

Senate Ethics Committee Members
2011-2012 Term

Senator John Crosby, 13th, Chairman
P.O. Box 891
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Senator Joshua McKoon, 29th
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Columbus, GA 31902

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

Senator Jack Murphy, 27th
18 Capitol Square
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Senator Gloria Butler, 55th, Secretary
6241 Southland Trace
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Senator John Albers, 56th,
885 Woodstock Road #215, Ste, 430
Roswell, GA 30075

Senator Buddy Carter, 1st
406 Purple Finch Drive
Pooler, GA 31322

Senator Ronnie Chance, 16th
130 Regal Oak
Tyrone, GA 30290

Senator Hardie Davis, 22nd
P.O. Box 6389
Augusta, GA 30916

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

Senator Bill Jackson, 24th
P.O. Box 528
Appling, GA 30802

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

Senator William Ligon, Jr., 3rd
158 Scranton Connector
Brunswick, GA 31525

SENATE ETHICS COMMITTEE
RULES
2011-2012 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 and 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.

The **Senate Ethics Committee** met on January 24, 2011 at 3:00 p.m. in Room 307 CLOB. Members present:

Crosby, 13th, Chairman
Hooks, 14th, Vice-Chairman
Butler, 55th, Secretary
Albers, 56th
Carter, 1st
Hamrick, 30th
Jackson, 24th
Ligon, 3rd
McKoon, 29th

The Chairman stated that the first order of business was to review and adopt the Committee Rules. No questions were asked. Hamrick, 30th, made a motion Do Pass on Committee Rules, seconded by Carter, 1st. The vote was unanimous.

SB 82 (Ligon, 3rd) Elections and Primaries

Michael O'Sullivan, Secretary of State's Office, explained the bill section by section.

Officers

This bill requires probate judges serving as election superintendents, each member of the board of elections, and election supervisors or designees, to take an oath before assuming their position.

Election superintendents and municipal governing authorities have the power to appoint polling officers. This bill requires any orders of appointment to be made available to the public upon request.

Runoff Elections

Under this bill, only those electors who were entitled to vote in primaries will be permitted to vote in a run-off primary. In addition, an elector who votes for one party in a primary is ineligible to vote in the primary runoff of any other party. Only votes cast for candidates designated for the run-off will be counted.

Qualified Candidates

Current law requires the list of qualifying candidates to be posted at the appropriate county courthouse. Under this bill, the county executive committee of each political party must post a list of qualifying candidates at the office of the county election superintendent. The state executive committee of each political party must provide a list of qualifying candidates to the office of the Secretary of State, and if the election superintendent qualifies the candidate, the superintendent must post a list of qualifying candidates at his or her office.

Appointment of Registrars

When a vacancy for a county registrar occurs, the judge of the superior court in each county or the senior judge in time of service appoints a new registrar. Under this bill, if a vacancy is not filled by appointment within 90 days, the governing authority of the county will appoint the county registrar. The county authority must certify the appointments and designation to the Secretary of State and the clerk of the superior court within 30 days of the appointment and the county appointed registrars will serve the same term length as judicially appointed registrars; currently they serve at the pleasure of the county authority.

County appointed registrars can resign by submitting a resignation to the clerk of superior court; currently such resignations are submitted to the county authority. Successors will no longer be appointed by the county authority, but will be judicially appointed.

Voter Registration

The registrars must check the databases of convicted felons and deceased persons maintained by the Secretary of State before approving a voter's registration.

This bill specifies that electors' email addresses will not be made available for public inspection.

Size of Precincts

Precincts greater than 2,000 electors that did not complete voting one hour after polls closed during the previous general election may either be reduced in size or provided additional voting equipment and/or poll workers before the next general election.

Written Verification of Equipment

Current law requires the election superintendent to certify in writing to the Secretary of State that all voting will occur on certified equipment. This bill eliminates this requirement.

Absentee Ballots

This bill clarifies a current provision which allows the registrar or absentee ballot clerk to deliver ballots to electors confined to hospitals.

The bill grants electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (Overseas Act) the right to vote on any constitutional amendment or question.

Under this bill, the board of registrars or absentee ballot clerk must issue the ballots to electors at least 45 days, but no earlier than 46 days, before any presidential preference primary, general primary, or general election, and at least 21 days but no earlier than 22 days before any municipal general primary or general election. The registrar or clerk must issue the ballots as soon as possible before a runoff. Ballots mailed or electronically submitted to electors entitled to vote under the Overseas Act must meet these same deadlines.

The superintendent must consult with the board of registrars or absentee ballot clerk in order to deliver the ballots to the registrars or clerks before the date the registrars and clerks are required to issue the ballots to electors.

Absentee ballots will be required to contain a notice of all withdrawn, deceased, and disqualified candidates and the names of any substitute candidates.

Under this bill, if the county election superintendent wants to begin counting absentee ballots before the close of the polls, the superintendent must notify the Secretary of State in writing at least seven days prior to the election; current law requires notification be sent to the county executive committee. If the only issue in the election is a referendum question, the county's chief judge of the superior court must also be notified. The county executive committee maintains their right to appoint monitors to observe the tabulation.

Pilot Program

The electronic absentee ballot pilot program will include primary elections under this bill.

Ballots, Ballot Counting, and Polling Place

The bill requires sample ballots and a list of the certified write-in candidates to be maintained at polling places; current law requires sample ballots to be maintained at the county courthouse.

This bill forbids the use of cameras, cellular telephones, or other electronic communication or photographic devices within the polling place. Currently, cell phones only are prohibited and only after a person have been issued a ballot or entered the voting booth.

The bill eliminates the requirement that the precinct tabulator be programmed to return ballots which cannot be processed due to any overvote or other mistake and adds the option for the superintendent to create multiple vote review panels. Disagreements among review panels will be reviewed by the superintendent's panel.

