

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

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SENATE BILL 881
Judiciary I Committee Substitute Adopted 6/2/99
Third Edition Engrossed 6/16/99
House Committee Substitute Favorable 7/9/99
House Committee Substitute #2 Favorable 7/14/99
Sixth Edition Engrossed 7/19/99

Short Title: Campaign Reform Act of 1999.

(Public)

Sponsors:

Referred to:

April 13, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE CAMPAIGN REFORM ACT OF 1999.
3 The General Assembly of North Carolina enacts:

4 Section 1. This act shall be called "The Campaign Reform Act of 1999."
5 – STAND BY YOUR AD.

6 Section 2.(a) Article 22A of Chapter 163 of the General Statutes is amended by
7 adding a new Part to read:

8 **"PART 1A. DISCLOSURE REQUIREMENTS FOR MEDIA**
9 **ADVERTISEMENTS.**

10 **"§ 163-278.39. Basic disclosure requirements for all political campaign**
11 **advertisements.**

12 (a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an
13 advertisement in the print media or on radio or television that constitutes an expenditure
14 or contribution required to be disclosed under this Article unless all the following
15 conditions are met:

- 1 (1) It bears the legend or includes the statement: 'Paid for by
2 [Name of candidate, candidate campaign committee, political party
3 organization, political action committee, referendum committee,
4 individual, or other sponsor].' In television advertisements, this
5 disclosure shall be made by visual legend.
- 6 (2) The name used in the labeling required in subdivision (1) of this
7 subsection is the name that appears on the statement of organization as
8 required in G.S. 163-278.7(b)(1).
- 9 (3) The sponsor states in the advertisement its position for or against the
10 candidate, provided that this subdivision applies only if the
11 advertisement supports or opposes the nomination or election of one or
12 more clearly identified candidates.
- 13 (4) The sponsor states in the advertisement its position for or against a
14 ballot measure, provided that this subdivision applies only if the
15 advertisement is made for or against a ballot measure.
- 16 (5) In a print media advertisement supporting or opposing the nomination
17 or election of one or more clearly identified candidates, the sponsor
18 states whether it is authorized by a candidate. The visual legend in the
19 advertisement shall state either 'Authorized by [name of candidate],
20 candidate for [name of office]' or 'Not authorized by a candidate.' This
21 subdivision does not apply if the sponsor of the advertisement is the
22 candidate the advertisement supports or that candidate's campaign
23 committee.
- 24 (6) In a print media advertisement that identifies a candidate the sponsor is
25 opposing, the sponsor discloses in the advertisement the name of the
26 candidate who is intended to benefit from the advertisement. This
27 subdivision applies only when the sponsor coordinates or consults about
28 the advertisement or the expenditure for it with the candidate who is
29 intended to benefit.

30 If an advertisement described in this section is jointly sponsored, the disclosure
31 statement shall name all the sponsors.

32 (b) Size Requirements. – In a print media advertisement covered by subsection (a)
33 of this section, the height of all disclosure statements required by that subsection shall
34 constitute at least five percent (5%) of the height of the printed space of the
35 advertisement, provided that the type shall in no event be less than 12 points in size. If a
36 single advertisement consists of multiple pages, folds, or faces, the disclosure
37 requirement of this section applies only to one page, fold, or face. In a television
38 advertisement covered by subsection (a) of this section, the visual disclosure legend shall
39 constitute 32 scan lines in size. In a radio advertisement covered by subsection (a) of this
40 section, the disclosure statement shall last at least three seconds.

41 (c) Misrepresentation of Authorization. – Notwithstanding G.S. 163-278.27(a),
42 any candidate, candidate campaign committee, political party organization, political
43 action committee, referendum committee, individual, or other sponsor making an

1 advertisement in the print media or on radio or television bearing any legend required by
2 subsection (a) of this section that misrepresents the sponsorship or authorization of the
3 advertisement is guilty of a Class 1 misdemeanor.

