

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 772

Short Title: Consolidate Ethics, Elections, and Lobbying. (Public)

Sponsors: Senator Brock.

Referred to: Judiciary I.

April 20, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONSOLIDATE ETHICS, ELECTIONS, AND LOBBYING UNDER THE  
3 STATE BOARD OF ETHICS AND ELECTIONS ENFORCEMENT.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** The General Statutes are amended by adding a new Chapter to read:

6 **"Chapter 163A.**

7 **"State Elections and Ethics Act.**

8 **"Article 1.**

9 **"General Provisions.**

10 **"§ 163A-100. Title.**

11 This Chapter shall be known and may be cited as the 'State Elections and Ethics Act.'

12 **"§ 163A-101. Definitions.**

13 The following definitions apply in this Chapter:

- 14 (1) Blind trust. – A trust established by or for the benefit of a covered person or  
15 a member of the covered person's immediate family for divestiture of all  
16 control and knowledge of assets. A trust qualifies as a blind trust under this  
17 subdivision if the covered person or a member of the covered person's  
18 immediate family has no knowledge of the holdings and sources of income  
19 of the trust, the trustee of the trust is independent of and not associated with  
20 or employed by the covered person or a member of the covered person's  
21 immediate family and is not a member of the covered person's extended  
22 family, and the trustee has sole discretion as to the management of the trust  
23 assets.
- 24 (2) Board. – Any State board, council, committee, task force, authority, or  
25 similar public body, however denominated, created by statute or executive  
26 order, as determined and designated by the State Board, except for those  
27 public bodies that have only advisory authority.
- 28 (3) Business. – Any of the following organized for profit:  
29 a. Association.  
30 b. Business trust.  
31 c. Corporation.  
32 d. Enterprise.  
33 e. Joint venture.  
34 f. Organization.  
35 g. Partnership.  
36 h. Proprietorship.  
37 i. Vested trust.



- 1                   j.       Every other business interest, including ownership or use of land for  
2                   income.
- 3           (4)       Business with which associated. – A business in which the covered person or  
4                   filing person or any member of that covered person's or filing person's  
5                   immediate family does any of the following:
- 6                   a.       Is an employee.
- 7                   b.       Holds a position as a director, officer, partner, proprietor, or member  
8                   or manager of a limited liability company, irrespective of the amount  
9                   of compensation received or the amount of the interest owned.
- 10                  c.       Owens a legal, equitable, or beneficial interest of ten thousand dollars  
11                   (\$10,000) or more in the business or five percent (5%) of the  
12                   business, whichever is less, other than as a trustee on a deed of trust.
- 13                  d.       Is a lobbyist registered under this Chapter.  
14                   For purposes of this subdivision, the term "business" shall not  
15                   include a widely held investment fund, including a mutual fund,  
16                   regulated investment company, or pension or deferred compensation  
17                   plan, if all of the following apply:
- 18                   1.       The covered person, filing person, or a member of the  
19                   covered person's or filing person's immediate family neither  
20                   exercises nor has the ability to exercise control over the  
21                   financial interests held by the fund.
- 22                   2.       The fund is publicly traded, or the fund's assets are widely  
23                   diversified.
- 24           (5)       Committee. – The Legislative Ethics Committee as created in Part 3 of  
25                   Article 14 of Chapter 120 of the General Statutes.
- 26           (6)       Compensation. – Any money, thing of value, or economic benefit conferred  
27                   on or received by any covered person or filing person in return for services  
28                   rendered or to be rendered by that covered person or filing person or another.  
29                   This term does not include campaign contributions properly received and  
30                   reported as required by this Chapter.
- 31           (7)       Confidential information. – Information defined as confidential by the law.
- 32           (8)       Constitutional officers of the State. – Officers whose offices are established  
33                   by Article III of the North Carolina Constitution.
- 34           (9)       Contract. – Any agreement, including sales and conveyances of real and  
35                   personal property, and agreements for the performance of services.
- 36           (10)       Covered person. – A legislator, public servant, or judicial officer, as  
37                   identified by the State Board under G.S. 163A-204.
- 38           (11)       Designated individual. – A legislator, legislative employee, or public  
39                   servant.
- 40           (12)       Employing entity. – For public servants, any of the following bodies of State  
41                   government of which the public servant is an employee or a member, or over  
42                   which the public servant exercises supervision: agencies, authorities, boards,  
43                   State Boards, committees, councils, departments, offices, institutions and  
44                   their subdivisions, and constitutional offices of the State. For legislators, it is  
45                   the house of which the legislator is a member. For legislative employees, it  
46                   is the authority that hired the individual. For judicial employees, it is the  
47                   Chief Justice.
- 48           (13)       Executive action. – The preparation, research, drafting, development,  
49                   consideration, modification, amendment, adoption, approval, tabling,  
50                   postponement, defeat, or rejection of a policy, guideline, request for

- 1 proposal, procedure, regulation, or rule by a public servant purporting to act  
2 in an official capacity. This term does not include any of the following:
- 3 a. Present, prior, or possible proceedings of a contested case hearing  
4 under Chapter 150B of the General Statutes, of a judicial nature, or  
5 of a quasi-judicial nature.
- 6 b. A public servant's communication with a person, or another person  
7 on that person's behalf, with respect to any of the following:
- 8 1. Applying for a permit, license, determination of eligibility, or  
9 certification.
- 10 2. Making an inquiry about or asserting a benefit, claim, right,  
11 obligation, duty, entitlement, payment, or penalty.
- 12 3. Making an inquiry about or responding to a request for  
13 proposal made under Chapter 143 of the General Statutes.
- 14 4. Rate making.
- 15 c. Internal administrative functions, including those functions exempted  
16 from the definition of "rule" in G.S. 150B-2(8a).
- 17 d. Ministerial functions.
- 18 e. A public servant's communication with a person or another person on  
19 that person's behalf with respect to public comments made at an open  
20 meeting, or submitted as written comment, on a proposed executive  
21 action in response to a request for public comment, provided the  
22 identity of the person on whose behalf the comments are made is  
23 disclosed as part of the public participation, and no reportable  
24 expenditure is made.
- 25 (14) Extended family. – Spouse, lineal descendant, lineal ascendant, sibling,  
26 spouse's lineal descendant, spouse's lineal ascendant, spouse's sibling, and  
27 the spouse of any of these individuals.
- 28 (15) Filing person. – An individual required to file a statement of economic  
29 interest under this Chapter.
- 30 (16) Financial benefit. – A direct pecuniary gain or loss to the legislator, the  
31 public servant, or a person with which the legislator or public servant is  
32 associated, or a direct pecuniary loss to a business competitor of the  
33 legislator, the public servant, or a person with which the legislator or public  
34 servant is associated.
- 35 (17) Gift. – Anything of monetary value given or received without valuable  
36 consideration by or from a lobbyist, lobbyist principal, liaison personnel, or  
37 a person described under G.S. 138A-32(d)(1), (2), or (3). The following shall  
38 not be considered gifts under this subdivision:
- 39 a. Anything for which fair market value, or face value if shown, is paid  
40 by the covered person or legislative employee.
- 41 b. Commercially available loans made on terms not more favorable  
42 than generally available to the general public in the normal course of  
43 business if not made for lobbying.
- 44 c. Contractual arrangements or commercial relationships or  
45 arrangements made in the normal course of business if not made for  
46 lobbying.
- 47 d. Academic or athletic scholarships based on the same criteria as  
48 applied to the public.
- 49 e. Any campaign contribution properly reported as required under this  
50 Chapter.

