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**Updated Candidate Special Edition**

**February 2022**

## 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 must file SEIs?</b></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 must I file?</b></p>	<p>A paper or electronic 2022 Long Form or No Change Form SEI:</p> <ul style="list-style-type: none"> <li>✓ If you already filed a candidate SEI in December 2021 after filing your notice of candidacy and are not currently serving in a covered position, you are not required to refile a 2022 SEI as a candidate.</li> <li>✓ If you have filed a notice of candidacy for a covered office but did not file a 2021 SEI in any capacity, you <b>must</b> file a “Long Form” 2022 SEI.</li> <li>✓ If you are currently serving in a covered position <i>and</i> are a candidate for a covered office, and previously filed a 2021 SEI, you should:             <ul style="list-style-type: none"> <li>-File a 2022 Long Form SEI if you need to update your SEI disclosures.</li> <li>-File a 2022 No Change Form SEI if you have no changes to report.</li> </ul> </li> </ul>
<p><b>WHEN must I file?</b></p>	<p>E-file, hand-deliver, or mail your SEI:</p> <ul style="list-style-type: none"> <li>✓ Upon filing your Notice of Candidacy (either in December 2021 or during the 2/24/22 to 3/4/22 notice of candidacy filing period) and no later than <b>3/14/22</b> at noon.</li> <li>✓ Paper SEIs must be <b>postmarked</b> no later than <b>3/14/22</b> to be filed on time.</li> </ul>
<p><b>WHERE must I file?</b></p>	<p>You must file your Long Form or No Change Form SEI directly with the State Ethics Commission. <b>Do not</b> file your SEI with the State or local Board of Elections. Further information is available at <a href="https://ethics.nc.gov/">https://ethics.nc.gov/</a></p>
<p><b>HOW do I file?</b></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 is readily available for later SEI filings. Use your existing account or create a new account if you do not have one.</li> <li>✓ <b>Paper SEI Filing.</b> You may mail or hand-deliver a completed paper SEI.</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 a Candidate SEI in 2021 and am not currently serving in a covered position, do I still need to file another SEI in 2022?** No.
- 5. If I am currently serving in a covered position, does filing a 2022 SEI count towards my annual filing requirement?** Yes. You only need to file **one** SEI in 2022. That SEI will satisfy both your candidate and annual SEI filing requirement. Make sure to state on your SEI that you are a candidate and currently serving in a covered position.
- 6. If I file a paper SEI, can I fax or email it?** No. You must mail or hand-deliver your signed original SEI.
- 7. 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 MARCH 14**



## 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.