CHAPTER 12 – LOBBYING

SECTION .0100 – GENERAL

18 NCAC 12 .0101 SCOPE

(a) The rules in this Chapter execute the authority granted to the Secretary of State pursuant to Chapter 120C of the North Carolina General Statutes ("the Secretary's authority").
(b) The rules in this Chapter apply only to documents filed with the Department of the Secretary of State ("the Department").
(c) The rules in this Chapter do not apply to document(s) and information forwarded to or shared with the Department by the Ethics Commission or its staff pursuant to G.S. 120C-102(d).

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-220; 120C-400; 120C-401; 120C-401(h); 120C-402; 120C-403; 120C-404; 120C-405;120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0102 CALCULATION OF TIME PERIODS

Time periods shall be calculated pursuant to the requirements of G.S. 1A-1, Rule 6 for documents ("document(s)" or "filing(s)") filed with the Department.

History Note: *Authority G.S. 1A-1, Rule 6; 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0103 CALCULATION OF QUARTERLY REPORTING PERIOD

When calculating a deadline for a document submitted to the Department on a quarterly basis or for a quarterly reporting period:

(1) The reporting period for the first quarter ends on March 31;
(2) The reporting period for the second quarter ends on June 30;
(3) The reporting period for the third quarter ends on September 30; and
(4) The reporting period for the fourth quarter ends on December 31.

History Note: *Authority G.S. 1A-1, Rule 6; 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0104 CALCULATION OF MONTHLY REPORTING PERIOD

When calculating a deadline for a document filed with the Department on a monthly basis for a monthly reporting period, the reporting period ends on the last calendar day of the month.

History Note: *Authority G.S. 1A-1, Rule 6; 120C-101(a); 120C-101(b); 120C-401(h); 120C-402; 120C-403; 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0105 WAIVER

Upon consideration of a written request, the Secretary or the Secretary's designee may waive any rule in this Chapter. The factors which the Secretary shall use in determining whether to grant a waiver are set out in Rule .0106 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-400; 120C-400(h); 120C-401; 120C-402; 120C-403; 120C-404; 120C-405; 120C-600; 120C-800; 150B-19(6);*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0106 FACTORS FOR WAIVERS

Factors which may be used to determine whether to grant a waiver to a person or entity requesting a waiver (the "requester") are:

(1) Whether the requester had control over the circumstances which underlie the requested waiver;
(2) Previous requests from the requester for waivers by the Secretary;
(3) The nature, number and severity of the violations;
(4) The nature and severity of the actual or potential harm to the public, group, individual, lobbyist, principal or designated individual;
(5) The requester's record for timeliness, completeness and accuracy of filings with the Department;
(6) History of prior sanctions imposed by the Department on the requester;
(7) Evidence in mitigation and aggravation;
(8) Willfulness of the violation by the requester;
(9) Negligence on the part of the requestor which contributed to the violation;
(10) Impact of the granting of the waiver on consistency of enforcement by the Secretary.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400(h); 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-800; 150B-19(6);*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .0200 – FORMS COMPLETION

18 NCAC 12 .0201 MANDATORY USE OF DEPARTMENTAL FORMS

The Department's forms shall be used to file all documents submitted to the Department.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0202 FILING MAY BE ELECTRONIC OR PAPER

An individual or entity submitting a form to the Department may submit the form in paper or electronic format except as otherwise provided by this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0203 DOCUMENT COMPLETION REQUIREMENTS

An individual or entity shall provide a response on the Department's forms to all requests for information.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0204 ITEMS WHICH ARE NOT APPLICABLE TO THE PERSON OR ENTITY COMPLETING A FORM

If a question or item is not applicable to the individual or entity submitting the document, the individual or entity submitting the document shall not leave the question or item blank but shall indicate that the item is 'not applicable'.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0205 COMPLETE NAME OF PERSON OR ENTITY REQUIRED

The complete name of the person or entity filing a document shall be legibly printed in the designated space on the Department's form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0206 DOCUMENT SIGNATURE REQUIRED

Except as otherwise permitted by the rules in this Chapter, a document shall be signed by a person required or authorized to file the document with the Department.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0207 SIGNATURE FOR ENTITY

In the case of an entity, a document filed with the Department shall be signed by an officer authorized to do so. The officer's title or indication of the officer's authority to sign the document shall also be entered on the document in the designated space.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0208 ELECTRONIC SIGNATURE

(a) All electronic notarizations shall be performed in compliance with Chapter 10B of the General Statutes and the rules in effect pursuant to that Chapter.

(b) Signers of electronic documents in a non-notarial capacity may use any form of electronic signature permissible according to G.S. 66-312(9) except that it shall not be a sound.

History Note: *Authority G.S. 10B-106; 66-312(9); 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-220; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0209 FORM PREPARER SIGNATURE REQUIRED

A person who prepares or completes any part of a document on behalf of an individual or entity required or permitted to file a document with the Department shall sign the document in the space provided for a preparer's signature, except as provided in Rule .0210 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0210 WHEN FORM PREPARER SIGNATURE NOT REQUIRED

A person who enters information on a Department form on behalf of an individual or entity required or permitted to file the form and who does not exercise independent judgment or discretion as to the information that is entered on the document is not required to sign the form in the space provided for the preparer's signature. NOTE: For example, an administrative assistant who enters information supplied by and at the direction of an individual or entity required to file a form would not have to sign the form in the space provided for a preparer's signature.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0211 SIGNING PURSUANT TO POWER OF ATTORNEY

A person signing a Department form on behalf of another under a power of attorney granted pursuant to Chapter 32A of the General Statutes shall provide with each document filed:

(1) A legible copy of the power of attorney; and

(2) For an entity, a legible copy of a resolution or evidence of other formal action granting the power of attorney.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0212 SIGNING AND EXECUTING A FORM UNDER OATH

When a document is required to be signed under oath, the oath shall:

(1) Be signed pursuant to Rule .0206 of this Chapter; and

(2) Be administered and signed by a notary public or other officer authorized to administer oaths by the state in which the document is being signed.

History Note: *Authority G.S. 10B-20; 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0213 SIGNATURE VERIFIES INFORMATION IS TRUE

An individual's signature on a document constitutes that person's verification that all information entered on the document or report is true and complete.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0214 SIGNATURE AND EXECUTION UNDER OATH OF AN ELECTRONICALLY FILED DOCUMENT

A document submitted to the Department for which notarization is required may be filed electronically if:

(1) The document is electronically notarized pursuant to Article 2 of Chapter 10B of the General Statutes;

(2) The document is submitted without an electronic notarization pursuant to Article 2 of Chapter 10B of the General Statutes and an affidavit containing the information required by Rule .0215 of this Section is delivered to the Department within seven days or postmarked within seven days after the document is electronically filed; or

(3) The document is submitted without an electronic notarization pursuant to Article 2 of Chapter 10B of the General Statutes and the original, paper, signed, and notarized document is maintained in the filer's own records for three years as required by Rule .1301 of this Chapter.

History Note: *Authority G.S. 10B-115; 14-209; 66-312(9); 120C-101(a); 120C-200; 120C-206; 120C-400; 120C-401; 120C-600; 120C-800;*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Amended Eff. July 1, 2017;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0215 CONTENTS OF AFFIDAVIT FOR ELECTRONIC FILING WITHOUT ELECTRONIC NOTARIZATION

An affidavit submitted to the Department pursuant to Rule .0214 of this Chapter shall include the following information:

(1) A statement that the person signing did electronically file a document required by the Act;

(2) The date and time at which the electronic document was transmitted;

(3) The email address from which the electronic document was transmitted;

(4) A signature under oath pursuant to Rule .0212 of this Chapter; and

(5) Certification that all information contained therein (including any attachments thereto) is true, complete and correct to the best of the person's knowledge and belief.

