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*Candidate Special Edition*

**December 2023**

## 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)

<b>WHO must file SEIs?</b> 	<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> <li>✓ Council of State (Governor, Lt. Governor, Attorney General, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Labor Commissioner, Agriculture Commissioner, Insurance Commissioner)</li> </ul>
<b>WHAT must I file?</b>	<p>A paper or electronic 2024 Long Form or No Change Form SEI:</p> <ul style="list-style-type: none"> <li>✓ <b>If you have filed a notice of candidacy for a covered office but did not file a 2023 SEI</b>, you must file a “Long Form” 2024 SEI.</li> <li>✓ <b>If you filed a 2023 SEI and are running for reelection to the same office</b> you should: <ul style="list-style-type: none"> <li>-File a 2024 Long Form SEI if you need to update your 2023 SEI disclosures.</li> <li>-File a 2024 No Change Form SEI if you have no changes from your 2023 SEI disclosures.</li> </ul> </li> <li>✓ <b>If you filed a 2023 SEI and are running for election to a different office</b> (House or Senate to Council of State position, for example) you should: <ul style="list-style-type: none"> <li>-File a 2024 Long Form SEI to update your 2023 SEI disclosures.</li> </ul> </li> </ul>
<b>WHEN must I file?</b>	<ul style="list-style-type: none"> <li>✓ From <b>1/1/24 to 1/22/24</b>.</li> <li>✓ You may not file your Candidate SEI earlier than 1/1/2024.</li> </ul>
<b>WHERE must I file?</b>	<ul style="list-style-type: none"> <li>✓ You must file your SEI with the State Ethics Commission, <b>not</b> the State or local Board of Elections.</li> </ul>
<b>HOW do I file?</b>	<p>Go to <a href="https://ethics.nc.gov/seis">https://ethics.nc.gov/seis</a> and 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, ensures immediate receipt, and your information is available for later SEI filings. Use your existing account or create a new account if you do not have one. You can also reset your password.</li> <li>✓ <b>Paper SEI Filing.</b> You may mail or hand-deliver a completed paper SEI. Paper SEIs must be <b>postmarked</b> no later than <b>1/22/24</b> to be filed on time.</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 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 an SEI and miss questions?** You will be required to file again.
4. **I am running for reelection to the same office I currently occupy. Does filing a 2024 Candidate SEI count towards my annual filing requirement?** Yes! You only need to file **one** SEI in 2024. That SEI will satisfy both your candidate and annual SEI filing requirement. Make sure to list your current position and that you are a candidate.
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.

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

**CANDIDATE SEI FILING DEADLINE IS JANUARY 22**



## PART II: ADDITIONAL INFORMATION FOR CANDIDATES

### 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 or Council of State, 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 not a 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 may not make campaign contributions to members of or candidates for General Assembly and Council of State. 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 or Council of State candidate.
- ✓ There are additional restrictions against the solicitation, giving, and receipt of campaign contributions to members of or candidates for the General Assembly and Council of State while the General Assembly is in session.



Questions concerning the Ethics Act's gift ban, or lobbyists serving as campaign treasurers 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 or by email at [elections.sboe@ncsbe.gov](mailto:elections.sboe@ncsbe.gov).