

SENATE ETHICS COMMITTEE
2009-2010 Term

Senator Eric Johnson, 1st, Chairman
128 Baymeadow Point
Savannah, GA 31405

Senator George Hooks, 14th, Vice Chairman
P.O. Box 928
Americus, GA 31709

Senator John Crosby, 13th, Secretary
P.O. Box 891
Tifton, GA 31793

Senator Gloria Butler, 55th
6241 Southland Trace
Stone Mountain, GA 30087

Senator John Douglas, 17th
295 Nicklaus Circle
Social Circle, GA 30025

Senator Bill Hamrick, 30th
P.O. Box 368
Carrollton, GA 30112

Senator Jack Hill, 4th
P.O. Box 486
Reidsville, GA 30453

Senator Lester G. Jackson, 2nd
1501 Abercorn Street
Savannah, GA 31401

Senator Kasim Reed, 35th
105 Olde Overlook Court
Atlanta, GA 30331

Senator Doug Stoner, 6th
P.O. Box 1781
Smyrna, GA 30081

Senator Don Thomas, 54th
184 Haig Mill Road
Dalton, GA 30721

SENATE ETHICS COMMITTEE RULES

2009-2010 Term

1. Quorum of the Committee shall be six (6) members.
2. The chairperson shall determine which bills and resolutions are to be considered and the order in which said measures are considered.
3. The chairperson shall have the authority to refer bills and resolutions to subcommittees for study. Such subcommittees in turn shall have the authority to make recommendations on such measures to the full Committee at such time as shall be designated by the chairperson.
4. The Committee shall convene, recess, and adjourn upon the order of the chairperson.
5. A bill or resolution will be considered only after presentation by its principal author or other legislator whom he or she may designate. The principal author shall be the legislator whose name appears first on the list of authors.
6. Any member or members of the Committee who disagree with the majority report of the Committee shall be privileged to file a minority report if they so desire.
7. (a) There shall be an Executive Subcommittee of the Senate Committee on Ethics. The Executive Subcommittee shall consist of the three officers of the Senate Committee on Ethics (i.e., the chairperson, the vice-chairperson, and the secretary of the Senate Committee on Ethics), except that if there is no Senator from the minority party among the three officers of the Senate Committee on Ethics, then the Executive Subcommittee shall consist of the chairperson and vice-chairperson of the Senate Committee on Ethics and a Senator from the minority party appointed to the Executive Subcommittee by the chairperson.
(b) The Executive Subcommittee shall act as a screening panel for communication received by the Committee that:
 - (1) Allege violations of Section 1, Part 4 of the Rules of the Senate or otherwise indicate that an investigation by the Senate Committee on Ethics may be warranted; and
 - (2) Are not formal complaints by a Senator or staff member.
(c) The screening function of the Executive Subcommittee is established in view of the facts that:
 - (1) The Senate Committee on Ethics is not required to take any action with respect to such a communication that is not a formal complaint; but
 - (2) The Senate Committee on Ethics is authorized to initiate an investigation on its own initiative and such a communication may be of such a nature as to indicate a need for such an investigation.

- (d) Upon receipt of a communication described in subsection (b) of this rule, if the communication is in writing and signed, the chairperson may, but shall not be required to, convene the Executive Subcommittee to consider the matter.
 - (e) All matters determined by the Subcommittee to be complaints within the meaning of Senate Rule 1-4.11 shall remain confidential until the Committee has determined that substantial cause exists that a violation occurred. If the Committee determines that substantial cause does not exist that a violation occurred, the complaint shall remain confidential.
 - (f) If the Executive Subcommittee determines that the communication described in subsection (b) of this rule does not meet the standards for a complaint under Senate Rule 1-4.11, the Executive Subcommittee shall treat the communication as confidential. The Executive Subcommittee may refer the communication to the Committee for the Committee to take action under Rule 7 (c) (2) of the Senate Ethics Committee Rules. Such referral shall be confidential until and unless disclosure is required by these Rules or the Rules of the Senate.
 - (g) If the Executive Subcommittee determines that there is a substantial probability that the matter merits the opening of an investigation by the full Committee, that determination shall be communicated to the full Committee. Such communication from the Executive Subcommittee to the Committee shall be confidential. If the Executive Subcommittee determines that there is no substantial probability that the matter merits the opening of an investigation by the full Committee, then no report of such determination to the full Committee shall be required and the matter shall stand disposed of and the matter shall remain confidential subject to the Rules of the Senate.
 - (h) Nothing in this Rule shall operate to preclude or bar any subsequent formal complaint or any subsequent Committee investigation in any case; and no determination by the Executive Subcommittee shall be binding on the full Committee.
 - (i) Subject to Senate Rule 1-4.11(c), matters referred to the Subcommittee shall be considered confidential unless the Subcommittee finds that valid public policy reasons require the Subcommittee to not treat the matter as confidential.
 - (j) Any Senate staff or counsel selected by the Ethics Committee, the Executive Subcommittee, or the Chairman of the Ethics Committee to investigate complaints alleging violation of Senate Rules or investigating or responding to any matters deemed confidential by Senate Rules or the Senate Ethics Committee Rules shall maintain at all times the confidentiality of the matter.
8. Requests made pursuant to Senate Rule 1-4.10 for the opinion or advice of the Ethics Committee and any opinions or advice of the Ethics Committee and any opinions or advice given shall be confidential.

