

STATE ETHICS COMMISSION  
ADVISORY OPINION  
S.E.C. 2008-04  
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Whether the definition of 'independent committee' includes a single individual who uses his or her own funds to affect the outcome of an election.

**ADVISORY OPINION**

Under the Ethics in Government Act (Act), independent committees must register and report campaign contributions and expenditures, and regardless of how little they receive or spend, they are not exempt from the registration and reporting requirements. O.C.G.A. § 21-5-34(f). Independent committees operate without the cooperation, consent, or control of a candidate, candidate committee, or agent of a candidate to affect the outcome of an election or to advocate the election or defeat of a particular candidate. SEC Rule 189-3-.01(5)(f).

An "independent committee" is defined by the Act as "any committee, club, association, partnership, corporation, labor union, or other group of persons, other than a campaign committee, political party, or political action committee, which receives donations during a calendar year from persons who are members or supporters of the committee and which expends such funds either for the purpose of affecting the outcome of an election for any elected office or to advocate the election or defeat of any particular candidate." O.C.G.A. § 21-5-3(15).

The definition of independent committee by its own terms suggests that a single individual does not qualify as an independent committee when the terms are given their plain and ordinary meaning. O.C.G.A. § 1-3-1. Here, an independent committee is identified as one of several specifically enumerated entities (e.g., committee, club, association, etc.), which entities are commonly defined as groups of more than one person. American Heritage Dictionary (3<sup>rd</sup> ed. 1993).

The use of the phrase "or other group of persons" which follows the list of specified entities in the definition also supports finding that any entity not specifically enumerated must consist of more than one person to be considered an independent committee. A "group of persons," given a plain and ordinary understanding, means multiple people. O.C.G.A. § 1-3-1. In addition, when a statute enumerates several particular things by name, and concludes with a general term of enlargement, the latter term is construed as being of the same general class as the things specifically mentioned. State v. Brown, 250 Ga. App. 376 (2001) (theory of statutory construction known as *ejusdem generis*).

Therefore, a single individual is not an independent committee subject to registration and reporting requirements under the Act, and even if other

individuals make donations in support of the advocacy efforts of that individual, as long as those donating money are not “members” of the committee, the single individual does not constitute an independent committee.

*Prepared by Kay Baker*