History Note: *Authority G.S. 66-312(9); 120C-101(a); 120C-200; 120C-201; 120C-206; 120C-207; 120C-400; 120C-401; 120C-600; 120C-603; 120C-800;*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0216 CONSEQUENCE OF FAILURE TO DELIVER AFFIDAVIT

Failure to deliver the affidavit as required by Rule .0214 of this Chapter shall render the filing untimely pursuant to Rule .0319 of this Chapter and the filing does not receive the benefit of Rules .0214, .0310, .0311, and .0317 of this Chapter.

History Note: *Authority G.S. 66-312(9); 120C-101(a); 120C-200; 120C-201; 120C-206; 120C-207; 120C-400; 120C-401; 120C-600; 120C-603; 120C-800;*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0217 EFFECTIVE DATE OF LATE FILING

History Note: *Authority G.S. 120C-101(a);*
Temporary Adoption Eff. January 1, 2007;
Temporary Adoption Expired October 13, 2007.

SECTION .0300 – SUBMISSION, REVIEW, AMENDMENT, AND CORRECTION OF DOCUMENTS

18 NCAC 12 .0301 GENERAL SUBMISSION LOCATIONS AND METHODS

Each filing required or permitted to be submitted to the Department shall be submitted by one of the methods set forth in Rule .0302 through Rule .0305 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0302 FILING BY UNITED STATES MAIL

A document may be submitted to the Department by United States mail at the following address: Lobbying Compliance Division, Department of the Secretary of State, P. O. Box 29622, Raleigh, N.C. 27626-0622.

History Note: *Authority G.S. 1A-1; Rule 4; 120C-101(a); 120C-101(b); 120C-401(h);*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0303 FILING BY HAND-DELIVERY OR BY DESIGNATED DELIVERY SERVICE

A document may be submitted to the Department by hand-delivery or by a designated delivery service authorized pursuant to G.S. 1A-1, Rule 4:

(1) At the following address: Lobbying Compliance Division, Department of the Secretary of State, 2 South Salisbury Street, Raleigh, NC 27601-2903; or

(2) At a location designated by the Secretary or the Secretary's designee.

History Note: *Authority G.S. 1A-1, Rule 4; 120C-101(a); 120C-101(b); 120C-401(h);*
Temporary Adoption January 1, 2007;

Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0304 FILING BY ELECTRONIC MAIL

(a) A filing may be submitted to the Department by electronic mail ("email") to the following address: lobbyistfiling@sosnc.gov.

(b) An email attachment shall be compatible with or convertible to the most recently issued version of Microsoft Word®.

History Note: *Authority G.S. 1A-1, Rule 4; 120C-101(a); 120C-101(b); 120C-401(h); 120C-600; 120C-603;*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017;
Amended Eff. October 1, 2019.

18 NCAC 12 .0305 FILING ELECTRONICALLY ON THE DEPARTMENT'S WEBSITE

A Department website form may be submitted electronically to the Department by:

(1) Completing the form on the Department's website;
(2) Submitting the completed form;
(3) Submitting any required payment in a manner permitted pursuant to Section .0400 of this Chapter; and
(4) Submitting any additional information such as an affidavit pursuant to Rule .0214 of this Chapter for an electronic filing without a required notarization.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-600; 120C-603;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0306 NO FILING BY FACSIMILE IF FEE REQUIRED

If payment of a fee is required to be submitted to the Department together with a document, the document shall not be submitted by facsimile ("fax").

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-201; 120C-207; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0307 CIRCUMSTANCES IN WHICH FILING BY FAX PERMITTED

A document may be submitted by fax if:

(1) Payment of a fee is not required to be submitted to the Department together with the document; and
(2) The filer complies with Rule .0308 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-201; 120C-207; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0308 SUBMISSION OF ORIGINAL AFTER FILING BY FAX

Within seven days following the Department's receipt of a filing by fax, the original signed document shall be delivered or postmarked to the Department or:

(1) If a registration, the filing is void; or

(2) If a report, the filing shall be deemed filed on the date received.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-201; 120C-207; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0309 REJECTION OF INCOMPLETE FORMS

A filing with the Department shall be rejected if the form is not completed in accordance with the applicable provisions of Chapter 120C of the General Statutes and this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0310 DOCUMENT SUBMISSION DATE AND TIME

A document is submitted to the Department:

(1) When it is received by the Department by hand-delivery, fax or electronic filing; or

(2) When it is postmarked by the United States Postal Service or marked with an equivalent marking by a delivery service authorized pursuant to G.S. 1A-1, Rule 4.

History Note: *Authority G.S. 1A-1, Rule 4; 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0311 DOCUMENT RECEIVED

Except as otherwise provided in the rules in this Chapter, a document received by hand-delivery or fax after 5:00 p.m. is considered to be received on the following day.

History Note: *Authority G.S. 1A-1, Rule 4; 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0312 PROOF OF SUBMISSION

A person may obtain proof of submission of a filing to the Department by:

(1) Any means acceptable pursuant to G.S. 1A-1, Rules of Civil Procedure;

(2) Requesting that the Department return a file stamped copy and supplying to the Department both a copy of the form and a self-addressed, stamped envelope or prepaid delivery service envelope; or

(3) Requesting that the Department file stamp a copy at the time of hand delivery.

History Note: *Authority G.S. 1A-1, Rule 4; 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*

Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0313 GROUNDS FOR DEPARTMENT REJECTION OF SUBMITTED DOCUMENT

Unless timely corrected in compliance with the rules in this Chapter, the Department shall reject any document filed with the Department which:

(1) Contains illegible information;
(2) Lacks required information;
(3) Contains blank, unfilled, or unanswered questions or data entry areas;
(4) Contains a signature which does not comply with the rules in this Chapter; or
(5) Is not submitted together with a required fee or affidavit.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0314 PRINCIPAL'S AUTHORIZATION STATEMENT OMISSIONS REQUIRING CORRECTION WITHIN ONE BUSINESS DAY

The Department shall reject a principal's authorization statement when a principal fails to correct the absence of the signature of the principal on the principal authorization statement within one business day after the Department notifies the principal of the lack of signature.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0315 OMISSIONS FROM REPORT UNDER OATH REQUIRING CORRECTION WITHIN ONE BUSINESS DAY

The Department shall reject a quarterly report of the principal, lobbyist, or solicitor if the principal, lobbyist or solicitor fails to correct the absence of notarization of a quarterly report within one business day after the Department notifies the lobbyist, principal, or solicitor of the lack of the notarization.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-402; 120C-403; 120C-404; 120C-600; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0316 OMISSIONS REQUIRING CORRECTION WITHIN SEVEN DAYS

(a) Omissions other than those set forth in Rules .0314 and .0315 of this Chapter shall be corrected within seven days after notification by the Department or the document shall be rejected.
(b) A document that contained an omission corrected pursuant to Paragraph (a) of this Rule is filed pursuant to the provisions of Rule .0317 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;

Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0317 EFFECTIVE DATE OF COMPLETE SUBMISSION OF DOCUMENT
After the Department determines that a document is complete, the document is considered filed on the date on which it was submitted.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0318 REJECTED FILINGS
A document which is rejected is not considered filed.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0319 EFFECTIVE DATE OF LATE DOCUMENT
For a late submission of a document, there shall be no relation back of the document to an earlier date.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0320 PROCESS FOR AMENDING A DOCUMENT
An individual or an entity who submitted a document to the Department for filing may amend it by submitting to the Department the amended document.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0321 NOTARIZATION OF AMENDED QUARTERLY DOCUMENT
An amendment form for a quarterly report shall be notarized. If an oath is required for a document, the amendment of the document shall be made under oath pursuant to Rule .0212 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0322 EFFECT OF AMENDED DOCUMENT

An amendment to a document is filed as of the date on which it is submitted.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-201; 120C-206; 120C-207; 120C-215; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .0400 – FEES

18 NCAC 12 .0401 GENERAL

Except as otherwise permitted or required by the rules in this Chapter, a required fee shall be submitted together with the filing to which the fee applies.

