



# Guide to Lobbying in the State of Georgia

These resources are current as of 2/28/19. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).

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**This guide summarizes key aspects of laws and regulations governing lobbying on the state level. It is not intended to provide legal advice or to serve as a substitute for legal advice.**

**In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.**

# TABLE OF CONTENTS

- I. Definitions
  - a. Lobbyist
  - b. Lobbying
  - c. Lobbying Expenditure
  - d. Expenditure
- II. Registration
  - a. Registration of Lobbyists
  - b. Exceptions to Registration Requirement
  - c. Registration Fee
  - d. Renewing Registration
  - e. Terminating Lobbyist Registration
- III. Disclosure Reporting
  - a. Electronic Reporting
  - b. Contents Required in Disclosure Reports
  - c. Timing – When Disclosure Reports are due
- IV. Regulations
  - a. Prohibitions Generally
  - b. Gifts
  - c. Travel and Entertainment
  - d. Identification
  - e. Post-Employment Restrictions
  - f. Contingency Fees
- V. Penalties
  - a. Late Disclosure Reports
  - b. Other Violations
- VI. Contact Information for State and Local Agencies

# Definitions

## Lobbyist

- Any person that, individually or as an employee of someone else, receives or anticipates receiving more than \$250.00 per calendar year in compensation or reimbursement or repayment of expenses specifically for undertaking to promote the passage of any legislation by the General Assembly, a committee of either chamber or joint committee, or approval or veto of legislation by the Governor. *O.C.G.A. § 21-5-70(5)(A)*.
  - Individual must be “specifically hired” to promote or oppose legislation. “Specifically hired” does not mean “exclusively hired,” the analysis is fact-specific and relies on the duties an individual performs in the normal course of their work, not enumerated job duties. *See GA Gov’t Transparency and Campaign Finance Comm’n Advisory Op. 2009-1*.
    - Example: An individual that is hired to create communications for public consumption advocating for or against a piece of legislation is considered a lobbyist, even if they have no contact with legislators. *See GA Gov’t Transparency and Campaign Finance Comm’n Advisory Op. 2007-04*.
- Any person that makes a lobbying expenditure of more than \$1,000.00 in a calendar year. *O.C.G.A. § 21-5-70(5)(B)*, (*Lobbying expenditure(s) defined below*).
  - Does not include one’s own travel, food, lodging expenses, or informational material.
- Anyone who, for compensation, is hired specifically to influence a public officer or state agency to supply goods or services, or prepare a written bid or proposal. Does not include a bona fide salesperson. *O.C.G.A. § 21-5-70(5)(G)*.
  - Bona fide salesperson that receives compensation in the form of commission is not considered a lobbyist. *See GA Gov’t Transparency and Campaign Finance Comm’n Advisory Op. 2008-06*.
  - A consultant that assists a local government in the preparation of a proposal for a grant from the state government, advocates for the award of the grant, and accepts a percentage of the grant as compensation *could* be considered a lobbyist- Commission makes a fact-specific, case-by-case determination. *GA Gov’t Transparency and Campaign Finance Comm’n Advisory Op. 2013-01*.
- Any person that, individually or as an employee of someone else, is compensated specifically for promoting or opposing the passage of a rule or regulation of any state agency. *O.C.G.A. § 21-5-70(5)(H)*.
- Any person who, as an employee of a local government, engages in any activity outlined above. *O.C.G.A. § 21-5-70(5)(F)*.
- Any person who, individually or on behalf of another, is compensated for or makes expenditures of more than \$1,000.00 specifically to promote or oppose the passage of any ordinance or resolution by a public officer serving at the county or municipal level. *O.C.G.A. § 21-5-70(5)(D)-(E)*.
  - Example: Economic development consultants that deal with public policy decisions, which have the effect of an ordinance or resolution in the case of a local official, or a rule or regulation in the case of a state agency, must register and report irrespective of whether such ordinance, resolution, rule, or regulation is

explicitly described as such. *GA Gov't Transparency and Campaign Finance Comm'n Advisory Op. 2009-03.*