9. These Rules may be amended upon a motion duly made and subsequently approved by two-thirds of the members of the Committee.
10. Where these Rules are silent on a specific issue, the Rules of the Senate in effect at the time shall govern.

February 5, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Thursday, February 5, 2009 convening at 4:00 p.m. Members present are listed on the attached Roll Call sheet.

The meeting was called to order by Senator Eric Johnson, Chairman of the Senate Ethics Committee. Business was conducted as follows:

Chairman Johnson welcomed the audience and introduced the Committee members and staff.

Adoption of 2009 Senate Ethics Committee Rules – A motion was made by Hooks of the 14th to adopt the committee rules, seconded by Thomas of the 54th. Unanimous vote.

S.B. 70 by Hooks of the 14th and others – Special disclosures of campaign contributions from certain businesses.

A bill relating to campaign finance regulation and disclosure so as to require special expedited reporting of certain campaign contributions; to provide that the contributions subject to such reporting shall be those where a contractual, grant, or regulatory relationship exists between the contributor and the office of the public officer or candidate for public office; to define terms; to provide for the manner and contents of reports; to provide for civil enforcement and other related matters.

Hooks of the 14th, author of the bill, presented S.B. 70 and explained that it requires a two day disclosure period to the state agency that regulates disclosure. Rick Thompson, Executive Secretary of the State Ethics Commission, stated that there was no fiscal impact to the state in this bill. He indicated that although the Commission would need to develop a computer program for reporting purposes, no costs would be incurred in doing so. A brief discussion followed in which a few questions were addressed.

A motion was made by Thomas of the 54th, that **S.B. 70 “Do Pass”**, seconded by Butler of the 55th. Unanimous vote.

Chairman Johnson then postponed consideration of **S.B. 17**, by Harp of the 29th, which was on the Committee’s agenda, because he was not in attendance to present the bill.

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There being no further business to come before the Committee, the meeting was adjourned 4:35 p.m.

Respectfully Submitted,

/s/ Johnson of the 1st, Chairman

/s/ Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: **Thursday, February 5, 2009**

Meeting: **Ethics Committee Meeting**
 Adoption of Rules
 SB 70

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded = ***Present***

February 12, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Thursday, February 12, 2009 convening at 5:30 p.m. Members present are listed on the attached Roll Call sheet.

The meeting was called to order by Senator Eric Johnson, Chairman of the Senate Ethics Committee. Business was conducted as follows:

S.B. 17 by Harp of the 29th and others – Fees for disclosure reports.

A bill that would increase fees for campaign finance reports and would create late fees for financial disclosure reports. It also incorporates a small modification requiring that in months in which a lobbyist disclosure report is due, the report must be filed by the fifth business day of that month.

Harp of the 29th, author of the bill, presented the bill and explained how it would strengthen ethics laws and responded to questions. Testimony from a representative of the Georgia Municipal Association was heard. Rick Thompson, Executive Secretary of the State Ethics Commission, responded to questions from the committee and offered no objection to the bill. After a brief discussion of a proposed amendment, the committee concluded that S.B. 17 should move forward as presented by Harp of the 29th. Therefore, the proposed amendment was not considered.

A motion was made by Thomas of the 54th, that **S.B. 17, "Do Pass by substitute"**, seconded by Reed of the 35th. Unanimous vote.

S.B. 86 by Staton of the 18th and others – Proof of U.S. citizenship for voter registration.

Under this bill, voter registration applications must be accompanied by satisfactory evidence of United States citizenship. The bill provides that anyone registered to vote in Georgia on December 31, 2009 will not be required to submit evidence of citizenship unless such person changes voter registration from one county to another. The bill also stipulates that proof of voter registration from another state or county does not constitute satisfactory evidence of citizenship.

