

**SENATE ETHICS COMMITTEE MEMBERS
2013 - 2014**

Senator Rick Jeffares of the 17th, Chairman
1300 Keys Ferry Ct.
McDonough, GA 30253

Senator John D. Crosby of the 13th, Vice-Chairman
P.O. Box 891
Tifton, GA 31793

Senator Gloria S. Butler of the 55th, Secretary
6241 Southland Trace
Stone Mountain, GA 30087

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

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

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

Senator Joshua McKoon of the 29th
P.O. Box 2565
Columbus, GA 31902

Senator Butch Miller of the 49th
2420 Browns Bridge Rd.
Gainesville, GA 30504

Senator Jesse Stone of the 23rd
642 Liberty St.
Waynesboro, GA 30830

Senator Curt Thompson of the 5th
6320 Glenbrook Drive
Tucker, GA 30084

**SENATE ETHICS COMMITTEE
RULES
2014 Session**

- 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. Any majority or minority report pertaining to the Committee proceedings in an ethics investigation under these Committee rules shall be considered as part of the record in such proceedings.
 - 6.1** (a)(1) Proceedings on formal complaints brought by a Senator or staff person pursuant to Senate Rule 1-4.10 shall be governed by such Senate rule and the rules of this Committee.
 - (2) Proceedings on formal complaints brought pursuant to O.C.G.A. Sec. 45-10-91 shall be governed by Part 6 of Article 2 of Chapter 10 of Title 45 of the O.C.G.A. and the rules of this Committee.
 - (b)(1) The chairperson of the Committee shall appoint a subcommittee consisting of three members of the Committee and delegate thereto the authority and duty to conduct an investigation of any formal complaint received by the Committee pursuant to Senate Rule 1-4.10 or O.C.G.A. Sec. 45-10-91.
 - (2) Upon completing such an investigation, the subcommittee shall submit a report of its findings to the full Committee.
 - (c) Upon the adoption by the Committee of a report of the findings of an investigatory subcommittee, the Committee shall then determine whether it has jurisdiction over the complaint. If the Committee determines that it has jurisdiction, then:
 - (1) In the case of a complaint within the meaning of Senate Rule 1-4.10, the Committee shall determine whether substantial cause exists that a violation occurred; or
 - (2) In the case of a complaint within the meaning of O.C.G.A. Sec. 45-10-91, the Committee shall determine whether reasonable grounds exist to believe that improper conduct or sexual harassment has occurred.

(d) (1) All complaints within the meaning of Senate Rule 1-4.10 and other records related thereto in the possession of the Committee or a subcommittee thereof shall remain confidential unless and until the full Committee, after an investigation, has determined that substantial cause exists that a violation occurred. If the Committee determines that such substantial cause does not exist or that the Committee has no jurisdiction over the complaint, then the complaint shall be dismissed and, along with other records related thereto, shall remain confidential.

(2) All complaints within the meaning of O.C.G.A. Sec. 45-10-91 and other records related thereto in the possession of the Committee or a subcommittee thereof shall remain confidential unless and until the full Committee, after an investigation, has determined that reasonable grounds exist to believe that improper conduct or sexual harassment has occurred. If the Committee determines that such reasonable grounds do not exist or that the Committee has no jurisdiction over the complaint, then the complaint shall be dismissed and, along with other records related thereto, shall remain confidential.

(e) Any settlement of, Committee evidentiary hearing on, or rendering of judgment on a complaint brought pursuant to Senate Rule 1-4.10 or O.C.G.A. Sec. 45-10-91 shall be subject to Senate Rule 1-4.10(e) and (f).

(f) (1) Any penalty imposed pursuant to judgment on a complaint brought pursuant to Senate Rule 1-4.10 shall be subject to Senate Rule 1-4.10 (g).

(2) Any penalty imposed pursuant to judgment on a complaint brought pursuant to O.C.G.A. Sec. 45-10-91 shall be the same as provided by Senate Rule 1-4.10(g).

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 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 chair-person.

(b) The Executive Subcommittee shall act as a screening panel for communication received by the Committee that:

(1) Alleged violations of Section 1, Part 4 of the Rules of the Senate or otherwise indicates that an investigation by the Senate Committee on Ethics may be warranted; and

(2) Are not formal complaints by the 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 1-4.10 shall remain confidential unless and until the Committee has determined that substantial cause exists that a violation occurred. If the Committee determines that such substantial cause does not exist, the complaint shall be dismissed and 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 1-4.10, 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 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.

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.

