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2010 CANDIDATE NEWSLETTER

PART I: STATEMENT OF ECONOMIC INTEREST (SEI) FREQUENTLY ASKED QUESTIONS

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| 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 do I have to file? | A signed, notarized original Statement of Economic Interest (SEI) form that includes disclosures about yourself and members of your "immediate family." |
| WHEN do I have to file? | You may file your SEI at the same time you file your notice of candidacy, but it must be filed within 10 days after the close of the filing period (i.e., no later than March 8, 2010). |
| WHERE do I file? | You must file the SEI at the same board of elections where you file your notice of candidacy. |

FORMS

- 1. What is a Statement of Economic Interest (SEI)?** An SEI is a public disclosure of certain financial and other interests about you and your immediate family. An SEI is required by the State Government Ethics Act.
- 2. Who has to file an SEI?** For 2010, candidates for the following elected offices must file an SEI:
 - General Assembly • Supreme Court • Court of Appeals • Superior Court
 - District Court • District Attorney • Clerk of Court
- 3. Which form do I file?**
 - The **2010 Long Form Statement of Economic Interest ("SEI")** is for first time filers and those who filed an SEI with the State Ethics Commission in 2009 but have changes from the prior year.
 - The **No-Change Form** is for those who already have a current, accurate 2008 Long Form on file with the State Ethics Commission. If you filed a No-Change Form in 2009, you may file another No-Change Form in 2010.

4. **Where can I get the forms?** Candidate forms and instructions are available on the State Board of Elections' website at <http://www.sboe.state.nc.us/content.aspx?id=63>.

COMPLETING THE FORMS

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; you and your spouse's lineal ascendants (parents, grandparents, etc.); you and your spouse's lineal descendants (children, grandchildren, etc); you 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. If the question does not apply, you may indicate "none" or "not applicable."

FILING THE FORMS

1. **Where do I file the form?** You must file your SEI in the same place and in the same manner as your notice of candidacy.
 - **State Board of Elections.** Candidates for Supreme Court, Court of Appeals, Superior Court, District Court and District Attorney file with the State Board of Elections.
 - **County Board of Elections.** Candidates for the General Assembly and Clerk of Court file with the county board of elections.
2. **What is the deadline?** You may file your SEI at the same time as you file your notice of candidacy, but you must file it within 10 days of the filing deadline. The candidate filing deadline is February 26, 2010; therefore, your SEI must be filed ***no later than March 8, 2010***.
3. **If I am already covered by the State Government Ethics Act ("Ethics Act") and filed a form in 2009, 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 March 8, 2010.
4. **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.
5. **Do I have to file another SEI for the 2010 General Election?** No.
6. **Can I fax the form or file a copy?** No. You **must** file a **signed, notarized original** SEI with the appropriate board of elections.
7. **Should I keep a signed, notarized copy?** Yes. We strongly encourage you to keep a signed, notarized copy for your records.

8. **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.
9. **Is my completed 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 fine for late or non-filing.
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 ethics.commission@doa.nc.gov.

PART II: ADDITIONAL INFORMATION FOR STATE LEGISLATIVE CANDIDATES

GIFTS

- **If you are currently a member of the NC General Assembly (“legislator”), a legislative employee, or a public servant,** you cannot accept gifts, directly or indirectly, from registered North Carolina lobbyists, lobbyist principals, or liaison personnel unless there is an exception in the Ethics Act that would allow that gift. Also, those lobbyists, lobbyist principals, and liaison personnel cannot give you a gift unless an exception applies.
 - **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.
1. **What is a “gift.”** A gift is anything of monetary value given by a lobbyist, lobbyist principal, or liaison personnel. There is no de minimis or “small gift” exception; therefore, the value of the gift does not matter.
 2. **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 employees whose principal duties include lobbying legislators and legislative employees on behalf of State agencies.

3. **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/>.
4. **Are campaign contributions "gifts" under the State Government Ethics Act?** No. Campaign contributions properly received and reported under Reporting Contributions and Expenditures in Political Campaigns (Art. 22A of Ch. 163 of the NCGS) are not gifts. However, some individuals are prohibited from making campaign contributions to candidates for the General Assembly (see below).

Questions.

- If you have questions concerning a gift, please contact the State Ethics Commission at (919) 715-2071 or by e-mail at ethics.commission@doa.nc.gov.
- If you have questions concerning a campaign contribution, please contact the Campaign Finance Division of the State Board of Elections at (919) 733-7173.

CAMPAIGNS & CAMPAIGN CONTRIBUTIONS

1. **Can lobbyists make a campaign contribution to a candidate for State House or Senate?** No. Lobbyists cannot make campaign contributions to legislative candidates or their campaign committees.
2. **Can liaison personnel make a contribution to a candidate for State House or Senate?** Yes. Liaison personnel may make campaign contributions to legislative candidates or their campaign committees.
3. **Even though a lobbyist cannot make a campaign contribution, can a lobbyist collect or deliver campaign contributions?** No. Lobbyists cannot collect, take possession of, or transfer multiple contributions (i.e., "bundle") for candidates for State House or Senate or his or her campaign committee.
4. **Can a lobbyist serve as a campaign treasurer or assistant treasurer for a legislative candidate's campaign committee?** No. Lobbyists cannot serve as treasurers or assistant treasurers for a legislative candidate or a campaign committee to elect a State House or Senate candidate.

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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