Consolidated returns must be certified by the superintendent on the Monday following Election Day.

The bill describes the procedure for a recount on a constitutional amendment or binding referendum question. When the difference between the votes is one percent or less, within two business days of the election's certification, the Constitutional Amendments Publication Board is authorized to call for a recount. The Board notifies the Secretary of State, and the Secretary of State notifies the county superintendents in each county that voted on the amendment or question.

Contested Elections

Persons elected to a municipal, federal, state, or county office may be sworn into office, even if the election is contested, after the results are certified. If there is a judgment which orders a second election or finds a different person was legally elected to the office, the person who was originally sworn into office will immediately cease to hold the office.

Offenses

Soliciting, requesting, or otherwise attempting to cause another person to commit an election fraud felony constitutes a criminal solicitation to commit election fraud in the first degree and is punishable by imprisonment for not less than one year and not more than three years.

Soliciting, requesting, or otherwise attempting to cause another person to commit an election fraud misdemeanor constitutes a criminal solicitation to commit election fraud in the second degree and is punishable as a misdemeanor offense.

Many questions were asked concerning Section 18, the forbidden use of cameras, cellular phones and other electronic communication or photographic devices within the polling place.

Chairman Crosby put SB 82 on hold until the next meeting so the members can work out their concerns with the Secretary of State's office.

SB 92 (McKoon, 29th) Advance Absentee Voting

Senator McKoon explained that this bill provides limitations on when in-person absentee voting may occur. The early voting period for primaries or elections begins the third Saturday before each primary or election and as soon as possible before a runoff, and ends the Friday before each primary, election, or runoff. Registrars or clerks have the option of providing Saturday voting on the second and third Saturdays prior to the primary or election. Sunday voting is prohibited. Voting takes place during normal business hours on weekdays and between 8:00 a.m. and 6:00 p.m. on Saturdays. Counties and municipalities may extend voting hours and provide additional early voting locations. The registrar or ballot clerk must give notice of advance voting to the electors in their jurisdiction and to the Secretary of State.

Under current law, if an application for an absentee ballot is found eligible, the registrar or absentee ballot clerk certifies the application and either mails the ballot, issues the ballot if the elector is voting at the registrar's or absentee ballot clerk's office, or delivers the ballot to electors confined to a hospital. This bill allows absentee ballots to be issued to electors voting at the registrar's or clerk's office only if the application is made in person during the advance voting period.

Georgia Municipal Association supported SB 92.

Jackson, 24th, made a motion Do Pass, seconded by McKoon, 29th. The vote was 7 yeas: McKoon, 29th, Carter 1st, Hooks, 14th, Hamrick, 30th, Ligon 1st, Albers 56th, Jackson 24th. 1 Nay: Butler, 55th. **SB 92 Do Pass.**

SB 109 (McKoon, 29th) Adjust dates of election in 2012

Senator McKoon stated this bill amends the date of general primaries and the date by which candidates must qualify for primaries held in the even-numbered years following the release of census data. Currently, these primaries must be held on the next-to-last Tuesday in August; under this bill, they must be held on the last Tuesday in July.

Candidate qualifying dates are changed as follows:

- Candidates for political party nomination to county offices, federal and state offices, and the office of presidential elector:
 - Currently qualifying begins at 9:00 A.M. on the third Wednesday in June before the primary or election and ends at 12:00 Noon on the Friday following the third Wednesday in June.
 - Under this bill, qualifying begins at 9:00 A.M. on the Wednesday following the third Monday in May before the primary or elections and ends at 12:00 Noon on the Friday following the Wednesday following the third Monday in May.

Senator Hooks asked Michael O'Sullivan, Secretary of State's Office, if our election cycle currently met federal guidelines for reapportionment years. The answer was no it does not.

Senator Ligon state that this bill should pass out of committee now so it can get through the House and onto the Governor's desk.

Senator Hamrick made the statement that the qualifying dates of May 23 -25th are only for the 2012 elections. The 2014 elections qualifying dates would revert back to current dates in April.

The Chairman stated we would hear this bill on the next agenda due to time. The Chairman stated that Senator Carter, 1st, has a series of bills that the committee will only have a hearing on at this time.

SB 70 (Carter, 1st) Elections and Primaries

This bill provides for nonpartisan elections for the offices of tax receiver, tax collector, and tax commissioner. The bill also provides that all candidates for a county office, which includes the offices of tax receiver, tax collector, and tax commissioner, must file notices of candidacy, nomination petitions, and affidavits on the same filing schedule as candidates for an office of a consolidated government.

SB 71 (Carter 1st) Elections; solicitors-general

This bill provides for nonpartisan elections for the office of solicitor-general. The bill also provides that all candidates for a county office, which includes the office of solicitor-general, must file notices of candidacy, nomination petitions, and affidavits on the same filing schedule as candidates for an office of a consolidated government.

SB 72 (Carter, 1st) Elections; district attorneys

This bill provides for nonpartisan elections for the office of district attorney. The bill also provides that all candidates for a county office must file notices of candidacy, nomination petitions, and affidavits on the same filing schedule as candidates for an office of a consolidated government. Candidates for the office of district attorney must file notices of candidacy following the filing schedule and manner for filing set out for candidates for the office of judge of the superior court.

SB 73 (Carter, 1st) Elections; clerks of superior court

This bill provides for nonpartisan elections for the office of clerk of superior court. The bill also provides that all candidates for a county office, which includes the office of clerk of superior court, must file notices of candidacy, nomination petitions, and affidavits on the same filing schedule as candidates for an office of a consolidated government.

