

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1172

Short Title: Legislators' Filing Revived.

(Public)

Sponsors: Representative Miller.

Referred to: Rules.

April 11, 1989

A BILL TO BE ENTITLED

AN ACT TO RETURN TO THE SYSTEM OF ECONOMIC INTEREST REPORTING FOR LEGISLATORS THAT EXISTED BEFORE 1989.

The General Assembly of North Carolina enacts:

Section 1. Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-95.1. Legislators to file statement of economic interest with Legislative Services Officer.

Every member of the General Assembly, however selected, shall by January 15 next following his election file a statement of economic interest with the Legislative Services Officer of the General Assembly. A copy of the statement so filed shall be placed in the Legislative Library and shall be available for inspection and copying by any person during normal library hours. On or before December 16 of the year members of the General Assembly are elected, the Legislative Services Officer shall cause notice of the filing requirement of this section to be mailed to all elected members of the General Assembly."

Sec. 2. G.S. 120-92 reads as rewritten:

"§ 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. A person elected pursuant to
4 G.S. 163-11 (vacancy in office) shall file a statement of economic interest with the
5 Legislative Services Office within 10 days after taking the oath of office."

6 Sec. 3. Chapter 120 of the General Statutes is amended by adding a new
7 section to read:

8 **"§ 120-97.1. Updating statements.**

9 Each person who is required to file a statement of economic interest under this
10 Article shall file an updated statement at the office required by this Article by January
11 15 of the second year following his or her election on a form prescribed by the
12 Legislative Ethics Committee. The Committee shall forward the form to those required
13 to file same on or before December 16."

14 Sec. 4. G.S. 120-98 reads as rewritten:

15 **"§ 120-98. Penalty for failure to file.**

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

27 (b) Repealed.

28 (c) In the case of a member, willful failure to file shall result in that member's not
29 being allowed to take the oath of office or enter or continue upon his duties or receive
30 any compensation from public funds, provided, however, the Committee may, for good
31 cause shown, allow said member to file the required statement and remove his
32 disability."

33 Sec. 5. This act shall become effective January 1, 1989, except that a
34 legislator's duty under Sections 1 and 3 of this act to file and update statements of
35 economic interest with the Legislative Services Office during the 1989 General
36 Assembly shall be satisfied with the filing of one statement with the Legislative
37 Services Office by January 15, 1990.