminary hearing before the Commission and the Complainant and Respondent shall be notified of the scheduled hearing date. At such hearing, the Commission shall determine whether there are reasonable grounds to believe that a violation has occurred and if such a finding is made the matter will be set down for a hearing pursuant to the Georgia Administrative Procedure Act. The Respondent will have 30 days to initiate resolution of the matter with Commission staff prior to an APA hearing. If the Commission finds no reasonable grounds to believe a violation has occurred, the complaint shall be dismissed, subject to being reopened upon discovery of additional evidence or relevant material.

(7) Consideration of the Complaint. If at the preliminary hearing it is determined that further action is warranted, the Commission shall proceed as provided by law in contested cases. Nothing in this rule shall require the Commission to dispose of any matter in a single hearing nor shall this rule prevent the matter from being subject to further investigation by the Commission staff.

(8) The Commission shall not initiate an investigation on any complaint filed within thirty (30) days of an election in which the subject of the complaint is a participant or candidate in said election.

Cite as Ga. Comp. R. & Regs. R. 189-2-.03
Authority: O.C.G.A. §§ 21-5-4, 21-5-6, 21-5-7, 21-5-7.1.
History. Original Rule entitled "Complaints" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.
Amended: F. May 6, 1987; eff. May 26, 1987.
Amended: F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Oct. 12, 2006; eff. Nov. 1, 2006.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.

Rule 189-2-.04. Initiation of Investigations by the Commission.

Commission staff, when it discovers or learns of evidence that a violation of the Georgia Government Transparency and Campaign Finance Act or any other statute within the jurisdiction of the Commission may have occurred, may initiate, on reasonable belief that probable cause exists, an investigation into suspected violations of laws or rules under its jurisdiction as it deems necessary. In such case, the applicable procedures found in Rules 189-2-.03, 189-2-.05, and 189-2-.06 shall be followed in the investigation. The respondent shall be notified by the Commission staff in writing of the initiation of the investigation and of the basis for the finding of probable cause to open the investigation. The Commission staff shall not be required to file the Complaint form described in Rule 189-2-.03(1) nor to follow the procedures required under that Rule.

Cite as Ga. Comp. R. & Regs. R. 189-2-.04
Authority: O.C.G.A. §§ 21-5-4, 21-5-6, 21-5-7.
History. Original Rule entitled "Contested Cases; Notice; Hearing; Record" adopted. F. Apr. 9, 1987; eff. Apr. 29, 1987.

Repealed: New Rule entitled "Initiation of Investigations by the Commission" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.

Rule 189-2-.05. Contested Cases; Notice; Hearing; Record.

After the initial investigation and preliminary hearing have been completed, and if reasonable grounds to believe a violation of the Campaign Finance Act has occurred have been found, a matter becomes a contested case and shall be scheduled for hearing pursuant to the Administrative Procedure Act. The rules of that Act and of the Office of State Administrative Hearings shall govern contested cases, in addition to the rules of the Georgia Government Transparency and Campaign Finance Commission.

Cite as Ga. Comp. R. & Regs. R. 189-2-.05
Authority: O.C.G.A. §§ 21-5-6, 21-5-7, 50-13-13*et seq.*
History. Original Rule entitled "Rules of Procedure for Regular Commission Meetings" adopted. F. May 31, 1989; eff. June 20, 1989.
Repealed: New Rule entitled "Contested Cases; Notice; Hearing; Record" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Oct. 12, 2006; eff. Nov. 1, 2006.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.

Rule 189-2-.06. Rules of Procedure for Regular Commission Meetings.

Regular meetings of the Georgia Government Transparency and Campaign Finance Commission shall be conducted, to the extent practicable, in accordance with Robert's Rules of Order, which are hereby adopted as the Rules of Procedure for conducting such meeting. The Chairman of the Commission, or the Commissioner acting in that capacity, shall have the authority to make rulings regarding procedural matters and issues coming before the Commission. A majority (of a quorum) of the Commission may alter, amend, or reverse any such procedural ruling. A copy of Robert's Rules of Order will be maintained by the Executive Secretary of the Commission and available at all regular meetings.

Cite as Ga. Comp. R. & Regs. R. 189-2-.06
Authority: O.C.G.A. Secs. 21-5-6, 21-5-7.
History. Original Rule entitled "Commission Investigations and Hearings" adopted. F.July 18, 1989; eff. August 7, 1989.
Repealed: New Rule entitled "Rules of Procedure for Regular Commission Meetings" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-2-.07. Investigations, Administrative Subpoenas and Notices for Hearings.

(1) Whenever Commission staff is informed by a local filing officer or determines independently that a candidate, public officer, or other person required to file a Personal Financial Disclosure Statement, Campaign Contribution Disclosure Report, or any other document under the jurisdiction of the Commission, has failed to file or has failed to properly file any required report or document or has omitted information required to be disclosed by law or has included false or misleading information on such a document, Commission staff will determine if technical defects apply, initiate an investigation, and begin an enforcement action, as may be appropriate.

(2) Administrative Subpoena.

(a) If it is deemed appropriate by Commission staff in the course of an investigation or to secure witnesses or documents at a hearing before or on behalf of the Commission, an Administrative Subpoena may be served to obtain relevant documents or the attendance of a witness.

(b) If a person or entity to whom an administrative subpoena has been issued objects to the subpoena, such person shall file before the Commission a motion to quash the subpoena within ten (10) business days of receipt of the subpoena. Commission staff or their counsel may duly respond to such a motion. The Commission shall hear and rule upon the motion at its next regularly scheduled meeting or at a specially called meeting, and compliance with the subpoena shall be stayed until a ruling by the Commission is made upon the motion.

(3) Following the completion of an initial investigation all matters not administratively dismissed or solely containing technical defects shall be scheduled for hearing before the Commission and a Notice of Hearing pursuant to Rule 189-2-.05 shall issue.

Cite as Ga. Comp. R. & Regs. R. 189-2-.07
Authority: O.C.G.A. §§ 21-5-6, 21-5-7.
History. Original Rule entitled "Treatment of Fines Imposed by Commission" adopted. F. July 18, 1989; eff. August 7, 1989.
Repealed: New Rule entitled "Investigations and Hearings on Required Reports or Documents" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Repealed: New Rule entitled "Investigations and Hearings" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: New title "Investigations, Administrative Subpoenas and Notices for Hearings." F. Jan. 11, 2016; eff. Jan. 31, 2016.