SB 74 (Carter 1st) Elections; sheriffs

This bill provides for nonpartisan elections for the office of sheriff. The bill also provides that all candidates for a county office, which includes the office of sheriff, must file notices of candidacy, nomination petitions, and affidavits on the same filing schedule as candidates for an office of a consolidated government.

SB 75 (Carter 1st) Elections; county commissioners

This bill provides for nonpartisan elections for the office of county commissioner. The bill also provides that all candidates for a county office, which includes the office of county commissioner, must file notices of candidacy, nomination petitions, and affidavits on the same filing schedule as candidates for an office of a consolidated government.

Senator Carter, 1st, explained to the committee that he has a series of bills which allows local elections to hold nonpartisan elections for various offices. He broke all of the offices down to each individual office and placed each into a separate bill. Senator Carter, 1st, stated that he believes by allowing nonpartisan elections the voters would have a better selection of people to choose from. Currently, running on a Republican or Democratic ticket keeps good candidates from running for office and allows the community to vote for their candidate of choice rather than their candidate by Party affiliation.

Senator Jackson, 24th, asked if he would consider adding Probate Judges to the list for nonpartisan elections.

Matt Hicks, Association County Commissioners, supports the bill.

With there being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,

/s/ Senator Butler, 55th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The Senate Ethics Committee met on February 24, 2011 at 3:00 p.m. in Room 307 CLOB. Members present:

Crosby, 13th, Chairman
Hooks, 14th, Vice-Chairman
Butler, 55th, Secretary
Albers, 56th
Carter, 1st
Hamrick, 30th
Jackson, 24th
Ligon, 3rd
McKoon, 29th

SB 82 (Ligon, 3rd) Elections and Primaries

Michael O’Sullivan, Secretary of State’s Office came before the committee to address the concerns the committee raised concerning cameras and photographic devices being allowed in the polling place. Michael stated to the committee that the Secretary of State’s office had no objections to leaving the language as it currently reads concerning video devices along with camera and recording devices. The law currently leaves the discretion up to the poll supervisor.

Officers

This bill requires probate judges serving as election superintendents, each member of the board of elections, and election supervisors or designees to take an oath before assuming their position.

Election superintendents and municipal governing authorities have the power to appoint polling officers. This bill requires any orders of appointment to be made available to the public upon request.

Runoff Elections

Under this bill, only those electors who were entitled to vote in primaries will be permitted to vote in a run-off primary. In addition, an elector who votes for one party in a primary is ineligible to vote in the primary runoff of any other party. Only votes cast for candidates designated for the runoff will be counted.

Qualified Candidates

Current law requires the list of qualifying candidates to be posted at the appropriate county courthouse. Under this bill, the county executive committee of each political party must post a list of qualifying candidates at the office of the county election superintendent. The state executive committee of each political party must provide a list of qualifying candidates to the office of the Secretary of State, and if the election superintendent qualifies the candidate, the superintendent must post a list of qualifying candidates at his or her office.

Appointment of Registrars

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County appointed registrars can resign by submitting a resignation to the clerk of superior court; currently such resignations are submitted to the county authority. Successors will no longer be appointed by the county authority, but will be judicially appointed.

Voter Registration

The registrars must check the databases of convicted felons and deceased persons maintained by the Secretary of State before approving a voter's registration.

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Size of Precincts

Precincts greater than 2,000 electors that did not complete voting one hour after polls closed during the previous general election may be either reduced in size or provided additional voting equipment and/or poll workers before the next general election.

Written Verification of Equipment

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Absentee Ballots

This bill clarifies a current provision which allows the registrar or absentee ballot clerk to deliver ballots to electors confined to hospitals.

The bill grants electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (Overseas Act) the right to vote on any constitutional amendment or question.

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Pilot Program

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Many questions were asked concerning Section 18, the forbidden use of cameras, cellular phones and other electronic communication or photographic devices within the polling place.

Chairman Crosby put [SB 82](#) on hold until the next meeting so that members can work out their concerns with the Secretary of State's office.

[SB 92 \(McKoon, 29th\) Advance Absentee Voting](#)

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Georgia Municipal Association supported SB 92.

Jackson, 24th, made a motion Do Pass, seconded by McKoon, 29th. The vote was 7 yeas, McKoon, 29th, Carter 1st, Hooks, 14th, Hamrick, 30th, Ligon 1st, Albers 56th, Jackson 24th. 1 Nay: Butler 55th. **SB 92 Do Pass.**

SB 109 (McKoon, 29th) Adjust dates of election in 2012

Senator McKoon stated this bill amends the date of general primaries and the date by which candidates must qualify for primaries held in the even-numbered years following the release of census data. Currently, these primaries must be held on the next-to-last Tuesday in August; under this bill, they must be held on the last Tuesday in July.

Candidate qualifying dates are changed as follows:

- Candidates for political party nomination to county offices, federal and state offices, and the office of presidential elector:
 - Currently qualifying begins at 9:00 A.M. on the third Wednesday in June before the primary or election and ends at 12:00 Noon on the Friday following the third Wednesday in June.
 - Under this bill, qualifying begins at 9:00 A.M. on the Wednesday following the third Monday in May before the primary or elections and ends at 12:00 Noon on the Friday following the Wednesday following the third Monday in May.

Senator Hooks asked Michael O'Sullivan, Secretary of State's Office, if our election cycle currently met federal guidelines for reapportionment years. The answer was no it does not.

Senator Ligon stated that this bill should pass out of committee now so it can get through the House and onto the Governor's desk.

Senator Hamrick made the statement that the qualifying dates of May 23-25th are only for the 2012 elections. The 2014 elections qualifying dates would revert back to current dates in April.

The Chairman stated we would hear this bill on the next agenda due to lack of time.