Staton of the 18th, presented the bill and offered two minor amendments for consideration. He then introduced Robb Simms, Deputy Secretary of State, who had been instrumental in helping draft the legislation. Deputy Simms explained that this bill would codify the process for verifying citizenship and establish uniformity of its application statewide.

Hamrick of the 30th stated that he would like to make a motion in support of the amendments at the appropriate time.

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February 12, 2009

A lengthy discussion followed in which Staton of the 18th and Deputy Simms addressed concerns, responded to questions, and clarified provisions of the bill. Deputy Simms indicated that this legislation would be sent for pre-clearance. Further examination of the amendments and input from Legislative Counsel resulted in agreement that a substitute could more effectively incorporate these changes into the language of the bill.

Jackson of the 2nd proposed another revision to strike the words “or county” on Page 3, Lines 62 and 63, since the proposed amendment by Staton of the 18th eliminated it. Staton of the 18th and Deputy Simms concurred with this change.

The following individuals testified before the Committee:

Inger Eberhart, The Dustin Inman Society
Neil Bradley, American Civil Liberties Union
Polly McKinney, League of Women Voters of Georgia
Elise Shore, Mexican American Legal Defense and Educational Fund
Jim Kulstad, Common Cause Georgia

Upon the close of testimony, Chairman Johnson called for a motion. Hill of the 4th motioned that S.B. 86, “Do Pass”, seconded by Douglas of the 17th.

An additional amendment was proposed by Jackson of the 2nd after the motion, but was immediately withdrawn after a brief discussion.

Chairman Johnson indicated that the motion on the bill needed to be clarified.

A motion was made by Hamrick of the 30th, that **S.B. 86 “Do Pass by substitute”**, seconded by Douglas of the 17th.

The bill passed with 5 votes for and 3 opposed (Jackson of the 2nd, Reed of the 35th and Butler of the 55th).

Any documents offered in support of testimony can be found in the Committee files.

There being no further business to come before the Committee, the meeting was adjourned 6:45 p.m.

Respectfully Submitted,

/s/ Crosby of the 13th, Secretary

/s/ Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: Thursday, February 12, 2009

Meeting: Ethics Committee Meeting

[SB 17](#)
[SB 86](#)

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded = *Present*

February 26, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Thursday, February 26, 2009 convening at 4:00 p.m. Members present are listed on the attached Roll Call sheet.

The meeting was called to order by Senator Eric Johnson, Chairman of the Senate Ethics Committee. Business was conducted as follows:

S.B. 96 by Reed of the 35th and others – Lobbyists/campaign contribution disclosure reports/ethics panels for local governments.

A bill that requires ethics panels for local governments requires a training course for lobbyists, changes the definition of lobbyist, and eliminates the requirement that a candidate for the General Assembly must file disclosure reports with the county election superintendent.

Reed of the 35th, author of the bill, presented the bill and offered an amendment. He explained that the amendment reflected two changes brought to him by the Georgia Municipal Association (GMA) and that he agreed with both in concept. Testimony from a representative of GMA was heard. After an extensive debate and upon a recommendation from Legislative Counsel, the Committee reached the consensus that more work was needed to incorporate these changes into the language of the bill. It was agreed upon that S.B. 96 should move forward as introduced, and that Reed of the 35th, Crosby of the 13th, and others would work together to draft a more succinct floor amendment; therefore, the proposed amendment failed.

A motion was made by Jackson of the 2nd, that **S.B. 96, “Do pass”**, seconded by Hamrick of the 30th. Unanimous vote.

Chairman Johnson stated that he had a matter to bring before the Committee. He explained that he had been given a list of 19 state legislators who had not paid their state and/or federal taxes. He affirmed that the list was bi-partisan, but indicated he did not know the identity of these individuals as the names (and federal information) had been redacted. The purpose in bringing this issue to the members’ attention was that final adjudication of tax violations could take several years and names are kept confidential until that time. Chairman Johnson stated it would be possible for the Senate to adopt a rule which could ask if taxes have been paid and which could allow for the removal of a Senator from office if he or she is not in compliance with tax laws. There was a brief discussion as he responded to questions.

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There being no further business to come before the Committee, the meeting was adjourned 4:20 p.m.

Respectfully Submitted,

/s/ Crosby of the 13th, Secretary

/s/ Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: Thursday, February 26, 2009

Meeting: Ethics Committee Meeting

SB 96

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded = ***Present***

March 2, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Monday, March 2, 2009 convening at 4:00 p.m. Members present are listed on the attached Roll Call sheet.