Rule 189-2-.08. Disposition of Cases.

(1) After completion of appropriate proceedings, the Commission or its duly appointed officer may:

(a) Dismiss the case if no violation is found.

(b) Issue a Compliance Order.

(c) Issue an Order, including a Consent Order, finding one or more violations of law under the jurisdiction of the State Ethics Commission, and imposing civil penalties as provided by law, including but not limited to:

(i) Assessment of civil penalties in a dollar amount not to exceed the maximum authorized per violation times the number of violations found; and

(ii) Order the filing or amending of any delinquent or deficient document or report required to be filed by law under the jurisdiction of the State Ethics Commission and on a form or in the manner required by the Commission, within a certain time period with copies to be filed with the Commission; and

(iii) Ordering such other actions as necessary to bring about compliance with the law, including prohibiting the actual or threatened commission of any conduct constituting a violation.

(d) Suspend the hearing and report all preliminary findings to any prosecutorial authority for any action deemed appropriate.

(e) Postpone findings and any possible penalty for rescheduling and consideration of the matter at a future meeting, and subject to the taking of any interim action suggested by the Commission as dispositive in lieu of further proceedings.

(2) If a Hearing Officer hears a contested case and issues an Initial Decision:

(a) The Initial Decision will become the Final Decision by operation of law unless the Respondent or Attorney General's office makes a written request for review by the Commission within 30 days of the filing of the Initial Decision. Nothing in the Rules shall be construed to prevent the Commission, within 30 days of the Initial Decision, from ordering a review of any Initial Decision rendered by the duly appointed Hearing Officer.

(b) If the Respondent or Attorney General's office files a motion for review within 30 days of Initial Decision of the Hearing Officer, the Respondent or Attorney General's office shall include therein a statement of the reasons for seeking review and alleged errors made by the Hearing Officer in the Initial Decision. The Commission's review will be limited to those issues raised by the Respondent or Attorney General's office in the motion for review or by the Commission in its order for review.

(c) Upon the filing of a motion for review within 30 days of the Initial Decision, by the Respondent or Attorney General's office, or upon the filing of a timely order for review by the Commission on its own motion, notice of the date and time for the review shall be served on the Respondent or counsel for the Respondent and Attorney General's office.

(d) On review of the Initial Decision, the Commission shall have all the powers it would have in making the Initial Decision, and in its discretion shall have the power to take additional testimony or remand the case to the original hearing officer for such purpose, as provided in the Administrative Procedure Act and in accordance with this rule. The Respondent or Respondent's counsel and the Attorney General's office shall docket any motion, including motions to present additional evidence, at least fourteen (14) days before the date set for the Review Hearing. Responses to any such motions shall be docketed at least seven (7) days before the date set for the Review Hearing.

(i) Motions to present additional evidence or to remand the case to the original hearing officer for such purpose shall be granted only if the additional evidence is material and there was good cause for failing to present such evidence before the original hearing officer. The Commission shall enter an order as to the legal sufficiency of all motions, including motions for the presentation of additional evidence, prior to the Review Hearing.

(ii) Unless the Commission has granted a motion to present additional evidence, the Commission shall not receive any additional evidence by testimony or through documents at the Review Hearing. When represented by counsel at the Review Hearing, only counsel for the Respondent is permitted to make oral argument on behalf of the Respondent. When represented by counsel, unless the Commission has granted a motion to allow the additional testimony of the Respondent at the Review Hearing, the Respondent may not make a statement to the Commission, and any questions of the Respondent by the Commission shall be directed to the Respondent's counsel. During oral argument, questions by the Commission and the responses thereto shall not exceed the scope of the record under review unless the Commission has granted a motion to present additional evidence.

(e) Oral argument up to twenty (20) minutes per side is permitted in the Review Hearing. Additional time for argument must be requested in writing and docketed at least fourteen (14) days before the date set for the Review Hearing.

(f) Once the Review Hearing is concluded, the Commission shall deliberate as to the Final Decision in open session. At the conclusion of the deliberations, the vote of the matter shall be conducted in open session.

Cite as Ga. Comp. R. & Regs. R. 189-2-.08
Authority: O.C.G.A. Secs. 21-5-6, 21-5-7, 50-13*et seq.*
History. Original Rule entitled "Disposition of Cases" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Oct. 12, 2006; eff. Nov. 1, 2006.
Repealed: New Rule of same title adopted. F: Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 189-2-.09. Civil Penalties Imposed by the Commission.

All civil penalties imposed by the Commission shall be made payable to the State Ethics Commission, and such funds shall be processed pursuant to the Georgia Government Transparency and Campaign Finance Act.

Cite as Ga. Comp. R. & Regs. R. 189-2-.09
Authority: O.C.G.A. §§ 21-5-6, 21-5-7.
History. Original Rule entitled "Civil Penalties Imposed by the Commission" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. July 23, 2024; eff. Aug. 12, 2024.

Rule 189-2-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-2-.10
Authority: O.C.G.A. Sec. 21-5-6.
History. Original Rule entitled "Statute of Limitations" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Repealed: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-2-.11. Rules of Procedure - Seeking an Award of Attorney's Fees.

The Commission shall assess reasonable and necessary attorney's fees and expenses of litigation in any administrative action pending before the Commission, upon the motion of the Respondent or the Commission itself, if it finds that a Complainant or the Complainant's counsel filed a Complaint, or any related pleading thereto, that is frivolous, which shall include, but not be limited to, a complaint or pleading that lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein.

(1) Whenever a Respondent desires to seek an award of attorney's fees against a Complainant pursuant of O.C.G.A. § 21-5-6(b)(23) on the grounds that the latter filed a complaint that was frivolous, the Respondent and Complainant shall comply with, to the extent practicable, the following rules of procedure.

(a) Respondent may include in their initial answer to the Complaint, *inter alia*, a request for attorney's fees pursuant to O.C.G.A. § 21-5-6(b)(23).