4 **"§ 163-278.39A. Disclosure requirements for television and radio advertisements**
5 **supporting or opposing the nomination or election of one or more clearly**
6 **identified candidates.**

7 (a) Expanded Disclosure Requirements. – In addition to the basic disclosure
8 requirements in G.S. 163-278.39, any political campaign advertisement on radio or
9 television shall comply with the expanded disclosure requirements set forth in this
10 section.

11 (b) Disclosure Requirements for Television. –

12 (1) Candidate advertisements on television. – Television advertisements
13 purchased by a candidate or by a candidate campaign committee
14 supporting or opposing the nomination or election of one or more
15 clearly identified candidates shall include a disclosure statement spoken
16 by the candidate and containing at least the following words: 'I am (or
17 "This is...") [name of candidate], candidate for [name of office], and I
18 (or "my campaign...") sponsored this ad.' This subdivision applies only
19 to an advertisement that mentions the name of, shows the picture of,
20 transmits the voice of, or otherwise refers to an opposing candidate for
21 the same office as the sponsoring candidate.

22 (2) Political party advertisements on television. – Television advertisements
23 purchased by a political party organization supporting or opposing the
24 nomination or election of one or more clearly identified candidates shall
25 include a disclosure statement spoken by the chair, executive director,
26 or treasurer of the political party organization and containing at least the
27 following words: 'The [name of political party organization] sponsored
28 this ad opposing/supporting [name of candidate] for [name of office].'
29 The disclosed name of the political party organization shall include the
30 name of the political party as it appears on the ballot.

31 (3) Political action committee advertisements on television. – Television
32 advertisements purchased by a political action committee supporting or
33 opposing the nomination or election of one or more clearly identified
34 candidates shall include a disclosure statement spoken by the chief
35 executive officer or treasurer of the political action committee and
36 containing at least the following words: 'The [name of political action
37 committee] political action committee sponsored this ad
38 opposing/supporting [name of candidate] for [name of office].' The
39 name of the political action committee used in the advertisement shall
40 be the name that appears on the statement of organization as required in
41 G.S. 163-278.7(b)(1).

42 (4) Advertisements on television by an individual. – Television
43 advertisements purchased by an individual supporting or opposing the

1 nomination or election of one or more clearly identified candidates shall
2 include a disclosure statement spoken by the individual and containing
3 at least the following words: 'I am [individual's name], and I sponsored
4 this advertisement opposing/supporting [name of candidate] for [name
5 of office].'

6 (5) Advertisements on television by another sponsor. – Television
7 advertisements purchased by a sponsor other than a candidate, a
8 candidate campaign committee, a political party organization, a political
9 action committee, or an individual which supports or opposes the
10 nomination or election of one or more clearly identified candidates shall
11 include a disclosure statement spoken by the chief executive or principal
12 decision maker of the sponsor and containing at least the following
13 words: '[Name of sponsor] sponsored this ad.'

14 (6) All advertisements on television. – In any television advertisement
15 described in subdivisions (1) through (4) of this subsection, an
16 unobscured, full-screen picture containing the disclosing individual,
17 either in photographic form or through the actual appearance of the
18 disclosing individual on camera, shall be featured throughout the
19 duration of the disclosure statement.

20 (c) Disclosure Requirements for Radio. –

21 (1) Candidate advertisements on radio. – Radio advertisements purchased
22 by a candidate or by a candidate campaign committee supporting or
23 opposing the nomination or election of one or more clearly identified
24 candidates shall include a disclosure statement spoken by the candidate
25 and containing at least the following words: 'I am (or "This is...") [name
26 of candidate], candidate for [name of office], and this ad was paid for
27 (or "sponsored" or "furnished") by [name of candidate campaign
28 committee that paid for the advertisement].' This subdivision applies
29 only to an advertisement that mentions the name of, transmits the voice
30 of, or otherwise refers to an opposing candidate for the same office as
31 the sponsoring candidate.

