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SEI Filing Part 2: Candidate Special Edition

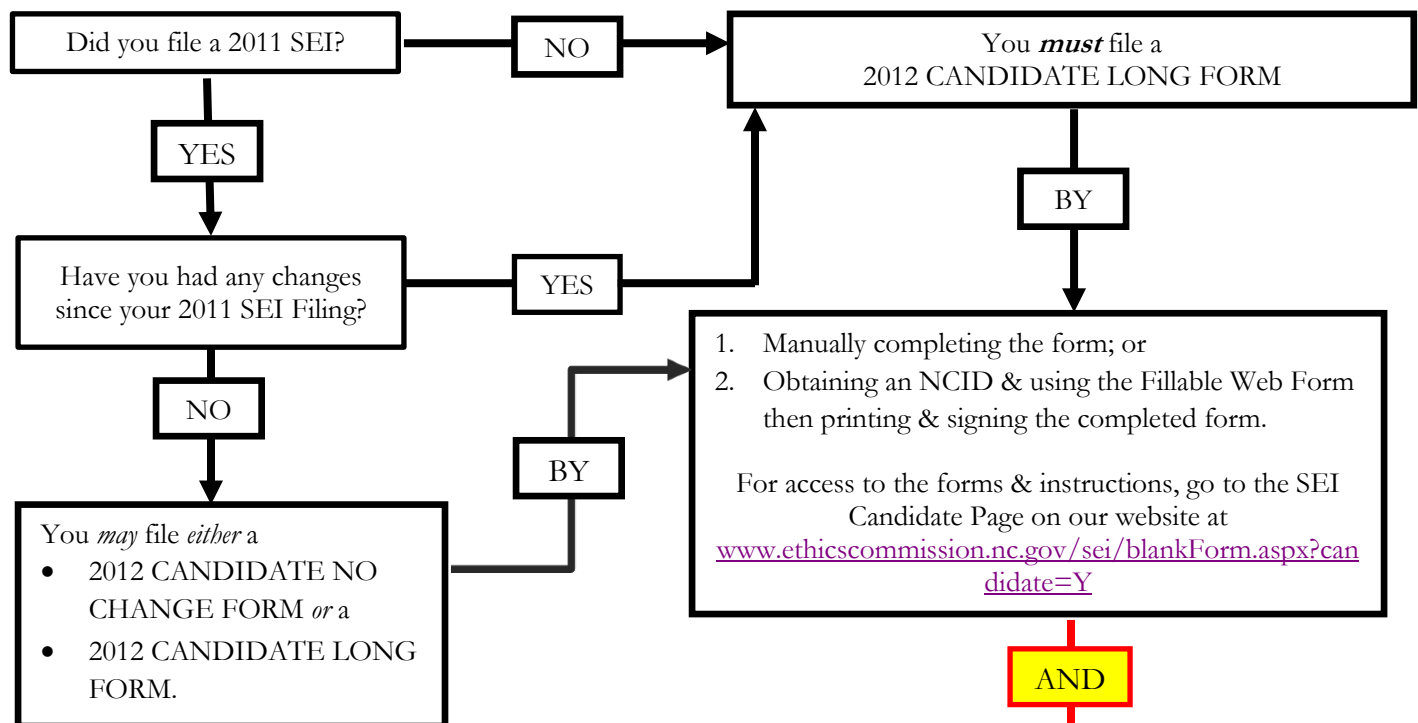
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This edition of the Commission's newsletter is directed toward *candidates* for elected offices that are covered by the State Government Ethics Act, including Governor, Lt. Governor, Council of State, Legislators, Justices, Judges, District Attorneys and Clerks of Court. *All candidates* for these offices *must* file a 2012 Statement of Economic Interest (SEI). **Part I** of the newsletter provides information on how to file, including which form to use, the filing methods, and filing location. There is also a section on frequently asked questions and penalties. **Part II** of the newsletter is specifically applicable to candidates for elected executive branch and legislative branch offices.

PART I: FILING YOUR SEI

FORMS, FILING METHODS & FILING LOCATION

- WHO has to file?** Candidates for the General Assembly, Supreme Court, Court of Appeals, Superior Court, District Court, District Attorney, and Clerk of Court.
- WHAT form do I use, HOW do I complete the form, & WHERE do I file it?** Follow the steps below to determine which form to file, how to access the form, and where to file your completed SEI.