(b) In the alternative, Respondent may also file, at any time before a final judgment in said case is rendered by the Commission, a separate motion requesting attorney's

fees pursuant to O.C.G.A. § 21-5-6(b)(23). If the Respondent is filing a separate motion, said motion shall comply with subsection (d) of this rule as detailed below.

(c) The Respondent's request (either by responsive pleading or separate motion) shall include, but not be limited to, the following:

1. A clear and concise statement of the facts upon which the Respondent asserts to support their claim that the complaint lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein against them.

2. A clear and concise statement of the legal argument upon which the Respondent asserts to support their claim that the complaint lacks a Legal Basis, Legal Merit, or factual basis to support the claims made therein against them.

3. A clear and concise statement as to the amount of attorney's fees that are being requested. Said statement shall be accompanied by, but not limited to, a copy of the Respondent's outstanding attorney's fee invoice that has been received as of the date of the request. Moreover, the Respondent shall update their request, if applicable, by submitting a copy of their current attorney's fee invoice within 48 hours of the hearing on their request for attorney's fees.

(d) If the Respondent files a separate motion requesting attorney's fees pursuant to O.C.G.A. § 21-5-6(b)(23), said motion shall be filed directly with the Commission and an exact copy of said motion shall also be served upon the Complainant (at the Complaint's last known address as contained in the Complaint filed with the Commission) by the Respondent. Service shall occur concurrently with the filing of said motion with the Commission. Service of the motion requesting attorney's fees shall be considered effectuated upon the Complainant by the transmittal of said motion via regular U.S. mail or via standard commercial carrier to include, but not limited to, UPS and FedEx.

(e) If the Respondent files a written request for attorney's fees (either by motion, answer or responsive pleading), the Complainant shall be afforded an opportunity to file a written response to the Respondent's written request for attorney's fees, said response period shall be no less than fifteen (15) business days from the date of service of the Respondent's written request for attorney's fees with the Commission. The Complainant's written response shall be filed directly with the Commission and an exact copy of said response shall also be served upon the Respondent (at the Respondent's last known address as contained in the Respondent's answer, responsive pleading or motion requesting attorney's fees) by the Complainant, said service shall occur concurrently with the filing of said response with the Commission. Service of the written response shall be considered effectuated upon the Respondent by transmittal of said response via regular U.S.

mail or via standard commercial carrier to include, but not limited to, UPS and FedEx. Any response in opposition to the Respondent's request for attorney's fees shall include, but not be limited to, the following:

1. A clear and concise statement of the facts upon which the Complainant asserts to support their claim that the complaint does not lack a Legal Basis, Legal Merit, or factual basis to support the claims made therein against the Respondent.

2. A clear and concise statement of the legal argument upon which the Respondent asserts to support their claim that the complaint does not lack a Legal Basis, Legal Merit, or factual basis to support the claims made therein against the Respondent.

(f) Attorney's fees awarded pursuant to O.C.G.A. § 21-5-6(b)(23) and the applicable rules of the Commission shall not exceed the amounts which are reasonable and necessary for defending or asserting the rights of the Respondent. Further, no award for attorney's fees shall exceed the actual amount of attorney's fees that were expended by the Respondent in the case constituting the grounds for the request for attorney's fees.

(g) No Complainant and no attorney representing same shall be assessed attorney's fees as to any claim which the Commission determines was asserted by said Complainant or attorney in a Good Faith attempt to establish a new theory of law in Georgia if such new theory of law is based on some recognized precedential or persuasive authority. Further, the Commission shall judge whether a complaint or subsequent pleading is frivolous based upon the information that was publicly available to the Complainant at the time the complaint or subsequent pleading was made, and not upon information that was subsequently discovered by the Commission's staff in their investigation.

(h) An award of attorney's fees under these rules and pursuant to O.C.G.A. § 21-5-6(b)(23) shall be determined by an order of Commission and said order shall be reduced to writing by Commission staff at the conclusion of the Commission's hearing. Further, any such order awarding attorney's fees shall constitute a binding order of the Commission subject to further enforcement as provided by Georgia law.

Cite as Ga. Comp. R. & Regs. R. 189-2-.11
Authority: O.C.G.A. §§ 21-5-6(7), 21-5-6(23).
History. Original Rule entitled "Rules of Procedure - Seeking an Award of Attorney's Fees" adopted. F. Jan. 13, 2020; eff. Feb. 2, 2020.

Rule 189-2-.12. Rules of Procedure - Telephone and Video Conferencing.

The Commission may on its own motion or upon the request of any party may in its discretion conduct any and all proceedings which are authorized to be conducted by the Commission by telephone or video conference with the attorneys for all affected parties, and with the parties and all necessary witnesses in the case of preliminary hearings, administrative hearings, final hearings, or other proceedings.

(1) The Commission's presiding officer or hearing officer may specify:

(a) The time and the person who will initiate the conference;

(b) The party which is to incur the initial expense of the conference, or the apportionment of such costs among the parties, while retaining the discretion to make an adjustment of such costs upon final resolution of the case by taxing same as part of the costs; and

(c) Any other matter or requirement necessary to accomplish or facilitate the telephone or video conference.

(2) As this rule relates to preliminary hearings, administrative hearings and final hearings, the following requirements shall apply:

(a) Said hearings shall comply with the Georgia Open Meetings Act.

(b) Said hearings shall comply with the applicable provisions of the Georgia Government Transparency and Campaign Finance Act, the Administrative Procedure Act and the Consolidated Rules and Regulations of the Commission.

(c) Notice shall be given to the parties and the public that a proceeding will occur partially or wholly by remote telephone or video conferencing. Such notice may be given by any means authorized by the Georgia Open Meetings Act.

(d) If a party or a member of the public objects to the remote proceeding, the Commission's presiding officer or hearing officer shall sustain or overrule such objection prior to commencing the proceeding.

(e) Members of the public shall be given an opportunity to view the remote proceedings, such as by joining the telephone or video conference, through a livestream of the proceeding, or through substantially similar means of viewing. The Commission will have the sole discretion to determine which parties and persons may participate in any remote proceeding conducted by telephone or video conference.

Cite as Ga. Comp. R. & Regs. R. 189-2-.12
Authority: O.C.G.A. §§ 21-5-6(a)(7), 21-5-6(b)(10).
History. Original Rule entitled "Rules of Procedure - Telephone and Video Conferencing" adopted. F. Sep. 2, 2020; eff. Sept. 22, 2020.

