

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 584
Senate Judiciary II Committee Substitute Adopted 7/23/15**

Short Title: Use of Position/Letters of Reference.

(Public)

Sponsors:

Referred to:

April 6, 2015

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THAT A LEGISLATOR OR PUBLIC SERVANT MAY
REFERENCE THEIR PUBLIC POSITION IN A LETTER OF REFERENCE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 138A-31(b) reads as rewritten:

"(b) A covered person shall not mention or authorize another person to mention the covered person's public position in nongovernmental advertising that advances the private interest of the covered person or others. The prohibition in this subsection shall not apply to any of the following:

- (1) Political advertising.
- (2) News stories and articles.
- (3) The inclusion of a covered person's public position in a directory or a biographical listing.
- (4) The inclusion of a covered person's public position in an agenda or other document related to a meeting, conference, or similar event when the disclosure could reasonably be considered material by an individual attending the meeting, conference, or similar event.
- (5) The inclusion of a covered person's public position in a charitable solicitation for a nonprofit business entity qualifying under 26 U.S.C. § 501(c)(3).
- (6) The disclosure of a covered person's position to an existing or prospective customer, supplier, or client when the disclosure could reasonably be considered material by the customer, supplier, or client.
- (7) A letter of character reference for any of the following:
 - a. A student seeking admittance to a school or institution of higher education.
 - b. An individual seeking an academic scholarship.
 - c. An individual seeking leniency upon sentencing by the courts, or other matters related to probation or parole.
 - d. An individual seeking employment, at the request of that individual or in response to the inquiry of a potential employer as to the qualifications and character of that individual."

SECTION 2. This act is effective when it becomes law.