In the absence of the Chairman, the meeting was called to order by Senator George Hooks, Vice Chairman. Business was conducted as follows:

S.B. 168 by Unterman of the 45th and others – Campaign Disclosure Reports.

This bill eliminates the requirement for a candidate for the General Assembly to file copies of campaign contribution disclosure reports with his or her county election superintendent; such candidates would still be required to file these reports with the State Ethics Commission. The bill also provides that the electronic filing of a disclosure report constitutes an affirmation that the report is true, complete, and correct, with no further affirmation required.

Unterman of the 45th, author of the bill, presented S.B. 168 and responded to a few brief questions. Rick Thompson, Executive Secretary of the Georgia State Ethics Commission, expressed support of the legislation.

A motion was made by Reed of the 35th, that **S.B. 168, “Do pass by substitute”**, seconded by Stoner of the 6th. Unanimous vote.

There being no further business to come before the Committee, the meeting was adjourned 4:09 p.m.

Respectfully Submitted,

/s/ Crosby of the 13th, Secretary

/s Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: **Monday, March 2, 2009**

Meeting: **Ethics Committee Meeting**

[SB 168](#)

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded **=** ***Present***

March 9, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Monday, March 9, 2009 at 8:30 a.m. Members present are listed on the attached Roll Call sheet.

The meeting was called to order at 8:50 a.m. by Senator Eric Johnson, Chairman of the Senate Ethics Committee. Business was conducted as follows:

S.B. 11 by Ramsey of the 43rd and others – Restoration of voting rights.

A bill that requires the State Board of Pardons and Paroles to issue a certificate of restoration of voting rights to persons convicted of a felony involving moral turpitude within 30 days following the completion of the person's sentence.

Ramsey of the 43rd, author of the bill, presented S.B. 11 and responded to questions. In the dialogue that followed, Douglas of the 17th and Hill of the 4th inquired as to what is current law. Legislative Counsel responded that they were unaware of any felony cases that did not include moral turpitude and that once the sentence is served (including parole, probation and fines), voting rights are restored. Ramsey of the 43rd stated that the Georgia Department of Pardons and Paroles currently issues a document regarding restoration of voting rights and gun rights to eligible individuals, but stressed that its language is very ambiguous. In response to Chairman Johnson's question regarding cost of the bill, Ramsey of the 43rd indicated there should be no cost to the state because the new certificate could be printed on the reverse side of the document that is currently issued.

Michael O'Sullivan, Director of Legislative Affairs, Secretary of the State, testified that the agency had no objections to the bill.

A motion was made by Thomas of the 54th, that **S.B. 11, "Do pass"**, seconded by Stoner of the 6th. The bill passed with 4 votes for and 1 opposed (Douglas of the 17th).

Another bill on the Committee's agenda, S.B. 126, by Wiles of the 37th, was not considered because the author was not in attendance to present the bill.

There being no further business to come before the Committee, the meeting was adjourned 9:05 a.m.

Respectfully Submitted,

/s/ Johnson of the 1st, Chairman

/s/ Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: Monday, March 9, 2009

Meeting: Ethics Committee Meeting

SB 11

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded = ***Present***

March 19, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Thursday, March 19, 2009 convening at 3:00 p.m. Members present are listed on the attached Roll Call sheet.

The meeting was called to order by Senator Eric Johnson, Chairman of the Senate Ethics Committee. Business was conducted as follows:

H.B. 227 by Dempsey of the 13th and others – Confidentiality of addresses of certain registered voters.

This bill provides that registered voters who have obtained a restraining order or protective order, or who are a bona fide resident of a family violence shelter, may request to have their address remain confidential. The board of registrars is to approve such requests immediately upon receiving sufficient documentation; said approval is effective for a period of four years. H.B. 227 further authorizes elector information to be provided to other states or federal agencies, provided that the same conditions are met.

Dempsey of the 13th, author of the bill, explained the provisions of the bill. In the dialogue that followed, the Committee requested input from Michael O’Sullivan of the Secretary of State’s office and heard testimony from the Georgia Coalition Against Domestic Violence.

An amendment was offered and its merits were discussed at length.

A motion was made by Reed of the 35th that **H.B. 227, “Do pass”**.

Chairman Johnson called for clarification of the motion.

A motion was made by Reed of the 35th, that **H.B. 227, “Do pass”**, seconded by Douglas of the 17th. Unanimous vote. Therefore, the proposed amendment was not considered.

