

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1290*

Short Title: Election Bd. Conduct.

(Public)

Sponsors: Senators Clodfelter and Gulley.

Referred to: Judiciary I.

May 31, 2000

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT CERTAIN POLITICAL ACTIVITIES BY BOARD OF ELECTIONS MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 4A.

"POLITICAL ACTIVITIES BY BOARD OF ELECTIONS MEMBERS.

"§ 163-38. Applicability of Article.

This Article applies to members of the State Board of Elections and of each county and municipal board of elections. With regard to prohibitions in this Article concerning candidates, referenda, and committees, the prohibitions do not apply if the candidate or referendum will not be on the ballot in an area within the jurisdiction of the board, or if the political committee or referendum committee is not involved with an election or referendum that will be on the ballot in an area within the jurisdiction of the board.

"§ 163-39. Limitation on political activities.

No person subject to this Article shall:

- (1) Make public statements supporting or opposing the nomination or election of one or more clearly identified candidates for public office.

1 (2) Make public statements supporting or opposing the passage of one or
2 more clearly identified referendum proposals.

3 (3) Solicit contributions for a candidate, political committee, or referendum
4 committee.

5 Nothing in this section shall be deemed to prohibit participation in a political party
6 convention as a delegate. Nothing in this Article shall be deemed to prohibit a board
7 member from making a contribution.

8 **"§ 163-40. No person to engage in prohibited act as alter ego.**

9 No person acting as the alter ego of a board member subject to this Article shall
10 engage in any act prohibited by this Article.

11 **"§ 163-40.1. Violation is ground for removal.**

12 A violation of this Article is a ground to remove a State Board of Elections member
13 under G.S. 143B-16, a county board of elections member under G.S. 163-22(c), or a
14 municipal board of elections member under G.S. 163-280(i).

15 **"§ 163-40.2. Definitions.**

16 The provisions of Article 22A of this Chapter apply to the definition and proof of
17 terms used in this Article."

18 Section 2. This act becomes effective January 1, 2001.