8.1 Any Senate staff or counsel selected by the Ethics Committee, the Executive Subcommittee, an investigatory subcommittee, or the Chairperson of the Ethics Committee to investigate complaints made pursuant to Senate Rule 1-4.10 or O.C.G.A. Sec. 45-10-91 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.

8.2. (a) Upon the final disposition of any ethics matter under these Committee Rules, whether by dismissal, settlement, judgment, or otherwise, the Committee shall deposit all records relating to such proceedings that are in its possession or in the possession of a subcommittee with the Office of Legislative Counsel for physical custody thereof until such time as the records are withdrawn in accordance with subsection (b) of this rule. Any such records that are required to be kept confidential shall be sealed by the Committee prior to such deposit.

(b) (1) The Committee, an investigatory subcommittee, or the Executive Subcommittee, for purposes of a subsequent investigation against the same member based on new evidence, and subject to the confidentiality provisions of these Committee Rules, may withdraw and unseal records of a related prior complaint or investigation.

(2) The Committee shall withdraw and promptly cause to be destroyed its records relating to ethics proceedings upon:

(A) The expiration of six years following the date the formal complaint was filed or the Executive Subcommittee was convened in the matter, whichever is applicable; or

(B) The expiration of one year following the date of termination or interruption of the accused member's service in the Senate by death, resignation, removal from office, or failure to be reelected; whichever first occurs.

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 21, 2014 at 4:00 pm in Room 125 Capitol.

Members present:

Jeffares of the 17th - Chairman
Crosby of the 13th - Vice-Chairman
Butler of the 55th - Secretary
Davis of the 22nd
Jackson of the 24th
McKoon of the 29th
Stone of the 23rd
Thompson of the 5th

Chairman Jeffares called the meeting to order at 4:05 pm.

The following legislation was presented to the committee members:

SB 95 (Millar, 40th) relating to the authorization for and conduct of nonpartisan elections, so as to provide that, in counties that utilize a chief executive officer/county commission form of government, all elections for the chief executive officer shall be conducted on a nonpartisan basis; to provide for related matters

Senator Millar presented the bill to the committee and answered questions from members. The following individuals spoke before the committee:

Marci Rubensohn – Georgia Municipal Association (in favor)
Phyllis Mitchell –Director of Legislative Affairs, DeKalb County (against)

Senator Butler questioned the intent of the bill and stated it should be handled as local legislation and to try and take a look at all issues; not the piecemeal approach. Senator Davis stated that proper venting should be allowed by all parties when considering changing the form of government. Davis made a motion to put the bill in Study Committee with only one second by Senator Butler. The motion died.

Senator Jackson made the motion **DO PASS**, seconded by Senator Crosby. The vote was 4 to 3 in favor of passage. **Yeas:** Bill Jackson, Crosby, McKoon, and Stone; **Nays:** Butler, Davis, and Curt Thompson

SB 95 DO PASS

Senator Miller of the 49th presented SB 297 by Substitute (LC 28 6966S) before the committee:

SB 297 (Miller, 49th) to provide for the filing of notices of intention to accept campaign contributions by county and municipal candidates; to provide that certain candidates may file notice of intent not to accept more than \$2,500 or expand more than \$2,500 in the election and be relieved of filing campaign finance disclosure reports; to provide that the acceptance of expenditure of more than those amounts will require the filing of certain reports; and other related matters.

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After a discussion was held by members of the committee, Senator Stone made a motion **DO PASS BY SUBSTITUTE**. Motion carried. The vote was unanimous.

SB 297 DO PASS BY SUBSTITUTE

There being no further business, the meeting adjourned at 4:35 pm.

Respectfully submitted:

/s/ Sharon Wilder, Recording Secretary

/s/ Senator Butler, 55th, Secretary

The **Senate Ethics Committee** met on February 4, 2014, in Room 125 of the Capitol. The meeting was called to order by Chairman Jeffares at 4:05 pm.

The following members were present:

Jeffares of the 17th - Chairman
Crosby of the 13th - Vice-Chairman
Butler of the 55th - Secretary
Jackson of the 24th
Davis of the 22nd
McKoon of the 29th

The agenda consisted of the following: HEARING ONLY (NO VOTES TAKEN)

SR 7 (McKoon, 29th) Proposing an amendment to the Constitution so as to authorize the General Assembly to provide a fixed sum for funding the Georgia Government Transparency and Campaign Finance Commission; to provide that such funds shall not lapse; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Senator McKoon addressed the committee and spoke about SR 7. The intent of the bill was to help fund the Office of Campaign Finance Commission using a formula of total state funds appropriated. The Resolution would allow voters to decide by voting on the ballot during the upcoming general election. Senator McKoon expressed the need for funding based on the Ethics Commission's workload and the staff cut from the previous administration.