The Chairman stated the remaining Senate Bills on the agenda will be heard at the next meeting. The Ethics Committee was losing a quorum and therefore the Chairman adjourned the meeting at 5:00 p.m.

With there being no further business, the meeting adjourned at 5:00 p.m.

Respectfully submitted,

/s/ Senator Butler, 55th, Secretary

/s/ Kathleen Cominski, Recording Secretary

The Senate Ethics Committee met on March 3, 2011 at 3:00 p.m. in Room 307 CLOB.
Members present:

Crosby, 13th, Chairman
Hooks, 14th, Vice Chairman
Carter, 1st
Chance, 16th
Davis, 22nd
Hamrick, 30th
Jackson, 24th
Jackson, 2nd
Ligon, 3rd
McKoon, 29th
Murphy, 27th

The Chairman began the meeting at 3:05 p.m. First bill called was SB 147.

SB 147 (Bethel, 54th) Conflict of Interest and Licenses:

This bill prohibits public officials from personally waiving themselves of the legal, educational, or testing requirements of any license issued to that official or that official's business. Appointed and elected public officials and businesses who violate the prohibition will be subject to a civil fine up to \$10,000 and must pay restitution to the state for any pecuniary benefit received from violating the prohibition. Appointed public officials will also be subject to removal from office.

Senator Bethel spoke to a committee substitute (LC 28 5623S) stating this extra paragraph states any license issued before this legislation takes effect, which was issued as a result of a public official waiving themselves of a licensing requirement, will be ineligible for renewal until the license holder satisfies all of the requirements for obtaining a new license.

Senator Jackson, 24th, asked where this bill came from. Senator Bethel stated the previous Insurance Commissioner granted himself a waiver to obtain a license before he left office.

William Perry, Common Cause, supports this bill along with Georgia League of Women Voters, Georgia Watch, and the Georgia Tea Party.

Legislative Counsel has some concerns with the last paragraph, therefore the Chairman agreed to hold the bill until our next meeting.

SB 109 (McKoon, 29th) Primaries and Elections

This bill amends the date of general primaries and the date by which candidates must qualify for primaries held in the even-numbered years following the release of census data. Currently, these primaries must be held on the next-to-last Tuesday in August; under this bill, they must be held on the last Tuesday in July.

Candidate qualifying dates are changed as follows:

- Candidates for political party nomination to county offices, federal and state offices, and the office of presidential elector:
 - Currently qualifying begins at 9:00 A.M. on the third Wednesday in June before the primary or election and ends at 12:00 Noon on the Friday following the third Wednesday in June.

Under this bill, qualifying begins at 9:00 A.M. on the Wednesday following the third Monday in May before the primary or elections and ends at 12:00 Noon on the Friday following the Wednesday following the third Monday in May.

Senator McKoon stated this bill puts Georgia in compliance with Federal Law, changing our primaries and elections during reapportionment years. It only applies every 10 years: 2012, 2022, and 2032 etc... this will be the calendar Georgia will follow.

Senator Davis, 22nd, asked what Federal statute this fell under.

Michael O'Sullivan stated it was under the Military Statute, USC975FFAC.

Senator Hamrick made a motion Do Pass, seconded by Murphy. The vote was unanimous. **SB 109 Do Pass.**

SB 82 (Ligon, 3rd) Elections; provide for oaths of election superintendents/supervisors

This bill requires probate judges serving as election superintendents, each member of the board of elections, and election supervisors or designees to take an oath before assuming their position. Individuals serving in one of these positions on July 1, 2011, will be required to take the same oath which will apply to all elections conducted throughout that individual's tenure in that position.

Election superintendents and municipal governing authorities have the power to appoint polling officers. This bill requires any orders of appointment to be made available to the public upon request.

Runoff Elections

Under this bill, only those electors who were entitled to vote in primaries will be permitted to vote in a runoff primary. In addition, an elector who votes for one party in a primary is ineligible to vote in the primary runoff of any other party. Only votes cast for candidates designated for the runoff will be counted.

Qualified Candidates

Current law requires the list of qualifying candidates to be posted at the appropriate county courthouse. Under this bill, the county executive committee of each political party must post a list of qualifying candidates at the office of the county election superintendent. The state executive committee of each political party must provide a list qualifying candidates to the office of the Secretary of State, and if the election

superintendent qualifies the candidate, the superintendent must post a list of qualifying candidates at his or her office.

Appointment of Registrars

When a vacancy for a county registrar occurs, the judge of the superior court in each county or the senior judge in time of service appoints a new registrar. Under this bill, if a vacancy is not filled by appointment within 90 days, the governing authority of the county will appoint the county registrar. The county authority must certify the appointments and designation to the Secretary of State and the clerk of the superior court within 30 days of the appointment, and the county appointed registrars will serve the same term length as judicially appointed registrars; currently they serve at the pleasure of the county authority.

County appointed registrars can resign by submitting a resignation to the clerk of superior court; currently such resignations are submitted to the county authority. Successors will no longer be appointed by the county authority, but will be judicially appointed.

Voter Registration

The registrars must check the databases of convicted felons and deceased persons maintained by the Secretary of State before approving a voter's registration.

This bill specifies that electors' email addresses will not be made available for public inspection.

Size of Precincts

Precincts greater than 2,000 electors that did not complete voting one hour after polls closed during the previous general election may either be reduced in size or provided additional voting equipment and/or poll workers before the next general election.

Written Verification of Equipment

Current law requires the election superintendent to certify in writing to the Secretary of State that all voting will occur on certified equipment. This bill eliminates this requirement.

Absentee Ballots

This bill clarifies a current provision which allows the registrar or absentee ballot clerk to deliver ballots to electors confined to hospitals.

The bill grants electors who are entitled to vote by absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act (Overseas Act) the right to vote on any constitutional amendment or question.