History Note: *Authority G.S. 120C-101(a); 120C-201; 120C-207; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0402 FORM OF PAYMENT

A fee due with a document filed shall be paid by cash, warrant, uncertified check, certified check, money order, credit card or another instrument freely negotiable at par through the Federal Reserve System. Checks, money orders, credit cards or other instruments must be drawn on U.S. financial institutions in U.S. currency.

History Note: *Authority G.S. 120C-101(a); 120C-201; 120C-207; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0403 RETURN OF FEE INSTRUMENT BY ISSUING INSTITUTION

A document filed with the Department is void if a check or other instrument for payment to the Department of a required fee is returned by the institution upon which it was issued as "insufficient funds" or for other similar reason.

History Note: *Authority G.S. 120C-101(a); 120C-201; 120C-207; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0404 LIMITATION ON FEE REDUCTION OR WAIVER
18 NCAC 12 .0405 NONPROFITS TO WHICH NO FEE REDUCTION OR WAIVER SHALL BE GRANTED
18 NCAC 12 .0406 NONPROFIT FEE REDUCTION PROCEDURE
18 NCAC 12 .0407 SUBMISSION OF REDUCED FEE
18 NCAC 12 .0408 SUBMISSION OF DOCUMENTATION SUPPORTING FEE REDUCTION REQUEST
18 NCAC 12 .0409 FEE REDUCTION APPLIES TO BOTH LOBBYIST AND PRINCIPAL
18 NCAC 12 .0410 PAYMENT OF REMAINDER OF FEE IF REDUCTION DENIED
18 NCAC 12 .0411 CONSEQUENCES OF FAILURE TO PAY REMAINDER OF FEE
18 NCAC 12 .0412 NONPROFIT FEE WAIVER PROCEDURE
18 NCAC 12 .0413 SUBMISSION OF FEE WITH REQUEST FOR WAIVER
18 NCAC 12 .0414 REFUND OF FEE IF REQUEST FOR WAIVER GRANTED

18 NCAC 12 .0415 SUBMISSION OF DOCUMENTATION SUPPORTING FEE WAIVER REQUEST
18 NCAC 12 .0416 FEE WAIVER APPLIES TO BOTH LOBBYIST AND PRINCIPAL
18 NCAC 12 .0417 GENERAL PROOF OF NONPROFIT STATUS
18 NCAC 12 .0418 OFFICERS OR PERSONS AUTHORIZED TO DEMONSTRATE NONPROFIT STATUS

History Note: *Authority G.S. 120C-101(a); 120C-201; 120C-207; 120C-600; 120C-603; 26 U.S.C. Sec. 501(c)(3);*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Repealed Eff. January 1, 2014.

18 NCAC 12 .0419 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0420 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0421 SUBMISSION OF FEDERAL TAX-EXEMPT DETERMINATION LETTER
18 NCAC 12 .0422 DOCUMENTS TO BE SUBMITTED BY NONPROFIT PRINCIPALS WITHOUT TAX EXEMPT DETERMINATION LETTER
18 NCAC 12 .0423 ADDITIONAL INFORMATION FOR FEE REDUCTION FOR NONPROFIT WITH TAX-EXEMPT DETERMINATION LETTER
18 NCAC 12 .0424 ADDITIONAL INFORMATION FOR FEE REDUCTION FOR NONPROFIT WITH TAX-EXEMPT DETERMINATION LETTER AND CERTAIN FEDERAL FORMS NOT REQUIRED
18 NCAC 12 .0425 CONTENTS FOR FEE REDUCTION REQUEST FOR NONPROFIT WITHOUT TAX-EXEMPT DETERMINATION LETTER
18 NCAC 12 .0426 ADDITIONAL INFORMATION FOR FEE WAIVER

History Note: *Authority G.S. 120C-101(a); 120C-201; 120C-207; 120C-600; 120C-603; 26 U.S.C. Sec. 501(c)(3);*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Repealed Eff. January 1, 2014.

SECTION .0500 - ECONOMIC INFORMATION CONFIDENTIALITY PROTECTION

18 NCAC 12 .0501 REQUEST FOR PROTECTION OF CONFIDENTIALITY

A principal may seek protection under the Secretary's authority from premature disclosure by the Department ("premature disclosure protection") of confidential information related to economic development initiatives or to industrial or business recruitment activities ("economic development information") by filing an economic information protection request.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0502 TIMING OF SUBMISSION OF REQUEST FOR PROTECTION OF CONFIDENTIAL INFORMATION FROM PREMATURE DISCLOSURE

A principal shall deliver an economic information protection request to the Department no later than the close of business on the date of the receipt by the Department of any document for which such protection is requested.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007.

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0503 CONSEQUENCES OF FAILURE TO REQUEST PROTECTION OF CONFIDENTIAL INFORMATION FROM PREMATURE DISCLOSURE AND FAILURE TO USE ECONOMIC INFORMATION PROTECTION REPORTING FORMS

Except as otherwise provided in this Rule and this Chapter, the Department shall make documents publicly available under G.S. 120C-220 and 120C-405 if a lobbyist or principal fails to:

(1) Request that the Department provide protection from premature disclosure of confidential economic development information; or

(2) Use the Department's economic information protection reporting forms.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0504 ONE DESIGNATION FORM PER ACTIVITY

(a) An economic information protection request form submitted to the Department shall describe only one project involving economic development activity, economic development initiative, industrial or business recruitment activity.

(b) A separate registration fee pursuant to G.S. 120C-201 is not required for each such economic information protection request.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0505 ECONOMIC INFORMATION PROTECTION FORMS SHALL BE USED TO REQUEST ECONOMIC INFORMATION PROTECTION AND FOR RELATED FILINGS

A principal or lobbyist filing shall use the Department economic information request protection form when submitting a document to the Department which is related to economic development information for which economic information protection is requested.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0506 PRINCIPAL'S ECONOMIC INFORMATION PROTECTION AUTHORIZATION FORM

A principal shall file an economic information protection principal authorization form together with the economic information protection request form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0507 PRINCIPAL'S ECONOMIC INFORMATION PROTECTION REGISTRATION FORM

A lobbyist shall file an economic information protection registration form together with a copy of the principal's economic information protection request form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0508 PRINCIPAL'S ECONOMIC INFORMATION PROTECTION MONTHLY OR QUARTERLY REPORT

(a) Pursuant to G.S. 120C-403, a principal shall file a separate monthly or quarterly report related to economic development information for which an economic information protection request has been filed. When filing such a report, the principal shall:

(1) Use the Department's economic information protection request quarterly or monthly report form; and

(2) Provide to the Department a copy of the economic information request form.

(b) Failure to file the information required on a monthly or quarterly report may subject the principal to civil sanctions.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0509 LOBBYIST'S ECONOMIC INFORMATION PROTECTION MONTHLY OR QUARTERLY REPORT

(a) A lobbyist shall file a separate monthly or quarterly report pursuant to G.S. 120C-402 when engaging in lobbying related to economic development information for which an economic information protection request has been filed. When filing such a report, the lobbyist shall use:

(1) The economic information protection request quarterly or monthly report form; and

(2) Provide to the Department a copy of the principal's economic information protection request form previously filed and currently in effect for that calendar year.