32 (2) Political party advertisements on radio. – Radio advertisements
33 purchased by a political party organization supporting or opposing the
34 nomination or election of one or more clearly identified candidates shall
35 include a disclosure statement spoken by the chair, executive director,
36 or treasurer of the political party organization and containing at least the
37 following words: 'This ad opposing/supporting [name of candidate] for
38 [name of office] was paid for (or "sponsored" or "furnished") by [name
39 of political party].' The disclosed name of the political party
40 organization shall include the name of the political party as it appears on
41 the ballot.

42 (3) Political action committee advertisements on radio. – Radio
43 advertisements purchased by a political action committee supporting or

1 opposing the nomination or election of one or more clearly identified
2 candidates shall include a disclosure statement spoken by the chief
3 executive officer or treasurer of the political action committee and
4 containing at least the following words: 'This ad opposing/supporting
5 [name of candidate] for [name of office] was paid for (or "sponsored" or
6 "furnished") by [name of political action committee] political action
7 committee.' The name of the political action committee used in the
8 advertisement shall be the name that appears on the statement of
9 organization as required by G.S. 163-278.7(b)(1).

10 (4) Advertisements on radio by an individual. – Radio advertisements
11 purchased by an individual supporting or opposing the nomination or
12 election of one or more clearly identified candidates shall include a
13 disclosure statement spoken by the individual and containing at least the
14 following words: 'I am [individual's name], and this ad
15 opposing/supporting [name of candidate] for [name of office] was paid
16 for (or "sponsored" or "furnished") by me.'

17 (5) Advertisements on radio by another sponsor. – Radio advertisements
18 purchased by a sponsor other than a candidate, a candidate campaign
19 committee, a political party organization, a political action committee,
20 or an individual which supports or opposes the nomination or election
21 of one or more clearly identified candidates shall include a disclosure
22 statement spoken by the chief executive or principal decision maker of
23 the sponsor and containing at least the following words: '[Name of
24 sponsor] paid for (or "sponsored" or "furnished") this ad.'

25 (d) Placement of Disclosure Statement in Television and Radio Advertisements. –
26 In advertisements on television, a sponsor may place the disclosure statement required by
27 this section at any point during the advertisement, except if the duration of the
28 advertisement is more than five minutes, the disclosure statement shall be made both at
29 the beginning and end of the advertisement. The sponsor may provide the oral disclosure
30 statement required by this section at the same time as the visual disclosure required under
31 the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown. But any visual
32 disclosure legend shall be at least 32 scan lines in size. For advertisements on radio, the
33 placement of the oral disclosure statement shall comply with the requirements of the
34 Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

35 (e) Choice of Supporting or Opposing a Candidate. – In its oral disclosure
36 statement, a sponsoring political party organization, political action committee,
37 individual, or other noncandidate sponsor shall choose either to identify an advertisement
38 as supporting or opposing the nomination or election of one or more clearly identified
39 candidates.

40 (e1) Joint Sponsors. – If an advertisement described in this section is jointly
41 sponsored, the disclosure statement shall name all the sponsors and the disclosing
42 individual shall be one of those sponsors. If a candidate is one of the sponsors, that

1 candidate shall be the disclosing individual, and if more than one candidate is the
2 sponsor, at least one of the candidates shall be the disclosing individual.

3 (f) Legal Remedy. – Pursuant to the conditions established in subdivisions (1), (2),
4 and (3) of this subsection, a candidate for an elective office who complied with the
5 television and radio disclosure requirements throughout that candidate's entire campaign
6 shall have a monetary remedy in a civil action against (i) an opposing candidate or
7 candidate committee whose television or radio advertisement violates these disclosure
8 requirements and (ii) against any political party organization, political action committee,
9 individual, or other sponsor whose advertisement for that elective office violates these
10 disclosure requirements:

11 (1) Any plaintiff candidate in a statewide race in an action under this
12 section shall complete and file a Notice of Complaint Regarding Failure
13 to Disclose on Television or Radio Campaign Advertising with the State
14 Board of Elections after the airing of the advertisement but no later than
15 the first Friday after the Tuesday on which the election occurred.
16 Candidates in nonstatewide races may file the notice during the same
17 time period with one county board of elections within the electoral area
18 in which they are candidates. The timely filing of this notice preserves
19 the candidate's right to bring an action in superior court any time within
20 90 days after the election. A candidate shall bring the civil action in the
21 county where the candidate filed the notice.

