

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 403

Short Title: Fund-Raising in Session.

(Public)

Sponsors: Representatives Ellis; Arnold, Balmer, Berry, Bowie, Brawley, J. Brown, Crawford, Creech, Culp, Decker, Devane, Flaherty, Gardner, Hall, Hayes, Hill, Joye, Justus, Kuczmariski, Lemmond, McCombs, Nichols, Russell, Sutton, Weatherly, Wilkins, and C. Wilson.

Referred to: Judiciary I.

March 8, 1993

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE LIMITATIONS ON FUND-RAISING DURING LEGISLATIVE SESSIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.13A reads as rewritten:

"§ 163-278.13A. **No fund-raising from lobbyists or political committees for legislators or Council of State members while General Assembly is in regular session.**

(a) While the General Assembly is in regular session, none of the following entities may solicit or accept a contribution ~~from, or at the behest or recommendation of, from an individual registered as a lobbyist pursuant to Article 9A of Chapter 120 of the General Statutes; Statutes or from a political committee:~~

(1) A member of the Council of State; or

(2) A member of the General Assembly; or

(3) A political committee the principal purpose of which is to assist a member ~~or members~~ of the Council of State or General Assembly.

(b) While the General Assembly is in regular session, no individual registered as a lobbyist under Article 9A of Chapter 120 of the General Statutes and no political committee may make a contribution to any of the entities listed in subdivisions (1) through (3) of subsection (a) of this section.

(c) This section does not apply to:

- 1 (1) Any contribution made to or by a State, county or congressional
2 district executive committee of a political party; or
- 3 (2) Any contribution made to or solicited for a political committee that
4 operates on a Statewide basis ~~in conjunction with the executive committee~~
5 ~~of a political party~~ for the purpose of assisting that a political party's
6 candidates for Council of State or General Assembly; or
- 7 (3) Any contribution made by a member of the Council of State or
8 General Assembly to a political committee the principal purpose of
9 which is to assist himself; or
- 10 (4) Any contribution made to or any solicitation for a nonprofit
11 organization under 26 U.S.C. § 501(c); or
- 12 (5) Any contribution accepted with the intent that it be used to defray legal
13 or other expenses incurred in connection with the contesting of
14 election results; or
- 15 (6) Any contribution to any of the entities listed in subdivisions (1)
16 through (3) of subsection (a) of this section if the member of the
17 Council of State or General Assembly has filed an official notice of
18 candidacy with the appropriate board of elections for any elective
19 office, provided the contribution is for the elective office for which the
20 member has filed.
- 21 (d) A violation of this section is a misdemeanor, but no individual or person shall
22 be prosecuted under this section for accepting or making a contribution unless the State
23 Board of Elections has notified the individual or person of the apparent violation in
24 writing by certified mail, has given the individual or person an opportunity to return or
25 to request the return of the contribution, and, within 10 days of the receipt of the
26 notification, the individual or person has failed to return or to request the return of the
27 contribution.
- 28 (e) For purposes of this section, the General Assembly is in regular session from
29 the date set by law or resolution that the General Assembly convenes until the General
30 Assembly either:
- 31 (1) Adjourns **sine die**; or
- 32 (2) Recesses or adjourns for more than 10 days."
- 33 Sec. 2. This act becomes effective July 1, 1993.