- 1            f. Expressions of condolence related to a death of an individual, sent  
2            within a reasonable time of the death, if the expression is one of the  
3            following:  
4            1. A sympathy card, letter, or note.  
5            2. Flowers.  
6            3. Food or beverages for immediate consumption.  
7            4. Donations to a religious organization, charity, the State or a  
8            political subdivision of the State, not to exceed a total of two  
9            hundred dollars (\$200.00) per death per donor.

10           (18) Governmental unit. – A political subdivision of the State, and any other  
11           entity or organization created by a political subdivision of the State.

12           (19) Honorarium. – Payment for services for which fees are not legally or  
13           traditionally required.

14           (20) Immediate family. – An unemancipated child of the covered person residing  
15           in the household and the covered person's spouse, if not legally separated. A  
16           member of a covered person's extended family shall also be considered a  
17           member of the immediate family if actually residing in the covered person's  
18           household.

19           (21) In session. – One of the following:

20           a. The General Assembly is in extra session from the date the General  
21           Assembly convenes until the General Assembly:

22           1. Adjourns sine die.

23           2. Recesses or adjourns for more than 10 days.

24           b. The General Assembly is in regular session from the date set by law  
25           or resolution that the General Assembly convenes until the General  
26           Assembly:

27           1. Adjourns sine die.

28           2. Recesses or adjourns for more than 10 days.

29           (22) Judicial employee. – The director and assistant director of the  
30           Administrative Office of the Courts and any other individual, designated by  
31           the Chief Justice, employed in the Judicial Department whose annual  
32           compensation from the State is sixty thousand dollars (\$60,000) or more.

33           (23) Judicial officer. – Justice or judge of the General Court of Justice, district  
34           attorney, clerk of court, or any individual elected or appointed to any of  
35           these positions prior to taking office.

36           (24) Legislative action. – The preparation, research, drafting, introduction,  
37           consideration, modification, amendment, approval, passage, enactment,  
38           tabling, postponement, defeat, or rejection of a bill, resolution, amendment,  
39           motion, report, nomination, appointment, or other matter, whether or not the  
40           matter is identified by an official title, general title, or other specific  
41           reference, by a legislator or legislative employee acting or purporting to act  
42           in an official capacity. It also includes the consideration of any bill by the  
43           Governor for the Governor's approval or veto under Article II, Section 22(1)  
44           of the Constitution or for the Governor to allow the bill to become law under  
45           Article II, Section 22(7) of the Constitution.

46           (25) Legislative employee. – Employees and officers of the General Assembly,  
47           consultants and counsel to committees of either house of the General  
48           Assembly or of legislative State Boards, who are paid by State funds, and  
49           students at an accredited law school while in an externship program at the  
50           General Assembly approved by the Legislative Services State Board, but not  
51           including legislators, members of the Council of State, nonsupervisory

1 employees of the Administrative Division's Facility Maintenance and Food  
2 Services staff, or pages.

3 (26) Legislator. – A member or presiding officer of the General Assembly, or an  
4 individual elected or appointed a member or presiding officer of the General  
5 Assembly before taking office.

6 (27) Liaison personnel. – Any State employee, counsel employed under  
7 G.S. 147-17, or officer whose principal duties, in practice or as set forth in  
8 that individual's job description, include lobbying legislators or legislative  
9 employees.

10 (28) Lobby or Lobbying. – Any of the following:

11 a. Influencing or attempting to influence legislative or executive action,  
12 or both, through direct communication or activities with a designated  
13 individual or that designated individual's immediate family.

14 b. Developing goodwill through communications or activities,  
15 including the building of relationships, with a designated individual  
16 or that designated individual's immediate family with the intention of  
17 influencing current or future legislative or executive action, or both.

18 The terms "lobby" or "lobbying" do not include communications or  
19 activities as part of a business, civic, religious, fraternal, personal, or  
20 commercial relationship which is not connected to legislative or executive  
21 action, or both.

22 (29) Lobbyist. – An individual who engages in lobbying for payment and meets  
23 any of the following criteria:

24 a. Represents another person or governmental unit, but is not directly  
25 employed by that person or governmental unit.

26 b. Contracts for payment for lobbying.

27 c. Is employed by a person and a significant part of that employee's  
28 duties include lobbying. In no case shall an employee be considered a  
29 lobbyist if in no 30-day period less than five percent (5%) of that  
30 employee's actual duties include engaging in lobbying as defined in  
31 subdivision (9)a. of this section or if in no 30-day period less than  
32 five percent (5%) of that employee's actual duties include engaging  
33 in lobbying as defined in subdivision (9)b. of this section.

34 The term "lobbyist" shall not include individuals who are specifically  
35 exempted from this Chapter under Article 6 of this Chapter or registered as  
36 liaison personnel under Article 7 of this Chapter.

37 (30) Lobbyist principal and principal. – The person or governmental unit on  
38 whose behalf the lobbyist lobbies and who makes payment for the lobbying.  
39 In the case where a lobbyist is paid by a law firm, consulting firm, or other  
40 entity retained by a person or governmental unit for lobbying, the principal  
41 is the person or governmental unit whose interests the lobbyist represents in  
42 lobbying. In the case of a lobbyist employed or retained by an association or  
43 other organization, the lobbyist principal is the association or other  
44 organization, not the individual members of the association or other  
45 organization.

46 The term "lobbyist principal" shall not include those designating  
47 registered liaison personnel under Article 7 of this Chapter.

48 (31) Nonprofit corporation or organization with which associated. – Any  
49 not-for-profit corporation, organization, or association, incorporated or  
50 otherwise, that is organized or operating in the State primarily for religious,  
51 charitable, scientific, literary, public health and safety, or educational

- 1 purposes and of which the covered person, filing person, or any member of  
2 the covered person's or filing person's immediate family is a director, officer,  
3 governing board member, employee, lobbyist registered under this Chapter,  
4 or independent contractor. Nonprofit corporation or organization with which  
5 associated shall not include any board, entity, or other organization created  
6 by this State or by any political subdivision of this State.
- 7 (32) Official action. – Any decision, including administration, approval,  
8 disapproval, preparation, recommendation, the rendering of advice, and  
9 investigation, made or contemplated in any proceeding, application,  
10 submission, request for a ruling or other determination, contract, claim,  
11 controversy, investigation, charge, or rule making.
- 12 (33) Participate. – To take part in, influence, or attempt to influence, including  
13 acting through an agent or proxy.
- 14 (34) Payment. – Any money, thing of value, or economic benefit conveyed to the  
15 lobbyist for lobbying, other than reimbursement of actual travel,  
16 administrative expenses, or subsistence.
- 17 (35) Permanent designee. – An individual designated by a public servant to serve  
18 and vote in the absence of the public servant on a regular basis on a board on  
19 which the public servant serves.
- 20 (36) Person. – Any individual, firm, partnership, committee, association,  
21 corporation, business, or any other organization or group of persons acting  
22 together. The term "person" does not include the State, a political  
23 subdivision of the State, a board, or any other entity or organization created  
24 by the State or a political subdivision of the State.
- 25 (37) Person with which the legislator is associated. – Any of the following:  
26 a. A member of the legislator's extended family.  
27 b. A client of the legislator.  
28 c. A business with which the legislator or a member of the legislator's  
29 immediate family is associated.  
30 d. A nonprofit corporation or association with which the legislator or a  
31 member of the legislator's immediate family is associated.  
32 e. The State, a political subdivision of the State, a board, or any other  
33 entity or organization created by the State or a political subdivision  
34 of the State that employs the legislator or a member of the legislator's  
35 immediate family.
- 36 (38) Person with which the public servant is associated. – Any of the following:  
37 a. A member of the public servant's extended family.  
38 b. A client of the public servant.  
39 c. A business with which the public servant or a member of the public  
40 servant's immediate family is associated.  
41 d. A nonprofit corporation or association with which the public servant  
42 or a member of the public servant's immediate family is associated.  
43 e. The State, a political subdivision of the State, a board, or any other  
44 entity or organization created by the State or a political subdivision  
45 of the State that employs the public servant or a member of the  
46 public servant's immediate family.
- 47 (39) Political party. – Either of the two largest political parties in the State based  
48 on statewide voter registration at the applicable time.
- 49 (40) Public servants. – All of the following:  
50 a. Constitutional officers of the State and individuals elected or  
51 appointed as constitutional officers of the State prior to taking office.

