

# HOW TO BECOME A CANDIDATE WITH CAMPAIGN FINANCE REPORTING REQUIREMENTS

There are four ways you can become a candidate with reporting requirements under the Campaign Finance Act. Ask yourself...

- Have you filed a **Declaration of Intention to Accept Campaign Contributions form**?
- Have you qualified to stand for election or qualified to stand for nomination for elected office?
- Have you received **Contributions** or made **Expenditures** designed to bring about your election or nomination for elected office?
- Have you authorized a **Campaign Committee** to receive contributions or make expenditures designed to bring about your election or nomination for elected office?

If you answered **YES** to any of the questions above, even if you have not yet formally qualified as a candidate, you are required to file Campaign Contribution Disclosure Reports.

A “Candidate” is defined as “[A]n individual who seeks nomination for election or election to any public office, whether or not such an individual is elected; and a person shall be deemed to seek nomination or election if such person has taken necessary action under the laws of this state to qualify such person for nomination for election or election or has received any contributions or made any expenditures in pursuit of such nomination or election or has given such person’s consent for such person’s campaign committee to receive contributions or make expenditures with a view to bringing about such person’s nomination for election or election to such office.” See, O.C.G.A. 21-5-3(4).

For the purposes of filing Campaign Contribution Disclosure Reports, a candidate is a filer in an Election Year.

## Now That I Am a Candidate, What’s Next?

If you have not already done so, file a **Declaration of Intention to Accept Campaign Contributions form**. Anyone who is not already a public officer and who plans to run for public office must file a Declaration of Intention to Accept Campaign Contributions **BEFORE** accepting such contributions. No such declaration is required of persons who are public officers and who plan to run for the **same public office they currently hold**. A Declaration of Intention to Accept Campaign Contributions – Form DOI is filed with the Commission if you are running for statewide or state level office and with your local filing entity if running for a county or municipal level office. **See, O.C.G.A. § 21-5-30(g)**

If you are filing at a state or statewide level candidate, you must file a **PIN Application for e-filing CCDR & PFD (Candidates / Elected Officials)**. This form will allow the Commission to grant you access to the Commission’s online e-Filing system for Campaign Contribution Disclosure Reports and Personal Financial Disclosure Statements. The CCDR/PFDS PIN Application is filed with the Commission by State and Statewide filers only, local officials will need to check with their local filing entities

for further instructions related to their jurisdiction. Once the PIN application has been processed by Commission staff, you will receive two emails: one that has a Filer ID that starts with the letter “C” to file your CCDRs and one that has a Filer ID that starts with the letter “F” to file your PFD.

## What If I Have a Campaign Committee?

If you have designated someone to file your reports or if anyone is collecting or expending your contributions, you have a campaign committee. File a **Registration Form for a Candidate’s Campaign Committee – Form RC**.

The term “campaign committee” as it relates to the candidate means the candidate, person(s) or committee which accepts contributions or makes expenditures for the purpose of bringing about the nomination or election of an individual to any elected office. If a candidate has a campaign committee, the name and address of the committee, its chairperson, treasurer and the candidate must be registered with the Commission prior to accepting any contributions.

- One person may serve as both chairperson and treasurer.
- No contributions may be accepted at any time there is a vacancy in either the position of chairperson or treasurer.
- No candidate may have more than one campaign committee.
- Registration Form for a Candidate’s Campaign Committee is filed with the Commission.

When a candidate is elected to office, the candidate’s campaign committee registration will remain in effect as long as the candidate remains in office until and unless the registration is canceled by the campaign committee or the candidate. Any substantive changes to registration information of a committee must be updated with the Commission within 7 business days. **See, O.C.G.A. §§ 21-5-3(2) and 21-5-30(b)**

## Can I Accept Money For Multiple Elections?

If you are accepting contributions for all the elections within an election cycle (i.e. primary, primary runoff, general and general runoff), you must first file the form **Choosing Option of Separate Accounting – Form COOSA**. A candidate who wishes to accept contributions for more than one election at a time shall separately account for such campaign contributions and shall file an “Option to Choose Separate Accounting” form with the Commission prior to accepting contributions for any election other than the candidate’s next upcoming election. A candidate is only required to file one Form COOSA which shall be utilized for all subsequent elections to the same office, regardless of whether an election occurs in a new election cycle. **See, O.C.G.A. §§ 21-5-30(c) and 21-5-43(a)(2)**

## CAMPAIGN RECORD KEEPING

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Pursuant to the Campaign Finance Act, all candidates and/or campaign committees must maintain detailed records of all contributions received and expenditures made. Records must be maintained by the candidate or treasurer of a campaign committee

and may be inspected by the Commission at any time. The right of inspection may be enforced by the Commission or by the Superior Court of the State of Georgia. Records of the accounts kept by a candidate or candidate's committee are required to be preserved for three years from the termination date of the candidate's campaign. However, since public disclosures are maintained for not less than five years, candidates are encouraged to keep records for at least five years.