Under this bill, the board of registrars or absentee ballot clerk must issue the ballots to eligible electors at least 45 days, but no earlier than 46 days before any presidential preference primary, general primary, or general election, or special election in which there is a candidate for a federal office, and at least 21 days but no earlier than 22 days

before any municipal general primary or general election. The registrar or clerk must issue the ballots as soon as possible before a runoff. For all other special elections, the registrars or clerk must mail or issue the ballots to eligible electors within two days of receiving the ballots, but no earlier than 22 days before the election; however, should an elector be permitted to vote beginning 45 days before an election, all electors must be allowed to vote beginning 45 days before such election.

Michael O'Sullivan, Secretary of State's office, explained the bill offering a substitute with language in Sections 17 and 18, high tech devices being allowed in the polling place.

Senator Jackson, 24th, stated he does not like letting any cameras into a polling place.

Michael O'Sullivan stated this law leaves the discretion up to the poll manager.

Senator Murphy agreed with Senator Jackson, 24th that he does not agree with allowing cameras in the polling place.

Senators McKoon and Ligon disagreed and stated that they support cameras being allowed in a polling place. One example given by Senator Ligon was if abuse or coercion takes place someone has the right to record or take a picture to bring before the elections board.

The Chairman stated we will come back to SB 82. Substitute SB 160 was next on the agenda.

SB 160 (Balfour, 9th) Elections; public utility corporations; political campaigns

Senator Balfour stated this bill permits public utility corporations regulated by the Public Service Commission, and persons or political action committees acting on their behalf, to make contributions to political campaigns. Public utility corporations do not have a right to recover contributions in rate setting proceedings.

Currently, persons acting on behalf of a public utility corporation cannot make contributions to political campaigns, and a person who knowingly violates this law is guilty of a felony. A regulated utility that also operates as an electric membership corporation and nonprofit corporation groups made up of electric membership corporations are prohibited from making contributions to political campaigns.

Regulated entities and persons or political action committees acting on their behalf will remain ineligible to make contributions to elected executive officers that regulate such entity, to candidates for such office, and to the campaign committee of any such candidate.

Utility corporations, regulated utilities operating as electric membership corporations, and nonprofit corporations or associations made up of electric membership corporations may establish, administer, and solicit contributions for a political action committee from officers, directors, employees, agents, contractors, and members of such entities as long as these actions and contributions do not violate any other laws.

The bill defines the following terms relating to contributions by regulated entities: campaign committee, contribution, elected executive officer, political action committee, and regulated entity.

Senator Balfour explained there are two states in the United States who do not allow Public Utility Corporations to make campaign contributions: Georgia and New Jersey. He further stated that current law is unconstitutional. The last time we looked at this code section was in 1974-75 legislative session.

Those speaking in favor of SB 160 (LC 28 5485S):

Robert Highsmith, Holland & Knight
Sally Clark, Georgia Chamber of Commerce
Jim Kibler, Atlanta Gas Light
Ted Lawrence, AT&T

Those speaking in opposition:

Neil Herring, Sierra Club
Danny Orrock, Georgia Watch
William Perry, Common Cause of Georgia

With time running out, the Chairman announced we would get an early meeting next week and continue with bills that were not voted on in this meeting.

The meeting adjourned at 4:15 p.m.

Respectfully submitted,

/s/ Senator Crosby, 13th, Chairman

/s/ Kathleen Cominski, Recording Secretary

The Senate Ethics Committee met on March 7, 2011 at 10:00 a.m. in room 310 CLOB.
Members present:

Crosby, 13th, Chairman
Hooks, 14th, Vice Chairman
Albers, 56th
Carter, 1st
Chance, 16th
Davis, 22nd
McKoon, 29th
Murphy, 27th

The meeting was called to order at 10:05 a.m.

SB 160 (Balfour, 9th) Elections; public utility corporations; political campaigns

This bill was carried over from the last meeting.

Danny Orrock, Deputy Director of Georgia Watch, and William Perry, Common Cause of Georgia, both spoke against the passage of SB 160. They stated that this bill greatly increases the influence of utilities that have state-created monopolies. “The state already gives them a monopoly and the power to take a citizen’s land through eminent domain. An entity that wields such significant power should not be allowed to play in elections.”

Senator McKoon asked about whether under current law is Georgia in compliance with Citizens United.

The answer was yes.

Senator Balfour closed by saying all but two states allow this practice and this would level the playing field. Georgia and New Jersey are the two states that do not allow this type of practice to happen.

Senator Chance made the motion Do pass by substitute (LC 36 1861S), seconded by Senator Ligon. The vote was unanimous. **SB 160 Do Pass by Substitute.**

SB 198 (Goggans, 7th) Assistance in Voting to Persons with Disabilities

Senator Goggans stated that under this bill, persons with a disability, whether physical or mental, will be granted specific voting rights currently granted to those persons with a physical disability. Disability is defined in the bill as a physical or mental impairment that substantially limits one or more major life activities.

The specific voting rights this bill grants to persons with disabilities include: permitting certain family members to request applications for the elector’s absentee ballot, allowing the elector’s absentee ballot to be mailed to an address other than the elector’s permanent mailing address, allowing certain family members to deliver the voted ballot to the board

of registrars or absentee ballot clerk, and granting the elector assistance in preparing their ballot.

Senator McKoon had some questions regarding Section 1 of the bill. Senator Davis also had some concerns with Section 1 and had some questions concerning power of attorney issues.

Senator Goggans asked the chairman to hold the bill until the next meeting. He stated he would like to meet with Legislative Counsel to discuss the concerns of the committee.

Senator Chance, 16th, left the meeting at 10:30 am for another meeting.