- 1           **b.**     Employees of the Office of the Governor.  
2           **c.**     Heads of all principal State departments, as set forth in G.S. 143B-6,  
3                 who are appointed by the Governor.  
4           **d.**     The chief deputy and chief administrative assistant of each individual  
5                 designated under sub-subdivision a. or c. of this subdivision.  
6           **e.**     Confidential assistants and secretaries as defined in G.S. 126-5(c)(2)  
7                 to individuals designated under sub-subdivision a., c., or d. of this  
8                 subdivision.  
9           **f.**     Employees in exempt positions designated in accordance with  
10                G.S. 126-5(d)(1), (2), or (2a) and confidential secretaries to these  
11                individuals.  
12           **g.**     Any other employees or appointees in the principal State departments  
13                as may be designated by the Governor to the extent that the  
14                designation does not conflict with the State Personnel Act.  
15           **h.**     Judicial employees.  
16           **i.**     All voting members of boards, including ex officio members,  
17                permanent designees of any voting member, and members serving by  
18                executive, legislative, or judicial branch appointment.  
19           **j.**     For The University of North Carolina, the voting members of the  
20                Board of Governors of The University of North Carolina, the  
21                president, the vice-presidents, and the chancellors, the  
22                vice-chancellors, and voting members of the boards of trustees of the  
23                constituent institutions.  
24           **k.**     For the Community College System, the voting members of the State  
25                Board of Community Colleges, the president and the chief financial  
26                officer of the Community College System, the president, chief  
27                financial officer, and chief administrative officer of each community  
28                college, and voting members of the boards of trustees of each  
29                community college.  
30           **l.**     Members of the State Board, the executive director, and the assistant  
31                executive directors of the State Board.  
32           **m.**     Individuals under contract with the State working in or against a  
33                position included under this subdivision.  
34           **n.**     The director of the Office of State Personnel.  
35           **o.**     The State Controller.  
36           **p.**     The chief information officer, deputy chief information officers,  
37                chief financial officers, and general counsel of the Office of  
38                Information Technology Services.  
39           **q.**     The director of the State Museum of Art.  
40           **r.**     The executive director of the Agency for Public  
41                Telecommunications.  
42           **s.**     The State Board of Motor Vehicles.  
43           **t.**     The State Board of Banks and the chief deputy of the State Board of  
44                the Banking State Board.  
45           **u.**     The executive director of the North Carolina Housing Finance  
46                Agency.  
47           **v.**     The executive director, chief financial officer, and chief operating  
48                officer of the North Carolina Turnpike Authority.  
49           **(41)**   Reportable expenditure. – Any of the following that directly or indirectly is  
50                made to, at the request of, for the benefit of, or on the behalf of a designated  
51                individual or that individual's immediate family member:

1 a. Any advance, contribution, conveyance, deposit, distribution,  
2 payment, gift, retainer, fee, salary, honorarium, reimbursement, loan,  
3 pledge, or thing of value greater than ten dollars (\$10.00) per  
4 designated individual per single calendar day.

5 b. A contract, agreement, promise, or other obligation whether or not  
6 legally enforceable.

7 (42) State agency. – An agency in the executive branch of the government of this  
8 State, including the Governor's Office, a board, a department, a division, and  
9 any other unit of government in the executive branch.

10 (43) State Board. – The State Board of Elections and Ethics Enforcement as  
11 established by this Chapter.

12 (44) Solicitation of others. – A solicitation of members of the public to  
13 communicate directly with or contact one or more designated individuals to  
14 influence or attempt to influence legislative or executive action to further the  
15 solicitor's position on that legislative or executive action, when that request  
16 is made by any of the following methods:

17 a. A broadcast, cable, or satellite transmission.

18 b. An e-mail communication or a Web site posting.

19 c. A communication delivered by print media as defined in  
20 G.S. 163-278.38Z.

21 d. A letter or other written communication delivered by mail or by  
22 comparable delivery service.

23 e. Telephone.

24 f. A communication at a conference, meeting, or similar event.

25 The term "solicitation of others" does not include communications made  
26 by a person or by the person's agent to that person's stockholders,  
27 employees, board members, officers, members, subscribers, or other  
28 recipients who have affirmatively assented to receive the person's regular  
29 publications or notices.

30 (45) Vested trust. – A trust, annuity, or other funds held by a trustee or other third  
31 party for the benefit of the covered person or a member of the covered  
32 person's immediate family, except a blind trust. A vested trust shall not  
33 include a widely held investment fund, including a mutual fund, regulated  
34 investment company, or pension or deferred compensation plan, if:

35 a. The covered person or a member of the covered person's immediate  
36 family neither exercises nor has the ability to exercise control over  
37 the financial interests held by the fund; and

38 b. The fund is publicly traded, or the fund's assets are widely  
39 diversified.

40 **"§ 163A-102. Application to the Lieutenant Governor.**

41 For purposes of this Chapter, the Lieutenant Governor shall be considered a legislator when  
42 carrying out the Lieutenant Governor's duties under Section 13 of Article II of the North  
43 Carolina Constitution and a public servant for all other purposes.

44 **"§ 163A-103. Application to candidates to certain offices.**

45 For purposes of Articles 3, 4, 5, 6, and 7 of this Chapter, the term "legislator" and the term  
46 "public servant" shall include an individual having filed a notice of candidacy for such office  
47 under this Chapter.

48 "Article 2.

49 "Board of Elections and Ethics Enforcement.

50 **"§ 163A-200. Board of Elections and Ethics Enforcement established.**

51 There is established the State Board of Elections and Ethics Enforcement.



**"§ 163A-201. Membership.**

(a) The State Board shall consist of nine members. Three members shall be appointed by the Governor, of whom no more than two shall be of the same political party. Six members shall be appointed by the General Assembly, three upon the recommendation of the Speaker of the House of Representatives, neither of whom shall be of the same political party, and three upon the recommendation of the President Pro Tempore of the Senate, neither of whom shall be of the same political party. Members shall serve for three year terms, beginning January 1, 2012, except for the initial terms that shall be as follows:

(1) One member appointed by the Governor shall serve an initial term of one year.

(2) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of one year.

(3) One member appointed by the Governor shall serve initial terms of two years.

(4) Two members appointed by the General Assembly, one upon the recommendation of the Speaker of the House of Representatives and one member upon the recommendation of the President Pro Tempore of the Senate, shall serve initial terms of two years.

(b) Members shall be removed from the Board only for misfeasance, malfeasance, or nonfeasance. Members appointed by the Governor may be removed by the Governor. Members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives shall be removed by the Governor upon the recommendation of the Speaker. Members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate shall be removed by the Governor upon the recommendation of the President Pro Tempore.

(c) Vacancies in appointments made by the Governor shall be filled by the Governor for the remainder of any unfulfilled term. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122 for the remainder of any unfulfilled term.

(d) No member while serving on the State Board or employee while employed by the Board shall:

(1) Hold or be a candidate for any other office or place of trust or profit under the United States, the State, or a political subdivision of the State.

