

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 944
Committee Substitute Favorable 4/23/09
Committee Substitute #2 Favorable 5/5/09

Short Title: Disclosure by Appointees.

(Public)

Sponsors:

Referred to:

April 1, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR DISCLOSURE OF CAMPAIGN CONTRIBUTION ACTIVITY
3 BY APPOINTEES TO POSITIONS IN STATE GOVERNMENT.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 22A of Chapter 163 of the General Statutes is amended by
6 adding a new section to read:

7 **"§ 163-278.23A. Disclosure of contribution-related activity involving appointees to**
8 **positions in State government.**

9 (a) Definitions. – As used in this section, the following definitions apply:

10 (1) "Date of appointment." – The day of the public announcement by the
11 appointing authority that the individual will be appointed to the position or
12 the day the appointee begins serving in the position, whichever occurs first.
13 Beginning on the date of appointment, the individual subject to the
14 appointment is, for purposes of this section, the "appointee." For purposes of
15 this section, individuals elected to the Board of Governors of The University
16 of North Carolina and elected to the State Board of Community Colleges by
17 the General Assembly are appointees.

18 (2) "Fund-raising." – The receiving and forwarding of a contribution, or the
19 activity that results in an individual receiving, directly or indirectly, written
20 acknowledgement from a contributor or recipient of the contribution, or
21 from the agent of that contributor or recipient, that the individual is
22 responsible for a contribution.

23 (3) "Immediate family." – As defined in G.S. 138A-3(17).

24 (4) "Relevant political campaign." – A candidate for the office with authority to
25 make the appointment or a political committee controlled by a candidate for
26 the office with authority to make the appointment.

27 (b) Initial Report by Appointees. – Within five days after the date of appointment, the
28 appointee shall submit the following reports to the State Board of Elections in the form
29 required by the State Board for contributions made in the two years preceding the date of
30 appointment:

31 (1) A list of contributions made by the appointee or a member of the appointee's
32 immediate family to a relevant political committee. A report is not required
33 if the total of those contributions is less than one thousand dollars (\$1,000)
34 during the period covered by the report. This subdivision applies to
35 appointees to the Governor's Cabinet, to the Supreme Court, the Court of
36 Appeals, the superior court, and the district court, and to any board or



1 commission exercising executive powers. It does not apply to appointees to
2 any board or commission that has advisory authority only.

3 (2) A list of contributions resulting from the appointee's fund-raising for a
4 relevant political committee. A report is not required if the total of such
5 contributions is less than one thousand dollars (\$1,000) during the period
6 covered by the report. This subdivision applies only to appointees to the
7 Governor's Cabinet, to the Supreme Court, the Court of Appeals, the
8 superior court, and the district court, and to the following State boards and
9 commissions:

10 a. Alcoholic Beverage Control Commission.

11 b. Coastal Resources Commission.

12 c. State Board of Community Colleges.

13 d. State Board of Education.

14 e. State Board of Elections.

15 f. Employment Security Commission.

16 g. Environmental Management Commission.

17 h. Industrial Commission.

18 i. State Personnel Commission.

19 j. Rules Review Commission.

20 k. Board of Transportation.

21 l. Board of Governors of The University of North Carolina.

22 m. Utilities Commission.

23 n. Wildlife Resources Commission.

24 (c) Timing and Manner of Reporting by the State Board of Elections. – Within three
25 business days of receiving the reports required by subsection (b) of this section, the State Board
26 shall make the reports available in a manner that facilitates access and inspection by the public,
27 including on a page of the State Board's Internet Web site devoted to reporting required by this
28 section. The State Board shall check the reports provided by the appointee for consistency with
29 the State Board's other campaign finance records.

30 (d) A violation of a duty under this section by an appointee is a Class 2 misdemeanor."

31 **SECTION 2.** G.S. 143B-350(i) and (j) are repealed.

32 **SECTION 3.** This act becomes effective January 1, 2010, and applies to
33 contributions made on or after that date.