

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 351
Second Edition Engrossed 4/21/89

Short Title: Economic Interest Reporting.

(Public)

Sponsors: Representatives Dawkins; Beall and N. Crawford.

Referred to: Judiciary.

February 23, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT LEGISLATORS' ECONOMIC INTEREST
3 STATEMENTS WILL BE AVAILABLE IN A CENTRAL PLACE.

4 The General Assembly of North Carolina enacts:

5 Section 1. Part 2 of Article 14 of Chapter 120 of the General Statutes reads
6 as rewritten:

7 **"PART 2. STATEMENT OF ECONOMIC INTEREST.**

8 **"§ 120-89. Statement of economic interest by legislative candidates; filing required.**

9 Every person who files as a candidate for nomination or election to a seat in either
10 house of the General Assembly shall file a statement of economic interest as specified in
11 this Article within 10 days of the filing deadline for the office he seeks.

12 **"§ 120-90. Place and manner of filing.**

13 The statement of economic interest shall cover the preceding calendar year and shall
14 be filed at the same place, and in the same manner, as the notice of candidacy which a
15 candidate seeking party nomination for the office of State Senator or member of the
16 State House of Representatives is required to file under the provisions of G.S. 163-106.

17 **"§ 120-91: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.**

18 **"§ 120-92. Filing by candidates not nominated in primary elections.**

19 A person who is nominated pursuant to the provisions of G.S. 163-114 after the
20 primary and before the general election, and a person who qualifies pursuant to the
21 provisions of G.S. 163-122 as an independent candidate in a general election shall file
22 with the county board of elections of each county in the senatorial or representative
23 district a statement of economic interest. A person nominated pursuant to G.S. 163-114

1 shall file the statement within three days following his nomination, or not later than the
2 day preceding the general election, whichever occurs first. A person seeking to qualify
3 as an independent candidate under G.S. 163-122 shall file the statement of economic
4 interest with the petition filed pursuant to that section.

5 **"§ 120-93. County boards of elections to notify candidates of economic-interest-**
6 **statement requirements.**

7 Each county board of elections shall provide for notification of the economic-
8 interest-statement requirements of G.S. 120-89, 120-96, and 120-98 to be given to any
9 candidate filing for nomination or election to the General Assembly at the time of his or
10 her filing in the particular county.

11 **"§ 120-93.1. Certification of statements of economic interest.**

12 The chairman of the county board of elections with which a statement of economic
13 interest is filed shall forward a certified copy of the statement to the Legislative Services
14 Office once the candidate is certified as elected to the General Assembly. The chairman
15 shall also forward a certified copy of each candidate's statement of economic interest,
16 within 10 days after its filing, to the board of elections in each other county in the
17 district the candidate seeks to represent.

18 **"§ 120-94. Statements of economic interest are public records.**

19 The statements of economic interest are public records and shall be made available
20 for inspection and copying by any person during normal business hours at the office of
21 the various county boards of election where the statements or copies thereof are filed
22 and at the Legislative Library after certified copies are forwarded to the Legislative
23 Services Office. If a county board of elections of a county does not keep an office open
24 during normal business hours each day, that board shall deliver a copy of all statements
25 of economic interest filed with it to the clerk of superior court of the county, and the
26 statements shall be available for inspection and copying by any person during normal
27 business hours at that clerk's office.

28 **"§ 120-95: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.**

29 **"§ 120-96. Contents of statement.**

30 Any statement of economic interest filed under this Article shall be on a form
31 prescribed by the Committee, and the person filing the statement shall supply the
32 following information:

- 33 (1) The identity, by name, of any business with which he, or any member
34 of his immediate household, is associated;
- 35 (2) The character and location of all real estate of a fair market value in
36 excess of five thousand dollars (\$5,000), other than his personal
37 residence (curtilage), in the State in which he, or a member of his
38 immediate household, has any beneficial interest, including an option
39 to buy and a lease for 10 years or over;
- 40 (3) The type of each creditor to whom he, or a member of his immediate
41 household, owes money, except indebtedness secured by lien upon his
42 personal residence only, in excess of five thousand dollars (\$5,000);

- 1 (4) The name of each 'vested trust' in which he or a member of his
2 immediate household has a financial interest in excess of five thousand
3 dollars (\$5,000) and the nature of such interest;
4 (5) The name and nature of his and his immediate household member's
5 respective business or profession or employer and the types of
6 customers and types of clientele served;
7 (6) A list of businesses with which he is associated that do business with
8 the State, and a brief description of the nature of such business; and
9 (7) In the case of professional persons and associations, a list of
10 classifications of business clients which classes were charged or paid
11 two thousand five hundred dollars (\$2,500) or more during the
12 previous calendar year for professional services rendered by him, his
13 firm or partnership. This list need not include the name of the client
14 but shall list the type of the business of each such client or class of
15 client, and brief description of the nature of the services rendered.

16 "~~§ 120-97: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.~~

17 "~~§ 120-98. Penalty for failure to file.~~

18 (a) If a candidate does not file the statement of economic interest within the time
19 required by this Article, the county board of elections shall immediately notify the
20 candidate by registered mail, restricted delivery to addressee only, that, if the statement
21 is not received within 15 days, the candidate shall not be certified as the nominee of his
22 party. If the statement is not received within 15 days of notification, the board of
23 elections authorized to certify a candidate as nominee to the office shall not certify the
24 candidate as nominee under any circumstances, regardless of the number of candidates
25 for the nomination and regardless of the number of votes the candidate receives in the
26 primary. A vacancy thus created on a party's ticket shall be considered a vacancy for the
27 purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S.
28 163-114.

29 (b) ~~Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1028, s. 5."~~

30 ~~Sec. 2. This act shall become effective with respect to elections occurring on~~
31 ~~or after January 1, 1990.~~