SB 147 (Bethel, 54th) Public officials; prohibit from granting themselves licenses waiving requirement

This bill prohibits public officials from personally waiving themselves of the legal, educational, or testing requirements of any license issued to that official or that official's business. Appointed and elected public officials, public employees, and businesses who knowingly violate the prohibition will be subject to a civil fine of up to \$10,000 and must pay restitution to the state for any pecuniary benefit received from violating the prohibition. Appointed public officials and employees will also be subject to removal from office or employment.

Any license issued before this legislation takes effect, which was issued as a result of a public official waiving themselves of a licensing requirement, will be ineligible for renewal until the license holder satisfies all of the requirements for obtaining a new license and satisfies any requirement that was waived when the license was originally issued.

Senator Hooks made a statement that the House just passed a similar piece of legislation; however, everyone says Senator Bethel's bill is stronger. Senator Hooks inquired into the differences between the two bills.

Senator Bethel stated that the House bill only applies to the Insurance Commissioner's office, whereas SB 147 applies to all public officials. Also, the House bill precludes this behavior from taking place in the future; SB 147 will catch up to you at renewal times.

Senator Hooks made a motion Do Pass by substitute (LC 29 4693S), seconded by Senator Carter, 1st. The vote was unanimous. **SB 147 Do Pass by Substitute.**

SB 82 (Ligon, 3rd) Elections; provide for oaths of election of superintendents/supervisors

This bill was held over from the last meeting due to conflicts with Sections 17 and 18: cameras and recording devices being allowed in the polling place. Senator Ligon came with two substitutes for the committee to look at. Substitute **LC 29 4694S** defined

devices allowed in polling places. Senator Murphy stated he was opposed to recording or camera devices being allowed in the polling place.

Substitute **LC 29 4692S** deleted Sections 17 and 18 altogether, which will leave the law as it stands today. Michael O'Sullivan stated that by removing these two sections of the bill we will stay with what is currently in place. He would be happy to work with any members of the committee to introduce legislation addressing this issue, but we needed to move SB 82 as it complies with Federal Law.

Senator Carter, 1st, made a motion Do pass by substitute (LC 29 4692S), seconded by Senator Hooks. The votes were 6 yeas (Senators Albers, 56th, Carter 1st, Hooks, 14th, Ligon, 3rd, McKoon, 29th, and Murphy 27th) and 1 nay (Senator Davis, 22nd). **SB 82 Do Pass by Substitute (LC 29 4692S).**

With there being no further business, the meeting was adjourned at 11:00 a.m.

Respectfully Submitted,

/s/ Senator Crosby, 13th, Chairman

/s/ Kathleen Cominski, Recording Secretary

The Senate Ethics Committee met on March 8, 2011 at 8:30 a.m. in Room 450 of the Capitol. Members present:

Crosby, 13th, Chairman
Hooks, 14th, Vice Chairman
Albers, 56th
Chance, 16th
Davis, 22nd
Hamrick, 30th
Jackson, 24th
Ligon, 3rd
McKoon, 29th
Murphy, 27th

The Chairman called the meeting to order at 8:35 a.m.

HB 232 (LC 14 0485S): Lindsey, 54th: Lobbyists; commission salesperson not required; prohibition not apply

Representative Lindsey explained the bill to the committee, stating if there are no items to be included in a report which must be filed with the Georgia Government Transparency and Campaign Finance Commission (Commission), this bill grants the Commission the authority to waive any penalties or fees assessed for failing to file or filing late.

City, county, and school board officials do not have to provide an email address to the Commission.

The Commission must send notices of the filing of a complaint, a defect in a filing, a failure to make a timely filing, or late fees or penalties by certified mail or overnight delivery to elected county officials, elected members of a local board of education, and elected municipal officials.

The Commission must also send notice of late fees for untimely filing of campaign disclosure reports and financial disclosure reports by registered or certified mail or overnight delivery; notice by electronic means will not satisfy the notice requirement. Any increased late fees will be stayed for at least ten days after proper notice has been given.

This bill allows candidates for a county or municipal office to file campaign disclosure reports electronically or by certified mail or overnight delivery and eliminates language which required these candidates to file electronically after raising or spending a certain amount.

Elected county officials, elected members of a local board of education, and elected municipal officials may file financial disclosure reports electronically or by certified mail or overnight delivery.

Lobbyist

A person is defined as a lobbyist if they are paid to promote or oppose legislation or rules, if they meet the threshold for total expenditures to promote or oppose legislation or rules, or if they hold certain employment positions and engage in activities to promote or oppose legislation or rules.

For those persons who are defined as a lobbyist because they are paid to lobby, this bill narrows the definition of state and local lobbyists to those persons who are compensated specifically to promote or oppose legislation or rules at the state or local level. The definition for vendor lobbyists currently contains similar language.

The bill adds a ten percent test for persons who are paid to lobby at the state or local level, for vendor lobbyists, and for employees of the executive or judicial branch of state or local government who lobby at the state or local level. These individuals will only be subject to regulation as a lobbyist if they spend more than ten percent of their working hours lobbying. If an individual lobbies for more than one client or employer, the ten percent test will apply separately for each client or employer.

Bona fide salespersons who sell to or contract with a state agency for goods or services and independent contractors who only participate in soliciting or preparing a written bid or other document relating to a potential sale to a state agency do not qualify as vendor lobbyists under this bill.

The expenditure threshold is increased from \$250 to \$1,000 for those persons who are defined as a lobbyist based on expenditures.

Employees or agents of independent contractors whose primary or substantial duties include lobbying must register as lobbyists. The ten percent test applies to all other employees or agents of independent contractors. At the end of each month, the employee or agent must calculate the amount of time spent lobbying; if they spent more than ten percent of their working time lobbying, they must register as a lobbyist within five days after the last day of the month they qualified as a lobbyist.

