

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 890
HOUSE BILL 351

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"§ 120-91: Repealed by 1987 (Reg.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 day preceding the general election, whichever occurs first. A person seeking to qualify as an independent candidate under G.S. 163-122 shall file the statement of economic interest with the petition filed pursuant to that section.

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

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

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

The chairman of the county board of elections with which a statement of economic interest is filed shall forward a certified copy of the statement to the Legislative Services Office once the candidate is certified as elected to the General Assembly. The chairman shall also forward a certified copy of each candidate's statement of economic interest, within 10 days after its filing, to the board of elections in each other county in the district the candidate seeks to represent.

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

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

"§ 120-95: Repealed by 1987 (Reg.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

"§ 120-96. Contents of statement.

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

- (1) The identity, by name, of any business with which he, or any member of his immediate household, is associated;
- (2) The character and location of all real estate of a fair market value in excess of five thousand dollars (\$5,000), other than his personal residence (curtilage), in the State in which he, or a member of his immediate household, has any beneficial interest, including an option to buy and a lease for 10 years or over;
- (3) The type of each creditor to whom he, or a member of his immediate household, owes money, except indebtedness secured by lien upon his personal residence only, in excess of five thousand dollars (\$5,000);
- (4) The name of each 'vested trust' in which he or a member of his immediate household has a financial interest in excess of five thousand dollars (\$5,000) and the nature of such interest;
- (5) The name and nature of his and his immediate household member's respective business or profession or employer and the types of customers and types of clientele served;
- (6) A list of businesses with which he is associated that do business with the State, and a brief description of the nature of such business; and
- (7) In the case of professional persons and associations, a list of classifications of business clients which classes were charged or paid two thousand five hundred dollars (\$2,500) or more during the previous calendar year for professional services rendered by him, his firm or partnership. This list need not include the name of the client

but shall list the type of the business of each such client or class of client, and brief description of the nature of the services rendered.

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

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

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

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

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

In the General Assembly read three times and ratified this the 12th day of July, 1990.