

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 382
Committee Substitute Favorable 4/30/97

Short Title: Lobbyist Political Activity.

(Public)

Sponsors:

Referred to:

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.

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.**

(a) ~~While the General Assembly is in regular session, none~~ 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; ~~or~~
- (2) A member of or candidate for the General Assembly; ~~or~~
- (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. Assembly;~~ or
- (4) A State, county, or congressional district executive committee of a political party.

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

5 (c) This section does not apply to:

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

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

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

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

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

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

25 (7) A contribution by a registered lobbyist to the lobbyist's own campaign.

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

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

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

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

38 (f) For the purpose of this section, a person is a candidate when that person has (i)
39 filed a statement of organization under this Article or such a statement has been filed for
40 a political committee created to support that person, (ii) filed an official notice of
41 candidacy with the appropriate board of elections for any elective office, (iii) otherwise
42 qualified for a place on the ballot, or (iv) become a write-in candidate under G.S. 163-
43 123."

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

2 "**§ 120-47.9. Punishment for violation.**

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

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

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