Lobbyists are granted a three business day grace period to file all disclosure reports.

Senator Murphy thanked everyone involved in drafting this legislation and cleaning up some faults from last year.

Senator McKoon asked if the term “item” on line 31 should read “expenditures”. Representative Lindsey explained they left the language broad by the advice of the Ethics Board.

Representatives Lindsey and Wilkerson thanked the Senate and the President Pro Tem's office for working so hard over the weekend to get this bill perfected.

Those in favor of the bill:

Doug Chalmers, Georgia Chamber of Commerce

Josh Belinfante, State Ethics Commission

Tom Leslie, GA Engineering Alliance

Those in opposition:

William Perry, Common Cause of Georgia

Representative Lindsey, at the advice of Legislative Counsel, asked to make a few grammatical changes:

Pg 4 line 99 strike the word "does" and insert "shall"

Pg 5 line 138 strike the word "does" and insert "shall"

On lines 177 and 182 strike the word "where" and insert "when"

Senator Hamrick made a motion to adopt the changes, seconded by Senator Murphy. The vote was unanimous.

Then the Chairman called for a vote on HB 232 sub as amended. Senator Hamrick made the motion Do Pass by Substitute, seconded by Senator Murphy. The vote was unanimous. **HB 232 Do pass by Substitute.**

With there being no further business, the meeting was adjourned at 9:15 a.m.

Respectfully submitted,

/s/ Senator Crosby, 13th, Chairman

/s/ Kathleen Cominski, Recording Secretary

The Senate Ethics Committee met on March 10, 2011 at 3:00 p.m. in Room 310 CLOB.
Members present:

Crosby, 13th, Chairman
Carter, 1st
Albers, 56th
Chance, 16th
Davis, 22nd
Hamrick, 30th
McKoon, 29th
Murphy, 27th

The Chairman opened the meeting at 3:05 p.m. calling the first bill.

SB 101 (Stone, 23rd) Elections; poll officers; provide for the Student Teen Election Participant (STEP) program

This bill authorizes each local board of education and election superintendent to develop and implement a Student Teen Election Participant (STEP) program. Eligible students may volunteer to work as a poll officer for up to two days, and the student will work for a minimum of four hours up to a maximum of six hours per day. Students will work under the supervision of an adult poll officer and will receive training prior to volunteering. Students will be counted present for each school day they volunteer with STEP.

To be eligible for STEP, a student must be a United States citizen, with a state driver's license or identification card, have age-appropriate academic ability, have responsible school and community behavior, and have written authorization from their parent or legal guardian.

Senator Stone also stated that this bill is not a mandate; it simply authorizes and sets guidelines. The Secretary of State had no objection to this bill.

Senator Murphy asked if there was an age limit. The current law states 16 is the age required to work in the polls.

Senator Murphy made the motion Do Pass, seconded by Senator Davis, 22nd. The vote was unanimous. **SB 101 Do Pass.**

SB 163 (Butterworth, 50th) Elections; identification of campaign communications; provide requirements

This bill requires public political advertising or literature for the purpose of electing or defeating a clearly identified candidate to make certain identifications, and forbids the unauthorized use of the name or imitation of the name of an existing person or organization. Violation of this code section is a misdemeanor offense.

All advertising or literature must clearly state when the communication has been paid for by the candidate or campaign committee; when the communication is authorized by a candidate or campaign committee but paid for by other persons; or if the candidate does not authorize the communication, the name, permanent street address or telephone number of the person who paid for the communication and a statement that the communication is not authorized by the candidate or candidate's campaign committee.

Senator Albers commended Senator Butterworth for this legislation and asked him if he would be willing to amend the bill by adding "website" on page 11. Senator Butterworth agreed to the amendment.

Senator Crosby asked about the constitutionality of the bill. In the McIntyre vs. Ohio case this was deemed constitutional.

Senator Butterworth stated that Legislative Counsel drafted two bills. This version of the language would withstand constitutional challenges.

Senator Chance asked when this bill was last changed. Senator Butterworth stated that it was in 2008.

Senator Albers made a motion to adopt the amendment, adding "website" on page 11, seconded by Senator Carter, 1st. The vote was unanimous.

The Chairman then called for a vote on SB 163 by substitute as amended. Senator Albers made the motion Do pass, seconded by Senator Carter, 1st. The vote was unanimous. **SB 163 Do Pass by Substitute.**

With there being no further business, the meeting was adjourned at 3:45 p.m.

Respectfully submitted,

/s/ Senator Crosby, 13th, Chairman

/s/ Kathleen Cominski, Recording Secretary

The Senate Ethics Committee met on March 23, 2011 at 3:00 p.m. in Room 307 CLOB.
Members present:

Crosby, 13th, Chairman
Hooks, 14th, Vice Chairman
Albers, 56th
Chance, 16th
Davis, 22nd
Hamrick, 30th
McKoon, 29th

The Chairman called to meeting to order at 3:10 p.m. The first bill called was:

[HB 302 \(Rep. Sheldon, 105th\) Elections held in 2012](#)

Representative Sheldon presented the bill to the committee stating this bill moves the date of general primaries held in the first even-numbered year following the release of census data to the last Tuesday in July. The current date is the next-to-last Tuesday in August.

The bill also changes the qualification period for candidates in those years following the release of census data. The qualification period for candidates for political party nomination to county offices, federal and state offices, and for the office of presidential elector begins at 9:00 A.M. on the Wednesday following the third Monday in May, and ends at noon on the following Friday.

For 2012, the general primary will be held on July 31. The qualification period will begin May 23rd and end on May 25th.

Senator Hooks, 14th, asked Michael O'Sullivan from the Secretary of State's office why there were two identical bills, one from the Senate and one from the House. Michael stated that that was to make sure one got passed.