22 (2) Upon receiving a favorable verdict in accordance with existing law, the
23 plaintiff candidate shall receive a monetary award of actual damages.
24 The price of actual damages shall be calculated as the total dollar
25 amount of television and radio advertising time that was aired and that
26 the plaintiff candidate correctly identifies as being in violation of the
27 disclosure requirements of this section.

28 The plaintiff candidate shall also receive an award that trebles the
29 amount of actual damages if:

- 30 a. The plaintiff candidate can establish having notified or attempted
31 to notify the sponsor of the advertisement properly by return-
32 receipt mail about the failure of a particular advertisement or
33 advertisements to comply with the disclosure requirements of
34 this section, and
35 b. After the notice or attempted notice, the advertisement continued
36 to be aired.

37 The treble damages shall be calculated from the date on which the
38 return-receipt notice was accepted or rejected by a defendant sponsoring
39 candidate or candidate committee, political party organization, political
40 action committee, or individual. The plaintiff candidate or candidate
41 committee shall send a copy of any return-receipt mailing to the relevant
42 board of elections as provided in subdivision (1) of this subsection

1 within five days after the notice is returned to the possession of the
2 candidate or candidate committee.

3 The plaintiff candidate may bring the civil action personally or
4 authorize his or her candidate campaign committee to bring the civil
5 action.

- 6 (3) A candidate who violates the disclosure requirements of State law in
7 this section and that candidate's campaign committee shall be jointly
8 and severally liable for the payment of damages and attorneys' fees. If
9 the candidate is held personally liable for any payment of damages or
10 attorneys' fees, the candidate shall not use or be reimbursed by funds
11 from the candidate's campaign committee in paying any amount.

12 (g) Relation to the Communications Act of 1934. – Television advertisements by a
13 sponsor supporting or opposing the nomination or election of one or more clearly
14 identified candidates shall comply with the oral disclosure requirements under State law
15 in this section. Those advertisements shall also comply with disclosure requirements
16 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 by use of visual
17 legends. The content of those visual legends is specified by the Communications Act of
18 1934, 47 U.S.C. §§ 315 and 317, and G.S. 163-278.39(a)(1). The size of those visual
19 legends is determined by G.S. 163-278.39(b), which satisfies requirements under the
20 Communications Act of 1934, 47 U.S.C. §§ 315 and 317. In the case of radio
21 advertisements, the oral disclosure requirements under State law in this section
22 incorporate the content requirements under the Communications Act of 1934, 47 U.S.C.
23 §§ 315 and 317.

24 (h) No Additional Liability of Television or Radio Outlets. – Television or radio
25 outlets shall not be liable under this section for carriage of political advertisements that
26 fail to include the disclosure requirements provided for in this section.

27 (i) No Criminal Liability. – Nothing in this section regarding the disclosure
28 requirements in subsections (b) and (c) of this section shall be relied upon or otherwise
29 interpreted to create criminal liability for any person.

30 **"§ 163-278.39B. Definitions.**

31 As used in this Part:

32 (1) 'Advertisement' means any message appearing in the print media, on
33 television, or on radio that constitutes a contribution or expenditure
34 under this Article.

35 (2) 'Candidate' means any individual who, with respect to a public office
36 listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition
37 requesting to be a candidate, or has been certified as a nominee of a
38 political party for a vacancy, or has otherwise qualified as a candidate in
39 a manner authorized by law, or has filed a statement of organization
40 under G.S. 163-278.7 and is required to file periodic financial disclosure
41 statements under G.S. 163-278.9.

42 (3) 'Candidate campaign committee' means any political committee
43 organized by or under the direction of a candidate.