(2) Hold office in any political party above the precinct level.

(3) Participate in or contribute to the political campaign of any covered person or any candidate for a public office as a covered person over which the Board would have jurisdiction or authority.

(4) Otherwise be an employee of the State, a community college, or a local school system, or serve as a member of any other state board.

(e) The Governor shall annually appoint a member of the Board to serve as chair of the State Board. The State Board shall elect a vice-chair annually from its membership. The vice-chair shall act as the chair in the chair's absence or if there is a vacancy in that position.

(f) Members of the Board shall receive compensation for service on the Board.

**"§ 163A-202. Meetings and quorum.**

The State Board shall meet at least quarterly and at other times as called by its chair or by four of its members. In the case of a vacancy in the chair, meetings may be called by the vice-chair. Five members of the State Board constitute a quorum.

**"§ 163A-203. Staff and offices.**

1        The State Board may employ professional and clerical staff, including an executive  
2 director. The State Board shall be located within the Department of Administration for  
3 administrative purposes only, but shall exercise all of its powers, including the power to  
4 employ, direct, and supervise all personnel, independently of the Secretary of Administration,  
5 and is subject to the direction and supervision of the Secretary of Administration only with  
6 respect to the management functions of coordinating and reporting.

7 **"§ 163A-204. Powers and duties.**

8        (a) In addition to other powers and duties specified in this Chapter, the State Board  
9 shall:

- 10            (1) Provide reasonable assistance to covered persons in complying with this  
11 Chapter.
- 12            (2) Develop readily understandable forms, policies, and procedures to  
13 accomplish the purposes of this Chapter.
- 14            (3) Identify and publish the following:
  - 15                    a. A list of nonadvisory boards.
  - 16                    b. The names of individuals subject to this Chapter as covered persons  
17 and legislative employees.
- 18            (4) Receive and review all statements of economic interests filed with the State  
19 Board by prospective and actual covered persons and evaluate whether (i)  
20 the statements conform to the law and the rules of the State Board and (ii)  
21 the financial interests and other information reported reveals actual or  
22 potential conflicts of interest. This subdivision does not apply to statements  
23 of economic interest filed by legislators or judicial officers.
- 24            (5) Conduct inquiries of alleged violations against judicial officers, legislators,  
25 and legislative employees in accordance with G.S. 138A-12.
- 26            (6) Conduct inquiries into alleged violations against public servants in  
27 accordance with this Chapter.
- 28            (7) Render advisory opinions in accordance with this Chapter and  
29 G.S. 120C-102.
- 30            (8) Initiate and maintain oversight of educational programs for ethics, lobbying,  
31 and campaign finance consistent with G.S. 163A-208.
- 32            (9) Conduct a continuing study of governmental ethics in the State and propose  
33 changes to the General Assembly in the government process and the law as  
34 are conducive to promoting and continuing high ethical behavior by  
35 governmental officers and employees.
- 36            (10) Adopt rules and forms necessary to implement this Chapter.
- 37            (11) Report annually to the General Assembly and the Governor on the State  
38 Board's activities and generally on the subject of public disclosure, ethics,  
39 and conflicts of interest, including recommendations for administrative and  
40 legislative action, as the State Board deems appropriate.
- 41            (12) Publish annually statistics on complaints filed with or considered by the  
42 Board, including the number of complaints filed, the number of complaints  
43 referred under G.S. 163A-206(b), the number of complaints dismissed under  
44 G.S. 163A-206(c)(4), the number of complaints dismissed under  
45 G.S. 163A-206(f), the number of complaints referred for criminal  
46 prosecution under G.S. 163A-206, the number of complaints dismissed  
47 under G.S. 163A-206(h), the number of complaints referred for appropriate  
48 action under G.S. 163A-206(h) or G.S. 163A-206(k)(3), and the number and  
49 age of complaints pending action by the Board.
- 50            (13) Provide general supervision over the primaries and elections in the State and  
51 shall have authority to make such reasonable rules and regulations with

- 1                    respect to the conduct of primaries and elections as it may deem advisable so  
2                    long as they do not conflict with any provisions of this Chapter.
- 3                    (14) Publish and furnish to the county boards of elections and other election  
4                    officials a sufficient number of indexed copies of all election laws and State  
5                    Board rules and regulations. It shall also publish, issue, and distribute to the  
6                    electorate such materials explanatory of primary and election laws and  
7                    procedures as the State Board shall deem necessary.
- 8                    (15) Appoint, in the manner provided by law, and advise all members of the  
9                    county boards of elections as to the proper methods of conducting primaries  
10                   and elections. The State Board shall require such reports from the county  
11                   boards of elections as are provided by law, or as are deemed necessary by  
12                   the State Board, and shall compel observance of the requirements of the  
13                   election laws by county boards of elections and other election officers. In  
14                   performing these duties, the State Board shall have the right to hear and act  
15                   on complaints arising by petition or otherwise, on the failure or neglect of a  
16                   county board of elections to comply with any part of the election laws  
17                   imposing duties upon such a board. The State Board shall have power to  
18                   remove from office any member of a county board of elections for  
19                   incompetency, neglect or failure to perform duties, fraud, or for any other  
20                   satisfactory cause. Before exercising this power, the State Board shall notify  
21                   the county board member affected and give that board member an  
22                   opportunity to be heard. When any county board member shall be removed  
23                   by the State Board, the vacancy occurring shall be filled by the State Board.
- 24                   (16) Investigate when necessary or advisable the administration of election laws,  
25                   frauds, and irregularities in elections in any county, municipal, and special  
26                   district and shall report violations of the election laws to the Attorney  
27                   General or district attorney or prosecutor of the district for further  
28                   investigation and prosecution.
- 29                   (17) Determine, in the manner provided by law, the form and content of ballots,  
30                   instruction sheets, pollbooks, tally sheets, abstract and return forms,  
31                   certificates of election, and other forms to be used in primaries and elections.  
32                   The State Board shall furnish to the county boards of elections the voter  
33                   registration application forms required pursuant to this Chapter. The State  
34                   Board shall direct the county boards of elections to purchase a sufficient  
35                   quantity of all forms attendant to the registration and elections process. In  
36                   addition, the State Board shall provide a source of supply from which the  
37                   county boards of elections may purchase the quantity of pollbooks needed  
38                   for the execution of its responsibilities. In the preparation of ballots,  
39                   pollbooks, abstract and return forms, and all other forms, the State Board  
40                   may call to its aid the Attorney General of the State, and it shall be the duty  
41                   of the Attorney General to advise and aid in the preparation of these books,  
42                   ballots, and forms.
- 43                   (18) Prepare, print, distribute to the county boards of elections all ballots for use  
44                   in any primary or election held in the State which the law provides shall be  
45                   printed and furnished by the State to the counties. The State Board shall  
46                   instruct the county boards of elections as to the printing of county and local  
47                   ballots.
- 48                   (19) Certify to the appropriate county boards of elections the names of candidates  
49                   for district offices who have filed notice of candidacy with the State Board  
50                   and whose names are required to be printed on county ballots.