(b) Failure to file the information required on a monthly or quarterly report may subject the lobbyist to civil sanctions.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0510 PRINCIPAL'S AUTHORIZATION FOR LOBBYING UNRELATED TO ECONOMIC INFORMATION PROTECTION REQUEST

If a principal has a lobbyist who engages in lobbying activities unrelated to economic development information for which an economic information protection request has been filed, the principal shall file a Department principal authorization form for each such lobbyist and shall not file a Department economic information protection principal authorization form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0511 LOBBYIST REGISTRATION FOR LOBBYING UNRELATED TO ECONOMIC INFORMATION PROTECTION REQUEST

If a principal has a lobbyist(s) who engages in lobbying activities unrelated to economic development information, the principal shall ensure that the lobbyist(s) shall file separate registrations, reports, and supporting documents with the Department for any lobbying for that principal which is not related to the economic development information activity or project described in the principal's economic information protection request form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0512 PRINCIPAL'S DOCUMENTS UNRELATED TO ECONOMIC INFORMATION PROTECTION REQUEST

For lobbying not related to economic development information for which economic information protection has been requested, a principal shall file a separate monthly or quarterly report pursuant to G.S. 120C-403 and shall not use the economic information protection quarterly or monthly report forms.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0513 LOBBYIST'S DOCUMENTS UNRELATED TO ECONOMIC INFORMATION PROTECTION REQUEST

A lobbyist shall file a separate monthly or quarterly report pursuant to G.S. 120C-402 when engaging in lobbying not related to economic development information for which economic information protection has been requested. When filing such a report, the lobbyist shall not use an economic information protection quarterly or monthly report form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0514 REJECTION OF NON-ECONOMIC DESIGNATION INFORMATION - GENERAL

(a) Except as otherwise provided in Section .0500 of this Chapter, the Department shall reject any economic information protection document that contains information that does not relate to economic development information for which economic information protection has been requested.
(b) The Department shall return the document to the filer who shall correct it pursuant to Rules .0515 and .0516 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0515 CORRECTION WITHIN SEVEN BUSINESS DAYS OF ECONOMIC INFORMATION PROTECTION FILING CONTAINING INFORMATION NOT ENTITLED TO ECONOMIC DEVELOPMENT INFORMATION PROTECTION

Within seven business days after notification by the Department that a document submitted with an economic information protection request form includes information that does not relate to the economic development information for which economic information protection has been requested, the principal or lobbyist shall correct the document and deliver the corrected document to the Department.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0516 METHOD OF CORRECTING DOCUMENT CONTAINING INFORMATION NOT ENTITLED TO ECONOMIC INFORMATION PROTECTION

Upon notification by the Department that a document shall be corrected by a principal or lobbyist, the principal or lobbyist shall:

(1) Delete the unrelated information from the economic information protection form; and
(2) Ensure that the deleted information unrelated to the economic information protection request is filed according to the rules in this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0517 REJECTION OF UNCORRECTED DOCUMENT CONTAINING INFORMATION NOT ENTITLED TO ECONOMIC INFORMATION PROTECTION

(a) If a principal or lobbyist fails to correct a document pursuant to Rules .0515 and .0516 of this Chapter, the Department shall reject the document.
(b) Failure to file the information if required on a monthly or quarterly report may subject the principal or lobbyist to civil sanctions.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0518 CONTENTS OF ECONOMIC INFORMATION PROTECTION REQUEST

An economic information protection request filed with the Department shall contain the following information:

(1) A description of the economic development activity, economic development initiative, industrial or business recruitment activity;
(2) The complete names of the lobbyist and principal;
(3) The complete name of any firm or organization, if applicable;
(4) If applicable, the complete name and title of the authorized representative of the principal;
(5) The complete mailing and physical addresses of the lobbyist and the principal;
(6) The telephone numbers at which the lobbyist and principal can be reached between 8:00 a.m. and 5:00 p.m. on weekdays;
(7) The email addresses of the principal and the lobbyist;
(8) The complete name of the state or local official who may authorize the disclosure of the confidential information;
(9) The complete title of the state or local authorized government official position held by the official listed in Item (8) of this Rule designated by the principal at the time of filing;
(10) The complete name of the state or local governmental agency;
(11) The complete mailing and physical addresses of the state or local authorized government position;
(12) The telephone numbers at which the state or local official or the person currently occupying the authorized government position can be reached between 8:00 a.m. and 5:00 p.m. on weekdays; and
(13) The email addresses of the state or local official occupying the authorized government official position at the time of filing.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*

Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0519 DESCRIPTION OF THE ECONOMIC DEVELOPMENT ACTIVITY ENTITLED TO PROTECTION FROM PREMATURE DISCLOSURE

The economic information protection request form filed with the Department shall contain a description of the economic development activity, initiative, industrial, or business recruitment activity sufficient for the exercise of the Secretary's authority to determine that the Department's release would constitute a premature disclosure of confidential records pursuant to a public records request or would not constitute a premature disclosure of confidential records pursuant to a public records request.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0520 IDENTIFICATION OF AUTHORIZED INDIVIDUAL

A principal shall designate and authorize at least one other individual to file a release authorizing the Department to disclose the confidential economic development information and to make it publicly available pursuant to G.S. 120C-220 and 120C-405. The principal shall provide the name, title, address, telephone number and email address of the authorized individual(s).

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0521 DESIGNATION OF AUTHORIZED STATE OR LOCAL GOVERNMENT EMPLOYEE, OFFICIAL, OR PUBLIC SERVANT

A principal shall identify to the Department on the economic development protection request form as required by Rule .0518 of this Chapter at least one State or local government employee, official or public servant ("authorized government official") who:

(1) Holds a position with the responsibility to be:
  (a) Involved in or aware of the economic information; and
  (b) Knowledgeable about the circumstances that give rise to the need for protection from premature disclosure of the economic development information; and
(2) Has the authority to:
  (a) Make a determination as to whether and when a release of records or an announcement of the activity would be appropriate and proper; and
  (b) File a request with the Department for release of economic development information or to make an announcement regarding the activity or initiative.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0522 CONFIRMATION SIGNATURE

The authorized government official identified pursuant to Rule .0518 of this Chapter shall sign the economic information protection request form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0523 VERIFICATION BY GOVERNMENT OFFICIAL SIGNATURE

The signature of the authorized government official on the economic information protection request form verifies that:

(1) The position held by the authorized government official signer meets the criteria set out in Rule .0521 of this Chapter;

(2) The authorized government official confirms that the economic development information qualifies for protection from premature disclosure pursuant to G.S. 120C-101(b) and G.S. 132-6(d); and

(3) Confirms that the signing authorized government official currently has authority to file a request for release or make an announcement pursuant to G.S. 120C-101(b), 120C-405 and G.S. 132-6(d).

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0524 VERIFICATION BY AUTHORIZED OFFICIAL SIGNATURE

A principal shall complete the section of the economic information protection request form which sets forth the principal's decision as to whether the authorized government official has the principal's authority to extend the economic information protection status until such time as the requirements for protection of the economic development information from premature disclosure no longer exist even if the principal elects not to submit a principal's authorization for the next calendar year.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0525 DEPARTMENT ACTION UPON RECEIPT OF RELEASE OR NOTIFICATION

The Department shall make the previously confidential economic development information publicly available pursuant to G.S. 120C-220, 120C-405 and Chapter 132 of the General Statutes upon a date specified by the principal or upon the receipt of a release from a principal or authorized government official.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0526 DEPARTMENT ACTION UPON RECEIPT OF INFORMATION INDICATING PREVIOUSLY CONFIDENTIAL ECONOMIC DEVELOPMENT INFORMATION MAY NO LONGER BE PROTECTED FROM DISCLOSURE

Upon receipt of information that economic development information may no longer be protected from disclosure by the provisions of G.S. 120C-220, G.S. 120C-405 and Chapter 132 of the General Statutes, the Department shall contact both the principal and the authorized government official.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0527 PRINCIPAL AND AUTHORIZED GOVERNMENT OFFICIAL RESPONSE

A principal and the authorized government official shall comply with Rules .0528 and .0529 of this Chapter within 10 business days of receipt of a contact from the Department regarding information that economic development information may no longer be protected from disclosure.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0528 CONFIRMATION OF ANNOUNCEMENT BY PRINCIPAL AND AUTHORIZED GOVERNMENT OFFICIAL RESPONSE

In response to the departmental contact described in Rule .0527 of this Chapter, a principal and authorized government official shall confirm to the Department that:

