

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 351

Short Title: Economic Interest Reporting.

(Public)

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Sponsors: Representatives Dawkins; Beall and N. Crawford.

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Referred to: Judiciary.

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February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT LEGISLATORS' ECONOMIC INTEREST  
STATEMENTS WILL BE AVAILABLE IN A CENTRAL PLACE.

The General Assembly of North Carolina enacts:

Section 1. Part 2 of Article 14 of Chapter 120 of the General Statutes reads  
as rewritten:

**"PART 2. STATEMENT OF ECONOMIC INTEREST.**

**"§ 120-89. Statement of economic interest by legislative candidates; filing required.**

Every person who files as a candidate for nomination or election to a seat in either  
house of the General Assembly shall file a statement of economic interest as specified in  
this Article within 10 days of the filing deadline for the office he seeks.

**"§ 120-90. Place and manner of filing.**

The statement of economic interest shall cover the preceding calendar year and shall  
be filed at the same place, and in the same manner, as the notice of candidacy which a  
candidate seeking party nomination for the office of State Senator or member of the  
State House of Representatives is required to file under the provisions of G.S. 163-106.

**"§ 120-91: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.**

**"§ 120-92. Filing by candidates not nominated in primary elections.**

A person who is nominated pursuant to the provisions of G.S. 163-114 after the  
primary and before the general election, and a person who qualifies pursuant to the  
provisions of G.S. 163-122 as an independent candidate in a general election shall file  
with the county board of elections of each county in the senatorial or representative  
district a statement of economic interest. A person nominated pursuant to G.S. 163-114  
shall file the statement within three days following his nomination, or not later than the

1 day preceding the general election, whichever occurs first. A person seeking to qualify  
2 as an independent candidate under G.S. 163-122 shall file the statement of economic  
3 interest with the petition filed pursuant to that section.

4 **"§ 120-93. County boards of elections to notify candidates of economic-interest-**  
5 **statement requirements.**

6 Each county board of elections shall provide for notification of the economic-  
7 interest-statement requirements of G.S. 120-89, 120-96, and 120-98 to be given to any  
8 candidate filing for nomination or election to the General Assembly at the time of his or  
9 her filing in the particular county.

10 **"§ 120-93.1. Certification of statements of economic interest.**

11 The chairman of the county board of elections with which a statement of economic  
12 interest is filed shall forward a certified copy of the statement to the Legislative Services  
13 Office once the candidate is certified as elected to the General Assembly.

14 **"§ 120-94. Statements of economic interest are public records.**

15 The statements of economic interest are public records and shall be made available  
16 for inspection and copying by any person during normal business hours at the office of  
17 the various county boards of election where the statements or copies thereof are filed  
18 and at the Legislative Library after certified copies are forwarded to the Legislative  
19 Services Office. If a county board of elections of a county does not keep an office open  
20 during normal business hours each day, that board shall deliver a copy of all statements  
21 of economic interest filed with it to the clerk of superior court of the county, and the  
22 statements shall be available for inspection and copying by any person during normal  
23 business hours at that clerk's office.

24 **"§ 120-95: Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.**

25 **"§ 120-96. Contents of statement.**

26 Any statement of economic interest filed under this Article shall be on a form  
27 prescribed by the Committee, and the person filing the statement shall supply the  
28 following information:

- 29 (1) The identity, by name, of any business with which he, or any member  
30 of his immediate household, is associated;
- 31 (2) The character and location of all real estate of a fair market value in  
32 excess of five thousand dollars (\$5,000), other than his personal  
33 residence (curtilage), in the State in which he, or a member of his  
34 immediate household, has any beneficial interest, including an option  
35 to buy and a lease for 10 years or over;
- 36 (3) The type of each creditor to whom he, or a member of his immediate  
37 household, owes money, except indebtedness secured by lien upon his  
38 personal residence only, in excess of five thousand dollars (\$5,000);
- 39 (4) The name of each 'vested trust' in which he or a member of his  
40 immediate household has a financial interest in excess of five thousand  
41 dollars (\$5,000) and the nature of such interest;
- 42 (5) The name and nature of his and his immediate household member's  
43 respective business or profession or employer and the types of  
44 customers and types of clientele served;

- 1           (6) A list of businesses with which he is associated that do business with  
2           the State, and a brief description of the nature of such business; and  
3           (7) In the case of professional persons and associations, a list of  
4           classifications of business clients which classes were charged or paid  
5           two thousand five hundred dollars (\$2,500) or more during the  
6           previous calendar year for professional services rendered by him, his  
7           firm or partnership. This list need not include the name of the client  
8           but shall list the type of the business of each such client or class of  
9           client, and brief description of the nature of the services rendered.

10 "§ 120-97: **Repealed by 1987 (Reg. Sess., 1988), c. 1028, s. 3.**

11 "**§ 120-98. Penalty for failure to file.**

12       (a) If a candidate does not file the statement of economic interest within the time  
13 required by this Article, the county board of elections shall immediately notify the  
14 candidate by registered mail, restricted delivery to addressee only, that, if the statement  
15 is not received within 15 days, the candidate shall not be certified as the nominee of his  
16 party. If the statement is not received within 15 days of notification, the board of  
17 elections authorized to certify a candidate as nominee to the office shall not certify the  
18 candidate as nominee under any circumstances, regardless of the number of candidates  
19 for the nomination and regardless of the number of votes the candidate receives in the  
20 primary. A vacancy thus created on a party's ticket shall be considered a vacancy for the  
21 purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S.  
22 163-114.

23       (b) Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1028, s. 5."

24           Sec. 2. This act shall become effective with respect to elections occurring on  
25 or after January 1, 1990.