- 1           (20) Tabulate the primary and election returns to declare the results and to  
2           prepare abstracts of the votes cast in each county in the State for offices  
3           which, according to law, shall be tabulated by the State Board.
- 4           (21) Make recommendations to the Governor and legislature relative to the  
5           conduct and administration of the primaries and elections in the State as it  
6           may deem advisable.
- 7           (22) Perform systematic reviews of reports required to be filed under this Chapter  
8           on a regular basis to assure complete and timely disclosure. Complaints of  
9           violations of this Chapter, all other records accumulated in conjunction with  
10           the investigation of these complaints, and any records accumulated in the  
11           performance of a systematic review shall be considered confidential records  
12           and may be released only by order of a court of competent jurisdiction. Any  
13           information obtained by the State Board from any law enforcement agency,  
14           administrative agency, or regulatory organization on a confidential or  
15           otherwise restricted basis in the course of an investigation or systematic  
16           review shall be confidential and exempt from G.S. 132-6 to the same extent  
17           that it is confidential in the possession of the providing agency or  
18           organization.
- 19           (23) Publish annual statistics on complaints received and systematic reviews  
20           conducted under this section, including the number of systematic reviews,  
21           the number of complaints, the number of apparent violations of this Chapter  
22           referred to a district attorney, the number of complaints dismissed, and the  
23           number and age of complaints pending. Subject to the provisions of Chapter  
24           132 of the General Statutes, the levy of all civil fines, including the amount  
25           of the fine and the identity of the person or governmental unit against whom  
26           it was levied, shall be a public record as defined in G.S. 132-1(a).
- 27           (24) Perform other duties as may be necessary to accomplish the purposes of this  
28           Chapter.

29           (b) Notwithstanding the provisions of any other section of this Chapter, the State Board  
30           is empowered to have access to any ballot boxes and their contents, any voting machines and  
31           their contents, any registration records, pollbooks, voter authorization cards or voter lists, any  
32           lists of absentee voters, any lists of presidential registrants under the Voting Rights Act of 1965  
33           as amended, and any other voting equipment or similar records, books, or lists in any precinct,  
34           county, municipality, or electoral district over whose elections it has jurisdiction or for whose  
35           elections it has responsibility.

36           (c) Notwithstanding the provisions contained in Article 31 of this Chapter, the State  
37           Board shall be authorized, by resolution adopted prior to the printing of the primary ballots, to  
38           reduce the time by which absentee ballots are required to be printed and distributed for the  
39           primary election from 50 days to 45 days. This authority shall not be authorized for absentee  
40           ballots to be voted in the general election, except if the law requires ballots to be available for  
41           mailing 60 days before the general election, and they are not ready by that date, the State Board  
42           shall allow the counties to mail them out as soon as they are available.

43           (d) Notwithstanding any other provision of law, in order to obtain judicial review of any  
44           decision of the State Board rendered in the performance of its duties or in the exercise of its  
45           powers under this Chapter, the petition seeking review shall be filed in the Superior Court of  
46           Wake County.

47           (e) The State Board shall adopt rules for the minimum requirements of the number of  
48           pollbooks, voting machines, and curbside ballots to be available at each precinct, such that  
49           more will be available at general elections and a sufficient number will be available to allow  
50           voting without excessive delay. The State Board shall provide additional testing of voting  
51           machines to ensure that they operate properly even with complicated ballots.

1       (f) The State Board shall require counties with voting systems to have sufficient  
2 personnel available on election day with technical expertise to make repairs in such equipment,  
3 to investigate election day problems, and assist in curbside voting.

4       (g) The State Board may assign responsibility for enumerated administrative matters to  
5 the Executive Director by resolution, if that resolution provides a process for the State Board to  
6 review any administrative decision made by the Executive Director. The State Board may  
7 authorize the staff of the State Board to evaluate statements of economic interest as authorized  
8 under subdivision (a)(4) of this section.

9       (h) The State Board shall possess full power and authority to maintain order and to  
10 enforce obedience to its lawful commands during its sessions and shall be constituted an  
11 inferior court for that purpose. If any person shall refuse to obey the lawful commands of the  
12 State Board or its chair, or by disorderly conduct in its hearing or presence shall interrupt or  
13 disturb its proceedings, it may, by an order in writing, signed by its chair, and attested by its  
14 secretary, commit the person so offending to the common jail of the county for a period not  
15 exceeding 30 days. Such order shall be executed by any sheriff to whom the same shall be  
16 delivered, or if a sheriff shall not be present, or shall refuse to act, by any other person who  
17 shall be deputed by the State Board in writing, and the keeper of the jail shall receive the  
18 person so committed and safely keep that person for such time as shall be mentioned in the  
19 commitment: Provided, that any person committed under the provisions of this section shall  
20 have the right to post a two hundred dollar (\$200.00) bond with the clerk of the superior court  
21 and appeal to the superior court for a trial on the merits of the commitment.

22 **"§ 163A-208. Education programs.**

23       (a) The State Board shall develop and implement an ethics and lobbying education and  
24 awareness program designed to instill in all covered persons and legislative employees a keen  
25 and continuing awareness of their ethical obligations and a sensitivity to situations that might  
26 result in real or potential conflicts of interest.

27       (b) The State Board shall offer basic ethics and lobbying education and awareness  
28 presentations to all public servants upon their election, appointment, or employment and shall  
29 offer periodic refresher presentations as the State Board deems appropriate. Every public  
30 servant shall participate in an ethics and lobbying presentation approved by the State Board  
31 within six months of the public servant's election, reelection, appointment, or employment and  
32 shall attend refresher ethics education presentations at least every two years thereafter in a  
33 manner as the State Board deems appropriate. This subsection shall not apply to judicial  
34 officers.

35       (c) A public servant appointed to a board determined and designated as nonadvisory  
36 under G.S. 138A-10(a)(3) shall attend an ethics and lobbying presentation approved by the  
37 Board within six months of notification of the designation by the State Board and at least every  
38 two years thereafter in a manner as the State Board deems appropriate.

39       (d) The State Board, jointly with the Legislative Ethics Committee, shall make basic  
40 ethics and lobbying education and awareness presentations to all legislators and legislative  
41 employees upon their election, reelection, appointment, or employment and shall offer periodic  
42 refresher presentations as the State Board and the Committee deem appropriate. Every  
43 legislator shall participate in an ethics and lobbying presentation approved by the State Board  
44 and Committee within two months of either the convening of the General Assembly to which  
45 the legislator is elected or within two months of the legislator's appointment, whichever is later.  
46 Every legislative employee shall participate in an ethics and lobbying presentation approved by  
47 the State Board and Committee within three months of employment and shall attend refresher  
48 ethics education presentations at least every two years thereafter in a manner as the State Board  
49 and Committee deem appropriate.

50       (e) The State Board shall develop and implement a lobbying education and awareness  
51 program designed to instill in lobbyists and lobbyists' principals a keen and continuing

1 awareness of their obligations and sensitivity to situations that might result in real or potential  
2 violation of this Chapter or other related laws. The State Board shall make lobbying education  
3 and awareness programs available to lobbyists and lobbyists' principals.

4 (f) Upon request, the State Board shall assist each State agency in developing in-house  
5 ethics and lobbying education programs and procedures necessary or desirable to meet the State  
6 agency's particular needs for ethics education, conflict identification, and conflict avoidance.

7 (g) Each State agency head shall designate an ethics liaison who shall maintain active  
8 communication with the State Board on all State agency ethics and lobbying issues. The ethics  
9 liaison shall attend ethics and lobbying education and awareness programs as provided under  
10 this section. The ethics liaison shall continuously assess and advise the State Board of any  
11 issues or conduct which might reasonably be expected to result in a conflict of interest and seek  
12 advice and rulings from the State Board as to their appropriate resolution.

13 (h) The State Board shall publish a newsletter containing summaries of the State  
14 Board's opinions, policies, procedures, and interpretive bulletins with respect to ethics and  
15 lobbying as issued from time to time. The newsletter shall be distributed to all covered persons  
16 and legislative employees. Publication under this subsection may be done electronically.

17 (i) The State Board shall publish a newsletter containing summaries of the State  
18 Board's opinions, policies, procedures, and interpretive decisions with respect to campaign  
19 finance as issued from time to time. The newsletter shall be distributed to all treasurers and  
20 candidates. Publication under this section may be done electronically.