Rule 189-2-.13. Requirement of Notice Given to Commission Members by Commission Staff of Initial Decision.

In accordance with the Rules of the State Ethics Commission Rule 189-2-.08 (2), upon the issuance of an Initial Decision by a Hearing Officer, the State Ethics Commission Staff shall, within two (2) business days of issuance of an Initial Decision, provide the text of the Initial Decision to Commissioners with a recommendation from Commission Staff of what action, if any, the Commission should take on the Initial Decision.

Cite as Ga. Comp. R. & Regs. R. 189-2-.13
Authority: O.C.G.A. § 21-5-6(a)(7).
History. Original Rule entitled "Requirement of Notice Given to Commission Members by Commission Staff of Initial Decision" adopted. F. Apr. 26, 2024; eff. May 16, 2024.

Chapter 189-3. DISCLOSURE REPORTS.

Rule 189-3-.01. Campaign Contribution Disclosure Reports.

(1) Contributions. Contributions of more than $100.00, including contributions of lesser amounts when the aggregate amount from a contributor is more than $100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:

(a) For contributions by any individual list:

1. the individual's name in alphabetical order by last name;
2. the individual's occupation;
3. the complete mailing address of the individual;
4. the amount of the contribution;
5. the date of receipt of the contribution,
6. the individual's employer; and,
7. the election for which the contribution has been accepted and allocated.

(b) For contributions by any corporation, labor union, political action committee, or other organization or entity list:

1. the contributor's name in alphabetical order;
2. the contributor's complete mailing address;

3. the corporate, labor union, or other affiliation of any political action committee if applicable;

4. the amount of the contribution,

5. the date of receipt of the contribution; and,

6. the election for which the contribution has been accepted and allocated.

(c) When a contribution consists of a loan, advance, or other extension of credit, the report shall also list:

1. The name of the lending institution or party making the loan, advance, or extension of credit;

2. The names, mailing addresses, occupations, and places of employment of all persons having any liability for the repayment of the loan, advance, or extension of credit; and,

3. The fiduciary relationship, any such person has with the lending institution or party making the loan, advance, or extension of credit.

(2) Common Source Contributions $100.00 or Less.

(a) Unless otherwise reported individually, separate contributions of $100.00 or less 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.

(3) Expenditures. Expenditures of more than $100.00, including expenditures of lesser amounts when the aggregate amount to a recipient is more than $100.00 for the calendar year in which the report is filed, shall be listed on each report as follows:

(a) the name of each recipient in alphabetical order by last name or by company name;

(b) the complete mailing address of the recipient;

(c) if recipient is an individual, list the occupation and place of employment;

(d) the amount of the expenditure;

(e) the general purpose of the expenditure with such detail as shows the expenditure is for a purpose lawfully authorized for campaign funds; and,

(f) the date of the expenditure.

(4) Campaign Contribution Disclosure Reports by Candidates who file a Declaration of Intention to Accept Campaign Contributions but do not qualify to run for office. If a person files a declaration of intention to accept campaign contributions but does not qualify to run for office, the following campaign contribution disclosure reports are required:

(a) Persons who would have been in a primary or general election must file: supplemental campaign contribution disclosure reports on January 31, April 30, July 31, and October 20 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

(b) Persons who would have been in a special election must file:

(1) the fifteen days before special election report and supplemental campaign contribution disclosure reports on January 31, April 30, July 31, and October 20 of each year until such contributions are expended in a campaign for elective office or used as provided for in subsection (b) of Code Section 21-5-33.

Candidates who file a declaration of intention to accept campaign contributions and an Exemption Affidavit, but who do not qualify to run for office may file a Final Report and Termination Statement within 10 days of the dissolution of their campaign.

(5) Campaign Contribution Disclosure Reports by Candidates who file an Exemption Affidavit. A candidate who files an Exemption Affidavit but exceeds the $2,500 contribution threshold for either contributions or expenditures during the election cycle must file the next regularly scheduled Campaign Contribution Disclosure Report. Such a candidate must report all contributions and expenditures from January 1 to the date of the report.

(6) Campaign Contribution Disclosure Reports by Candidates with contributions or expenditures greater than $2,500 but less than $5,000. Candidates with contributions or expenditures greater than $2,500 but less than $5,000 must file an amendment to their October 25 Campaign Contribution Disclosure Report which reports all contributions and expenditures made between the October 25 report and December 31.

(7) Campaign Contribution Disclosure Reports by Local Candidates with contributions or expenditures greater than $2,500 but less than $5,000 in special or run-off election or in non-election year. Local candidates with contributions or expenditures greater than $2,500 but less than $5,000 are only required to file the June 30 and October 25 reports required by O.C.G.A. § 21-5-34(c)(2). Such candidates are not required to file the reports required by O.C.G.A. § 21-5-34(c)(1),(c)(3), or (c)(4).

(8) Campaign Contribution Disclosure Reports by Candidates in Special Elections. Except as provided above, candidates in special elections must file a December 31 Campaign Contribution Disclosure Report.

(9) Campaign Contribution Disclosure Reports by Non-Candidate Campaign Committees.

(a) Contributions made to political parties or political action committees must be disclosed on campaign contribution disclosure reports the same as if those contributions had been made directly to candidates.

(b) There are three instances in which a contributor is not required to file campaign contribution disclosure reports: (1) if the contributor's total contributions and expenditures to or on behalf of all candidates for the calendar year does not exceed $25,000 in the aggregate; or, (2) if, regardless of the dollar amount involved, the contributor makes contributions to only one candidate during the calendar year, or (3) if the contributor is an individual who makes aggregate contributions of $25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year.

(c) A Recall Committee which supports or opposes a recall election shall files campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(g).

(d) A Committee which supports or opposes a proposed constitutional amendment or state-wide referendum shall files campaign contribution disclosure reports if any contributions are received or any expenditures are made and shall register with the Commission and file campaign contribution disclosure reports as prescribed by O.C.G.A. § 21-5-34(h).