Filing the completed, signed SEI at the *same place you filed your notice of candidacy* no later than Monday, March 12, 2012.

DO NOT FILE YOUR SEI WITH THE STATE ETHICS COMMISSION.

FREQUENTLY ASKED QUESTIONS

- 1. What kind of information has to be disclosed?** Certain financial, professional and personal information must be disclosed.
- 2. Who is included in the disclosures?** You and members of your “immediate family” including your spouse, unless legally separated; any unemancipated children of yours or your spouse who reside in your household; and members of your “extended family” who reside in your household. “Extended family” includes your spouse; your and your spouse’s lineal ascendants (parents, grandparents, etc.); your and your spouse’s lineal descendants (children, grandchildren, etc); your and your spouse’s siblings; and the spouse of any of these individuals.
- 3. What if some of the questions do not apply to me or my immediate family?** You **must** respond to **all** questions, even if they do not apply to you or members of your immediate family.
- 4. If I am already covered by the State Government Ethics Act (“Ethics Act”) and filed a form in 2011, can I wait and file on the annual April 15th filing deadline?** No. If you are a candidate for one of the above offices, you must file your form at the appropriate board of elections no later than Monday, March 12, 2012.
- 5. If I am already covered by the Ethics Act and file a candidate SEI, do I still have to file an SEI with the State Ethics Commission by April 15th?** No. Your candidate SEI is forwarded to the State Ethics Commission, and you do not need to file another SEI.
- 6. Do I have to file another SEI for the 2012 General Election?** No.
- 7. Can I fax the form or file a copy?** No. You **must** file a **signed original** SEI with the appropriate board of elections.
- 8. Should I keep a signed copy?** Yes. We strongly encourage you to keep a signed copy for your records.
- 9. What happens to my SEI after it is filed?** SEIs filed with the county boards of elections are forwarded to the State Board of Elections. The Executive Director of the State Board of Elections certifies all SEIs and forwards them to the State Ethics Commission.
- 10. Is my SEI a public record?** Yes. All SEIs, including candidate SEIs, are public records.

PENALTIES

- 1. Are there fines for late or non-filing?** Yes. The State Ethics Commission may levy a \$250.00 penalty for failure to timely file a complete SEI.
- 2. Are there criminal penalties?** Yes. Knowingly concealing or failing to disclose information is a Class 1 misdemeanor. Knowingly providing false information is a Class H felony. In addition, knowingly concealing, failing to disclose, or providing false information may be used in prosecutions by other law enforcement agencies.

SEI FILING QUESTIONS

- **Questions About Your Obligation to File.** Contact the Campaign Finance Division of the State Board of Elections at (919) 733-7173.
- **Questions About Completing the Form.** Contact the State Ethics Commission at (919) 715-2071 or by e-mail at SEI@doa.nc.gov.

**PART II: ADDITIONAL INFORMATION FOR CANDIDATES FOR
GOVERNOR, LT. GOVERNOR, COUNCIL OF STATE OR GENERAL ASSEMBLY**

GIFTS

“Gift”. A “gift” is anything of monetary value given by a “prohibited giver.” There is no de minimis exception to the gift ban. The value of the gift does not matter. While there are exceptions to the gift ban, specific criteria must be met for each one. In addition, permissible gifts are reported, and the reports are public record. If you have questions about the gift ban or a gift ban exception, please contact the State Ethics Commission. The contact information is provided below.

CURRENTLY SERVING PUBLIC SERVANTS, LEGISLATORS & LEGISLATIVE EMPLOYEES.

- **Public Servants.** If you are currently serving as a public servant (certain elected and appointed officials and employees in the executive branch), unless there is an exception to the gift ban, you are prohibited from accepting a gift from a lobbyist, lobbyist principal, or “interested person” (someone who is doing or seeking to do business with your agency or board; is regulated or controlled by your agency or board; or has financial interests that may be substantially and materially affected by your performance or nonperformance of your official duties). In addition, lobbyists and lobbyist principals are prohibited from giving you a gift unless a gift ban exception applies.
- **Legislators & Legislative Employees.** If you are currently a legislator or legislative employee, you are prohibited from accepting a gift from a lobbyist, lobbyist principal, or liaison personnel unless a gift ban exception applies. In addition, lobbyists and lobbyist principals are prohibited from giving you a gift unless there is an exception to the gift ban.

