

CHAPTER 189-3 DISCLOSURE REPORTS

TABLE OF CONTENTS

189-3-.01	Campaign Contribution Disclosure Reports
189-3-.02	Expenditures on Behalf of a Candidate or Campaign Committee
189-3-.03	Deferred Payment of Expenses
189-3-.04	Expenses Incurred Through or By Third Parties
189-3-.05	Reimbursement of Expenses
189-3-.06	Flight on Noncommercial Aircraft by a Candidate, Public Officer, or Person Traveling on Behalf of a Candidate or Committee, for Campaign Purposes
189-3-.07	Provision of Aircraft to a Public Officer by a Lobbyist

189-3-.01 Campaign Contribution Disclosure Reports.

(1) Contributions. Contributions of \$101.00 or more, including contributions of lesser amounts when the aggregate amount from a contributor is \$101.00 or more 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; and
6. the individual's employer.

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

(2) Common Source Contributions of less than \$101.00

- (a) Separate contributions of less than \$101.00 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 \$101.00 or more, including expenditures of lesser amounts when the aggregate amount to a recipient is \$101.00 or more 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 or 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 election must file: (1) The June 30 report, and (2) the December 31 final report of the year in which the election referred to in the declaration occurs. Any person who has excess contributions from the campaign must file a December 31 supplemental campaign contribution disclosure report each year thereafter until all contributions are expended as provided in the Act.

- (b) Persons who would have been in a general or special election must file: (1) the October 25 and December 31 reports if the person would have been in a general election, and (2) the fifteen days before special election report and December 31 report if the person would have been in a special election.
- (5) 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 to 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. For purposes of making the preceding determination of amount the individual's contributions to political parties and to political action committees shall also be counted toward the \$25,000.00 aggregate annual amount.
 - (c) A Recall Committee which supports or opposes a recall election files campaign contribution disclosure reports if any contributions are received or any expenditures are made.
 - (d) A Committee which supports or opposes a proposed constitutional amendment or state-wide referendum files campaign contribution disclosure reports if any contributions are received or any expenditures are made.
 - (e) A Committee which accepts contributions or makes expenditures to influence the vote on a local ballot questions in a county or municipality files campaign contribution disclosure reports if (1) the Committee received more than \$500.00 in contributions, or (2) if the Committee made expenditures totaling more than \$500.00.
 - (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.

Authority O.C.G.A. § 21-5-3, 21-5-6, 21-5-34. **History.** Original Rule entitled "Deferred Payment of Expenses" adopted. F. Aug. 5, 1988; eff. Aug. 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. Aug. 8, 2001. **Amended:** F. Dec. 18, 2007; eff. Jan. 3, 2008.

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.

Authority O.C.G.A. §§ 21-5-3, 21-5-6, 21-5-6 and 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. **Amended:** F. Dec. 18, 2007; eff. Jan. 7, 2008.

189-3-.03 Deferred Expenditures.

Anything of value which is received by, provided to, furnished to, or conveyed to or on behalf of a candidate or a campaign committee is required to be reported on the campaign contribution disclosure report for the time period in which the thing of value is provided. If the goods or services have not been paid for at the time the report is filed, an explanatory note so stating shall be prominently set forth on the report. All extensions or advancements of credit are subject to contribution limits except as otherwise provided in O.C.G.A. § 21-5-41 and 21-5-42.

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. **Amended:** F. Dec. 18, 2007; eff. Jan. 7, 2008.

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, direct or 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

Authority O.C.G.A.. §§ 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. **Amended:** F. Dec. 18, 2007; eff. Jan. 7, 2008.

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.

Authority O.C.G.A.. §§ 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. **Amended:** F. Dec.18, 2007; eff. Jan. 7, 2008.

189-3-.06 Flight on Noncommercial Aircraft by a Candidate, Public Officer, or Person Traveling on Behalf of a Candidate or Committee, for Campaign Purposes.