(e) Any Campaign Committee which accepts contributions which total more than $500 or makes expenditures which total more than $500 designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in a county or municipal election, shall register and file campaign contribution disclosure reports with the same officials as prescribed by O.C.G.A. § 21-5-34(a)(3) or O.C.G.A. § 21-5-34(a)(2)(A).

(f) Campaign contribution limits on contributions to candidates do not apply to independent expenditures made to influence candidate elections. An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate but which is made independently of any candidate's campaign. However, an expenditure is "independent" only if it

meets certain conditions. It 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 which is subject to limits.

Cite as Ga. Comp. R. & Regs. R. 189-3-.01
Authority: O.C.G.A. §§ 21-5-6(a)(7), 21-5-30, 21-5-33, 21-5-34(c), 21-5-34(i).
History. Original Rule entitled "Deferred Payment of Expenses" was filed on August 5, 1988; effective August 25, 1988.
Repealed: New Rule entitled "Campaign Contribution Disclosure Reports" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. July 19, 2001; eff. August 8, 2001.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. Apr. 30, 2026; eff. May 20, 2026.

Rule 189-3-.02. Expenditures on Behalf of a Candidate or Campaign Committee.

When a person pays for or provides goods, services, a gift, subscription, membership, loan, forgiveness of debt, extension of credit, advance or deposit of money, or anything of value on behalf of a candidate or a campaign committee for the purpose of influencing an election, it is a "contribution" and is subject to the contribution limits (except as otherwise provided in O.C.G.A. §§ 21-5-41 and 21-5-42). The contribution shall be reported on the campaign contribution disclosure report for the time period in which it occurs.

Cite as Ga. Comp. R. & Regs. R. 189-3-.02
Authority: O.C.G.A..Secs. 21-5-3, 21-5-6, 21-5-34.
History. Original Rule entitled "Expenses Incurred Through Third Parties" adopted. F. Aug. 5, 1988; eff. Aug. 25, 1988.
Repealed: New Rule entitled "Expenditures on Behalf of a Candidate or Campaign Committee" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 189-3-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-3-.03
Authority: O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-34.
History. Original Rule entitled "Deferred Payment of Expenses" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Repealed: New Rule entitled "Deferred Expenditures" adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.
Repealed: F. Oct. 5, 2020; eff. Oct. 25, 2020.

Rule 189-3-.04. Expenses Incurred Through or By Third Parties.

(1) Payments by Credit Card.

(a) If a candidate or campaign committee pays for goods or services directly or indirectly by using a credit card merely as a conduit through which funds are paid to an end-recipient, the expenditure must be itemized and shall be shown on the campaign contribution disclosure report in the time period it is incurred.

(b) The campaign contribution disclosure report shall identify the name of the person to whom the credit card was issued, the name of the credit card company, as well as each end-recipient, and shall include the following:

1. name of the person to whom the credit card was issued;

2. name of the credit card company and complete mailing address;

3. lump sum amount paid to the credit card company;

4. name of each end-recipient and occupation if an individual;

5. complete mailing address of each end-recipient;

6. amount of the payment 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.

(2) Payments Through or By a Third Party.

(a) 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.

Campaign expenditures made by third parties on behalf of a candidate or campaign committee need not be itemized to identify the actual end recipient of the expenditure but shall be reported as otherwise required when such third parties as well as the actual end recipients of the expenditure are independent contractors or otherwise not under the management, direction or control of the candidate or campaign committee. An individual or corporation shall be considered an independent contractor for the purposes of this section when it is retained by a candidate or campaign committee and, while the individual or corporation may follow the candidate's or campaign committee's desires as to results of work, the candidate or campaign committee does not manage, director of control such

individual's or corporation's performance of their work. If the third party is a consulting firm, media placement firm, or advertising agency, the disclosure shall include the name of at least one principal in the firm. Where applicable, the principal so disclosed shall be the individual most responsible for the provision of services to the candidate or campaign committee.

(b) 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.

Cite as Ga. Comp. R. & Regs. R. 189-3-.04
Authority: O.C.G.A. Secs. 21-5-3, 21-5-6, 21-5-34.
History. Original Rule entitled "Expenses Incurred Through or By Third Parties" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Aug. 28, 2002; eff. Sept. 17, 2002.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 189-3-.05. Reimbursement of Expenses.

(1) If a candidate or a campaign committee reimburses a person directly or indirectly for goods, services, or anything of value which was paid for on behalf of the candidate or campaign committee, it must be itemized and shall be reported as an expenditure on the campaign contribution disclosure report for the time period in which the reimbursement is made. All extensions or advancements of credit are subject to the contribution limits except as otherwise provided in O.C.G.A. §§ 21-5-41 and 21-5-42.

(2) The campaign contribution disclosure report shall identify the person receiving reimbursement, as well as, each end-recipient and shall include:

(a) name, and occupation if an individual, of the person receiving reimbursement;

(b) complete mailing address;

(c) lump sum amount paid;

(d) name, and occupation if an individual, of each end-recipient;

(e) complete mailing address of each end-recipient;

(f) amount paid to each end-recipient;

(g) 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.

Cite as Ga. Comp. R. & Regs. R. 189-3-.05
Authority: O.C.G.A. Secs. 21-5-3, 21-5-6, 21-5-34.
History. Original Rule entitled "Reimbursement of Expenses" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Repealed: New Rule of same title adopted. F. Dec. 18, 2007; eff. Jan. 7, 2008.

Rule 189-3-.06. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-3-.06
Authority: O.C.G.A. § 21-5-6(a)(7).
History. Original Rule entitled "Flight on Noncommercial Aircraft by a Candidate, Public Officer, or Person Traveling on Behalf of a Candidate or Committee, for Campaign Purposes" adopted. F. Dec. 5, 2008; eff. Jan. 1, 2009, as specified by the Agency.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.
Repealed: F. May 11, 2023; eff. May 31, 2023.

Rule 189-3-.07. Provision of Aircraft to a Public Officer by a Lobbyist.

Lobbyists must disclose the fair market value of the provision of noncommercial aircraft, as defined by 189-3-.06, to public officers or their staff members if the purpose of such provision is for lobbyist activities. Such disclosure must be in accordance with Rule 189-3-.06 and disclosed on the Lobbyist Disclosure Report due for the reporting period in which the flight occurred.