21 (j) The State Board shall assemble and maintain a collection of relevant State laws,  
22 rules, and regulations and set forth ethical standards applicable to covered persons, lobbying  
23 laws and regulations, and campaign finance laws and regulations. This collection shall be made  
24 available electronically as resource material.

25 (k) The State Board shall provide specific training to county boards of elections  
26 regarding rules for registering all voters.

27 (l) The State Board shall provide for training and screening program for county boards  
28 of elections, county directors of elections, chief judges, and judges.

29 **"§ 163A-209. Requests for advice.**

30 (a) At the written request of any public servant or legislative employee, any individual  
31 who is responsible for the supervision or appointment of a public servant or legislative  
32 employee, legal counsel for any public servant or legislative employee, any ethics liaison under  
33 G.S. 163A-208, or any member of the State Board, the State Board shall render advice on  
34 specific questions involving the meaning and application of Articles 9 and 10 of this Chapter  
35 and the public servant's or legislative employee's compliance therewith. This subsection shall  
36 apply to judicial officers only for advice related to Article 9 of this Chapter.

37 (b) At the request of a legislator, the State Board shall render recommended advice on  
38 specific questions involving the meaning and application of this Chapter and Part 1 of Article  
39 14 of Chapter 120 of the General Statutes and the legislator's compliance therewith. Any  
40 recommended formal advisory opinion issued to a legislator under this subsection shall  
41 immediately be delivered to the chairs of the Committee, together with a copy of the request.  
42 Except for the Lieutenant Governor, the immunity granted under this section shall not apply  
43 after the time the Committee modifies or overturns the advisory opinion of the State Board in  
44 accordance with G.S. 120-104.

45 (c) At the written request of any person, State agency, or governmental unit affected by  
46 Articles 3, 4, 5, 6, and 7 of this Chapter, the State Board shall render advice on specific  
47 questions involving the meaning and application of Articles 3, 4, 5, 6, and 7 of this Chapter and  
48 that person's, State agency's, or any governmental unit's compliance therewith.

49 (d) At the written request of candidates, the communications media, political  
50 committees, referendum committees, or other entities upon request shall render advice on  
51 specific questions regarding filing procedures and compliance with Articles of this Chapter.

1       (e) On its own motion, the State Board may render advisory opinions on specific  
2 questions involving the meaning and application of this Chapter.

3       (f) All written requests for advice and advice rendered in response to those requests  
4 shall relate prospectively to real or reasonably anticipated fact settings or circumstances.

5       (g) A request for a formal advisory opinion under subsections (a), (b), and (c) of this  
6 section shall be in writing, electronic or otherwise. The State Board shall issue formal advisory  
7 opinions having prospective application only. Any individual, person, or governmental unit  
8 who relies upon the advice provided on a specific matter addressed by the requested formal  
9 advisory opinion shall be immune from all of the following:

10           (1) Investigation by the State Board, except for an inquiry under  
11 G.S. 163A-206(b)(3).

12           (2) Any adverse action by the employing entity.

13           (3) Investigation by the Secretary of State.

14       (h) At the request of the Auditor, the State Board shall render advisory opinions on  
15 specific questions involving the meaning and application of this Chapter, Article 14 of Chapter  
16 120 of the General Statutes, and an affected person's compliance therewith. The request shall be  
17 in writing, electronic or otherwise, and relate to real fact settings and circumstances. Except  
18 when the question involves a question governed by subsection (b) of this section, the State  
19 Board shall issue an advisory opinion under this subsection within 60 days of the receipt of all  
20 information deemed necessary by the State Board to render an opinion. If the question involves  
21 a question governed by subsection (b) of this section, the State Board shall comply with the  
22 provisions of that section prior to responding to the Auditor by delivering the recommended  
23 advisory opinion to the Committee within 60 days of the receipt of all information deemed  
24 necessary by the State Board to render an opinion. The Committee shall act on the opinion  
25 within 30 days of receipt and the Committee shall deliver the opinion to the Auditor. If the  
26 Committee fails to act on a recommended advisory opinion under this subsection with 30 days  
27 of receipt, the State Board shall deliver its recommended advisory opinion to the Auditor.  
28 Notwithstanding subsection (k) of this section, the Auditor may only release those portions of  
29 the advisory opinion necessary to comply with the requirements of G.S. 147-64.6(c)(1).

30       (i) Staff to the State Board may issue advice, but not formal or recommended formal  
31 advisory opinions, under procedures adopted by the State Board.

32       (j) The State Board shall publish its formal advisory opinions within 30 days of  
33 issuance. These formal advisory opinions shall be edited for publication purposes as necessary  
34 to protect the identities of the individuals requesting formal advisory opinions. When the State  
35 Board issues a recommended formal advisory opinion to a legislator under subsection (b) of  
36 this section, the State Board shall publish only the edited formal advisory opinion of the  
37 Committee within 30 days of receipt of the edited opinion from the Committee.

38       (k) Except as provided under subsections (h), (j), and (l) of this section, a request for  
39 advice, any advice provided by State Board staff, any formal or recommended formal advisory  
40 opinions, any supporting documents submitted or caused to be submitted to the State Board or  
41 State Board staff, and any documents prepared or collected by the State Board or State Board  
42 staff in connection with a request for advice are confidential. The identity of the individual  
43 making the request for advice, the existence of the request, and any information related to the  
44 request may not be revealed without the consent of the requestor. An individual who requests  
45 advice or receives advice, including a formal or recommended formal advisory opinion, may  
46 authorize the release to any other person, the State, or any governmental unit of the request, the  
47 advice, or any supporting documents.

48       For purposes of this section, "document" is as defined in G.S. 120-129. Requests for advice,  
49 any advice, and any documents related to requests for advice are not "public records" as  
50 defined in G.S. 132-1.

1       (l) Staff to the State Board may share all information and documents related to requests  
2 for advice, made by legislators under this section with staff to the Committee. The information  
3 and documents in the possession of staff to the Committee are confidential and are not public  
4 records.

5       (m) Requests for advice may be withdrawn by the requestor at any time prior to the  
6 issuance of the advice.

7 **"§ 163A-210. Enforcement.**

8       In addition to any other remedy, penalty, or crime in this Chapter:

9           (1) Violation of Articles 9 and 10 of this Chapter by any covered person or  
10 legislative employee is grounds for disciplinary action. Except as  
11 specifically provided in this Chapter and for perjury under G.S. 163A-206  
12 and G.S. 138A-24, no criminal penalty shall attach for any violation of  
13 Articles 9 and 10 of this Chapter.

14           (2) The willful failure of any public servant serving on a board to comply with  
15 Articles 9 and 10 of this Chapter is misfeasance, malfeasance, or  
16 nonfeasance. In the event of misfeasance, malfeasance, or nonfeasance, the  
17 offending public servant serving on a board is subject to removal from the  
18 board of which the public servant is a member. For appointees of the  
19 Governor and members of the Council of State, the appointing authority may  
20 remove the offending public servant. For appointees of the Speaker of the  
21 House of Representatives, the Speaker of the House of Representatives may  
22 remove the offending public servant. For appointees of the General  
23 Assembly made upon the recommendation of the Speaker of the House of  
24 Representatives, the Governor at the recommendation of the Speaker of the  
25 House of Representatives may remove the offending public servant. For  
26 appointees of the President Pro Tempore of the Senate, the President Pro  
27 Tempore of the Senate may remove the offending public servant. For  
28 appointees of the General Assembly made upon the recommendation of the  
29 President Pro Tempore of the Senate, the Governor at the recommendation  
30 of the President Pro Tempore of the Senate may remove the offending public  
31 servant. For public servants elected to a board by either the Senate or House  
32 of Representatives, the electing house of the General Assembly shall  
33 exercise the discretion of whether to remove the offending public servant.  
34 For all other appointees, the State Board shall exercise the discretion of  
35 whether to remove the offending public servant.