- 1 (4) 'Full-screen' means the only picture appearing on the television screen
2 during the oral disclosure statement contains the disclosing person, that
3 the picture occupies all visible space on the television screen, and that
4 the image of the disclosing person occupies at least fifty percent (50%)
5 of the vertical height of the television screen.
- 6 (5) 'Print media' means billboards, cards, newspapers, newspaper inserts,
7 magazines, mass mailings, pamphlets, fliers, periodicals, and outdoor
8 advertising facilities. A 'mass mailing' is a mailing with more than 500
9 pieces.
- 10 (6) 'Political action committee' has the same meaning as 'political
11 committee' in G.S. 163-278.6(14), except that 'political action
12 committee' does not include any political party or political party
13 organization.
- 14 (7) 'Political party organization' means any political party executive
15 committee or any political committee that operates under the direction
16 of a political party executive committee or political party chair.
- 17 (8) 'Radio' means any radio broadcast station that is subject to the
18 provisions of 47 U.S.C. §§ 315 and 317.
- 19 (9) 'Scan line' means a standard term of measurement used in the electronic
20 media industry calculating a certain area in a television advertisement.
- 21 (10) 'Sponsor' means a candidate, candidate committee, political party
22 organization, political action committee, referendum committee,
23 individual, or other entity that purchases an advertisement.
- 24 (11) 'Television' means any television broadcast station, cable television
25 system, wireless-cable multipoint distribution system, satellite
26 company, or telephone company transmitting video programming that is
27 subject to the provisions of 47 U.S.C. §§ 315 and 317.
- 28 (12) 'Unobscured' means the only printed material that may appear on the
29 television screen is a visual disclosure statement required by law, and
30 nothing is blocking the view of the disclosing person's face.

31 **"§ 163-278.39C. Scope of disclosure requirements.**

32 The disclosure requirements of this Part apply to any sponsor of an advertisement in
33 the print media or on radio or television the cost or value of which constitutes an
34 expenditure or contribution required to be disclosed under this Article, except that the
35 disclosure requirements of this Part:

- 36 (1) Do not apply to an individual who makes uncoordinated independent
37 expenditures aggregating less than one thousand dollars (\$1,000) in a
38 political campaign; and
- 39 (2) Do not apply to an individual who incurs expenses with respect to a
40 referendum.

41 The disclosure requirements of this Part do not apply to any advertisement the
42 expenditure for which is required to be disclosed by G.S. 163-278.12A alone and by no
43 other law."

1 Section 2.(b) G.S. 163-278.16, as amended by Section 4(b) of Session Law 1999-
2 31, reads as rewritten:

3 **"§ 163-278.16. Regulations regarding contributions, expenditures and media**
4 **advertising. timing of contributions and expenditures.**

5 (a) Except as provided in G.S. 163-278.12, no contribution may be received or
6 expenditure made by or on behalf of a candidate, political committee, or referendum
7 committee:

8 (1) Until the candidate, political committee, or referendum committee
9 appoints a treasurer and certifies the name and address of the treasurer
10 to the Board; and

11 (2) Unless the contribution is received or the expenditure made by or
12 through the treasurer of the candidate, political committee, or
13 referendum committee.

14 (b) to (e) Repealed by Session Laws 1975, c. 565, s. 2.

15 (f) ~~No media advertisement of any kind may be made by a treasurer, candidate,~~
16 ~~political committee, referendum committee or individual unless~~

17 (1) ~~It bears the legend or includes the statement: "Paid for by (or Sponsored~~
18 ~~by)..... (Name of candidate, political committee, referendum~~
19 ~~committee, individual)";~~

20 (2) ~~The name used in the labeling required in subdivision (1) of this~~
21 ~~subsection is the name that appears on the statement of organization as~~
22 ~~required in G.S. 163-278.7(b)(1), provided that this subdivision applies~~
23 ~~only if the sponsor is a political committee or referendum committee;~~

24 (3) ~~The sponsor states in the media advertisement its position:~~

25 a. ~~For or against the candidate; or~~

26 b. ~~For or against an opposing candidate~~

27 ~~provided that this subdivision applies only if the media advertisement is~~
28 ~~made for or against a candidate; and~~

