



# NORTH CAROLINA

## State Board of Elections & Ethics Enforcement

Volume 21, Issue 1b

*Candidate SEI Filing: Primary Election Edition (Revised)*

February 2018

Certain ***candidates*** for elected office are covered by the State Government Ethics Act, including the Governor, Lt. Governor, members of the Council of State, Legislators, Justices and Judges, District Attorneys and Clerks of Court. All candidates for these offices must file a 2018 Candidate Statement of Economic Interest (SEI) with the North Carolina State Board of Elections and Ethics Enforcement.

### YOUR CANDIDATE SEI

- 1. WHO must file?** Candidates for Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Agriculture Commissioner, Insurance Commissioner, Labor Commissioner, Superintendent of Public Instruction, the Legislature (House of Representatives and Senate), Supreme Court, Court of Appeals, Superior Court, District Court, District Attorney, and Clerk of Court.
- 2. WHEN do I file?** Candidate SEI forms will be available from February 5, 2018 through March 12, 2018, and again from June 11, 2018 through June 29, 2018. The second-time period will be relevant only to candidates for Supreme Court, Court of Appeals, Superior Court and District Court.

Most candidates must file their 2018 Candidate SEI by March 12, 2018.

Candidates for Supreme Court, Court of Appeals, Superior Court or District Court must file a 2018 Candidate SEI by July 9, 2018.

Judges and justices who are running for re-election will have two deadlines. Those incumbent judges must file a regular 2018 Regular Filers SEI by April 16, 2018. After filing a notice of candidacy, those judges must also file a 2018 Candidate SEI by July 9, 2018.

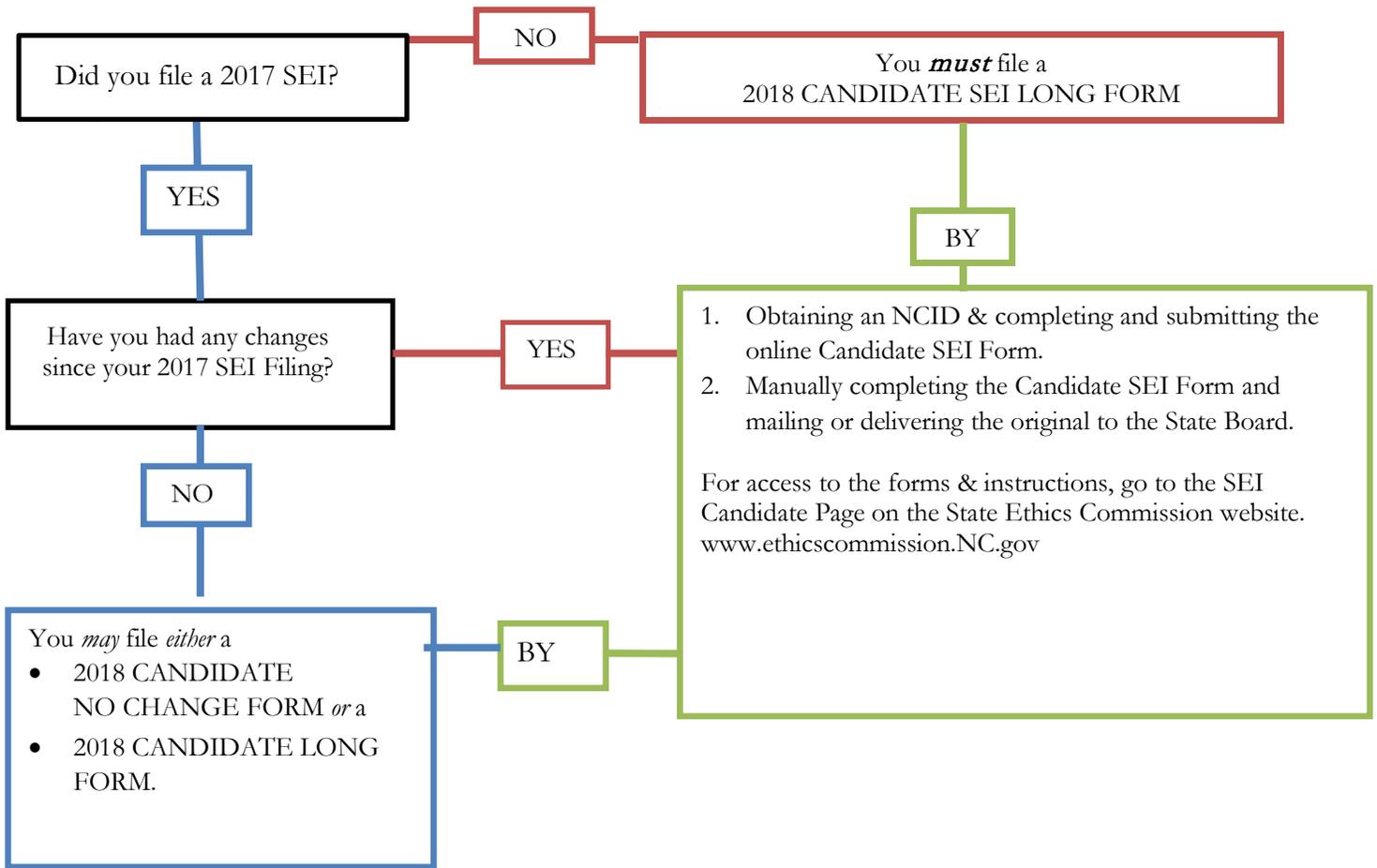
Non-incumbent judicial candidates who are currently serving in another position that requires filing an SEI will also have two deadlines. Those candidates must file a 2018 Regular Filers SEI by April 16, 2018, for that other position. After filing a notice of candidacy, those candidates must also file a 2018 Candidate SEI by July 9, 2018.