H.B. 86 by Millar of the 79th and others – Certification of absentee ballots.

Under this bill, absentee ballots must be counted by precinct, and separate returns must be made showing the results by precinct.

Douglas of the 17th summarized the bill. There were no questions.

A motion was made by Reed of the 35th, that **H.B. 86, “Do pass”**, seconded by Hooks of the 14th. Unanimous vote.

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March 19, 2009

H.B. 156 by Harbin of the 118th and others – Magistrate judges and elected public officers performing military duty.

This bill provides that any elected magistrate judge or, notwithstanding contrary law, any elected public officer performing ordered military duty is eligible for re-election; such military duty does not create a vacancy in the office. It further allows for such a magistrate judge or public officer to qualify as a candidate in absentia by mail, messenger, or agent during his or her military duty.

Chairman Johnson presented the bill on behalf of the author, Harbin of the 118th. There were no questions from the Committee.

A motion was made by Reed of the 35th, that **H.B. 156, “Do pass by substitute”**, seconded by Jackson of the 2nd. Unanimous vote.

There being no further business to come before the Committee, the meeting was adjourned 3:20 p.m.

Respectfully Submitted,

/s/ Crosby of the 13th, Secretary

/s/ Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: **Thursday, March 19, 2009**

Meeting: **Ethics Committee Meeting**

[HB 86](#)

[HB 156](#)

[HB 227](#)

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded = ***Present***

March 26, 2009

The Senate Ethics Committee met in Room 125 of the State of Capitol on Thursday, March 26, 2009 convening at 4:00 p.m. Members present are listed on the attached Roll Call sheet.

The meeting was called to order by Senator Eric Johnson, Chairman of the Senate Ethics Committee. Business was conducted as follows:

H.B. 540 by Scott of the 153rd and Yates of the 73rd – Revisions to Georgia Election Law.

A bill relating to primaries and elections generally so as to remove references to ballot cards; to provide a time within which financial institutions must certify wrongful dishonor of candidate qualifying checks; allows an elector's month and year of birth to be available to public inspection; allows the establishment of additional sites for the receiving and voting of absentee ballots in locations that are not government buildings; increases the timeframe in which a special election to be held in conjunction with a statewide primary or election must be called from 60 to 90 days in advance and for other purposes. It also requires the Secretary of State (SOS) to establish a pilot program for the electronic transmission of absentee ballots by persons entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act in the 2010 general elections.

Scott of the 153rd, author of the bill, presented H.B. 540 as a committee substitute. He explained that the substitute added a new section (Section 18) which would create a pilot program and then responded to questions.

A lengthy discussion ensued in which many members expressed approval of the pilot program's concept, but voiced deep concerns regarding the bill's feasibility and funding. Revising the bill to strike Section 18 was discussed. Upon the conclusion of a few final questions on other provisions in the bill, the Committee ultimately decided to act on the original bill as passed by the House. Therefore, the proposed substitute was not considered.

A motion was made by Hooks of the 14th, that **H.B. 540, "Do pass"**, seconded by Jackson of the 2nd. Unanimous vote.

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March 26, 2009

There being no further business to come before the Committee, the meeting was adjourned 5:00 p.m.

Respectfully Submitted,

/s/ Crosby of the 13th, Secretary

/s/ Rita Smith, Recording Secretary

2009 SENATE ETHICS COMMITTEE

Roll Call Sheet

Date: Thursday, March 26, 2009

Meeting: Ethics Committee Meeting

[HB 540](#)

Johnson - Chairman
Hooks – Vice Chairman
Crosby - Secretary
Butler
Douglas
Hamrick
Hill, Jack
Jackson, Lester
Reed
Stoner
Thomas

Shaded = ***Present***

June 30, 2009

Mr. Bob Ewing
Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Ewing:

I return herewith to the Office of the Secretary of the Senate, the following bills and resolutions which were not acted upon in the Senate Ethics Committee during the 2009 Legislative Session:

[S.B. 33](#)
[S.B. 34](#)
[S.B. 35](#)
[S.B. 37](#)
[S.B. 119](#)
[S.B. 126](#)
[S.B. 134](#)
[S.B. 185](#)
[S.B. 242](#)
[S.B. 273](#)
[S.R. 260](#)
[S.R. 637](#)
[H.B. 45](#)

I also submit my completed minutes book.

Sincerely,

/s/ Rita W. Smith, Recording Secretary
Senate Ethics Committee