CANDIDATES NOT CURRENTLY SERVING.

- If you are **not currently a public servant but have filed as a candidate for Governor, Lt. Governor, or Council of State**, lobbyists and lobbyist principals cannot give you gifts unless there is an exception in the Ethics Act that would allow that gift.
- If you are **not currently a member of the NC General Assembly (or otherwise covered by the State Government Ethics Act) but have filed as a candidate for State House of Representatives or State Senate**, lobbyists, lobbyist principals, and liaison personnel cannot give you gifts unless there is an exception in the Ethics Act that would allow that gift.

WHO ARE LOBBYISTS, LOBBYIST PRINCIPALS, & GOVERNMENTAL LIAISON PERSONNEL?

1. **Who is a lobbyist, lobbyist principal, or liaison personnel?** Generally, a lobbyist is someone who is paid by another (the “lobbyist principal”) to engage in communication or activities designed to influence legislative or executive action. A lobbyist principal is the person, organization, etc. on whose behalf the lobbyist lobbies. Liaison personnel are State and local government **employees** whose principal duties include lobbying legislators and legislative employees on behalf of State agencies or local government. ***Note: Some local governments hire contract lobbyists who are not employees. If the local government has hired a contract lobbyist, the local government is a lobbyist principal and both the lobbyist and the local government are subject to the gift ban.***
2. **How do I know if someone is a lobbyist, lobbyist principal, or liaison personnel?** Lobbyists, lobbyist principals, and liaison personnel are required to register with the Secretary of State’s office. A searchable list of registered lobbyists, lobbyist principals, and liaison personnel is on the Secretary of State’s website at <http://www.secretary.state.nc.us/lobbyists/>.

Questions. If you have questions concerning a gift or gift ban exceptions, please contact the State Ethics Commission at (919) 715-2071 or by e-mail at ethics.commission@doa.nc.gov.

CAMPAIGNS & CAMPAIGN CONTRIBUTIONS

- 1. Are campaign contributions “gifts” under the State Government Ethics Act?** No. Anything of value properly reported under Reporting Contributions and Expenditures in Political Campaigns (Art. 22A of Ch. 163 of the NCGS) is not a gift. However, some individuals are prohibited from making campaign contributions to certain candidates (see below).
- 2. Can lobbyists make a campaign contribution to a candidate for Governor, Lt. Governor, Council of State, or the General Assembly?** No. Lobbyists cannot make campaign contributions to candidates for these offices or their campaign committees.
- 3. Can liaison personnel make a contribution to a candidate for Governor, Lt. Governor, Council of State, or the General Assembly?** Yes. Liaison personnel may make campaign contributions to candidates for these offices or their campaign committees.
- 4. Even though a lobbyist cannot make a campaign contribution, can a lobbyist collect or deliver multiple campaign contributions?** No. Lobbyists cannot collect, take possession of, or transfer multiple contributions (i.e., “bundle”) for candidates for Governor, Lt. Governor, Council of State, or the General Assembly or the candidate’s campaign committee.
- 5. Can a lobbyist serve as a campaign treasurer or assistant treasurer for a candidate’s campaign committee?** No. Lobbyists cannot serve as treasurers or assistant treasurers for a candidate for Governor, Lt. Governor, Council of State, or the General Assembly or the candidate’s campaign committee.
- 6. Can lobbyists make campaign contributions to or serve as a treasurer or assistant treasurer for candidates for the NC Supreme Court, Court of Appeals, Superior or District Court Judge, District Attorney, or Clerk of Court?** Yes. Campaign contributions from lobbyists to candidates for these offices are not prohibited. However, other campaign contribution rules apply. For information on any other campaign finance laws, contact the State Board of Elections.

Questions.

- Questions concerning campaign contributions should be directed to the Campaign Finance Division of the State Board of Elections at (919) 733-7173.
- Questions concerning lobbyists serving as campaign treasurer or assistant treasurer should be directed to the State Ethics Commission at (919) 715-2071 or by e-mail at ethics.commission@doa.nc.gov.

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