Senator Crosby questioned the need for funding and stated that the appropriate time to request would be at the Appropriations hearings and should be from Executive Director Holly LaBerge not through legislation. He stated none of the Commission members had contacted him or any other Ethics Committee members that he was aware of. Senator Jackson agreed with him as well as the majority of the committee members.

The following individuals spoke in favor of this legislation:

Julianne Thompson, Atlanta Tea Party
Debbie Dooley, Atlanta Tea Party Patriots
Kelli Persons, League of Women Voters
William Perry, Executive Director, Common Cause, Georgia (He presented a handout to the members from Bob Irvin, former Republican leaders, Georgia House of Representatives and Common Cause, Georgia.)

SR 734 (Dugan, 30th) Proposing an admendment to the Constitution so as to provide that members of the Senate shall serve four-year terms of office; to provide that members of the Senate shall have limited terms of office; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Senator Dugan gave an overview of SR 734. He stated that 17 other states have enacted this legislation. A discussion took place and Senator Jackson pointed out that this idea is not new and has been presented over past years, but did not pass because the House of Representatives did not agree.

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February 4, 2014

Senator Butler wanted to go on record saying that several bills authored by fellow Democrats have not had a hearing by the Senate Ethics Committee and they would like to have bills heard. Chairman Jeffares ask that a letter be submitted to his office by the author requesting a hearing.

There being no further business, the meet was adjourned at 5:08 pm.

Respectfully submitted,

/s/ Sharon Wilder, Recording Secretary

/s/ Senator Gloria Butler, 55th, Secretary

The **House and Senate Ethics Committees** held an “Open Forum” meeting on February 18, 2014. The purpose of the meeting was to address questions regarding [HB 142](#) and [HB 143](#), the Georgia Ethics in Government Act.

This legislation made several changes including a ban on most expenditures by lobbyists in excess of \$75.00 and an expansion of the definition of a lobbyist.

The following Senate committee members were in attendance:

Jeffares of the 17th - Chairman
Butler of the 55th - Secretary
McKoon of the 29th
Thompson of the 5th

Chairman Rick Jeffares (Senate Ethics Committee) and Chairman Joe Wilkerson (House Ethics Committee) jointly called the hearing to order at 4:00 pm. No votes were taken since this was a question and answer meeting.

Holly LaBerge, Executive Director, Georgia Government Transparency and Campaign Finance Commission, spoke to the committee. She helped define the meaning of “lobbyist” with the assistance of Legislative Counsel Jeff Lanier. An explanation was given of HB 142 and HB 143, the Ethics in Government Act. The question of expenditures by public officers in excess of \$75 per General Assembly member was discussed at length.

Chairman Jeffares ask for a clarification on the term “caucus” and asked members to submit a list to his office so the full Senate Ethics Committee could approve by the next meeting.

Chairman Wilkerson, House Ethics Committee, presented a form for eligible Caucus and/or Delegation approval.

The following individuals addressed the House and Senate Ethics Committee members.

William Perry, Executive Director, Common Cause, spoke about Ethics Reform in Government. Chairman Wilkinson ask if he was a registered lobbyist and he responded “no” and that it was not necessary for him to register since they are not a LLC.

Kelli Persons, League of Women Voters, spoke to the members about transparency in campaign financing. She was optimistic about the January 1, 2014, revisions to disclosure reports.

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There being no further comments, the meeting was adjourned at 4:35pm.

Respectfully submitted,

/s/ Sharon Wilder, Recording Secretary

/s/ Senator Gloria Butler, 55th, Secretary

The **Senate Ethics Committee** met February 25, 2014 in Room 125 Capitol. Chairman Jeffares called the meeting to order at 11:05 am.

Members present:

Jeffares of the 17th - Chairman
Crosby of the 13th - Vice-Chairman
Butler of the 55th - Secretary
Davis of the 22nd
Jackson of the 24th
McKoon of the 29th
Miller of the 49th
Stone of the 23rd
Thompson of the 5th

The purpose of the meeting was to review requests from Senate members who have submitted approval of their caucuses retroactive to January 1, 2014. Committee members approved the following list with the Caucus additions highlighted in bold that came in late:

- COASTAL DELEGATION
- LEGISLATIVE BLACK CAUCUS
- WOMEN'S CAUCUS
- FLOOR LEADER'S CAUCUS
- SENATE REPUBLICAN CAUCUS
- **SENATE DEMOCRATIC CAUCUS**
- **SENATE REPUBLICAN LEADERSHIP CAUCUS**
- **SENATE DEMOCRATIC LEADERSHIP CAUCUS**
- **SENATE MAJORITY CAUCUS**
- COUNTY DELEGATION CAUCUS
- RURAL CAUCUS
- LEGISLATIVE SPORTSMAN'S CAUCUS
- LAKE LANIER CAUCUS
- MOUNTAIN CAUCUS
- SAVANNAH RIVER CAUCUS
- GEORGIA WORKING FAMILIES CAUCUS
- **SENATE ARCH CAUCUS (Supporters & Graduates of UGA)**

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There being no further questions, the meeting was adjourned at 11:35am.