- Example: an individual touting their firm's services or seeking to be retained by local governments is not required to register as a lobbyist, even if a local government retains the firm's services by way of passing a resolution. *GA Gov't Transparency and Campaign Finance Comm'n Advisory Op. 2001-31.*

## Lobbying

- The activity of a lobbyist while acting in that capacity. *O.C.G.A. § 21-5-70(4), See "Lobbyist" definition above for details.*

## Lobbying Expenditure

- "Lobbying Expenditures" are: *O.C.G.A. § 21-5-70(4.1).*
  - Promotional items generally distributed to the general public or to public officers; *O.C.G.A. § 21-5-70(4.1)(A).*
  - Food and beverages produced in Georgia; *Id.*
  - Award, plaque, certificate, memento, or similar item given in recognition of civic, charitable, political, professional, or public service; *O.C.G.A. § 21-5-70(4.1)(B).*
  - Discounts, upgrades, memberships, or other accommodations provided by a business to a bona fide customer; *O.C.G.A. § 21-5-70(4.1)(C).*
  - Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession; *Id.*
  - Food, beverages, and registration at group events when all members of an agency are invited; *O.C.G.A. § 21-5-70(4.1)(D).*
    - Agency, as it is used here, applies to the Georgia House of Representatives, Georgia Senate, standing committees of each, joint committees, caucuses recognized by the House Committee on Ethics or the Senate Committee on Ethics, and the governing body of each political subdivision of Georgia. *Id.*
    - Group event may only occur once a year per legislative committee. *Id.*
  - Campaign contributions; *O.C.G.A. § 21-5-70(4.1)(E).*
  - Reimbursement or payment of actual and reasonable expenses provided to a public officer and/or their staff for: *O.C.G.A. § 21-5-70(4.1)(F).*
    - Transportation;
    - Lodging;
    - Travel;
    - Registration for attending meetings or conferences within the United States that directly relate to their official duties; and
    - Food and beverage (includes spouse of officer).
  - Anything that does not qualify as a lobbying expenditure (as defined above) and does not qualify as an expenditure (defined below) but does not exceed \$75.00 in value per person. *O.C.G.A. § 21-5-70(4.1)(G).*
- If any of the expenditures outlined in this section are provided to a family member of a public official or public employee the expenditure will be considered a lobbying expenditure. *Ga. Comp. R. & Regs. 189-3-.11.*
  - "Family member" means spouse, parents, and dependent children of the public official or employee. *Id.*

## Expenditure

- As it relates to public officials and lobbyist disclosure rules, Georgia defines “Expenditures,” as: *O.C.G.A. § 21-5-70(1)*.
  - a purchase, payment, distribution, loan, advance, deposit, or conveyance of money or anything of value made for the purpose of influencing the actions of any public officer; *O.C.G.A. § 21-5-70(1)(A)*.
  - Any form of payment that can reasonably be construed as designed to encourage or influence a public officer; *O.C.G.A. § 21-5-70(1)(B)*.
  - Reimbursement or payment of expenses exceeding \$75.00 from an individual lobbyist for transportation, travel, lodging, registration, food, and beverages; *O.C.G.A. § 21-5-70(1)(B.1)*.
  - Gratuitous transfer of money, services, subscriptions, or tickets for admission to athletic, sporting, recreational, musical, or other entertainment events, or anything of value, unless the official pays at or above face value for admission; *O.C.G.A. § 21-5-70(1)(C)*.
  - Items defined as lobbying expenditures are not included in this definition. *O.C.G.A. § 21-5-70(1)(E)*.

