

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 382

Short Title: Lobbyist Political Activity.

(Public)

Sponsors: Representatives McComas; Allred, C. Wilson, Watson, and Miner.

Referred to: Rules, Calendar and Operations of the House.

March 4, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT LOBBYISTS MAY NOT GIVE TO CANDIDATES FOR CERTAIN OFFICES AT ANY TIME, AND TO PROVIDE THAT LOBBYISTS MAY NOT ADVISE POLITICAL ACTION COMMITTEES AS TO HOW TO DISTRIBUTE THEIR FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.13A reads as rewritten:

"§ 163-278.13A. No fund-raising from lobbyists for legislators or Council of State members while General Assembly is in regular session members or candidates for these offices, no contributions if lobbyist has advised political action committee.

(a) While the General Assembly is in regular session, none of the following entities may solicit or accept a contribution from, or at the behest or recommendation of, an individual registered as a lobbyist pursuant to Article 9A of Chapter 120 of the General Statutes:

- (1) A member of or candidate for the Council of State;
(2) A member of or candidate for the General Assembly;
(3) A political committee the principal purpose of which is to assist a member or members of or a candidate or candidates for the Council of State or General Assembly.

1 (4) A State, county or congressional district executive committee of a
2 political party.

3 (b) ~~While the General Assembly is in regular session, no~~ No individual registered as a
4 lobbyist under Article 9A of Chapter 120 of the General Statutes may make a
5 contribution to any of the entities listed in subdivisions (1) through (3) of subsection (a)
6 of this section.

7 (c) This section does not apply to:

8 (1) ~~Any contribution made to or by a State, county or congressional district~~
9 ~~executive committee of a political party; or~~

10 (2) ~~Any contribution made to or solicited for a political committee that~~
11 ~~operates on a Statewide basis in conjunction with the executive~~
12 ~~committee of a political party for the purpose of assisting that party's~~
13 ~~candidates for Council of State or General Assembly; or~~

14 (3) Any contribution made by a member of or candidate for the Council of
15 State or General Assembly to a political committee the principal
16 purpose of which is to assist himself; or

17 (4) Any contribution made to or any solicitation for a nonprofit
18 organization under 26 U.S.C. § ~~501(e); or~~ 501(c).

19 (5) ~~Any contribution accepted with the intent that it be used to defray legal~~
20 ~~or other expenses incurred in connection with the contesting of election~~
21 ~~results; or~~

22 (6) ~~Any contribution to any of the entities listed in subdivisions (1) through~~
23 ~~(3) of subsection (a) of this section if the member of the Council of~~
24 ~~State or General Assembly has filed an official notice of candidacy with~~
25 ~~the appropriate board of elections for any elective office, provided the~~
26 ~~contribution is for the elective office for which the member has filed.~~

27 (d) A violation of this section is a Class 2 misdemeanor, but no individual or
28 person shall be prosecuted under this section for accepting or making a contribution
29 unless the State Board of Elections has notified the individual or person of the apparent
30 violation in writing by certified mail, has given the individual or person an opportunity to
31 return or to request the return of the contribution, and, within 10 days of the receipt of the
32 notification, the individual or person has failed to return or to request the return of the
33 contribution.

34 (e) ~~For purposes of this section, the General Assembly is in regular session from~~
35 ~~the date set by law or resolution that the General Assembly convenes until the General~~
36 ~~Assembly either:~~

37 (1) ~~Adjourns sine die; or~~

38 (2) ~~Recesses or adjourns for more than 10 days.~~

39 (f) For the purpose of this section, a person is a candidate when that person has (i)
40 filed a statement of organization under this Article or such a statement has been filed for
41 a political committee created to support that person, (ii) filed an official notice of
42 candidacy with the appropriate board of elections for any elective office, (iii) otherwise

1 qualified for a place on the ballot, or (iv) become a write-in candidate under G.S. 163-
2 123.

3 (g) No lobbyist may advise any political action committee which is affiliated with
4 any entity for which that lobbyist is registered as to which candidates, political
5 committees, members of the General Assembly or Council of State or political
6 committees organized on their behalf.

7 (h) It is unlawful for any candidate, political committee, or member of the General
8 Assembly or Council of State to accept any contribution from any political committee
9 with knowledge that unlawful advice was given under subsection (g) of this section to
10 disburse funds to that candidate, political committee, or member."

11 Section 2. G.S. 120-47.9 reads as rewritten:

12 **"§ 120-47.9. Punishment for violation.**

13 (a) Whoever willfully violates any provision of this Article shall be guilty of a
14 Class 1 misdemeanor. In addition, no lobbyist who is convicted of a violation of the
15 provisions of this Article shall in any way act as a lobbyist for a period of two years
16 following his conviction.

17 (b) No lobbyist who is convicted of a second violation of G.S. 163-278.13A shall
18 in any way act as a lobbyist for a period of two years following conviction. No lobbyist
19 who is convicted of a third violation of G.S. 163-278.13A shall in any way act as a
20 lobbyist."

21 Section 3. This act is effective when it becomes law.