

**Before the
GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION**

**In Re: Registration of Lobbyists with Unpaid Fines and Penalties
or Unfiled Lobbyist Reports**

**MOTION FOR ORDER DISALLOWING
LOBBYIST REGISTRATION OR RENEWAL TO INDIVIDUALS
WITH UNPAID FEES, FINES OR PENALTIES OR UNFILED REPORTS**

COMES NOW STEFAN RITTER, in his official capacity as Executive Secretary of the Georgia Government Transparency and Campaign Finance Commission, and respectfully requests that the Commission issue an order that individuals who have unpaid Commission fees, fines, or penalties or unfiled reports with the Commission may not register as lobbyists or renew a lobbyist registration until paying any outstanding fees, fines, or penalties required by the Campaign Finance Act and filing any reports they are required to file by the Act. Such an order, which would issue pursuant to O.C.G.A. §§ 21571(d) and 21-5-72(a) and the Commission's general powers and duties under the Campaign Finance Act, O.C.G.A. § 21-5-6, would have the effect of denying, suspending, or revoking the registration of each lobbyist to whom it is applicable for a period not to exceed one year.

In support of this motion the Executive Secretary shows as follows:

1.

Georgia law provides as follows:

Denial, suspension, or revocation of registration; reinstatement; civil penalty

(a) In addition to other penalties provided in this article, the commission may by order deny, suspend, or revoke for a period not to exceed one year the registration of a lobbyist if it finds that the lobbyist:

- (1) Has filed an application for registration with the commission which was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;
- (2) Has willfully violated or willfully failed to comply with this article or a rule promulgated by the commission under this article;
- (3) Has failed to comply with the reporting requirements of this article; or
- (4) Has engaged in lobbying practices in violation of this article.

(b) Application may be made to the commission for reinstatement. Such reinstatement shall be conducted in the same manner as required for an initial registration under this article and shall be conditioned upon payment of the same registration fees applicable to an initial registration and also any outstanding penalty fees.

(c) Any person failing to comply with or violating any of the provisions of this article shall be subject to a civil penalty not to exceed \$2,000.00 per violation.

O.C.G.A. § 21-5-72.

2.

Likewise, the Commission has the express power to establish procedures for renewal of lobbyist registrations, O.C.G.A. § 21-5-71(d), and to regulate conduct under the conduct governed by the Campaign Finance Act, including the registrations and filings of lobbyists and putative lobbyists. O.C.G.A. § 21-5-6.

3.

While the Commission has adopted no regulations interpreting O.C.G.A. § 21-5-72(a) and § 21-5-71(d), each year for at least the last four years it has entered an order denying the right of lobbyists or registrants to register as lobbyists if they have unpaid Commission fees, fines, or penalties or unfiled reports with the Commission. The form of such orders has been substantially that proposed to the Commission in the attached order. Commission precedent is the entry of such orders on a yearly basis, at or near the end of the calendar year, to comply with

O.C.G.A. § 21-5-72(a). The undersigned is aware of no instance where a proposed motion to enter such an order has been denied.

4.

The Commission's records reveal that there are currently numerous individuals who have unpaid registration fees, unpaid late fees, and/or unpaid penalties and/or who have not filed lobbyist reports as required by law. *See* O.C.G.A. §§ 21-5-71, 21-5-73. An order denying renewal of registration or preventing initial registration to such individuals is an effective measure to obtain their compliance with the law.

Conclusion

For the forgoing reasons the undersigned respectfully requests that the Commission, on proper motion, issue an order that individuals who have unpaid Commission fees, fines, or penalties or unfiled reports with the Commission may not register as lobbyists or renew a lobbyist registration until paying any such outstanding fees, fines, or penalties or filing any such reports, such order having the effect of denying, suspending, or revoking the registration of each lobbyist to whom the order is applicable for a period not to exceed one year.

This, the 16th day of August, 2016.

STEFAN RITTER
Executive Secretary
Georgia Government Transparency and Campaign
Finance Commission

**Before the
GEORGIA GOVERNMENT TRANSPARENCY
AND CAMPAIGN FINANCE COMMISSION**

**ORDER DENYING RENEWAL OF REGISTRATION
FOR LOBBYISTS WITH
UNPAID FEES OR FINES OR UNFILED REPORTS**

NOW COMES, the Commissioners of the Georgia Government Transparency and Campaign Finance Commission and, upon consideration of the motion of the Executive Secretary and after duly voting, Hereby Orders pursuant to O.C.G.A. §§ 21-5-6, 21-5-71, and 21-5-72 as follows:

No person may register as a lobbyist or renew their registration as a lobbyist for the calendar year of 2017 if they have:

- a. outstanding registration, supplemental registration, identification card and/or badge fees, as set forth in O.C.G.A. § 21-5-71;
- b. unpaid fines and/or late fees arising under the Campaign Finance Act;
- c. unpaid fines and/or penalties arising from orders of the Commission;
- d. unfiled disclosure reports that were due pursuant to the Campaign Finance Act.

This Order is effective for any lobbyist registrations for the calendar year 2017. The resolution of any delinquency, above, shall allow the applicant to register as a lobbyist for the calendar year 2017.

So ORDERED, this ____ day of September, 2016.

By:

R. Lawton Jordan
Chair, Georgia Government Transparency and Campaign
Finance Commission