## REGISTRATION

### Registration of Lobbyists

- Individual must register prior to lobbying. *O.C.G.A. § 21-5-71(a)(1)*.
  - *A lobbyist must register with the Commission by hand delivering, mailing, or faxing a Lobbyist Registration Application to the Commission. The form is available online at [http://ethics.ga.gov/wp-content/uploads/2018/05/LobbyReg-2018\\_writable.pdf](http://ethics.ga.gov/wp-content/uploads/2018/05/LobbyReg-2018_writable.pdf)*
- Registration includes the following:
  - Verification that the applicant has not committed a felony involving moral turpitude within the last 10 years; *Id., O.C.G.A. § 21-5-71(b)(8)*.
  - The applicant’s name, address, telephone number, and employer/person, agency, association, or business entity that employs or retains the applicant to lobby on its behalf; *O.C.G.A. § 21-5-71(b)*.
  - Statement of the general business or purpose of each entity the lobbyist represents; *O.C.G.A. § 21-5-71(b)(3)*.
    - If the lobbyist represents a membership group, the general purpose of the group and the approximate number of members.
  - A statement signed by the person or agency retaining, appointing, authorizing, or employing the applicant authorizing the applicant to lobby on their behalf; *O.C.G.A. § 21-5-71(b)(5)*.
  - The name of the state agency or agencies that the lobbyist intends to influence if the applicant is attempting to influence a purchasing decision or administrative rule; *O.C.G.A. § 21-5-71(b)(6)*.

- A statement disclosing each individual or entity on whose behalf the applicant is registering if the individual or entity has agreed to pay the applicant an amount exceeding \$10,000.00. *O.C.G.A. § 21-5-71(b)(7)*.
- Substantial changes in the above after registration will require the filing of a supplemental registration with the Commission. *O.C.G.A. § 21-5-71(c)*.

### **Exceptions to the Registration Requirement**

- The following individuals do not have to register with the Commission: *O.C.G.A. § 21-5-71(i)*.
  - An individual who communicates personal views, interests, or professional opinions on that individual's own behalf; *O.C.G.A. § 21-5-71(i)(1)*.
  - Members, directors, trustees, officers, or committee members of a business, association, trade group, or religious, professional, educational, or charitable group who is not compensated for the specific purpose of lobbying, does not incur more than \$250.00 per calendar year in reimbursable lobbying expenditures; *O.C.G.A. § 21-5-71(i)(3.1)*.
    - Example- member of a group invited by leadership to attend a lobby day at the capitol.
  - A bona fide salesperson; and *O.C.G.A. § 21-5-71(i)(1.1)*. See *GA Gov't Transparency and Campaign Finance Comm'n Advisory Op. 2008-06*.
  - Anyone who is invited to appear before a committee or an agency hearing for the purpose of providing testimony, or furnishing information, so long as the individual clearly identifies themselves and the interested party they are testifying on behalf of. *O.C.G.A. § 21-5-71(i)(2)-(3)*.

### **Registration Fee**

- Georgia does not impose a registration fee. Lobbyists must, however, pay a \$20.00 badge fee and a \$10.00 supplemental registration fee for each group should the lobbyist represent more than one entity. *O.C.G.A. § 21-5-71(f)*.

### **Renewing Registration**

- Unless terminated in advance, registration expires on December 31 of every year. *O.C.G.A. § 21-5-71(d)*.
  - *Lobbyists must re-register prior to engaging in any lobbying activities should their registration expire. See "Registration of Lobbyists" above for registration procedure.*

### **Terminating Lobbyist Registration**

- Lobbyists must file regular disclosures until their registration either expires or is terminated.
  - Note, disclosures are still required if terminating in the middle of a reporting period
  - Reporting periods end on the 14<sup>th</sup> and the last day of each month while the legislature is in session. (*See "Timing" subsections in the Reporting section below*) If a lobbyist terminates on the 1<sup>st</sup> or the 16<sup>th</sup> the Commission will consider that termination mid-reporting period. It is best to terminate on the 14<sup>th</sup> or the last day of the month.
- A lobbyist may terminate their registration by logging into the e filing system (described in more detail in the "Reporting" section below), then selecting "group info."

# REPORTING

## Electronic Reporting

- All disclosure reports filed with the Commission must be filed by electronic means. *O.C.G.A. § 21-5-73(a), Ga. Comp. R. & Regs. 189-1-.10.*
- The Commission will provide access to an online disclosure portal via email once the lobbyist's application has been processed.

