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*Candidate Special Edition*

**December 2021**

## CANDIDATE NEWSLETTER

Congratulations on filing for public office. This newsletter reviews the requirements of the State Government Ethics Act (“Ethics Act”) that apply to candidates for certain State offices, including financial disclosure requirements, the gift ban, and lobbyist contribution restrictions.

### PART I: STATEMENT OF ECONOMIC INTEREST (SEI)

<p><b>WHO</b> must file SEIs?</p> 	<p>Candidates for the following North Carolina offices:</p> <ul style="list-style-type: none"> <li>✓ General Assembly (Senate and House)</li> <li>✓ Supreme Court, Court of Appeals, Superior Court, and District Court Judge</li> <li>✓ District Attorney</li> <li>✓ Clerk of Court</li> </ul>
<p><b>WHAT</b> must I file?</p>	<p>A paper or electronic 2021 Long Form or No Change Form SEI:</p> <ul style="list-style-type: none"> <li>✓ If you are not currently serving in the office which you seek, you <b>must</b> file a “Long Form” SEI.</li> <li>✓ If you are currently serving and seeking reelection to that office, and previously filed a 2021 SEI you should: <ul style="list-style-type: none"> <li>-File a 2021 Long Form SEI if you need to update your SEI disclosures. This will be unlikely, as most 2021 SEI questions request information from 2020.</li> <li>-File a 2021 No Change Form SEI if you have no changes to report.</li> </ul> </li> </ul>
<p><b>WHEN</b> must I file?</p>	<p>E-file, hand-deliver, or mail your SEI:</p> <ul style="list-style-type: none"> <li>✓ As early as the date on which you file your Notice of Candidacy and no later than the SEI filing deadline of <b>December 28, 2021</b>, at 5 p.m. (10 days after the close of the candidate filing period by statute, an extra day for holiday).</li> <li>✓ Paper SEIs must be <b>postmarked</b> by <b>December 28<sup>th</sup></b>.</li> </ul>
<p><b>WHERE</b> must I file?</p>	<p>You must file your Long Form or No Change Form SEI directly with the State Ethics Commission. Further information is available on its website at <a href="https://ethics.nc.gov/">https://ethics.nc.gov/</a></p>
<p><b>HOW</b> do I file?</p>	<p>Go to the Commission’s website and select the “SEI” link. Then select “Candidate Filing.” You can file in the following ways:</p> <ul style="list-style-type: none"> <li>✓ <b>E-file your SEI!</b> The e-file option is easier, and your information will be readily available for later SEI filings. Use your existing account or create a new account if you don’t have one. <b>Candidate SEI e-filing is not available after December 28<sup>th</sup></b>.</li> <li>✓ <b>Paper SEI Filing.</b> You may mail or hand-deliver a completed paper 2021 Candidate SEI. Commission offices are closed from December 23-27, 2021.</li> </ul>

## SEI COMPLETION FAQs

- 1. What kind of information must be disclosed?** Certain financial, professional, and personal information regarding you and members of your “immediate family,” including your spouse, unless legally separated and you or your spouse’s children or members of your “extended family” residing in your household.
- 2. What if some of the questions do not apply?** Please 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.” If you file electronically, the system will ensure that all questions are answered.
- 3. What if I file a paper SEI and miss questions?** You will be required to file additional information. You will not satisfy the SEI filing requirement until all questions have been answered.
- 4. If I already filed an SEI in 2021, do I still need to file a Candidate SEI in 2021?** Yes. If you are a candidate for a listed office, you must file another Long Form or No Change Form SEI no later than 5 p.m. on December 28, 2021. This is a statutory requirement. 2022 SEIs will not be accepted.
- 5. If I file a paper SEI, can I fax or email it?** No. You must mail or hand-deliver your signed original SEI.
- 6. Is my SEI a public record?** Yes. All SEIs, including candidate SEIs, are public records and will be available for review on the Commission’s website.

## PENALTIES

- 1. Are there fines for filing my SEI late or failing to file it?** Yes. The Ethics Commission may levy a \$250.00 fine for late or non-filing of your 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.



Contact the State Ethics Commission staff at (919) 814-3600 or by e-mail at [SEI@ethics.nc.gov](mailto:SEI@ethics.nc.gov) if you have any questions about filing an SEI.

**File Your Candidate SEI By December 28, 2021, at 5 p.m.**

**Visit: <https://ethics.nc.gov/seis>**



## PART II: ADDITIONAL INFORMATION FOR CANDIDATES FOR GENERAL ASSEMBLY

### A. THE ETHICS ACT'S GIFT BAN

- ✓ If you are currently a member of the NC General Assembly, are a legislative employee, or a public servant, you cannot accept gifts, directly or indirectly, from registered North Carolina lobbyists or lobbyist principals unless there is an exception in the Ethics Act that would allow that gift.
- ✓ The Ethics Act's gift ban does not apply to judges, district attorneys, or clerks of court or candidates for those offices, although other laws may restrict such gifts.
- ✓ If you do not currently hold a position that is subject to the gift ban, but have filed as a candidate for General Assembly, you are restricted from accepting gifts from lobbyists and lobbyist principals unless there is an exception in the Ethics Act that would allow that gift.
- ✓ A gift is anything of monetary value. There is no de minimis or "small gift" exception; therefore, the value of the gift does not matter.
- ✓ A lobbyist is someone who is paid by either an individual or organization ("lobbyist principal,") to engage in communications or activities designed to influence legislative or executive action. A searchable list of registered lobbyists and lobbyist principals is on the Secretary of State's website at <https://www.sosnc.gov/lobbyists/>.
- ✓ Campaign contributions properly received and reported under the Election Law are not subject to the Ethics Act's gift ban. However, the Elections Law includes various restrictions on campaign contributions.

### B. ADDITIONAL RESTRICTIONS

- ✓ Lobbyists are restricted from making campaign contributions to members of or candidates for General Assembly. Lobbyists also may not collect, take possession of, or transfer those contribution(s).
- ✓ Lobbyists cannot serve as treasurers or assistant treasurers for the campaign committee of a General Assembly candidate.
- ✓ There are additional restrictions against the solicitation, giving, and receipt of campaign contributions to members of the General Assembly while it is in session.



Questions concerning the Ethics Act's gift ban, or lobbyists serving as campaign managers should be directed to the State Ethics Commission staff at (919) 814-3600 or by e-mail at [ethics.commission@ethics.nc.gov](mailto:ethics.commission@ethics.nc.gov).

Questions concerning the acceptance of campaign contributions should be directed to the State Board of Elections at (919) 814-0700.