Respectfully submitted:

/s/ Sharon Wilder, Recording Secretary

/s/ Senator Gloria Butler, 55th, Secretary

The **Senate Ethics Committee** met on March 11, 2014 in Room 125 Capitol.

Members present:

Jeffares of the 17th - Chairman
Crosby of the 13th - Vice-Chairman
Butler of the 55th - Secretary
Davis of the 22nd
Jackson of the 24th
Ligon of the 3rd
McKoon of the 29th
Miller of the 49th
Stone of the 23rd
Thompson of the 5th

Chairman Jeffares called the meeting to order at 4:00 pm.

Members reviewed the final list of Caucus requests for approval. Motion for approval by Senator Jackson and seconded by Senator Davis. The vote was unanimous.

Agenda:

HB 891 (Fleming of the 121st) To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to change the period for advance voting prior to a municipal primary or election; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative Barry Fleming presented a substitute (LC 28 7214S) to the committee. Senator Davis questioned the specifics of the bill regarding Consolidated Governments. He stated that you should proceed with caution when reducing advance voting time and it would be problematic for a number of residents. He referred the question to Jeff Lanier of Legislative Counsel.

The following individuals spoke against HB 891:

Chad Brock, ACLU of Georgia
Amanda Hill-Atkinson, Program Director, Georgia WAND (Women's Action for New Directions)
Helen Butler, Executive Director, The Peoples Agenda
Jerry Gonzalez, Executive Director, GALEO
Elizabeth Poythress, League of Women Voters of Georgia
William Perry, Executive Director, Common Cause, Georgia
Kelli Persons, Program Manager, League of Women Voters, Georgia Branch
Thomas Kapuell, Minister
Justin Tanner, Lobbyist, City of Atlanta
Gladstone Nicholson, citizen, Newton County

Individuals speaking in favor of HB 891:

Thomas Gehl, Georgia Municipal Association

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Senator Butler questioned Tom Gehl, Georgia Municipal Association, and stated GMA had a survey with the cost to small cities. Senator Butler asked for a list of small cities and wanted an explanation on his statement regarding low numbers of early voter turn out and how it would save taxpayers money in the long run.

After a lengthy discussion, Senator Butch Miller made the motion **DO PASS BY SUBSTITUTE**, seconded by Senator Bill Jackson. Motion carried. The vote was 6 to 3. Senators Butler, Davis and Curt Thompson opposed.

HB 891 DO PASS BY SUBSTITUTE

HB 436 (Turner, of the 21st) To amend Code Section 45-2-1 of the Official Code of Georgia Annotated, relating to persons ineligible to hold office, vacation of office, and validity of acts performed while in office, so as to authorize counties and municipalities to provide by local law for district durational residency requirements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Turner presented the bill to the committee. After a brief discussion, Senator Ligon made the motion **DO PASS**, with a second by Senator Crosby. Motion carried. The vote was unanimous.

HB 436 DO PASS

There being no further business, the meeting adjourned at 5:05 pm.

Respectfully submitted:

/s/ Sharon Wilder, Recording Secretary

/s/ Senator Gloria Butler, 55th, Secretary

March 25, 2014

Mr. David Cook
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Mr. Secretary:

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

<u>SB 4</u>	<u>SB 5</u>	<u>SB 6</u>	<u>SB 7</u> *withdrawn by Author
<u>SB 8</u>	<u>SB 9</u>	<u>SB 36</u>	<u>SB 44</u>
<u>SB 45</u>	<u>SB 48</u>	<u>SB 49</u>	<u>SB 50</u>
<u>SB 54</u>	<u>SB 55</u>	<u>SB 102</u>	<u>SB 175</u>
<u>SB 184</u>	<u>SB 310</u>	<u>SB 311</u>	<u>SB 315</u>
<u>SB 378</u>	<u>SB 390</u>	<u>SR 7</u>	<u>SR 13</u>
<u>SR 734</u>			

Respectfully,

/s/ Sharon Wilder
Recording Secretary
Senate Ethics Committee