## Contents Required in Disclosure Reports

- Reports filed by lobbyists must include a description of all lobbying expenditures (See "*Lobbying Expenditures*" definition above), or the value of all lobbying expenditures made for the purpose of influencing a public officer. Specifically: *O.C.G.A. § 21-5-73(e) et seq.*
  - Reports must include lobbying expenditures made by employees of the lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has actual knowledge of such lobbying; *O.C.G.A. § 21-5-73(e)(1).*
  - The description of each reported lobbying expenditure must include:
    - The name and title of the public officer or public employee or, if the lobbying expenditure was made to influence an identifiable group of public officers or public employees, the individual identification of whom would be impractical, a general description of the group. *O.C.G.A. § 21-5-73(e)(1)(A).*
    - The amount, date, and description of the lobbying expenditure and a summary of all spending classified by category. The categories should include meals, lodging, travel, and tickets. *O.C.G.A. § 21-5-73(e)(1)(B).*
  - Reports must include the aggregate lobbying expenditures incurred during the reporting period. *O.C.G.A. § 21-5-73(e)(1)(C).*
- Reports should also include, if applicable, the number of the bill, resolution, ordinance, or regulation the expenditure was designed to support or oppose. *O.C.G.A. § 21-5-73(e)(1)(D)-(E).*

## Timing – State Level Disclosure Schedule (Legislative lobbying)

- While the Georgia legislature is in session: *O.C.G.A. § 21-5-73(b).*
  - The 1<sup>st</sup> of each month; and
  - The 15<sup>th</sup> of each month
- Rest of the year:
  - The 5<sup>th</sup> of each month

## Timing – State Level Disclosure Schedule (Agency and Vendor Lobbying)

- The 5<sup>th</sup> of each month. *O.C.G.A. § 21-5-73(d)(2)-(4).*

## Timing – Local Level Disclosure Schedule

- May 5<sup>th</sup>,
- September 5<sup>th</sup>, and
- January 5<sup>th</sup>. *O.C.G.A. § 21-5-73(c)(1).*

# REGULATIONS AND PROHIBITIONS

*Note that many states' rules on gifts, travel and other benefits provided to public officials are extremely complex. The laws outlined below are only summaries of some of the more commonly encountered issues; organizations and lobbyists are advised to consult with legal counsel for a complete analysis of their proposed activities before giving gifts or other benefits to officials.*

Activity	Regulated by State? Y/N	Statutory Citation
Lobbying by Former Officials	Prohibited for one year after terminating employment or leaving office	O.C.G.A. § 21-5-75
Limits on Lobbyists' Gifts to Officials	Limited- see "Gifts" section below for limits	O.C.G.A. § 21-5-72.1(b)(1), O.C.G.A. § 21-5-70(1)(A)-(D)
Hospitality Provided to Officials	Limited- see "Travel and Entertainment" below	O.C.G.A. § 21-5-72.1(b)(1), O.C.G.A. § 21-5-70(1)(B.1)-(D)
Trips Organized by Lobbyists	Limited- see "Travel and Entertainment" below	O.C.G.A. § 21-5-72.1(b)(1), O.C.G.A. § 21-5-70(1)(B.1)-(D)
Contingent Fees	Prohibited	O.C.G.A. § 21-5-76(a)

## Prohibitions Generally

- Generally, transactions defined as Expenditures (see "Expenditures" in the Definitions section above) are prohibited, while transactions defined as Lobbying Expenditures are permissible. (see "Lobbying Expenditures" in the Definitions section above). *O.C.G.A. § 21-5-72.1(b)(1), O.C.G.A. § 21-5-70(1)(E).*

## Gifts

- Permissible Gifts:
  - Anything with a value below \$75.00 that is not an "Expenditure." See "Expenditures" in the Definitions section above; *O.C.G.A. § 21-5-70(4.1)(G).*
  - Promotional items generally distributed to the general public or to public officers; *O.C.G.A. § 21-5-70(4.1)(A).*
  - Food and beverages produced in Georgia; *Id.*
  - Award, plaque, certificate, memento, or similar item given in recognition of civic, charitable, political, professional, or public service; *O.C.G.A. § 21-5-70(4.1)(B).*
  - Food, beverages, and registration at group events when all members of an agency are invited. *O.C.G.A. § 21-5-70(4.1)(D).*
- Prohibited gifts:
  - A conveyance of anything of value (gift included here) that can reasonably be construed as designed to encourage or influence a public

officer. *O.C.G.A. § 21-5-70(1)(A)-(B)*.