Contributions of money received by the candidate or the candidate's campaign committee must be promptly deposited in a separate campaign depository account (*separate from the personal banking account of the candidate*) opened and maintained for this purpose. The account may be an interest bearing account and any interest earned will be deemed a contribution to the campaign committee; interest earned is not payable to the candidate as personal funds. **See, O.C.G.A. § 21-5-32**

## USE OF CAMPAIGN FUNDS

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**Campaign funds may only be used to defray ordinary and necessary expenses incurred by a candidate in connection with said candidate's campaign for public office.**

**Ordinary and Necessary Expenses** – Ordinary and necessary expenses shall include, but shall not be limited to, expenditures made during the reporting period for qualifying fees, office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, attorney fees connected to and in the furtherance of the campaign, and all other expenditures contemplated in Code Section 21-5-33. **See, O.C.G.A. § 21-5-3(18)**

**Disposition of Excess Contributions** – A candidate who has funds in excess of those needed to defray ordinary and necessary expenses, may expended said funds for 1) activities in fulfillment or retention of office, 2) contribution to a charitable organizations, 3) transfer to national, state, or local committee of any political party, 4) pro rata repayment to persons making such contribution, 5) for use of future campaign for the same office, 6) for repayment of any prior campaign debt. **See, O.C.G.A. § 21-5-33**

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# ANONYMOUS CONTRIBUTION

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Anonymous contributions are **strictly prohibited**. Any contribution received by a candidate who fails to record the name and address of the contributor and the amount of the contribution is an anonymous contribution. If an anonymous contribution is received it must be transmitted to the Office of Treasury and Fiscal Services 200 Piedmont Ave, Suite 1202 West Tower, Atlanta, GA 30334. Telephone # (404) 656-2168. The recipient must also notify the Commission of the receipt of the contribution and its subsequent transmittal to the office of Treasury and Fiscal Services. **See, O.C.G.A. § 21-5-30 (e)**

# MAXIMUM CONTRIBUTION LIMITS

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The Campaign Finance Act, O.C.G.A. §21-5-41(k), authorizes the Campaign Finance Commission to raise or lower the maximum contribution limits set forth in the Act by \$100 increments based on inflation or deflation as determined by the Consumer Price Index published by the Bureau of Labor Statistics of the United States Department of Labor.

On December 16, 2015, the Commission approved an increase in the maximum contribution limits so that the limits are now as follows:

## Statewide elected offices

- Primary Election = Six thousand six hundred dollars (\$6,600)
- Primary run-off election = Three thousand nine hundred dollars (\$3,900)
- General Election = Six thousand six hundred dollars (\$6,600)
- General run-off election = Three thousand nine hundred dollars (\$3,900)

*(Statewide candidates include: Governor, Attorney General, Commissioner of Agriculture, Commissioner of Insurance, Commissioner of Labor, Lieutenant Governor, Public Service Commission, Secretary of State, State School Superintendent)*

## All other offices

- Primary election = Two thousand six hundred dollars (\$2,600)
- Primary run-off election = One thousand four hundred dollars (\$1,400)
- General election = Two thousand six hundred dollars (\$2,600)
- General run-off election = One thousand four hundred dollars (\$1,400)

*Note: The aggregate of monetary and in-kind contributions from the same contributor must also not exceed the maximum contribution limits authorized by the Act.*

# REPORTING REQUIREMENTS

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**Affidavit of a Candidate's Intent not to Exceed \$2,500 in Contributions and/or Expenditures:** The Affidavit of Exemption is file by LOCAL FILERS ONLY(Municipal and County Officials/Candidates only). If a Municipal or County level filer does not intend to accept contributions or make expenditures of more than \$2,500.00 in their election cycle, said official is eligible to file this exemption. Upon filing said affidavit, said candidate or official will not be required to file subsequent Campaign Contribution Disclosure Reports until their next election cycle. **See, O.C.G.A. § 21-5-34(d.1)(1)**