(1) The State, a unit of local government or the principal has announced a commitment by the principal to expand or locate a specific project in North Carolina; or

(2) The State, a unit of local government or the principal has not announced a commitment by the principal to expand or locate a specific project in North Carolina or a final decision by the principal not to expand or locate a specific project in North Carolina.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0529 CONFIRMATION THAT RELEASE IS AUTHORIZED

In response to the departmental contact described in Rule .0527 of this Chapter, a principal and authorized government official shall also confirm to the Department that:

(1) The principal has communicated the commitment or decision referred to in Rule .0528 of this Chapter to the State or local government agency involved with the project; or

(2) The principal has not communicated the commitment or decision referred to in Rule .0528 of this Chapter to the State or local government agency involved with the project.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0530 CONDITIONS WHEN RESPONSE TO DEPARTMENT CONTACT RESULTS IN RELEASE

The Department shall release and make publicly available pursuant to G.S. 120C-220, 120C-405 and Chapter 132, information previously held confidential when both the principal and authorized government official file a response pursuant to Rule .0527 of this Chapter and the information in the responses confirms that the economic development information no longer meets the statutory criteria for protection from premature disclosure.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0531 CONDITIONS WHEN RESPONSE TO DEPARTMENT CONTACT RESULTS IN CONTINUED PROTECTION OF INFORMATION FROM PREMATURE DISCLOSURE

The Department shall not release and not make publicly available pursuant to G.S. 120C-220, 120C-405 and Chapter 132 of the General Statutes, information previously held confidential when both the principal and

authorized government official file responses pursuant to Rule .0526 through Rule .0529 of this Chapter and the information in the responses confirms that the economic development information continues to meet the statutory criteria for protection from premature disclosure.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0532 CONDITIONS WHEN RESPONSE TO DEPARTMENT CONTACT MAY RESULT IN CONTINUED PROTECTION OF INFORMATION FROM PREMATURE DISCLOSURE

The Department shall take further action to obtain confirmation as to whether information previously held confidential continues to meet the statutory criteria for protection from premature disclosure when:

(1) A principal and the principal's authorized government official submit conflicting responses regarding the status of information protected from premature disclosure; or

(2) Either the principal or authorized government official fails to file a response pursuant to Rule .0528 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0533 SECRETARY OF COMMERCE DESIGNATION

(a) A principal may designate the North Carolina Secretary of Commerce or his or her designee as the authorized government official pursuant to this Chapter.

(b) With the consent of the North Carolina Secretary of Commerce, a local government official designated as a principal's authorized government official may delegate to the North Carolina Secretary of Commerce or his or her designee the authority to act as the principal's authorized government official pursuant to this Chapter and to the principal's designation of that local government official.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0534 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0535 SECRETARY OF COMMERCE DEFAULT DESIGNATION

The failure of a principal to designate to the Department an authorized government official pursuant to Rule .0518 of this Chapter shall constitute designation of the Secretary of Commerce or his or her designee as the principal's authorized government official for all purposes for which such a designation may be made or is required.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0536 CONTINUATION OF ECONOMIC INFORMATION PROTECTION FROM PREMATURE DISCLOSURE

A principal shall file a new economic information protection request no later than the 31st day of each December for the next calendar year if the principal seeks continuation of economic information protection.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*

Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0537 RELEASE OF INFORMATION TO THE DEPARTMENT OF COMMERCE

The Secretary of State may give the Secretary of the Department of Commerce the names of the entities who have received the economic information protection status if the principal has acknowledged to the Department of the Secretary of State that the principal permits this information to be released to the Department of Commerce for purposes of determining the continuation of the economic information protection status or for the purposes of preventing the premature disclosure of economic information.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0538 CERTIFICATION PROCESS INVOLVING THE DEPARTMENT OF COMMERCE

On or before December 1 of each year, the Department of the Secretary of State shall provide to the Department of Commerce a list of all of the filings where the principal has acknowledged to the Department of the Secretary of State that the principal permits the Secretary of State to release this information to the Department of Commerce for purposes of determining the continuation of the economic information protection status or for the purposes of preventing the premature disclosure of economic information.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0539 DEPARTMENT OF COMMERCE CERTIFICATION OF STATUS

For those economic information documents for which protection has been requested and the Secretary of Commerce or his or her designee has been designated as the authorized government official or default or designated by the local official, the Secretary of Commerce or his or her designee shall confirm to the Secretary of State in writing no later than January 15 of the next year whether the statutory criteria for protection from premature disclosure continue to exist for each project.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0540 CONTINUATION SHALL INCLUDE CERTIFICATION

A continuation request shall include certification that the circumstances continue to exist which qualify the filings for economic information protection status pursuant to G.S. 120C-101(b) and 132-6.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0541 ANNUAL CERTIFICATION OF ECONOMIC PROTECTION DESIGNATION

An economic information protection status may be continued only by the annual submission of the economic information protection request form or the submission of the economic information protection continuation form.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*

Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0542 EXTENSION OF CERTIFICATION WITHOUT RE-REGISTRATION

In the event that a principal fails to register for a year following the initial request for economic information protection, the principal may file an economic information protection continuation form which verifies that the information continues to be confidential pursuant to the provisions of G.S. 120C-101(b) and 132-6(d). Such an economic information protection continuation shall be submitted no later than December 31 for the next year.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0543 AUTHORIZED GOVERNMENT OFFICIAL CAN EXTEND CERTIFICATION

In the event that a principal fails to register for a year following the initial request for economic information protection and the principal does not file an economic information protection continuation form, the authorized government official may file an economic information protection continuation form. Such an economic information protection continuation form shall be submitted no later than the 15th day of January in the next calendar year.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0544 AUTHORIZED GOVERNMENT OFFICIAL FILE RELEASE FORM

The principal or authorized government official shall file a release form if the principal has:

(1) Communicated to the State or local government agency involved with the project either:
  (a) A commitment to expand or locate the economic development project in this State; or
  (b) A decision not to expand or locate the economic development project in this State; and
(2) Made a public announcement as to whether or not the economic development project will be located in this State.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0545 CONTENTS OF RELEASE

A release of previously confidential economic information shall:

(1) Bear the signature of at least one of the government representatives identified pursuant to Rule .0518 of this Chapter;
(2) Verify that the business has communicated to the State or local government agency involved with the project either:
  (a) A commitment to expand or locate the economic development project in this State; or
  (b) A decision not to expand or locate the economic development project in this State; and
(3) Verify that a public announcement of the project has been communicated to:
  (a) The Secretary of Commerce or his authorized designee; or
  (b) The authorized government official who is authorized and has knowledge pursuant to Rule .0521 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 132-6(d); 132-9;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0546 RESERVED FOR FUTURE CODIFICATION

SECTION .0600 - GENERAL REGISTRATION REQUIREMENTS AND ENDING OF LOBBYIST-PRINCIPAL RELATIONSHIP

18 NCAC 12 .0601 MATTERS ON WHICH THE REGISTRANT EXPECTS TO ACT AS LOBBYIST

An individual registering as a lobbyist shall specify on the registration form one or more categories in which the registrant expects to act as lobbyist.

History Note: Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0602 REPORTING OF CHANGES IN MATTERS ON WHICH THE REGISTRANT EXPECTS TO ACT AS A LOBBYIST

A person registered as a lobbyist shall report any changes in the matters on which the individual expects to act as a lobbyist pursuant to G.S. 120C-200(c). If the lobbyist begins to lobby on a matter not previously identified, the lobbyist shall file an amendment to the registration identifying and noting that change.

History Note: Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0603 END OF LOBBYIST AND PRINCIPAL RELATIONSHIP

If a relationship between a lobbyist and principal ends and the lobbyist files a resignation form with the Department and the principal files a termination form, the Department shall keep both forms on file.

History Note: Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0604 SUBSEQUENT REGISTRATION IN SAME YEAR

A subsequent registration with the Department for a lobbyist or principal within the same calendar year shall be deemed a new registration and shall be accompanied by the required fee.

