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Election Reform in the Short Session

No major legislation on **campaign finance reform** was taken up during the legislative short session. The heavy lifting came last year with passage of the pilot program for three Council of State seats and approval for the town of Chapel Hill to experiment with public financing for its municipal elections.

Lawmakers did approve a so-called omnibus elections law bill before heading home for summer, containing mostly technical changes but also a few noteworthy items, including:

* A new Election Oversight committee drawing members from both chambers to examine the public financing laws and programs

*Strengthening the 48 hour disclosure requirement- candidates must report any donation of \$1,000 and more from any source

*Removing the ban for candidates not participating in judicial public financing program to raise money during the last 21 days of the campaign, a provision that could be ruled unconstitutional in the eyes of the not so reform friendly U.S. Supreme Court

Meanwhile, Chapel Hill continues moving forward with a public financing program for its Fall 2009 town elections and this November, 4 of the 6 nominees for the offices of State Auditor, State Insurance Commissioner and State Superintendent of Public Instruction are running as public financed candidates.

How these new steps in public financing turn out will be a major factor in expanding the program in the coming years.

Other Election Reform

* Lawmakers in the House opted not to vote on the **National Popular Vote** proposal, which the Senate endorsed last year. The legislation would put NC into a compact of other states agreeing to send their electoral votes to the candidate for president receiving the most votes nationally- essentially by passing the electoral college system. Despite much lobbying behind

the scenes, the House leadership wasn't comfortable running the bill.

* **Instant Runoff Voting** - lawmakers reauthorized this experiment in eliminating primary runoffs in favor of IRV-which requires voters to rank their preferences when the vote. The legislation allows for the addition of up to 30 municipalities to try IRV between now and 2011.

A Busy Short Session for Lobbying and Ethics



An update from Jane Pinsky, Director of NC Coalition for Lobbying & Government Reform

When it comes to ethics reform and open government, the end of the short legislative session was very busy. After several weeks of nothing happening, some talking, not much happening, things began to happen in the last two or three weeks.

Senate Bill 2064 would have created an Open Government Unit in the Attorney General's office to help ensure that local, county and state governments, especially local and county, followed the open records law. It also would have awarded reasonable attorneys fees to someone who sued a local government for their failure to open up government records when it was clear that they acted irresponsibly. It grew out of the actions of some local governments to block access to government records. The courts eventually decided that the government entities had acted in bad faith but did not award legal fees to the people who had sued. These law suits can be very expensive and a failure to get legal fees can have a very chilling effect on other people's willingness to sue. The bill was sponsored by Senator David Hoyle, (D Gastonia) who is not usually in the forefront of reform efforts. It was handled in committee by Senate Majority Leader Tony Rand (D Fayetteville) and so we were slightly hopeful.

The Open Government Bill sat around from May 27th until about July 8th when the Senate Judiciary Committee took it up. By July 14th, it had passed the Senate and went on to the House. Unfortunately it died there.

There were 2 other major bills:

S1875 clarified the responsibilities and authorities of the State Auditor. It grew out of a disagreement between the Auditor and the State Ethics Commission (SEC) about information on the Statement of Economic Interest, which is filed with the SEC, of a Senator.

The bill is a compromise worked out in both houses after some partisan wrangling. It encourages the Auditor to pursue investigations based on information coming from its 800 hotline. The Auditor is responsible to refer any ethics questions to the State Ethics Commission for clarification on potential ethics violations and ask the State Ethics Commission to pursue instances where the information justifies further investigation, notify the appropriate state agency if he learns of something that may cause danger, and refer violations of the state's laws to the appropriate law enforcement division.

H2542 Clarifying Ethics Act: There was lots of back and forth in the last week of the session about the ethics bill which was in theory merely a technical correction, but somehow the bill ended up as 28 pages long and with more than technical corrections in it.