36           (3) The willful failure of any public servant serving as a State employee to  
37 comply with Articles 9 and 10 of this Chapter is a violation of a written  
38 work order, thereby permitting disciplinary action as allowed by the law,  
39 including termination from employment. For employees of State  
40 departments headed by a member of the Council of State, the appropriate  
41 member of the Council of State shall make all final decisions on the manner  
42 in which the offending public servant shall be disciplined. For public  
43 servants who are judicial employees, the Chief Justice shall make all final  
44 decisions on the matter in which the offending judicial employee shall be  
45 disciplined. For legislative employees, the Legislative Services State Board  
46 shall make or refer to the hiring authority all final decisions on the matter in  
47 which the offending legislative employee shall be disciplined. For public  
48 servants appointed or elected for The University of North Carolina or the  
49 Community Colleges System, the appointing or electing authority shall make  
50 all final decisions on the matter in which the offending public servant shall  
51 be disciplined. For any other public servant serving as a State employee, the



1 Governor shall make all final decisions on the manner in which the  
2 offending public servant shall be disciplined.

3 (4) The willful failure of any constitutional officer of the State to comply with  
4 Articles 9 and 10 of this Chapter is malfeasance in office for purposes of  
5 G.S. 123-5.

6 (5) The willful failure of a legislator, other than the Lieutenant Governor, to  
7 comply with Articles 9 and 10 of this Chapter is grounds for sanctions under  
8 G.S. 120-103.1.

9 (6) The State Board may seek to enjoin violations of G.S. 138A-34.

10 (7) Whoever willfully violates any provision of Article 3 or 4 of this Chapter  
11 shall be guilty of a Class 1 misdemeanor, except as provided in those  
12 Articles. In addition, no lobbyist who is convicted of a violation of the  
13 provisions of those Articles shall in any way act as a lobbyist for a period of  
14 two years from the date of conviction.

15 (8) In addition to the criminal penalties set forth in this section, State Board may  
16 levy civil fines for a violation of any provision of Article 3, 5, or 8 of this  
17 Chapter up to five thousand dollars (\$5,000) per violation.

18 (9) Complaints of violations of this Chapter involving the State Board or any  
19 member or employee of the State Board shall be referred to the Attorney  
20 General for investigation. The Attorney General shall, upon receipt of a  
21 complaint, make an appropriate investigation thereof, and the Attorney  
22 General shall forward a copy of the investigation to the district attorney of  
23 the prosecutorial district as defined in G.S. 7A-60 of which Wake County is  
24 a part, who shall prosecute any person or governmental unit who violates  
25 any provision of this Chapter.

26 (10) Nothing in this Chapter affects the power of the State to prosecute any  
27 person for any violation of the criminal law.

28 **"§ 163A-212. Powers of the chair in the execution of State Board duties.**

29 (a) In the performance of the duties enumerated in this Chapter, the chair of the State  
30 Board shall have power to administer oaths, issue subpoenas, summon witnesses, and compel  
31 the production of papers, books, records, and other evidence.

32 (b) Upon the written request or requests of two or more members of the State Board ,  
33 the chair shall issue subpoenas for designated witnesses or identified papers, books, records,  
34 and other evidence.

35 (c) In the absence of the chair or upon the chair's refusal to act, any two members of the  
36 State Board may issue subpoenas, summon witnesses, and compel the production of papers,  
37 books, records, and other evidence. In the absence of the chair or upon the chair's refusal to act,  
38 any member of the State Board may administer oaths.

39 (d) The State Board may petition the Superior Court of Wake County for the approval  
40 to issue subpoenas and subpoenas duces tecum as necessary to conduct investigations of  
41 violations of this Chapter. The court shall authorize subpoenas under this subsection when the  
42 court determines they are necessary for the enforcement of this Chapter. Subpoenas issued  
43 under this subsection shall be enforceable by the court through contempt powers. Venue shall  
44 be with the Superior Court of Wake County for any nonresident person, or that person's agent,  
45 who makes a reportable expenditure under this Chapter, and personal jurisdiction may be  
46 asserted under G.S. 1-75.4.

47 **"§ 163A-215. Executive Director of the State Board.**

48 (a) There is hereby created the position of Executive Director of the State Board, who  
49 shall perform all duties imposed by statute and such duties as might be assigned by the State  
50 Board.

1       **(b)**    The State Board shall appoint an Executive Director for a term of four years with  
2 compensation to be determined by the Department of Personnel. The Executive Director shall  
3 serve, unless removed for cause, until a successor is appointed. In the event of a vacancy, the  
4 vacancy shall be filled for the remainder of the term.

5       **(c)**    The Executive Director shall be responsible for staffing, administration, execution  
6 of the State Board's decisions and orders, and shall perform such other responsibilities as may  
7 be assigned by the State Board.

8           **SECTION 2.** Article 1 of Chapter 120C of the General Statutes is repealed.

9           **SECTION 3.** Article 2 of Chapter 120C of the General Statutes is recodified as  
10 Article 3 of Chapter 163A of the General Statutes.

11          **SECTION 4.** Article 3 of Chapter 120C of the General Statutes is recodified as  
12 Article 4 of Chapter 163A of the General Statutes.

13          **SECTION 5.** Article 4 of Chapter 120C of the General Statutes is recodified as  
14 Article 5 of Chapter 163A of the General Statutes.

15          **SECTION 6.** Article 5 of Chapter 120C of the General Statutes is recodified as  
16 Article 6 of Chapter 163A of the General Statutes.

17          **SECTION 7.** Article 6 of Chapter 120C of the General Statutes is repealed.

18          **SECTION 8.** Article 7 of Chapter 120C of the General Statutes is recodified as  
19 Article 7 of Chapter 163A of the General Statutes.

20          **SECTION 9.** Article 8 of Chapter 120C of the General Statutes is recodified as  
21 Article 8 of Chapter 163A of the General Statutes.

22          **SECTION 10.** Article 1 of Chapter 138A of the General Statutes is repealed.

23          **SECTION 11.(a)** G.S. 138A-6 is repealed.

24          **SECTION 11.(b)** G.S. 138A-7 is repealed.

25          **SECTION 11.(c)** G.S. 138A-8 is repealed.

26          **SECTION 11.(d)** G.S. 138A-9 is repealed.

27          **SECTION 11.(e)** G.S. 138A-10 is repealed.

28          **SECTION 11.(f)** G.S. 138A-11 is recodified as G.S. 163A-205.

29          **SECTION 11.(g)** G.S. 138A-12 is recodified as G.S. 163A-206.

30          **SECTION 11.(h)** G.S. 138A-13 is repealed.

31          **SECTION 11.(i)** G.S. 138A-14 is repealed.

32          **SECTION 11.(j)** G.S. 138A-15 is recodified as G.S. 163A-212.

33          **SECTION 12.** Article 3 of Chapter 138A of the General Statutes is recodified as  
34 Article 9 of Chapter 163A of the General Statutes.

35          **SECTION 13.** Article 4 of Chapter 138A of the General Statutes is recodified as  
36 Article 10 of Chapter 163A of the General Statutes.

37          **SECTION 14.** Article 5 of Chapter 138A of the General Statutes is repealed.

38          **SECTION 15.** Article 1 of Chapter 163 of the General Statutes is recodified as  
39 Article 11 of Chapter 163A of the General Statutes.