History Note: Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0605 RESIGNATION

The effective date of a resignation of a lobbyist shall be governed by the rules in Sections .0200 and .0300 of this Chapter.

History Note: Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0606 ENDING OF LOBBYIST-PRINCIPAL RELATIONSHIP DOES NOT END REPORTING OBLIGATION

Termination of a registration does not end the reporting obligation for any month or quarter in which reportable expenses were made while the person or entity was required to report.

History Note: *Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .0700 - DISCLOSURE OF LOBBYIST AND PRINCIPAL IDENTITY

18 NCAC 12 .0701 LOBBYIST DISCLOSURE OF IDENTITY OF PRINCIPAL TO DEPARTMENT

A lobbyist shall identify as his or her principal the person on whose behalf the lobbyist lobbies ("principal in fact") on all documents submitted to the Department.

History Note: *Authority G.S. 120C-101(a); 120C-200; 120C-220; 120C-600; 120C-603;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0702 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0703 CONSEQUENCES OF FAILURE TO DISCLOSE THE PRINCIPAL IN FACT ON THE REGISTRATION FORM

A lobbyist's registration shall be void if the lobbyist fails to identify the principal in fact on his or her registration form.

History Note: *Authority G.S. 120C-101(a); 120C-200; 120C-215; 120C-600; 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0704 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0705 LOBBYIST IDENTIFICATION

Before engaging in lobbying communications or activities with a designated individual, a lobbyist shall:

(1) Communicate or confirm his or her identity to the designated individual; and
(2) Communicate or confirm to the designated individual that he or she is a lobbyist by one or more of the following methods or by a similar declarative method:
    (a) Orally making a declarative statement that "I am a lobbyist" spoken in a manner heard and understood by the designated individual;
    (b) Stating in a document in bold or typeface at least two points larger than surrounding type or other method, "lobbyist"; or
    (c) By a visible display such as a name tag containing the word "lobbyist"; and
(3) Identify his or her principal in fact by a method set forth in Rule .0706 through Rule .0708 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-200(e); 120C-220; 120C-600; 120C-603;*
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0706 DISCLOSURE TO A DESIGNATED INDIVIDUAL OF THE IDENTITY OF THE PRINCIPAL BY THE LOBBYIST FOR A SINGLE PRINCIPAL

Before engaging in lobbying communications or activities with a designated individual, a lobbyist representing a single principal shall identify his or her principal by one or more of the following methods or by a method which provides a similar declaration of the identity of the principal in fact:

(1) An oral or written communication:
  (a) Using the word "principal"; or
  (b) Using the term "lobbyist for"; and
(2) An oral or written communication of the identity of the principal in fact by:
  (a) An oral and declarative statement identifying the principal;
  (b) The act of supplying a business card with the name of the principal;
  (c) Stating in correspondence the identity of the principal;
  (d) The act of placing the words "lobbyist for" and the identity of the principal in correspondence; or
  (e) The visible display of a name tag containing the identity of the principal.

History Note: *Authority G.S. 120C-101(a); 120C-200(e); 120C-220; 120C-600; 120C-603;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0707 DISCLOSURE TO A DESIGNATED INDIVIDUAL OF THE IDENTITY OF THE PRINCIPAL BY A LOBBYIST WHO REPRESENTS MORE THAN ONE PRINCIPAL

Before engaging in lobbying communications or activities with a designated individual, a lobbyist representing more than one principal shall make an affirmative communication of the identity of the specific principal or principals on whose behalf the lobbyist is currently engaging in lobbying communications or activities with a designated individual.

History Note: *Authority G.S. 120C-101(a); 120C-200(e); 120C-220; 120C-600; 120C-603;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0708 CONTENTS OF DISCLOSURE OF THE IDENTITY OF THE SPECIFIC PRINCIPAL(S) FOR WHOM LOBBYING BY A LOBBYIST WHO REPRESENTS MORE THAN ONE PRINCIPAL

When making the disclosure required by Rule .0707 of this Chapter, a lobbyist shall use one or more of the following methods or a method which provides a similar declaration of the identity of the specific principal or principals:

(1) An oral or written communication:
  (a) Using the word "principal"; or
  (b) Using the term "lobbyist for"; and
(2) An oral or written communication of the identity of the principal in fact by:
  (a) An oral declaration stating the identity of the specific principal or principals on whose behalf the lobbyist is currently communicating;
  (b) A statement in correspondence identifying the specific principal or principals on whose behalf the lobbyist is currently communicating; or
  (c) Placing the words "lobbyist for" and the identity of the specific principal or principals on whose behalf the lobbyist is currently communicating in correspondence.

History Note: *Authority G.S. 120C-101(a); 120C-200(e); 120C-220; 120C-600; 120C-603;*
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .0800 - LOBBYIST REPORTING

18 NCAC 12 .0801 QUARTERLY REPORT MAY INCLUDE LAST MONTH OF QUARTER REPORT

Instead of filing a separate monthly report with the Department for the last month of the quarter, a lobbyist may incorporate that monthly report within the quarterly report.

History Note: *Authority G.S. 120C-101(a); 120C-400; 120C-401; 120C-401(h); 120C-402;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0802 QUARTERLY REPORT MAY INCORPORATE SEPARATELY FILED MONTHLY REPORTS

A lobbyist may incorporate the separately filed monthly reports on the applicable quarterly report form filed with the Department.

History Note: *Authority G.S. 120C-101(a); 120C-400; 120C-401; 120C-401(h); 120C-402;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0803 QUARTERLY REPORT VERIFICATION OF MONTHLY REPORT INFORMATION

A lobbyist's signature under oath on a quarterly report verifies that all information on the report regarding any incorporated monthly reports for that quarter and any amendments to the monthly reports is true and correct.

History Note: *Authority G.S. 120C-101(a); 120C-400; 120C-401; 120C-401(h); 120C-402;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0804 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0805 REPORTING OF CONTRACTS IN THE NORMAL CONDUCT OF DAILY LIFE

A lobbyist shall not include on a report filed with the Department those contracts with designated individuals which are available to the public under the same terms in the ordinary course of business.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-402; 120C-403; 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .0900 - REPORTING BY PRINCIPAL

18 NCAC 12 .0901 METHOD OF REPORTING COMPENSATION

A principal shall report lobbyist compensation using the same method of calculation on each quarterly Department report.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-400; 120C-401(h); 120C-403(b)(3); 120C-405;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0902 COMPREHENSIVE REPORTING

A principal shall report to the Department:

(1) What the principal actually paid to each lobbyist;

(2) The amount of compensation the principal owes the lobbyist for that quarterly period and any other money that accrued or was paid for services provided by the lobbyist during that period; and

(3) Any other compensation of the lobbyist by the principal.

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-403(b);*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0903 SEPARATE LOBBYIST COMPENSATION REPORTS MAY BE INCLUDED ON SAME FORM

If a principal has more than one lobbyist, the principal may use one report to the Department for all lobbyists.

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-403(b);*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0904 LOBBYIST COMPENSATION SHALL BE SEPARATELY REPORTED

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-403; S.L. 2011-393, s. 2;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Repealed Eff. February 1, 2013.

18 NCAC 12 .0905 QUARTERLY REPORT MAY INCLUDE LAST MONTH OF QUARTER REPORT

Instead of filing the monthly report with the Department for the last month of the quarter, a principal may incorporate that monthly report within the quarterly report.

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-403;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0906 QUARTERLY REPORT MAY INCORPORATE SEPARATELY FILED MONTHLY REPORTS BY REFERENCE

Instead of entering separately filed monthly report information on the quarterly report form, a principal may incorporate the separately filed monthly reports by reference in the applicable quarterly report form filed with the Department.

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-403;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0907 QUARTERLY REPORT VERIFICATION OF MONTHLY REPORT INFORMATION

A principal's signature under oath on a quarterly report verifies that all information on the report regarding any incorporated monthly reports for that quarter and any amendments to the monthly reports is true and correct.