The high point of this bill is probably what wasn't in it: a very large loophole to the gift ban exemption which showed up about 2:30 Thursday afternoon in the proposed Committee substitute in the Senate Committee. It allowed for a gift ban exemption that read Food,

beverages, registration, travel, lodging, entertainment, and items of nominal value provided in conjunction or in connection with a meeting or conference when the employing entity has provided prior authorization of the attendance or participation of the legislator, legislative employee, or public servant at that meeting or conference.

One of the many problems with this provision is that no one seemed to know who is the employing entity for members of the general assembly and therefore who would have to give prior approval (the President Pro Tem, the Lieutenant Governor, the Speaker, George Hall, the citizens of NC)? Proving that nagging counts, we were able to get the provision removed by the time the Senate voted on it.

The redefinition of public events which remained the bill is also a problem. It permits: "(1) Food and beverages for immediate consumption in connection with any of the following:

a. An open meeting of a public body, provided that the open meeting is properly noticed under Article 33C of Chapter 143 of the General Statutes.

b. A gathering of an organization with at least 10 or more individuals in attendance open to the general public, provided that a sign or other communication containing a message that is reasonably designed to convey to the general public that the gathering is open to the general public is displayed at the gathering.

c. A gathering of a person or governmental unit to which the entire board of which a public servant is a member, at least 10 public servants, all the members of the House of Representatives, all the members of the Senate, all the members of a county or municipal legislative delegation, all the members of a recognized legislative caucus with regular meetings other than meetings with one or more lobbyists, all the members of a committee, a standing subcommittee, a joint committee or joint commission of the House of Representatives, the Senate, or the General Assembly, or all legislative employees are invited, and one of the following applies:

1. At least 10 individuals associated with the person or governmental unit actually attend, other than the covered person or legislative employee, or the immediate family of the covered person or legislative employee.

2. All shareholders, employees, board members, officers, members, or subscribers of the person or governmental unit located in North Carolina are notified and invited to attend. For purposes of this sub subdivision only, the term "invited" shall mean written notice from at least one host or sponsor of the gathering containing the date, time, and location of the gathering given at least 24 hours in advance of the gathering to the specific qualifying group listed in this sub subdivision. If it is known at the time of the written notice that at least one sponsor is a lobbyist or lobbyist principal, the written notice shall also state whether or not the gathering is permitted under this section."

The public reason for the 24 hour notice is that the members of the general assembly are worried about their safety if there is more public notice than 24 hours given about an event. We have already made it clear that we dislike this section that we want transparency about these events and will try to change the law in the long session.

On the House side, we also managed to remove a provision about scholarships to meetings like NCSL. It showed up in a less obnoxious though far from perfect form in negotiations about concurrence on Friday along with a couple of other things. Unfortunately, the last of those negotiations took place about 4 to 4:15 on Friday so we couldn't get exactly what we wanted.

The final language is A scholarship paid for by a nonpartisan state, regional, national, or international legislative organization of which the General Assembly is a member or a legislator or legislative employee is a member or participant of by virtue of that legislator's or legislative employee's public position, or to an affiliated organization of that nonpartisan state, regional, national, or international organization."

Most of the rest of the bill is largely truly technical amendment; clarifying words, etc. However, there are a few substantive things. The SEC will no longer issue an evaluation of each SEI since they (the SEC) believes that everything can be a conflict of interest for legislators since the scope of their responsibilities is so broad.) Legislators will be notified within 7 days of an allegation made about them to the SEC, the SEC will have 7 days after the submission of a completed SEI to make any recommendations or decisions about the appointees to the UNC

Board of Governors or Community College Boards of trustees. The SEC will have to publish redacted opinions within thirty days after the Commission makes a decision and issues a formal opinion.

We have made it clear to the LEC Chairs, Ethics Committee Chairs, and leadership that we have a number of things we want changed in the long session.

Please take the time to thank your legislators for the things they did and remind them of how much they still have to do. You can check their votes bill by bill on the General Assembly website or call or email me about specific legislators and I will try to help.

Thanks for your help.

