



# THE STATE OF GEORGIA

## EXECUTIVE ORDER

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BY THE GOVERNOR:

### PROVIDING FOR THE REGISTRATION AND DISCLOSURE OF LOBBYISTS EMPLOYED OR RETAINED BY VENDORS TO STATE AGENCIES

As used in this Executive Order, terms shall have the meanings given in Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia. Additionally,

(1) 'Lobbyist' shall have the meaning given in O.C.G.A. § 21-5-70(6), and shall also include:

- a. any person who, for compensation, either individually or as an employee of another person, undertakes to influence a public employee or state agency in the selection of a vendor to supply any goods or services to any state agency but does not include a person solely on the basis that such person participates in preparing a written bid, written proposal, bid protest, or other document relating to a potential involvement with or sale to a state agency; or
- b. any natural person who makes a total expenditure of more than \$250.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose the awarding of a contract to a particular vendor or vendors by any state agency;

where the total value of any single contract, including anticipated renewals, exceeds \$50,000 in value or \$100,000 in the aggregate for all contracts the lobbyist promotes or opposes in a calendar year;

(2) 'Procurement Agency' means all state agencies with general responsibility for state government procurement, including, without limitation, the Department of Administrative Services and the Georgia Technology Authority;

- (3) 'Public employee' shall have the meaning given in O.C.G.A. § 45-1-6(a)(4), but shall additionally include all state elected officials;
- (4) 'State Agency' means each state department, agency, board, bureau, office, commission, authority, council, or corporation, by whatever name denominated;
- (5) 'Vendor' shall have the meaning given in O.C.G.A. § 45-1-6(a)(5).

IT IS HEREBY ORDERED THAT:

1. All procurement agencies shall provide by regulation that all vendors or prospective vendors who employ or retain one or more lobbyists shall cause such lobbyists to register with the State Ethics Commission and to file the disclosures required by Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated.
2. Such disclosures shall include the name of any vendor or vendors by which the lobbyist is employed or retained, shall identify the contract or contracts for which the lobbyist is lobbying, and shall include a good faith estimate of the total amount of all income to the lobbyist from the vendor (including any payments to the lobbyist by any other person for lobbying activities on behalf of the vendor), other than income for matters that are unrelated to lobbying.
3. All procurement agencies shall cause each vendor or prospective vendor to certify, as part of any response to a request for proposals or bids or other procurement method, that any lobbyist whom the vendor or prospective vendor employs or retains has registered with the State Ethics Commission and complied with the requirements of this Executive Order and the regulations promulgated hereunder.
4. All procurement agencies shall solicit the cooperation of the State Ethics Commission, under O.C.G.A. § 21-5-6(a)(3), in the development of appropriate registration and disclosure forms to carry out the purposes of this Executive Order.
5. The registrations and disclosures that this Executive Order and the regulations promulgated hereunder require of vendors shall be considered "information voluntarily supplied" to the State Ethics Commission by such vendors under O.C.G.A. § 21-5-6(b)(3), so that the State Ethics Commission may perform its duty to accept and file such information.
6. The registrations and disclosures that this Executive Order and the regulations promulgated hereunder require shall be in addition to any reports required under O.C.G.A. § 45-1-6. Compliance with this Executive Order and the regulations promulgated hereunder shall not excuse noncompliance with that Code section, and compliance with that Code

section shall not excuse noncompliance with this Executive Order and the regulations promulgated hereunder, notwithstanding that in some cases the same information may be required to be disclosed under both.

7. In accordance with O.C.G.A. §§ 45-12-130, -131 and other applicable law, all procurement agencies, along with the Office of Planning and Budget, shall decline to approve any contract with any vendor that has failed to comply with this Executive Order and the regulations promulgated hereunder.

This 1<sup>st</sup> day of October, 2003

  
GOVERNOR