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-403;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .0908 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0909 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .0910 REPORTING OF CONTRACTS IN THE NORMAL CONDUCT OF DAILY LIFE

A principal shall not include on a report filed with the Department those contracts with designated individuals which are available to the public under the same terms in the ordinary course of business.

History Note: *Authority G.S. 120C-101(a); 120C-400(1); 120C-400(2); 120C-401(c); 120C-401(h); 120C-403(b)(1);*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .1000 – SOLICITORS

18 NCAC 12 .1001 SOLICITOR REGISTRATION
18 NCAC 12 .1002 WHEN REGISTRATION WITH THE DEPARTMENT IS REQUIRED
18 NCAC 12 .1003 CALCULATION OF PRODUCTION COSTS IN ORDER TO DETERMINE REGISTRATION AND REPORTING APPLICABILITY
18 NCAC 12 .1004 CALCULATION OF TRANSMISSION COSTS IN ORDER TO DETERMINE REGISTRATION AND REPORTING APPLICABILITY
18 NCAC 12 .1005 CALCULATION OF EVENT COSTS IN ORDER TO DETERMINE REGISTRATION AND REPORTING APPLICABILITY
18 NCAC 12 .1006 REPORTING FOR REMAINDER OF YEAR OF REGISTRATION AS SOLICITOR
18 NCAC 12 .1007 REPORT CONTENTS
18 NCAC 12 .1008 CONTRACTS REPORTABLE

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-404; 120C-600;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017;
Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

SECTION .1100 – RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .1101 RESERVED FOR FUTURE CODIFICATION

SECTION .1200 – CONFIDENTIALITY AND RECORDS

18 NCAC 12 .1201 REPORTING OF CONFIDENTIAL INFORMATION

A lobbyist, principal, solicitor or other person required to file with the Department shall not report information to the Department that is confidential pursuant to State or federal law, except as otherwise provided by law or as set forth in Section .0500 or Rule .1202 through Rule .1204 of this Chapter.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-600; 120C-603;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1202 GENERAL REQUIREMENTS RELATING TO PROTECTIVE ORDER PAYEES AND ADDRESS CONFIDENTIALITY PROGRAM PARTICIPANTS

(a) A person who requests that information be held confidential ("confidentiality request") by the Department pursuant to G.S. 120C-401 shall make the request prior to or at the time of submission to the Department of such information.

(b) A person who makes a "confidentiality request" to the Department pursuant to G.S. 120C-401 shall include a cover sheet marked: "Confidentiality Requested" with any documents submitted.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1203 CONFIDENTIALITY REQUEST CONTENTS

The following information shall be included with a confidentiality request to the Department pursuant to G.S. 120C-401:

(1) Identification of all documents submitted which contain information to which the confidentiality request applies;

(2) Identification of any attachments to documents submitted which contain information to which a confidentiality request applies; and

(3) A copy of either:

(a) The protective order pursuant to Chapter 50B of the General Statutes which orders that a payee's actual address be kept confidential; or

(b) The Address Confidentiality Program authorization card issued to the payee by the Attorney General under G.S. 15C-8.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1204 DISCLOSURE OF CONFIDENTIAL INFORMATION IN G.S. 120C-401 FILINGS FOR WHICH THERE IS NO CONFIDENTIALITY REQUEST

(a) Unless the provisions of paragraph (b) of this Rule apply, the Department shall disclose information for which there is not a confidentiality request presented to the Department pursuant to G.S. 120C-401 before or at the time documents are submitted to the Department.

(b) If the Department has not already made a document public and a confidentiality request pursuant to G.S. 120C-401 is submitted, the Department shall hold the covered information confidential as requested.

(c) A payee address designated as confidential pursuant to a G.S. 50B order and pursuant to G.S. 120C-401(h) remains confidential until the Department receives:

(1) A signed, notarized request from the payee to remove the confidentiality designation; or

(2) A copy of a court order directing removal of confidential address status.

(d) A payee address designated as confidential pursuant to the Address Confidentiality Program under Chapter 15C of the General Statutes and pursuant to G.S. 120C-401(h) remains confidential until the Department receives:

(1) A signed, notarized request from the payee to remove the confidentiality designation; or
(2) A written notification from the Attorney General issued pursuant to Chapter 15C modifying the payee's address under the program or canceling the payee's participation in the program.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-401(h); 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1205 RESERVED FOR FUTURE CODIFICATION

SECTION .1300 – PRESERVATION OF RECORDS

18 NCAC 12 .1301 GENERAL REQUIREMENTS

A lobbyist, lobbyist principal, solicitor, or liaison personnel required or permitted to file a document with the Department shall retain copies of all documents, forms, information and supporting documentation related to the submissions and underlying activities for a period of three years after the date on which the record was made or the document was submitted to the Department. Note: For example, if invitations or attendee lists are utilized to prepare the filing, they would be supporting documentation for a monthly or quarterly report.

History Note: *Authority G.S. 120C-101(a); 120C-200; 120C-400; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1302 RECORD RETENTION REQUIREMENT WHEN INVESTIGATION IS OPEN

If a lobbyist, lobbyist principal, solicitor, or liaison personnel who is required or permitted to file a document with the Department knows or has reason to believe that an official investigation or inquiry has been initiated for any reason related to lobbying, solicitation, or a document required or permitted to be filed with the Department, the person or entity shall preserve and maintain all records and supporting documentation related to or associated with the lobbying, solicitation or document required or permitted to be filed with the Department pursuant to 18 NCAC 12 .1303.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1303 THREE YEAR TIME PERIOD FOR MAINTENANCE OF RECORDS RELATED TO INVESTIGATIONS

A lobbyist, lobbyist principal, solicitor, or liaison personnel required or permitted to file a document with the Department subject to Rule .1302 of this Chapter shall maintain such records until three years from the later of:
(1) Receipt of notice that the investigation has been closed and that no further action will be taken by the investigating authority and no other related investigation or inquiry is open; or
(2) Termination or closure of any judicial or quasi-judicial proceeding related to the investigation or inquiry.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1304 REQUIREMENT FOR ORIGINAL OR EQUIVALENT

A lobbyist, lobbyist principal, solicitor, or liaison personnel required or permitted to file a document with the Department, shall retain the information in the original form in which the information was created, or in any other form that accurately captures and retains information contained in the original form in which the information was created, including all meta-data or other information related to the properties or history of the document.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1305 LOBBYIST'S COMPENSATION RECORDS

An individual registered as a lobbyist shall maintain for three years a record of all fees and compensation received from his or her principal(s), including but not limited to compensation paid for professional, expert, or consulting or any combination of such services.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-400; 120C-401; 120C-402; 120C-403; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1306 PRINCIPAL'S RECORDS OF LOBBYIST'S COMPENSATION

A principal shall maintain a record for three years of all fees or compensation including but not limited to compensation paid to each lobbyist for professional, consulting, or expert services or any combination of such services.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-400; 120C-401; 120C-402; 120C-403; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1307 MAINTENANCE OF PRINCIPAL'S RECORDS RELATED TO METHOD OF EXPENDITURE CALCULATION

A principal shall maintain its records such that the Department can determine the method of calculation for reportable expenditures contained in monthly and quarterly reports.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-400; 120C-401; 120C-402; 120C-403; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1308 LOBBYIST'S MAINTENANCE OF RECORDS RELATED TO METHOD OF EXPENDITURE CALCULATION

A lobbyist shall maintain his or her records and any underlying data for information contained in monthly and quarterly reports such that the Department can determine the method of calculation.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-400; 120C-401; 120C-402; 120C-403; 120C-600; 120C-603; 120C-800;*

Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1309 SOLICITOR'S MAINTENANCE OF RECORDS RELATED TO METHOD OF EXPENDITURE CALCULATION

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-215; 120C-400; 120C-401; 120C-404; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017;
Expired Eff. May 1, 2025 pursuant to G.S. 150B-21.3A.