Cite as Ga. Comp. R. & Regs. R. 189-3-.07
Authority: O.C.G.A. Secs. 21-5-3, 21-5-6, 21-5-73.
History. Original Rule entitled "Provision of Aircraft to a Public Officer by a Lobbyist" adopted. F. Dec. 5, 2008; eff. Jan. 1, 2009, as specified by the Agency.

Rule 189-3-.08. Assistance By Local Filing Entities.

Local filing entities and their staff may render assistance to local filers if such assistance is ordinary and in the course of performing their regular duties. However, local filing entities and

their staff shall not give advice or opinions in connection with any assistance provided to local filers, nor shall the local filing entities assist filers with the completion of the filings unless such assistance is only clerical in nature.

Cite as Ga. Comp. R. & Regs. R. 189-3-.08
Authority: O.C.G.A. Sec. 21-5-30.2(b).
History. Original Rule entitled "Assistance By Local Filing Entities" adopted. F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-3-.09. Electronic Filing of Two Business Day Report With Local Filing Entity.

Local candidates who file a Two Business Day Report via facsimile with their local filing entity must file within five (5) business days thereafter the Two Business Day Report electronically pursuant to the local filing entities' own rules.

Cite as Ga. Comp. R. & Regs. R. 189-3-.09
Authority: O.C.G.A. Sec. 21-5-34(c)(4).
History. Original Rule entitled "Electronic Filing of Two Business Day Report With Local Filing Entity" adopted. F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-3-.10. Transmission of Declaration of Intention at Local Level.

Local filing entities must transmit a candidate's Declaration of Intention to the Commission within ten (10) days of it being filed with the local filing entity.

Cite as Ga. Comp. R. & Regs. R. 189-3-.10
Authority: O.C.G.A. Sec. 21-5-30(g).
History. Original Rule entitled "Transmission of Declaration of Intention at Local Level" adopted. F. Aug. 24, 2015; eff. Sept. 13, 2015.

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

Anything that would qualify as a "lobbying expenditure" under O.C.G.A. § 21-5-70(4.1) if made by a lobbyist to or for a public official or public employee shall constitute a "lobbying expenditure" if made by a lobbyist to or for a family member of a public official or public employee. For purposes of this Rule,"a family member" means the spouse, parents, and dependent children of the respective public official or public employee.

Cite as Ga. Comp. R. & Regs. R. 189-3-.11
Authority: O.C.G.A. §§ 21-5-3(17), 21-5-70, 21-5-73.
History. Original Rule entitled "Lobbying Expenditures Made to or for the Family Members of Public Officials and Public Employees" adopted. F. Jan. 11, 2016; eff. Jan. 31, 2016.

Rule 189-3-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-3-.12
Authority: O.C.G.A. § 21-5-6(a)(7).
History. Original Rule entitled "Acceptance of Facsimile Signatures on Lobbyist Renewals and Registration" adopted. F. Jan. 11, 2016; eff. Jan. 31, 2016.
Repealed: F. Oct. 18, 2023; eff. Nov. 7, 2023.

Chapter 189-4. COMMITTEES.

Rule 189-4-.01. Registration of a Committee.

(1) Unless otherwise exempted by the Act, any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of (1) candidates seeking to be elected to municipal, county, or state office in Georgia, or (2) for the purpose of seeking or opposing the recall of a public officer holding such elective office in Georgia, or (3) for the purpose of bringing about voter approval or rejection of a proposed constitutional amendment, a statewide referendum, or a proposed ballot question in any county or municipal election, and any independent committee, shall file a registration showing the name of the person or committee registering, and the names and addresses of the chairman and treasurer thereof with the Georgia Government Transparency and Campaign Finance Commission before engaging in any of the activities described herein.

(2) All individuals or other persons making contributions and expenditures to or on behalf of candidates which do not exceed $25,000.00 in the aggregate in one calendar year are not required to register as described in O.C.G.A. § 21-5-34(e).

(3) Any substantive changes to registration information of a committee must be updated with the Commission with in 7 business days.

(4) 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.

(5) Registration for individuals or persons other than individuals required by law to register and report contributions and expenditures will expire at the end of each calendar year.

Cite as Ga. Comp. R. & Regs. R. 189-4-.01
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30 to 21-5-32, 21-5-3.
History. Original Rule entitled "Registration of Campaign Committee by Persons Reporting under O.C.G.A. Sec. 21-5-31(a)" was f. May 31, 1989; eff. June 20, 1989.
Repealed: New Rule entitled "Registration of a Campaign Committee" adopted. F.Feb. 22, 2000; eff. Mar. 13, 2000.
Repealed: New Rule, same title, adopted. F. Jul. 19, 2001; eff. Aug. 8, 2001.

Repealed: New Rule entitled "Registration of a Committee" adopted F: Feb. 4, 2008; eff: Feb. 24, 2008.
Amended: F: May 23, 2008; eff: June 12, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Chapter 189-5. DISPOSITION OF CONTRIBUTIONS.

Rule 189-5-.01. Disposition of Contributions Without Limitation.

O.C.G.A. § 21-5-33 governs the proper disposition of campaign contributions. One of the specifically permitted uses for such funds is contained in O.C.G.A. § 21-5-33(b)(1)(B), which states "except as otherwise provided in subparagraph (D) of the paragraph, for transferal without limitation to any national, state, or local committee of any political party or to any candidate." However, contributions to any candidate or candidate's campaign committee may not exceed contribution limits, and such contributions are subject to all other restrictions or prohibitions contained in the Georgia Government Transparency and Campaign Finance Act or other applicable law.

Cite as Ga. Comp. R. & Regs. R. 189-5-.01
Authority: O.C.G.A. Secs. 21-5-6, 21-5-33.
History. Original Rule entitled "Disposition of Contributions Without Limitation" adopted. F. Feb. 22, 2000; eff. Mar. 13, 2000.
Amended: F. Feb. 4, 2008; eff. Feb. 24, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-5-.02. Contributions Remaining Unspent After the Election for Which They Were Received.

At the conclusion of an election, contributions that are left over may be spent on subsequent elections in the same election cycle. If there are not remaining elections in the election cycle, or even if there are remaining elections but the candidate will not be on the ballot for any election remaining in the election cycle, all contributions left over after payment of campaign expenses must be disposed of following the law governing the appropriate use of excess contributions.