(1) Definitions. The following words and terms as used in this rule shall have the meaning hereinafter ascribed to them:

- (a) “Campaign traveler” - any candidate, public officer, staff member traveling on behalf of a campaign, person traveling on behalf of a candidate or public officer in connection with a campaign for public office, or person traveling on behalf of a committee for campaign purposes.
- (b) “Fair market value of a noncommercial flight” - the value set by the Commission for flight on noncommercial aircraft.
- (c) “Noncommercial aircraft” - aircraft owned and operated for noncommercial purposes, including but not limited to fixed wing aircraft and helicopters.
- (d) “Service provider” - the owner of an aircraft, or a person who leases an aircraft from the owner or otherwise obtains a legal right to the use of an aircraft, and who uses the aircraft to provide transportation to a campaign traveler.
- (e) “Unreimbursed value” - the difference between the value of noncommercial flight as set by the Commission and the payment made for such flight by a candidate or public officer for campaign purposes. Any such unreimbursed value is an in-kind contribution.

(2) Fair market value. The fair market value of a noncommercial flight on noncommercial aircraft will be set by the Commission on a yearly basis and will apply until next revised by the Commission. The fair market value shall be based on:

- (a) The number and type of the aircraft's engines, e.g., one propeller, two propellers, or two jet engines;
 - (b) The seating capacity of the aircraft; and
 - (c) The mileage of the flight.
- (3) Calculation of apportionment and pro rata values.
- (a) A candidate may apportion the fair market value of flight(s) on noncommercial aircraft for mixed-use purposes as follows:
 - 1. If a trip involves both campaign and non-campaign related stops, any expenditure for a noncommercial flight arriving at, or departing from, a campaign related stop must be disclosed in accordance with this rule. Campaign-related activity shall not include any incidental contacts.
 - 2. If a stop consists of both an official event that is in furtherance of a public officer's fulfillment of office and an event that is for campaign purposes in the public officer's role as a candidate, then the public officer need not disclose the value of the arrival and departure flights so long as the official event would have occurred regardless of any campaign event and the public officer has not paid for the flight with campaign funds.
 - (b) The pro rata share of a flight on noncommercial aircraft with campaign travelers from different campaigns or committees, or campaign travelers and non-campaign travelers, shall be as follows:
 - 1. If the entire use of the noncommercial aircraft is by one campaign or committee, then no pro rata calculation shall be made.
 - 2. If more than one campaign or committee has campaign travelers on a flight, or if there is a mix of campaign travelers and non-campaign travelers, then a candidate's pro rata share shall be calculated by either (1) multiplying the fair market value of the flight by the number of campaign travelers for that candidate's campaign, and then dividing this number by the total number of passengers, or (2) dividing the fair market value by the number of campaigns and committees represented on the flight, minus any share of the value of the flight attributable to non-campaign travelers.
- (4) Disclosure. Reporting of flights on noncommercial aircraft for campaign purposes by a candidate, public officer or member of a committee shall be as follows:
- (a) The candidate, public officer, or committee that makes an expenditure for a flight (or that records an in-kind contribution for a flight) must disclose on the Campaign Contribution Disclosure Report due for the reporting period in which the flight occurred the departure and arrival airport(s) of the flight and the Commission mileage rate applicable to the aircraft used and by which the value of the flight is being assessed.

- (b) A candidate or committee shall reimburse the service provider of the aircraft the pro rata share of the fair market value of a noncommercial flight as set by the Commission, not including the receipt of an in-kind contribution in the form of unreimbursed value, if applicable.
- (c) A public officer may expend campaign funds for flight(s) on noncommercial aircraft if such flight is an ordinary and necessary expense incurred in connection with the public officer's fulfillment or retention of office. Any such expenditure must be valued in accordance with Rule 189-3-.06(2), must be disclosed in accordance with Rule 189-3-.06(4), and must be documented in accordance with Rule 189-3-.06(5).

(5) Recordkeeping. The candidate, public officer or committee on whose behalf the flight is conducted shall maintain documentation for inspection by the Commission which includes the following information:

- (a) The service provider and the size, model, make and tail number of the aircraft used; and
- (b) An itinerary showing the departure and arrival cities and the date(s) of departure and arrival, the number of passengers on each leg of a flight, along with a confirmation of how many passengers are, and are not, campaign travelers.

Authority O.C.G.A. Secs. 21-5-3, 21-5-6, 21-5-34. **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.

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.

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.