29 (4) ~~The sponsor states in the media advertisement its position for or against~~
30 ~~the ballot measure; provided this subdivision applies only if the media~~
31 ~~advertisement is made for or against a ballot measure.~~

32 ~~The requirements of subdivisions (3) and (4) of this subsection do not apply to any~~
33 ~~print advertisement less than two inches by two inches in size, or to any radio or~~
34 ~~television advertisement of less than 20 seconds in length.~~

35 ~~The media shall not publish or broadcast any political advertisement unless it bears~~
36 ~~the legend or includes the statement required herein. For purposes of this subsection,~~
37 ~~"media" means broadcasting stations, carrier current stations, newspapers, magazines,~~
38 ~~periodicals, outdoor advertising facilities, billboards, and newspaper inserts.~~

39 (g) ~~All printed matter from a political party or political committee which opposes~~
40 ~~the nomination or election of a clearly identified candidate shall indicate in type smaller~~
41 ~~than 12 point the name of the political party or political committee and the name of the~~
42 ~~candidate that is intended to benefit from the printed matter."~~

43 Section 2.(c) G.S. 163-278.27(a) reads as rewritten:

1 "(a) Any individual, candidate, political committee, referendum committee,
2 treasurer, person or media who violates the applicable provisions of G.S. 163-278.7, 163-
3 278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16, 163-
4 278.17, 163-278.18, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-
5 278.40D or 163-278.40E is guilty of a Class 2 misdemeanor."

6 Section 2.(d) This section becomes effective January 1, 2000, and applies to all
7 contributions and expenditures made or accepted on or after that date.

8 – EVIDENCE THAT COMMUNICATIONS ARE "TO SUPPORT OR OPPOSE ONE
9 OR MORE CLEARLY IDENTIFIABLE CANDIDATES."

10 Section 3.(a) Article 22A of Chapter 163 of the General Statutes is amended by
11 adding a new section to read:

12 "**§ 163-278.14A. Evidence that communications are 'to support or oppose the**
13 **nomination or election of one or more clearly identified candidates.'**

14 (a) Either of the following shall be means, but not necessarily the exclusive or
15 conclusive means, of proving that an individual or other entity acted 'to support or oppose
16 the nomination or election of one or more clearly identified candidates':

17 (1) Evidence of financial sponsorship of communications to the general
18 public that use phrases such as 'vote for', 'reelect', 'support', 'cast your
19 ballot for', '(name of candidate) for (name of office)', '(name of
20 candidate) in (year)', 'vote against', 'defeat', 'reject', 'vote pro-(policy
21 position)' or 'vote anti-(policy position)' accompanied by a list of
22 candidates clearly labeled 'pro-(policy position)' or 'anti-(policy
23 position)', or communications of campaign words or slogans, such as
24 posters, bumper stickers, advertisements, etc., which say '(name of
25 candidate)'s the One', '(name of candidate) '98', '(name of candidate)!',
26 or the names of two candidates joined by a hyphen or slash.

27 (2) Evidence of financial sponsorship of communications whose essential
28 nature expresses electoral advocacy to the general public and goes
29 beyond a mere discussion of public issues in that they direct voters to
30 take some action to nominate, elect, or defeat a candidate in an election.
31 If the course of action is unclear, contextual factors such as the language
32 of the communication as a whole, the timing of the communication in
33 relation to events of the day, the distribution of the communication to a
34 significant number of registered voters for that candidate's election, and
35 the cost of the communication may be considered in determining
36 whether the action urged could only be interpreted by a reasonable
37 person as advocating the nomination, election, or defeat of that
38 candidate in that election.

39 (b) Notwithstanding the provisions of subsection (a) of this section, a
40 communication shall not be subject to regulation as a contribution or expenditure under
41 this Article if it:

42 (1) Appears in a news story, commentary, or editorial distributed through
43 the facilities of any broadcasting station, newspaper, or magazine,

1 unless those facilities are owned or controlled by any political party, or
2 political committee;

3 (2) Is distributed by a corporation solely to its stockholders and employees;
4 or

5 (3) Is distributed by any organization, association, or labor union solely to
6 its members or to subscribers or recipients of its regular publications, or
7 is made available to individuals in response to their request, including
8 through the Internet."