Cite as Ga. Comp. R. & Regs. R. 189-5-.02
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Choosing Option of Separate Accounting" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: New Rule entitled "Contributions Remaining Unspent After the Election for Which They Were Received" adopted. F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.03. Contributions Which Must Be Returned to Contributors.

If the candidate has accepted contributions which were separately accounted for and held pending the results of a preceding election, such contributions may be disposed of following the

law governing the appropriate use of excess contributions or returned in full to the original contributors thereof if either of the following are true:

1) the election for which the contributions were accepted will not be held, or

2) the candidate for whom the contributions were accepted is not on the ballot in the election for which the contributions were accepted.

Cite as Ga. Comp. R. & Regs. R. 189-5-.03
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Separate Bank Accounts Permitted if Separate Accounting Is Chosen" adopted. F.July 19, 2001; eff. August 8, 2001.
Repealed: New Rule entitled "Contributions Which Must Be Returned to Contributors" adopted. F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.04. Undeliverable Refunds.

Any refund which, for any reason, cannot be delivered to the original contributor due to a lack of forwarding address shall be treated as excess funds and only expended in a manner authorized for disposition of excess funds.

Cite as Ga. Comp. R. & Regs. R. 189-5-.04
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "If Separate Accounting Is Not Chosen" adopted. F.July 19, 2001; eff. August 8, 2001.
Repealed: New Rule entitled "Undeliverable Refunds" adopted. F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.05. Paying Off Campaign Debts.

Candidates who have elected the option of separate accounting may not use contributions designated for a future election to pay debts from a prior election, unless and until the election for which the separately accounted for contributions were designated has been held, and campaign obligations remain outstanding from a prior election.

Cite as Ga. Comp. R. & Regs. R. 189-5-.05
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Contributions Allowed for the Current Election Cycle" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: New Rule entitled "Paying Off Campaign Debts" adopted. F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.06. Definition of Controlling Interest.

For the purposes of O.C.G.A. § 21-5-33(b)(2)(E), a person shall be deemed to have a controlling interest in a nonprofit corporation if he or she possesses 10% or more of the voting rights of the

organization or if the person possesses, directly or indirectly, the power or authority to direct or cause the direction of management or policies of the organization.

Cite as Ga. Comp. R. & Regs. R. 189-5-.06
Authority: O.C.G.A. §§ 21-5-6, 21-5-7.
History. Original Rule entitled "Specifying the Election for Which a Contribution Is Accepted" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.
Adopted: F. Apr. 30, 2026; eff. May 20, 2026.

Rule 189-5-.07. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-5-.07
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Contributions Remaining Unspent After the Election for Which They Were Received Has Been Held" adopted. F.July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.08. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-5-.08
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Contributions Received for an Election Which Does Not Occur or for Which a Candidate Does Not Qualify" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.09. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-5-.09
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Contributions Which Must Be Returned to Contributors" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.10. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-5-.10
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Deadline for Refunds and When Interest on Refunds Must Be Distributed to Contributors" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.11. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-5-.11
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Undeliverable Refunds" adopted. F. July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-5-.12. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-5-.12
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Paying Off Campaign Debts" adopted. F.July 19, 2001; eff. August 8, 2001.
Repealed: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Chapter 189-6. CAMPAIGN CONTRIBUTIONS.

Rule 189-6-.01. Receiving Contributions to Retire Debt.

If following a candidate's last election in an election cycle, the candidate's funds are insufficient to pay all campaign obligations incurred prior to the election, the candidate may accept contributions which will be aggregated with contributions previously received for the last election for purposes of the contribution limits set forth in the Act. However, contributions received to retire campaign debt may not be accepted in excess of the amount necessary to retire the campaign debt remaining from such last election.

Cite as Ga. Comp. R. & Regs. R. 189-6-.01
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-40, 21-5-41, 21-5-43.
History. Original Rule entitled "Receiving Contributions to Retire Debt" adopted. F. July 19, 2001; eff. August 8, 2001.
Amended: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-6-.02. Contributions for Candidates Without Primaries.

Any person who will be on the general election ballot as a candidate in an election preceded by a primary election may accept contributions designated for such primary election even though such candidate does not appear on the primary ballot.

Cite as Ga. Comp. R. & Regs. R. 189-6-.02
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-40, 21-5-41, 21-5-43.
History. Original Rule entitled "Contributions for Candidates Without Primaries" adopted. F. July 19, 2001; eff. August 8, 2001;
Amended: F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-6-.03. Repealed.

Cite as Ga. Comp. R. & Regs. R. 189-6-.03
Authority: O.C.G.A. Sec. 21-5-6.
History. Original Rule entitled "Maximum Allowable Contribution by Corporation" adopted. F. July 19, 2001; eff. August 8, 2001.
Amended: F. Feb. 4, 2008; eff: Feb. 24, 2008.
Repealed: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-6-.04. Maximum Allowable Contribution by Political Committees.

No political committee shall make, for any election, contributions to any candidate which, when aggregated with contributions to the same candidate for the same election from any affiliated political committees, exceed the per election contribution limits for such candidate as set forth in O.C.G.A. § 21-5-41. Campaign contribution limits on contributions to candidates do not apply to independent expenditures made to influence candidate elections. An independent expenditure is an expenditure for a communication which expressly advocates the election or defeat of a clearly identified candidate but which is made independently of any candidate's campaign. However, an expenditure is "independent" only if it meets certain conditions. It 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 which is subject to limits.

Cite as Ga. Comp. R. & Regs. R. 189-6-.04
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-40, 21-5-41, 21-5-43.
History. Original Rule entitled "Maximum Allowable Contribution by Political Committees" adopted. F. July 19, 2001; eff. August 8, 2001.
Amended: F. Feb. 4, 2008; eff: Feb. 24, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-6-.05. Specifying the Election for Which a Contribution Is Accepted.

Recipients of campaign contributions must specify on their campaign contribution disclosure reports which election for which a contribution has been accepted. If no election is specified or if the recipient has not chosen the option of separately accounting for contributions, any such contribution shall be presumed to have been accepted for the election on or first following the date of the contribution.