- 3. WHERE do I file?** Candidates must file the SEI directly with the State Board of Elections and Ethics Enforcement; **NOT at a County Board of Elections.**
- 4. WHAT form do I use?** Use the **2018 CANDIDATE SEI form**. There are two 2018 Candidate SEI forms: a Candidate SEI Long Form and a Candidate SEI No Change form. Please make sure you are filing the correct form and a properly dated CANDIDATE SEI FORM.
- 5. YOU MUST FILE THE CANDIDATE SEI LONG FORM IF:**
  - You filed a 2017 SEI Form, but there have been changes in the information reported; or
  - You did **NOT** file a 2017 SEI Form.
- 6. YOU MAY FILE THE 2018 CANDIDATE SEI NO CHANGE FORM IF:**
  - You filed a 2017 SEI and you have not had any changes in the information reported.
- 7. HOW do I complete and file the Candidate SEI form?** The State Board encourages you to submit your form electronically through the State Board's online filing [websites](#). You will receive immediate confirmation when you have successfully submitted your 2018 Candidate SEI form electronically.

**Manual Filing:** You may also print the form from our website, complete and sign it, and submit it by mail or hand delivery to the State Board. If you file manually, you **MUST** file your original Candidate SEI by mail or hand delivery. Remember to keep a copy for your records. You **CANNOT** file your SEI by fax or scan and email, and you cannot

file a copy of your SEI; **you must file your original SEI with your original signature on it.**

**8. WHERE DO I GET HELP?** Contact the State Board at (919) 814-3600 or by e-mail [SEI@doa.nc.gov](mailto:SEI@doa.nc.gov).



### FREQUENTLY ASKED QUESTIONS

- 1. If I am a candidate and already covered by the State Government Ethics Act (“Ethics Act”) and filed a form in 2017, can I wait and file after the Candidate filing deadline date of as long as I file by the April 16, 2018 annual filing deadline?**  
No. You must file on or by March 12, 2018 if you are running for an office covered under the Ethics Act. However, when you file the 2018 Candidate SEI Form between February 10, 2018 and March 12, 2018, it covers both your candidate filing requirement and your covered person annual SEI filing requirement.
  - 2. Can I fax the form or file a copy?** No. You **must** file a **signed original** SEI form or file electronically through our website. No copies, faxes or emails will be accepted. We encourage you to file electronically through our website.
  - 3. Should I keep a signed copy?** Yes. We strongly encourage you to keep a signed copy for your records or if you file electronically print a copy and keep your confirmation number that you will receive upon the successful submission of your SEI.
  - 4. Is my SEI a public record?** Yes. All SEIs, including candidate SEIs, are public records.
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- 1. Are there fines for late or non-filing?** Yes. The Ethics Commission may levy a \$250.00 fine for failure to file your Candidate SEI between February 10, 2018 and March 12, 2018.

2. **Are there potential 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.

### **ADDITIONAL INFORMATION FOR CANDIDATES FOR GOVERNOR, LT. GOVERNOR, COUNCIL OF STATE OR LEGISLATURE**

**“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.

#### **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), 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) unless there is an exception to the gift ban. 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 Legislature (or otherwise covered by the 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.

#### **LOBBYISTS, LOBBYIST PRINCIPALS, & GOVERNMENTAL LIAISON PERSONNEL**

- **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. ***Note: Some local governments have 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 lobbyist principal are subject to the gift ban.***
- **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/>.

**Remember - The gift ban is applicable to currently serving public officials and candidates.**

**Questions.** If you have questions concerning a gift, please contact the State Board/State Ethics Commission at (919) 814-3600 or by e-mail at [ethics.commission@doa.nc.gov](mailto:ethics.commission@doa.nc.gov) or at [ncsbe.gov](http://ncsbe.gov), then under the Ethics tab.