

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

2

HOUSE BILL 944  
Committee Substitute Favorable 4/23/09

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."

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

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

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

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

28 (1) A list of contributions made by the appointee or a member of the appointee's  
29 immediate family to a relevant political committee. A report is not required  
30 if the total of those contributions is less than one thousand dollars (\$1,000)  
31 during the period covered by the report. This subdivision applies to  
32 appointees to the Governor's Cabinet, to the Supreme Court, the Court of  
33 Appeals, the superior court, and the district court, and to any board or  
34 commission exercising executive powers. It does not apply to appointees to  
35 any board or commission that has advisory authority only.

36 (2) A list of contributions resulting from the appointee's fund-raising for a  
37 relevant political committee. A report is not required if the total of such



\* H 9 4 4 - V - 2 \*

1 contributions is less than one thousand dollars (\$1,000) during the period  
2 covered by the report. This subdivision applies only to appointees to the  
3 Governor's Cabinet, to the Supreme Court, the Court of Appeals, the  
4 superior court, and the district court, and to the following State boards and  
5 commissions:

6 a. Alcoholic Beverage Control Commission.

7 b. Coastal Resources Commission.

8 c. Board of Community Colleges.

9 d. State Board of Education.

10 e. State Board of Elections.

11 f. Employment Security Commission.

12 g. Environmental Management Commission.

13 h. Industrial Commission.

14 i. State Personnel Commission.

15 j. Rules Review Commission.

16 k. Board of Transportation.

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

18 m. Utilities Commission.

19 n. Wildlife Resources Commission.

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

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

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

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