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HOUSE BILL 944
Committee Substitute Favorable 4/23/09
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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. – An appointing authority shall notify an appointee of
28 the appointment and duty to report within five days after the date of appointment, and shall
29 make available to the appointee the appropriate forms for reporting. Within five days after
30 notice to the appointee by the appointing authority, the appointee shall submit the following
31 reports to the State Board of Elections in the form required by the State Board for contributions
32 made in the two years preceding the date of appointment:

33 (1) A list of contributions made by the appointee or a member of the appointee's
34 immediate family to a relevant political committee. A report is not required



1 if the total of those contributions is less than one thousand dollars (\$1,000)
2 during the period covered by the report. This subdivision applies to
3 appointees to the Governor's Cabinet, to the Supreme Court, the Court of
4 Appeals, the superior court, and the district court, and to any board or
5 commission exercising executive powers. It does not apply to appointees to
6 any board or commission that has advisory authority only.

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

14 a. Alcoholic Beverage Control Commission.

15 b. Coastal Resources Commission.

16 c. State Board of Community Colleges.

17 d. State Board of Education.

18 e. State Board of Elections.

19 f. Employment Security Commission.

20 g. Environmental Management Commission.

21 h. Industrial Commission.

22 i. State Personnel Commission.

23 j. Rules Review Commission.

24 k. Board of Transportation.

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

26 m. Utilities Commission.

27 n. Wildlife Resources Commission.

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

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

35 **SECTION 2.** G.S. 143B-350(i) is repealed.

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