

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL 636

Short Title: Donor Privacy. (Public)

Sponsors: Senators Sanderson, Steinburg, and Krawiec (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 7, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO PROTECT THE PRIVACY OF CHARITABLE DONORS.
3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 55A-16-05 reads as rewritten:

5 "**§ 55A-16-05. Limitations on use of membership list.**

6 (a) Without consent of the board of directors, a membership list or any part thereof shall
7 not be obtained or used by any person for any purpose unrelated to a member's interest as a
8 member. Without limiting the generality of the foregoing, and without the consent of the board,
9 a membership list or any part thereof shall not ~~be~~ be used for any of the following:

- 10 (1) ~~Used to~~ To solicit money or property unless such money or property will be
11 used solely to solicit the votes of the members in an election to be held by the
12 ~~corporation;~~ corporation.
13 (2) ~~Used for~~ For any commercial purpose; or purpose.
14 (3) ~~Sold to~~ Sale or purchased purchase by any person.

15 (b) Without the consent of the board of directors, the identity of any person giving monies
16 or other tangible goods to the nonprofit corporation for furthering a charitable purpose of the
17 nonprofit corporation shall not be disclosed."

18 SECTION 2. G.S. 132-1.1 is amended by adding a new subsection to read:

19 "(i) Nonprofit Donor Information. – Except as specifically required by State or federal
20 law, the identity of any person giving monies or other tangible goods to a nonprofit corporation
21 for furthering any charitable purpose of that nonprofit corporation is confidential."

22 SECTION 3.(a) G.S. 55A-16-24 is amended by adding a new subsection to read:

23 "(c) G.S. 132.1.1(i) shall apply to any attachments or other information submitted in
24 association with the Internal Revenue Service Form 990 or Form 990-EZ required under
25 subsection (a) of this section that identifies donors."

26 SECTION 3.(b) G.S. 58-3-6 is amended by adding a new subsection to read:

27 "(g) G.S. 132.1.1(i) shall apply to any attachments or other information submitted in
28 association with the Internal Revenue Service Form 990 or Form 990-EZ required under
29 subsection (c) of this section that identifies donors."

30 SECTION 3.(c) G.S. 131E-214.14 is amended by adding a new subsection to read:

31 "(c) Donor Information. – G.S. 132.1.1(i) shall apply to any attachments or other
32 information submitted in association with the Internal Revenue Service Form 990 or Form
33 990-EZ required under subsection (a) of this section that identifies donors."

34 SECTION 3.(d) G.S. 131F-6 is amended by adding a new subsection to read:



1 "(c) Donor Information. – G.S. 132.1.1(i) shall apply to any attachments or other
2 information submitted in association with the Internal Revenue Service Form 990 or Form
3 990-EZ required under subsection (a) of this section that identifies donors."

4 **SECTION 4.** G.S. 163-278.5 reads as rewritten:

5 "**§ 163-278.5. Scope of Article; severability.**

6 (a) The provisions of this Article apply to primaries and elections for North Carolina
7 offices and to North Carolina referenda and do not apply to primaries and elections for federal
8 offices or offices in other States or to non-North Carolina referenda. Any provision in this Article
9 that regulates a non-North Carolina entity does so only to the extent that the entity's actions affect
10 elections for North Carolina offices or North Carolina referenda.

11 (b) The provisions of this Article are severable. If any provision is held invalid by a court
12 of competent jurisdiction, the invalidity does not affect other provisions of the Article that can
13 be given effect without the invalid provision.

14 (c) This section applies to ~~Articles and [Article]~~ Article 22M of the ~~General Statutes this~~
15 Chapter to the same extent that it applies to this Article.

16 (d) G.S. 132.1.1(i) shall not apply to any disclosure of donor information required by this
17 Article or Article 22M of this Chapter."

18 **SECTION 5.(a)** G.S. 138A-34 reads as rewritten:

19 "**§ 138A-34. Use of information for private gain.**

20 (a) A public servant or legislative employee shall not use or disclose nonpublic
21 information gained in the course of, or by reason of, the public servant's or legislative employee's
22 official responsibilities in a way that would affect a personal financial interest of the public
23 servant or legislative employee, a member of the public servant's or legislative employee's
24 extended family, or a person or governmental unit with whom or business with which the public
25 servant or legislative employee is associated.

26 (b) A public servant or legislative employee shall not improperly use or improperly
27 disclose any confidential information.

28 (c) No public servant shall use or disclose in any way information gained in the course
29 of the public servant's official activities or by reason of the public servant's official position in
30 violation of G.S. 132-1.1(i)."

31 **SECTION 5.(b)** G.S. 120-87 reads as rewritten:

32 "**§ 120-87. Disclosure of confidential information.**

33 (a) No legislator shall use or disclose in any way confidential information gained in the
34 course of the legislator's official activities or by reason of the legislator's official position that
35 could result in financial gain for: (i) the legislator; (ii) a business with which the legislator is
36 associated; (iii) a nonprofit corporation or organization with which the legislator is associated;
37 (iv) a member of the legislator's immediate family; or (v) any other person.

38 (b) Repealed by Session Laws 2006-201, s. 4, effective January 1, 2007.

39 (c) No legislator shall use or disclose in any way confidential information gained in the
40 course of the legislator's official activities or by reason of the legislator's official position in
41 violation of G.S. 132-1.1(i)."

42 **SECTION 5.(c)** G.S. 14-234.1 reads as rewritten:

43 "**§ 14-234.1. Misuse of confidential information.**

44 (a) It is unlawful for any officer or employee of the State or an officer or an employee of
45 any of its political subdivisions, in contemplation of official action by himself or by a
46 governmental unit with which he is associated, or in reliance on information which was made
47 known to him in his official capacity and which has not been made public, to commit any of the
48 following acts:

49 (1) Acquire a pecuniary interest in any property, transaction, or enterprise or gain
50 any pecuniary benefit which may be affected by such information or official
51 action; or

1 (2) Intentionally aid another to do any of the above acts.

2 (a1) It is unlawful for any officer or employee of the State or an officer or employee of
3 any of its political subdivisions to use or disclose in any way confidential information gained in
4 the course of their official capacity in violation of G.S. 132-1.1(i).

5 (b) Violation of this section is a Class 1 misdemeanor."

6 **SECTION 5.(d)** This section becomes effective October 1, 2021, and applies to
7 offenses committed on or after that date.

8 **SECTION 6.** Except as otherwise provided, this act becomes effective October 1,
9 2021.