9 Section 3.(b) This section is effective when this act becomes law.

10 – PRESUMPTIONS.

11 Section 3.1.(a) G.S. 163-278.34A, as enacted by Session Law 1999-31, reads
12 as rewritten:

13 "§ 163-278.34A. Presumptions.

14 In any proceeding brought pursuant to this Article in which a presumption arises from
15 the proof of certain facts, the defendant ~~has the burden of offering~~ may offer some evidence
16 to rebut the ~~presumption. The presumption,~~ but the State bears the ultimate burden of
17 proving the essential elements of its case."

18 Section 3.1.(b) This section is effective when this act becomes law.

19 – CORRECTING LOOPHOLE CONCERNING 'GIVING IN THE NAME OF
20 ANOTHER.'

21 Section 4.(a) G.S. 163-278.14(a) reads as rewritten:

22 "(a) No individual, political committee, or other entity shall make any contribution
23 anonymously, except as provided in G.S. 163-278.8(d), or in the name of another. No
24 candidate, political committee, referendum committee, political party, or treasurer shall
25 knowingly accept any contribution made by any individual or person in the name of
26 another individual or person or made anonymously except as provided in G.S. 163-
27 278.8(d). If a candidate, political committee, referendum committee, political party, or
28 treasurer receives ~~any such contributions,~~ anonymous contributions or contributions
29 determined to have been made in the name of another, he shall pay the money over to the
30 Board, by check, and all such moneys received by the Board shall be deposited in the
31 general fund of the State of North Carolina."

32 Section 4.(b) This section becomes effective December 1, 1999, and applies to
33 offenses committed on and after that date.

34 – GRANTING THE STATE BOARD OF ELECTIONS MORE FLEXIBILITY UNDER
35 THE ADMINISTRATIVE PROCEDURE ACT.

36 Section 5.(a) G.S. 150B-21.1. is amended by adding a new subsection:

37 "(a4) Notwithstanding the provisions of subsection (a) of this section, the State
38 Board of Elections may adopt a temporary rule after prior notice or hearing or upon any
39 abbreviated notice or hearing the agency finds practical for one or more of the following:

40 (1) In accordance with the provisions of G.S. 163-22.2.

41 (2) To implement any provisions of state or federal law for which the State
42 Board of Elections has been authorized to adopt rules.

1 (3) The need for the rule to become effective immediately in order to
2 preserve the integrity of upcoming elections and the elections process.

3 When the State Board of Elections adopts a temporary rule pursuant to this
4 subsection, it must submit the reference to this subsection as its statement of need to the
5 Codifier of Rules."

6 Section 5.(b) G.S. 163-278.23 reads as rewritten:

7 "**§ 163-278.23. Duties of Executive Secretary-Director of Board.**

8 The Executive Secretary-Director of the Board shall inspect or cause to be inspected
9 each statement filed with the Board under this Article within 30 days after the date it is
10 filed. The Executive Secretary-Director shall advise, or cause to be advised, no more than
11 30 days and at least five days before each report is due, each candidate or treasurer whose
12 organizational report has been filed, of the specific date each report is due. He shall
13 immediately notify any individual, candidate, treasurer, political committee, referendum
14 committee, or media required to file a statement under this Article if:

15 (1) It appears that the individual, candidate, treasurer, political committee,
16 referendum committee or media has failed to file a statement as required
17 by law or that a statement filed does not conform to this Article; or

18 (2) A written complaint is filed under oath with the Board by any registered
19 voter of this State alleging that a statement filed with the Board does not
20 conform to this Article or to the truth or that an individual, candidate,
21 treasurer, political committee, referendum committee or media has
22 failed to file a statement required by this Article.