18 NCAC 12 .1310 PRINCIPAL'S MAINTENANCE OF RECORDS REGARDING ALLOCATION OF LOBBYING AND NON-LOBBYING COMPENSATION

A principal shall maintain records such that the Department can determine the allocation of compensation for lobbying and non-lobbying compensation paid to each lobbyist.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-400; 120C-401; 120C-402; 120C-403; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1311 LOBBYIST MAINTENANCE OF RECORDS REGARDING ALLOCATION OF LOBBYING AND NON-LOBBYING COMPENSATION

A lobbyist shall maintain records such that the Department can determine the allocation of the compensation for lobbying and non-lobbying compensation received from a principal.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-400; 120C-401; 120C-402; 120C-403; 120C-600; 120C-603; 120C-800;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1312 LIAISON'S RECORDS

A liaison shall maintain records pursuant to his or her employing entity's State records retention policy.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-400; 120C-401; 120C-402; 120C-600; 120C-800; 132-8;*
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1313 RECORDS OF FILERS PURSUANT TO G.S. 120C-800(A) OR G.S. 120C-800(C)

Persons who are permitted or required to file with the Department pursuant to G.S. 120C-800(a) or G.S. 120C-800(c) shall comply with the requirements of this Section.

History Note: *Authority G.S. 120C-101(a); 120C-400; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1314 RECORD RETENTION BY FILERS PURSUANT TO G.S. 120C-800(A) OR 120C-800(C) REQUIREMENT WHEN AN INVESTIGATION IS OPEN

Persons permitted or required to file a document with the Department pursuant to G.S. 120C-800(a) or G.S. 120C-800(c) subject to Rule .1313 of this Chapter shall maintain such records until three years from the later of:

(1) Receipt of notice that the investigation has been closed and that no further action will be taken by the investigating authority and no other related investigation or inquiry is open; or

(2) Termination or closure of any judicial or quasi-judicial proceeding related to the investigation or inquiry.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1315 THREE YEAR TIME PERIOD FOR MAINTENANCE OF RECORDS RELATED TO INVESTIGATIONS FOR PERSONS WHO FILED PURSUANT TO G.S. 120C-800(A) OR G.S. 120C-800(C)

Persons who are permitted or required to file with the Department pursuant to G.S. 120C-800(a) or G.S. 120C-800(c) subject to Rule .1313 of this Chapter shall maintain such records until three years from the later of:

(1) Receipt of notice that the investigation has been closed and that no further action will be taken by the investigating authority and no other related investigation or inquiry is open; or

(2) Termination or closure of any judicial or quasi-judicial proceeding related to the investigation or inquiry.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1316 REQUIREMENT FOR ORIGINAL OR EQUIVALENT FOR PERSONS WHO ARE REQUIRED OR PERMITTED AND DID FILE PURSUANT TO G.S. 120C-800(A) OR G.S. 120C-800(C)

Persons who are permitted or required to file a document with the Department pursuant to G.S. 120C-800(a) or G.S. 120C-800(c), shall retain the information in the original form in which the information was created, or in any other form that accurately captures and retains information contained in the original form in which the information was created, including all meta-data or other information related to the properties or history of the document.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1317 RECORDS OF PERSONS PERMITTED TO FILE PURSUANT TO G.S. 120C-800(B) OR G.S. 120C-800(D)

Persons permitted to file and who did file documents with the Department pursuant to G.S. 120C-800(b) or G.S. 120C-800(d) shall maintain records pursuant to this Section.

History Note: *Authority G.S. 120C-101(a); 120C-400; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1318 RECORD RETENTION REQUIREMENT OF FILERS PURSUANT TO G.S. 120C-800(B) OR 120C-800(D) WHEN AN INVESTIGATION IS OPEN

Persons permitted to file a document and who did file a document with the Department pursuant to G.S. 120C-800(b) or G.S. 120C-800(d) subject to Rule .1317 of this Chapter, shall maintain such records until the earlier of the following:

(1) The Department's jurisdiction over the person ceases; or

(2) Three years from the later of:

(a) Receipt of notice that the investigation has been closed and that no further action will be taken by the investigating authority and no other related investigation or inquiry is open; or

(b) Termination or closure of any judicial or quasi-judicial proceeding related to the investigation or inquiry.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1319 THREE YEAR TIME PERIOD FOR MAINTENANCE OF RECORDS RELATED TO INVESTIGATIONS FOR PERSONS WHO FILED PURSUANT TO G.S. 120C-800(B) OR G.S. 120C-800(D)

Persons who are required to file with the Department and did file pursuant to G.S. 120C-800(b) or G.S. 120C-800(d) subject to Rule .1317 of this Chapter shall maintain such records until the earlier of the following:

(1) Department ceases to exercise jurisdiction over the records; or

(2) Three years from the later of:

(a) Receipt of notice that the investigation has been closed and that no further action will be taken by the investigating authority and no other related investigation or inquiry is open; or

(b) Termination or closure of any judicial or quasi-judicial proceeding related to the investigation or inquiry.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-206; 120C-207; 120C-215; 120C-400; 120C-401; 120C-402; 120C-403; 120C-404; 120C-600; 120C-603; 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1320 REQUIREMENT FOR ORIGINAL OR EQUIVALENT FOR PERSONS WHO ARE PERMITTED TO FILE AND DID FILE PURSUANT TO G.S. 120C-800(B) OR G.S. 120C-800(D)

Persons who are permitted to file and did file with the Department pursuant to G.S. 120C-800(b) or G.S. 120C-800(d), shall retain the information in the original form in which the information was created, or in any other form that accurately captures and retains information contained in the original form in which the information was created, including all meta-data or other information related to the properties or history of the document.

History Note: *Authority G.S. 120C-101(a); 120C-800;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .1400 – DEPARTMENT PROVISION OF LISTS TO DESIGNATED INDIVIDUALS

18 NCAC 12 .1401 FURNISHING LOBBYIST LISTS TO DESIGNATED INDIVIDUALS

The Department may furnish lobbyist and principal lists to designated individuals by:

(1) Electronically furnishing a copy to the ethics liaison or head of the employing entity, board or commission for which a designated individual has been designated and for whom the Department has no current email address and requesting that it be forwarded to the designated individual; or

(2) Electronically furnishing a website link to all designated individuals for accessing an electronic copy of the lobbyist and principal lists.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-220;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

18 NCAC 12 .1402 RESERVED FOR FUTURE CODIFICATION

18 NCAC 12 .1403 REJECTION OF ELECTRONICALLY FURNISHED LIST

If the email system of a designated person rejects a lobbyist list furnished by email, the Department may provide the list to the ethics liaison or agency head of the employing entity, board or for which a designated individual has been designated.

History Note: *Authority G.S. 120C-101(a); 120C-101(b); 120C-200; 120C-220;*
Temporary Adoption Eff. January 1, 2007;
Eff. December 1, 2007;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 23, 2017.

SECTION .1500 – CONFIDENTIALITY AND RECORDS

18 NCAC 12 .1501 GENERAL REQUIREMENTS
18 NCAC 12 .1502 CONFIDENTIALITY REQUEST CONTENTS
18 NCAC 12 .1503 DISCLOSURE OF CONFIDENTIAL INFORMATION
18 NCAC 12 .1504 CONFIDENTIALITY OF INVESTIGATIVE RECORDS

History Note: *Authority G.S. 120C-101(a); 120C-401(h); 120C-600;*
Temporary Adoption Eff. January 1, 2007;
Temporary Adoption Expired October 13, 2007.

SECTION .1600 – PRESERVATION OF RECORDS

18 NCAC 12 .1601 GENERAL REQUIREMENTS

History Note: *Authority G.S. 120C-101(a); 120C-603;*
Temporary Adoption Eff. January 1, 2007;
Temporary Adoption Expired October 13, 2007.