Senator Albers, 56th, made a motion of do pass, seconded by Senator Davis, 22nd. The vote was unanimous. **HB 302 Do Pass.** Senator McKoon, 29th, will carry the legislation on the Senate floor.

[HB 454 \(Rep. Hamilton, 23rd\) Presidential preference primary; date and publishing of candidates list; provide](#)

Representative Hamilton explained this bill allows the Secretary of State to select the date of the presidential primary. The Secretary of State must select the date by December 1 of the preceding year, and the presidential primary must be held no later than the second Tuesday in June. Currently, presidential primaries are held on the first Tuesday in February.

The state executive committee of each party must submit the names of their candidates for the presidential primary on a date set by the Secretary of State. This date must be at least 60 days before the presidential primary. The list of candidates must be published on the Secretary of State's website; currently the Secretary of State must publish the list in a newspaper.

Senator McKoon, 29th, asked if any research had been done to determine if it is unconstitutional to delegate authority from the legislative branch and give to the executive branch of government.

Senator Davis, 22nd, stated it looks like this will expand the powers of the Secretary of State's office to set presidential elections.

Representative Hamilton stated that this only gives the Secretary of State the authority to set a date for the presidential primary. The date must be set no later than December 31 and no sooner than 60 days out.

Legislative Counsel stated this is constitutional and can be done under the Georgia Constitution.

Senator McKoon, 29th, asked that the bill be tabled until the next meeting.

Chairman Crosby stated the bill would drop to the bottom of the calendar. He wanted the opportunity to ask Secretary of State Kemp to come before the committee and explain this bill.

HB 262 (Rep. Bearden, 68th) Elections; add 1 percent judicial qualifying fee to fund the Commission; provide

Representative Bearden presented the bill stating this bill adds an additional one percent qualifying fee for judicial candidates for the purpose of funding the Judicial Qualifications Commission. This legislation becomes effective on July 1, 2011, and sunsets on January 1, 2015, when the law reverts back to its current form.

The qualifying fee for the offices of judge of the probate court and chief magistrate, judge of state court, justice of the Supreme Court, judge of the Court of Appeals, and judge of superior court is raised to 4 percent of the office's annual or base salary.

The election superintendent will retain 75 percent of the qualifying fees from candidates for the office of judge of state court, judge of probate court, and chief magistrate, and must remit 25 percent of the fees to the Secretary of State.

Twenty-five percent of all judicial qualifying fees will be transmitted by the Secretary of State to the Office of the State Treasurer. Subject to appropriation, these fees will be made available during the following two fiscal years to the Judicial Qualifications Commissions for its operations.

Lester Tate, President Georgia Bar, stated the state bar has not taken a position on this bill, however, as his new role with the Judicial Qualification Commission funding is needed to constitutionally abide by the JQC's obligation. This is the only mechanism that would help fill in the financial gap.

Jeff Davis, Executive Director of the JQC, stated that \$150,000 was needed to meet the financial obligation to operate. Speaker Ralston gave them the idea to increase the fee with a sunset date.

Senator Hooks, 14th, stated he supports the concept of what they are trying to do, however the judges in his little counties can't afford to pay that much in qualifying fees. He stated we need to come up with a better solution.

Senator Hamrick, 30th, stated that this bill is a back up to secure funding in the event the Judicial Budget is cut by the Office of Planning and Budget.

Senator Albers, 56th, stated this bill does not need to be going through the Ethics committee; it needs to be reassigned to the Judiciary Committee. He understands funding is needed, but raising fees is not the answer.

Judge Gosselin stated the JQC needs to be funded, however judges, especially in rural counties, are not happy with this bill. Not all judges are elected so this would be an unfair "fees increase." The state has 1800 judges; only 600 are elected.

Senator Hamrick, 30th, made a statement to hold this bill until our next meeting.

The Chairman stated we were going back to [HB 454](#) and he welcomed Secretary of State Kemp to address the committee.

Secretary Kemp told the committee he does not want to take power over any part of the legislative duties. He simply would like to place Georgia in the midst of choosing who the nominees are for President. He stated usually once it gets to Georgia the primaries have already been determined. He wants Georgia to play a role in the Presidential Primary.

Senator McKoon, 29th, asked him what the process is for setting a date.

Secretary Kemp stated he has and will continue to work with the Governor, Lt. Governor, Speaker, Committee on Assignments, and President Pro Tem to find a date that will give Georgia a part in choosing the Presidential nominees.

He went on to say that he will continue to work with both parties, be flexible and would embrace any legislative feedback from any member of the legislative body to come to a date comfortable for all. He is working in the best interest of the state and the voters.

Senator Hooks, 14th, made the motion Do Pass, seconded by Senator Chance, 16th. The vote was 5 yeas (Senators Albers, 56th, Chance, 16th, Davis, 22nd, Hooks, 14th, and Hamrick 30th) and 1 nay, Senator McKoon, 29th. **HB 454 Do Pass.** Senator Hamrick, 30th, will carry HB 454 on the Senate floor.

With there being no further business, the meeting was adjourned at 4:10 p.m.

Respectfully submitted,

/s/ Senator Crosby, 13th, Chairman

/s/ Kathleen Cominski, Recording Secretary

April 18, 2011

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

Dear Mr. Secretary:

The Senate Ethics Committee is returning the following Senate and House Bills and Resolutions:

[SB 69](#)

[SB 70](#)

[SB 71](#)

[SB 72](#)

[SB 73](#)

[SB 74](#)

[SB 75](#)

[SB 198](#)

[SB 248](#)

[SB 285](#)

[HB 262](#)

Respectfully,

/s/ Kathleen Cominski
Recording Secretary
Senate Ethics Committee