**Campaign Contribution Disclosure Report (CCDR):** A CCDR is a report filed with the appropriate filing office by a candidate or the chairperson or treasurer of a campaign committee setting forth all expenditures, contributions, loans, indebtedness, and investments of campaign funds. Itemize all contributions and expenditures more than \$100.00; and aggregate totals of all contributions and expenditures \$100.00 or less. **See, O.C.G.A. § 21-5-34**

**Personal Financial Disclosure Statement (PFDS):** Every public officer and every candidate for election as a public officer must file a PFDS covering the period of the preceding calendar year. Only one PFDS is required per calendar year. **See, O.C.G.A. § 21-5-50**

**Two Business Day Report (TBD):** The TBD Report addresses the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of the election. The TBD Report requires the disclosure of all contributions (including loans) of \$1,000.00 or more and must be reported within two-business days of receipt of the contribution. Don't forget that the contribution must be reported on the next succeeding regularly scheduled Campaign Contribution Disclosure Report also.

A TBD must be sent by facsimile or electronic transmission (e-File) within two business days of receipt of contributions. Any facsimile filing shall also have an identical electronic filing within five business days following the transmission of such facsimile filing. **See, O.C.G.A. § 21-5-34(c)(2)(C)**

**Termination Statement:** All campaigns and campaign committees must file a termination statement within ten days of the dissolution of a campaign or campaign committee which shall, among other things, identify the person responsible for maintaining campaign records as required by the Campaign Finance Act. The termination statement shall be submitted with a final Campaign Contribution Disclosure Report which identifies a zero balance and zero indebtedness. This report is called the Final Report & Termination Statement. **See, O.C.G.A. § 21-5-34(m)**

## WHERE TO FILE

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Forms and Reports (except Form RC and Form COOSA which are filed with the Commission) filed by local candidates are filed with the local filing entity who then in turn file a candidate's forms and reports with the Commission.

All forms and reports filed by state level and statewide candidates are filed directly with the Commission.

## FILING SCHEDULE FOR CAMPAIGN CONTRIBUTION DISCLOSURE REPORTS – CCDR (LOCAL CANDIDATES)

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### **Filers who do not exceed \$2,500.00 in contributions or expenditures:**

- Must file written notice that candidate does not intend to accept contributions exceeding \$2,500.00 nor make expenditures exceeding \$2,500.00 during the election cycle.
- Candidate is not required to file any Campaign Contribution Disclosure Reports during the election year.

### **Filers who exceed \$2,500.00 in contributions or expenditures, but do not exceed \$5,000.00:**

- Once the filer exceeds \$2,500.00, the filer is required to file Campaign Contribution Disclosure Reports in accordance with the following schedule each calendar year.
- **Election Year**
  - June 30th
  - December 31st
- **Non Election Year**
  - January 31
  - June 30

### **Filers who exceed \$5,000 in contributions or expenditures:**

- Must file Campaign Contribution Disclosure Reports as required by O.C.G.A. §§ 21-5-34(c)(1) and 21-5-34(c)(2)(A).

# FILING SCHEDULE FOR PERSONAL FINANCIAL DISCLOSURE STATEMENTS – PFDS

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- A Public Officer shall file not before January 1 nor later than July 1 of each year in office (except the year of election)
- A Candidate for Public Office shall file not later than the fifteenth day following the day on which the candidate qualifies unless you are running for a statewide position then the PFDS is due no later than 7 days after qualifying.
- A PFDS does not have a filing grace period.

## LATE FEES

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Graduated late fees of \$125, \$250 and \$1,000(graduated fees are only after notice) are imposed by the Commission for failure to timely file CCDR and PFDS disclosures:

- A \$125.00 filing fee is imposed on the first day a report is late.
- An additional \$250.00 if not filed by the 15th day after the due date of the report.
- An additional \$1,000.00 if not filed by the 45th day after the due date of the report.

As of 2014, CCDR Late Fees CAN be paid from campaign funds. PFDS Late Fees CANNOT be paid from campaign funds and must come from personal funds only.

**Reference: O.C.G.A. §§ 21-5-34(k)(1) and 21-5-50(f)(1)**

## CIVIL PENALTIES

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The Commission is authorized to impose a civil penalty for violations of the Campaign Finance Act.

Civil Penalties are not to exceed:

- \$1,000.00 for the first violation.
- \$10,000.00 for a second violation.
- \$25,000.00 for each third or subsequent violation.

**Reference: O.C.G.A. § 21-5-6(b)(14)(C)(i)**