NC Coalition for Lobbying and Government Reform in the news:

Reform group attacks ethics change *News & Observer* 7/16/08

The ethics and lobbying reforms passed two years ago allow lobbyists to provide food and drink for lawmakers at "public events." But the events aren't actually open to the public unless the lobbyist wants it so. Nor does the public find out about them until after they've taken place, when lobbying reports are filed, Dan Kane reports. ([READ MORE](#))

Write NC budget in a businesslike way *Charlotte Observer* 7/2/08

The late Jimmy Green, a powerful Eastern North Carolina lawmaker who at the time was speaker of the N.C. House, came by several years ago to brief Observer editors on the upcoming legislative session.

What will be the biggest issue, we asked.

What it always is, he replied: How to divvy up the money.

So it is.

While our General Assembly deals with many important and challenging issues, one of the toughest is always how to divide the money appropriated in the state budget. ([READ MORE](#))

Write budget in open *Charlotte Observer* 7/2/08

For more than two years the N.C. Coalition for Lobbying and Government Reform has pushed for increased openness in the legislative procedure, especially the budget process. We have made some progress and the General assembly has taken some positive steps.

However, the current session highlights the need for greater openness and transparency and for making additional improvements in the budget process. We believe these improvements are in the best interest of continuing to restore public trust in government. ([READ MORE](#))

Budget process could improve *News & Observer* 7/7/08

The closed-door budget negotiations have irked the N.C. Coalition for Lobbying and Government Reform, which sent a letter to legislative leaders and budget writers. The coalition gives lawmakers credit for increasing openness in recent years, but "the current session highlights the need for greater openness and transparency and for making additional improvements in the budget process," wrote Jane Pinsky, the coalition's director. ([READ MORE- you'll need to scroll down the linked article](#))

An Exciting Fall for Campus Outreach!



Common Cause NC's Campus Outreach Project is ready to encourage and empower every student that it comes in contact with through a very exciting Civic Engagement Project! The project targets our three partnering HBCU (Historically Black Colleges and Universities) campuses of North Carolina Central (NCCU), North Carolina A&T State University (NC A&T) and Fayetteville State University (FSU).

After hosting the very first HBCU Summer Conference in June, the project's coordinator Stevie Lawrence believes that there is energy and enthusiasm to collectively register 1,000 voters from these campuses through the civic engagement work the project has set out to accomplish in the fall. Along with registering these new voters, the project intends to hold Voter Education rallies/marches and provide voting information to students as well.

Stevie has spent the summer cultivating the project and translating its mission to members of the Legislative Black Caucus and to University officials. The newest and most exciting expansion is that students from Common Cause NC chapters at NCCU, NC AT and FSU will be involved in a neighborhood canvassing project in the fall. The mission of the project is to reenergize infrequent voters and register unregistered voters in communities and voting precincts near the campuses of the three universities.

With a collective effort of students, faculty and staff of the universities, and community activists, Common Cause NC and its Campus Outreach Project hope to increase voter turnout dramatically in and around the university campuses.

CCNC Fall Internships

Know a student in the Raleigh area? Common Cause North Carolina seeks undergraduate and graduate student interns to assist with research, writing, organizing activists, and general duties in our downtown Raleigh office. Responsibilities may include researching lobbying and ethics laws, drawing connections between money and politics, planning outreach events, and working on projects and research for our HBCU program. Fall 2008 interns will be heavily involved with planning and executing a series of events and activities to encourage students and community members to register and vote in the November election. Interns will also have many opportunities to attend meetings, visit the legislature, and meet with other nonprofits. The internship will provide students with an opportunity to learn more about:

- The structure and inner-workings of non-profit advocacy organizations
- Coalition-building
- Public policy and lobbying activities
- Grassroots Outreach
- Public policy research
- North Carolina's political landscape and the key players
- Open government, democracy, lobbying and ethics reform, public financing, and redistricting reform issues

[Click here for more information on the internship and how to apply.](#) Applications due August 15th.

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