40          **SECTION 16.** Article 2 of Chapter 163 of the General Statutes is recodified as  
41 Article 12 of Chapter 163A of the General Statutes.

42          **SECTION 17.(a)** G.S. 163-19 is repealed.

43          **SECTION 17.(b)** G.S. 163-20 is repealed.

44          **SECTION 17.(c)** G.S. 163-21 is repealed.

45          **SECTION 17.(d)** G.S. 163-22 is repealed.

46          **SECTION 17.(e)** G.S. 163-22.3 is recodified as G.S. 163A-211.

47          **SECTION 17.(f)** G.S. 163-23 is repealed.

48          **SECTION 17.(g)** G.S. 163-24 is recodified as G.S. 163A-213.

49          **SECTION 17.(h)** G.S. 163-25, as amended by S.L. 2011-31, is recodified as  
50 G.S. 163-214.

51          **SECTION 17.(i)** G.S. 163-26 is repealed.

- 1           **SECTION 17.(j)** G.S. 163-27 is repealed.
- 2           **SECTION 17.(k)** G.S. 163-27.1 is recodified as G.S. 163A-216.
- 3           **SECTION 17.(l)** G.S. 163-28 is repealed.
- 4           **SECTION 18.** Article 4 of Chapter 163 of the General Statutes is recodified as
- 5 Article 13 of Chapter 163A of the General Statutes.
- 6           **SECTION 19.** Article 5 of Chapter 163 of the General Statutes is recodified as
- 7 Article 14 of Chapter 163A of the General Statutes.
- 8           **SECTION 20.** Article 6 of Chapter 163 of the General Statutes is recodified as
- 9 Article 15 of Chapter 163A of the General Statutes.
- 10          **SECTION 21.** Article 7A of Chapter 163 of the General Statutes is recodified as
- 11 Article 16 of Chapter 163A of the General Statutes.
- 12          **SECTION 22.** Article 8 of Chapter 163 of the General Statutes is recodified as
- 13 Article 17 of Chapter 163A of the General Statutes.
- 14          **SECTION 23.** Article 8A of Chapter 163 of the General Statutes is recodified as
- 15 Article 18 of Chapter 163A of the General Statutes.
- 16          **SECTION 24.** Article 9 of Chapter 163 of the General Statutes is recodified as
- 17 Article 19 of Chapter 163A of the General Statutes.
- 18          **SECTION 25.** Article 10 of Chapter 163 of the General Statutes is recodified as
- 19 Article 20 of Chapter 163A of the General Statutes.
- 20          **SECTION 26.** Article 11 of Chapter 163 of the General Statutes is recodified as
- 21 Article 21 of Chapter 163A of the General Statutes.
- 22          **SECTION 27.** Article 11B of Chapter 163 of the General Statutes is recodified as
- 23 Article 22 of Chapter 163A of the General Statutes.
- 24          **SECTION 28.** Article 12 of Chapter 163 of the General Statutes is recodified as
- 25 Article 23 of Chapter 163A of the General Statutes.
- 26          **SECTION 29.** Article 12A of Chapter 163 of the General Statutes is recodified as
- 27 Article 24 of Chapter 163A of the General Statutes.
- 28          **SECTION 30.** Article 13 of Chapter 163 of the General Statutes is recodified as
- 29 Article 25 of Chapter 163A of the General Statutes.
- 30          **SECTION 31.** Article 14A of Chapter 163 of the General Statutes is recodified as
- 31 Article 26 of Chapter 163A of the General Statutes.
- 32          **SECTION 32.** Article 15A of Chapter 163 of the General Statutes is recodified as
- 33 Article 27 of Chapter 163A of the General Statutes.
- 34          **SECTION 33.** Article 17 of Chapter 163 of the General Statutes is recodified as
- 35 Article 28 of Chapter 163A of the General Statutes.
- 36          **SECTION 34.** Article 18A of Chapter 163 of the General Statutes is recodified as
- 37 Article 29 of Chapter 163A of the General Statutes.
- 38          **SECTION 35.** Article 19 of Chapter 163 of the General Statutes is recodified as
- 39 Article 30 of Chapter 163A of the General Statutes.
- 40          **SECTION 36.** Article 21 of Chapter 163 of the General Statutes is recodified as
- 41 Article 31 of Chapter 163A of the General Statutes.
- 42          **SECTION 37.** Article 22 of Chapter 163 of the General Statutes is recodified as
- 43 Article 32 of Chapter 163A of the General Statutes.
- 44          **SECTION 38.** Article 22A of Chapter 163 of the General Statutes is recodified as
- 45 Article 33 of Chapter 163A of the General Statutes.
- 46          **SECTION 39.** Article 22B of Chapter 163 of the General Statutes is recodified as
- 47 Article 34 of Chapter 163A of the General Statutes.
- 48          **SECTION 40.** Article 22C of Chapter 163 of the General Statutes is recodified as
- 49 Article 35 of Chapter 163A of the General Statutes.
- 50          **SECTION 41.** Article 22D of Chapter 163 of the General Statutes is recodified as
- 51 Article 36 of Chapter 163A of the General Statutes.

1           **SECTION 42.** Article 22G of Chapter 163 of the General Statutes is recodified as  
2 Article 37 of Chapter 163A of the General Statutes.

3           **SECTION 43.** Article 22H of Chapter 163 of the General Statutes is recodified as  
4 Article 38 of Chapter 163A of the General Statutes.

5           **SECTION 44.** Article 22J of Chapter 163 of the General Statutes is recodified as  
6 Article 39 of Chapter 163A of the General Statutes.

7           **SECTION 45.** Article 22M of Chapter 163 of the General Statutes is recodified as  
8 Article 40 of Chapter 163A of the General Statutes.

9           **SECTION 46.** Article 23 of Chapter 163 of the General Statutes is recodified as  
10 Article 41 of Chapter 163A of the General Statutes.

11           **SECTION 47.** Article 24 of Chapter 163 of the General Statutes is recodified as  
12 Article 42 of Chapter 163A of the General Statutes.

13           **SECTION 48.** Article 25 of Chapter 163 of the General Statutes is recodified as  
14 Article 43 of Chapter 163A of the General Statutes.

15           **SECTION 49.** The State Ethics Commission is transferred to the State Board of  
16 Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I  
17 transfer under G.S. 143A-6. The State Board of Elections is transferred to the State Board of  
18 Elections and Ethics Enforcement, and the transfer shall have all the elements of a Type I  
19 transfer under G.S. 143A-6. The lobbying registration and lobbying enforcement functions of  
20 the Secretary of State are transferred to the State Board of Elections and Ethics Enforcement,  
21 and the transfer shall have all the elements of a Type I transfer under G.S. 143A-6.

22           **SECTION 50.** The Revisor of Statutes shall change the terms "Commission,"  
23 "Secretary of State," and "Secretary" to "State Board" wherever it appears in Chapter 163A of  
24 the General Statutes.

25           **SECTION 51.** The Revisor of Statutes shall change the term "State Board of  
26 Elections" to "State Board" wherever it appears in Chapter 163A of the General Statutes.

27           **SECTION 52.** The Revisor of Statutes shall change the cite "G.S. 138A-3" to  
28 "G.S. 163A-101" wherever it appears in the General Statutes.

29           **SECTION 53.** The State Board of Elections and Ethics Enforcement shall report to  
30 the 2012 Session of the 2011 General Assembly on or before May 1, 2012, and to the 2013  
31 Regular Session of the General Assembly on or before February 1, 2013, as to  
32 recommendations for statutory changes necessary to further implement this consolidation.

33           **SECTION 54.** This act becomes effective July 1, 2011.