Cite as Ga. Comp. R. & Regs. R. 189-6-.05
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Specifying the Election for Which a Contribution Is Accepted" adopted. F. Feb. 4, 2008; eff: Feb. 24, 2008.

Rule 189-6-.06. Contributions Received for an Election Which Does Not Occur or for Which a Candidate Does Not Qualify.

Contributions received for an election beyond the candidate's next upcoming election, may be placed in a separate campaign depository account and may not be spent or encumbered until the preceding election has been held and it is determined that the candidate will be on the ballot for the election for which the separately accounted for contributions were received.

Cite as Ga. Comp. R. & Regs. R. 189-6-.06
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-33, 21-5-41, 21-5-43.
History. Original Rule entitled "Contributions Received for an Election Which Does Not Occur or for Which a Candidate Does Not Qualify" adopted. F. Feb. 4, 2008; eff: Feb. 24, 2008.

Rule 189-6-.07. In-Kind Contributions.

(1) An in-kind contribution is deemed a "contribution" for purposes of the Act, and refers to any item of value other than money received by a candidate or any committee.

(2) The aggregate of monetary and in-kind contributions from the same contributor shall not exceed the maximum contribution limits authorized by the Act.

Cite as Ga. Comp. R. & Regs. R. 189-6-.07
Authority: O.C.G.A. Sec. 21-5-34.
History. Original Rule entitled "In-Kind Contributions" adopted. F. Feb. 4, 2008; eff. Feb. 24, 2008.
Amended: F. Aug. 24, 2015; eff. Sept. 13, 2015.

Rule 189-6-.08. Reporting of Investments.

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.

Cite as Ga. Comp. R. & Regs. R. 189-6-.08
Authority: O.C.G.A. Sec. 21-5-34.
History. Original Rule entitled "Reporting of Investments" adopted. F. Feb. 4, 2008; eff. Feb. 24, 2008.

Rule 189-6-.09. Reporting of Indebtedness.

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

Cite as Ga. Comp. R. & Regs. R. 189-6-.09
Authority: O.C.G.A. Sec. 21-5-34.
History. Original Rule entitled "Reporting of Indebtedness" adopted. F. Feb. 4, 2008; eff. Feb. 25, 2008.

Rule 189-6-.10. Filing of a Declaration of Intention to Accept Campaign Contributions before Campaign Contributions May be Accepted.

(1) No person or campaign committee may accept campaign contributions, including personal loans, prior to the filing of a Declaration of Intention to Accept Campaign Contributions.

(2) Neither a candidate who is already a public officer nor his or her campaign committee may lawfully accept a campaign contribution for a campaign for a different office unless and until that candidate has filed a Declaration of Intention to Accept Campaign Contributions for that different office.

(3) A candidate may not provide a personal loan to his or her campaign prior to filing a Declaration of Intention to Accept Campaign Contributions.

Cite as Ga. Comp. R. & Regs. R. 189-6-.10
Authority: O.C.G.A. §§ 21-5-6; 21-5-3(7); 21-5-30(g); 21-5-33(d).
History. Rule number Reserved. F. Aug. 24, 2015; eff. Sept. 13, 2015.
Adopted: Original Rule entitled "Filing of a Declaration of Intention to Accept Campaign Contributions before Campaign Contributions May be Accepted." F. Jan. 11, 2016; eff. Jan. 31, 2016.

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

Contributions made via check or negotiable instrument are deemed received upon receipt of the check or other negotiable instrument by the candidate and/or committee.

Cite as Ga. Comp. R. & Regs. R. 189-6-.11
Authority: O.C.G.A. §§ 21-5-6; 21-5-34.
History. Rule number Reserved. F. Aug. 24, 2015; eff. Sept. 13, 2015.
Adopted: Original Rule entitled "When Campaign Contributions Made Via Check or Negotiable Instrument are Deemed Received." F. Jan. 11, 2016; eff. Jan. 31, 2016.

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

Any anonymous campaign contributions received by a candidate or campaign committee shall be transmitted to the state treasurer for deposit into the state treasury. Notice of any such campaign contribution and transmittal shall be verified and reported to the Commission by disclosing said

contribution and transmittal on the candidate's or campaign committee's next regularly filed Campaign Contribution Disclosure Report.

Cite as Ga. Comp. R. & Regs. R. 189-6-.12
Authority: O.C.G.A. § 21-5-30(e).
History. Original Rule entitled "Notice to Commission of Anonymous Campaign Contributions" adopted. F. Aug. 24, 2015; eff. Sept. 13, 2015.
Amended: F. Jan. 11, 2016; eff. Jan. 31, 2016.

Chapter 189-7. FILING OFFICERS.

Rule 189-7-.01. Reporting of Qualifying Information.

Filing officers shall electronically report the following information to the Commission in the prescribed format within 10 days of the close of the qualification period: the office sought, the names and addresses of those persons who qualified to run for that office, and the qualifying date for each person.

Cite as Ga. Comp. R. & Regs. R. 189-7-.01
Authority: O.C.G.A. Secs. 21-5-6, 21-5-30, 21-5-34, 21-5-50.
History. Original Rule entitled "Reporting of Qualifying Information" adopted. F. Feb. 18, 2009; eff. Mar. 10, 2009.

Rule 189-7-.02. Reporting of Election Results.

At the conclusion of each election, filing officers shall electronically report the election results to the Commission in the prescribed format within 10 days of the election results being certified.

Cite as Ga. Comp. R. & Regs. R. 189-7-.02
Authority: O.C.G.A. Secs. 21-5-6, 21-5-34.
History. Original Rule entitled "Reporting of Election Results" adopted. F. Feb. 18, 2009; eff. Mar. 10, 2009.

Chapter 189-8. LEADERSHIP COMMITTEES.

Rule 189-8-.01. Political Party.

For purposes of O.C.G.A. § 21-5-34.2(a), "political party" shall include any political body which is duly registered as provided in O.C.G.A. § 21-2-110 and qualified to nominate candidates for state-wide public office by convention pursuant to O.C.G.A. § 21-2-180.

Cite as Ga. Comp. R. & Regs. R. 189-8-.01
Authority: O.C.G.A. § 21-5-34.2.
History. Original Rule entitled "Political Party" adopted. F. Jan. 16, 2024; eff. Feb. 5, 2024.