

## **From the Georgia Government Transparency and Campaign Finance Commission:**

### **Overview of State Business Transactions**

O.C.G.A. § 45-10-26 requires that all public officials and employees disclose all business transactions with the State of Georgia and any agency of the State of Georgia occurring during the previous calendar year. This includes transactions between the State and either public official or employee himself, or on behalf of any business in which such public official or employee or any member of his family holds a substantial interest. This disclosure form is called a "State Business Transaction Report" and, should it be required, this report should be filed prior to January 31 of each year.

Failure to disclose such business transactions will subject the public officer or employee or business to a civil fine not to exceed \$10,000.00, restitution to the State of any pecuniary benefit received as a result of such violation, and, in the case of appointed public officials and employees, removal from office or employment. However, the public officer or employee is not required to file the State Business Transaction form if no such transactions take place.

### **WHO MUST REPORT & WHAT MUST BE REPORTED**

Generally, all business transacted with the State of Georgia or any agency of the State of Georgia by any public official or any employee (whether for himself OR on behalf of any business, OR any business in which such public official or employee or any member of his family has a substantial interest) must be disclosed.

#### **HOWEVER:**

- Transactions do not have to be reported when the amount of each transaction is less than \$250.00 and the aggregate of all such transactions does not exceed \$9,000.00 per calendar year.
- In addition, no report needs to be filed if there are no transactions to report.

For the purposes of this section,

**BUSINESS TRANSACTED:** means the sale or leasing of any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative and means the purchase of surplus real or personal property on behalf of oneself or on behalf of any third party as an agency, broker, dealer or representative.

**PUBLIC OFFICIAL:** means any person elected to a State office and/or any person appointed to a State office where in the conduct of such office he/she has administrative or discretionary authority to receive and expend public funds to perform certain functions concerning the public which are assigned to him/her by law.

**EMPLOYEE:** means any person who, pursuant to a written or oral contract, is employed either on a full-time or part-time basis by an agency, authority, department, board, bureau, commission, committee, office, or instrumentality of the State of Georgia. Employee does not include persons employed by a local political subdivision of the State of Georgia.

**ANY BUSINESS:** means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, trust, or other legal entity.

**FAMILY:** means spouse and dependents.

**SUBSTANTIAL INTEREST:** means the direct or indirect ownership of more than 25 percent of the assets or stock of any business.

**WHEN TO FILE**

All persons required to file a State Business Transaction report must do so prior to January 31 of each year.

**WHERE TO FILE**

The original State Business Transaction report must be electronically filed with the Georgia Government Transparency and Campaign Finance Commission (“CFC”).

In order to make the filing, the public official or state employee must access the E-Filing system located on the CFC website at [www.ethics.ga.gov](http://www.ethics.ga.gov) under E-Filing

If filing the State Business Transaction Report for the first time, the public official or state employee must complete a PIN application for e-filing a State Business Transaction Report, also located on the Commission’s website.

After the public official or state employee obtains a filer ID and password, he/she will then be able to access the Commission’s E-Filing system to file his/her State Business Transaction Report.

[LINK TO CODE SECTION § O.C.G.A. 45-10-26](#)

[LINK TO DETAILED HOW TO FILE STATE BUSINESS TRANSACTION DISCLOSURE REPORT INSTRUCTIONS](#)