- Reimbursement or payment of expenses exceeding \$75.00 from an individual lobbyist for transportation, travel, lodging, registration, food, and beverages (food and beverages not produced in Georgia). *O.C.G.A. § 21-5-70(1)(B.1)*.
- Transfer services, subscriptions, or tickets for admission to athletic, sporting, recreational, musical, or other entertainment events, or anything of value, unless the official pays at or above face value for admission. *O.C.G.A. § 21-5-70(1)(C)*.

## Travel and Entertainment

- Permissible Travel and Entertainment Expenditures:
  - Meetings and conferences within the United States that directly relate to official duties: Specifically, reimbursement or payment of actual and reasonable expenses provided to a public officer and/or their staff for: *O.C.G.A. § 21-5-70(4.1)(F)*.
    - Transportation;
    - Lodging;
    - Travel; and/or
    - Registration.
- Reimbursement or payment for other forms of travel and entertainment are prohibited. *O.C.G.A. § 21-5-70(1)(A)-(D)*.

## Identification

- Lobbyists may not meet at the state capitol, legislative office buildings, or other state government facility without wearing their Commission-provided badge. *O.C.G.A. § 21-5-71(g), O.C.G.A. § 21-5-72.1(a)*.
  - Specifically, a lobbyist in a building owned, rented, or leased by the state government must display their lobbying badge when engaged in lobbying activities. *GA Gov't Transparency and Campaign Finance Comm'n Advisory Op. 2011-06*.

## Post-Employment Restrictions

- Lobbyists are not eligible for appointment to a board, commission, or bureau that regulates the activities of an entity the lobbyist represented until one year after the expiration of the lobbyist's registration for that entity has passed. *O.C.G.A. § 21-5-74*.
- Public officials are prohibited from lobbying for one year after terminating employment or leaving office. *O.C.G.A. § 21-5-75*.

## Contingency Fees

- Lobbyists may not receive compensation, in whole or in part, contingent on the passage or defeat of a legislative measure, adoption of an agency rule or regulation, or award of a state contract. *O.C.G.A. § 21-5-76(a)*.
  - A consultant that assists a local government in the preparation of a proposal for a grant from the state government, advocates for the award of the grant, and accepts a percentage of the grant as compensation *could* be considered a lobbyist- Commission makes a fact-specific, case-by-case determination. *GA Gov't Transparency and Campaign Finance Comm'n Advisory Op. 2013-01*.

# PENALTIES

## Late Disclosure Reports

- Late lobbyist disclosure fees while the General Assembly is in session: *O.C.G.A. § 21-5-71(f)(2)(C)(i)*.
  - 1 to 6 days late = \$275.00 per report
  - 7 to 20 days late = \$1,275.00 per report
  - 21 days and later = \$11,275.00 per report
- Late lobbyist disclosure fees when the General Assembly is not in session: *O.C.G.A. § 21-5-71(f)(2)(B)(i)*.
  - 1 to 14 days late = \$275.00 per report
  - 15 to 44 days late = \$1,275.00 per report
  - 45 days and later = \$11,275.00 per report

## Other Violations

- The Commission may by order deny, suspend, or revoke a lobbyist's registration for a period not to exceed one year if it finds that the lobbyist: *O.C.G.A. § 21-5-72(a)*.
  - filed an incomplete, false, or misleading application for registration; *O.C.G.A. § 21-5-72(a)(1)*.
  - willfully violated or willfully failed to comply with any and all Commission rules, disclosure requirements; *O.C.G.A. § 21-5-72(a)(2)-(4)*.
- Any person failing to comply with or violating Commission rules or Georgia lobbying laws will be subject to a fine not to exceed \$2,000.00 per violation. *O.C.G.A. § 21-5-72(c)*.

# CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

## **Georgia Government Transparency and Campaign Finance Commission**

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## **FOR FURTHER ASSISTANCE**

For assistance regarding these resources or for more information about federal law, please contact our attorney one-on-one counseling service:

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