23 The Executive Secretary-Director of the Board of Elections shall issue written ~~rulings~~
24 opinions to candidates and may issue written ~~rulings~~ opinions to the communications
25 media, political committees, and referendum committees upon request, regarding filing
26 procedures and compliance with this Article. Any such ~~ruling~~ opinion so issued shall
27 specifically refer to this paragraph. If the candidate, communications media, political
28 committees, or referendum committees rely on and comply with the ~~ruling~~ opinion of the
29 Executive Secretary-Director of the Board of Elections, then prosecution or civil action
30 on account of the procedure followed pursuant thereto and prosecution for failure to
31 comply with the statute inconsistent with the written ruling of the Executive Secretary-
32 Director of the Board of Elections issued to the candidate or committee involved shall be
33 barred. Nothing in this paragraph shall be construed to prohibit or delay the regular and
34 timely filing of reports. The Executive Secretary-Director shall file all opinions issued
35 pursuant to this section with the Codifier of Rules to be published unedited in the North
36 Carolina Register and the North Carolina Administrative Code."

37 Section 5.(c) G.S. 163-278.21 reads as rewritten:

38 "**§ 163-278.21. Promulgation of policy and administration through State Board of**
39 **Elections.**

40 The State Board of Elections shall have responsibility, adequate staff, equipment and
41 facilities, for promulgating all ~~necessary regulations, and regulations necessary~~ for the
42 enforcement and administration of this Article. ~~Article and to prevent the circumvention~~
43 of the provisions of this Article. The State Board of Elections shall empower the

1 Executive Secretary-Director with the responsibility for the administrative operations
2 required to administer this Article and may delegate or assign to him such other duties
3 from time to time by regulations or orders of the State Board of Elections."

4 Section 5.(d) This section is effective when this act becomes law and applies to
5 rules adopted by the State Board of Elections on or after that date.

6 – PROHIBIT FUND-RAISING FROM LOBBYISTS AND RELATED POLITICAL
7 COMMITTEES.

8 Section 6.(a) G.S. 163-278.13B(c) reads as rewritten:

9 "(c) Prohibited Contributions. – While the General Assembly is in regular session:

10 (1) No limited contributor shall make or offer to make a contribution to a
11 limited contributee.

12 (2) No limited contributor shall make a contribution to any candidate,
13 officeholder, or political committee, directing or requesting that the
14 contribution be made in turn to a limited contributee.

15 (3) No limited contributor shall transfer any amount of money or anything
16 of value to any entity, directing or requesting that the entity use what
17 was transferred to contribute to a limited contributee.

18 (4) No limited contributee shall accept a contribution from a limited
19 contributor.

20 (5) No limited contributor shall solicit a contribution from any individual or
21 political committee on behalf of a limited contributee. This subdivision
22 does not apply to a limited contributor soliciting a contribution on
23 behalf of a political party executive committee if the solicitation is
24 solely for a separate segregated fund kept by the political party limited
25 to use for activities that are not candidate-specific, including generic
26 voter registration and get-out-the-vote efforts, pollings, mailings, and
27 other general activities and advertising that do not refer to a specific
28 individual candidate."

29 Section 6.(b) This section becomes effective October 1, 1999, and applies to all
30 contributions made, accepted, or solicited on or after that date.

31 – REQUIRING MONTHLY REPORTS TO BOARDS OF ELECTIONS OF DEATHS
32 AND FELONY CONVICTIONS.

33 Section 7.(a) G.S. 163-82.14(b) reads as rewritten:

34 "(b) Death. – The Department of Health and Human Services, ~~on or before the~~
35 ~~fifteenth day of March, June, September, and December,~~ Services shall furnish free of
36 charge to each county board of elections a certified list of the State Board of Elections
37 every month, in a format prescribed by the State Board of Elections, the names of
38 deceased persons who were residents of that county. ~~the State.~~ The State Board of
39 Elections shall distribute every month to each county board of elections the names on that
40 list of deceased persons who were residents of that county. The Department of Health and
41 Human Services shall base each list upon information supplied by death certifications it
42 received during the preceding ~~quarter.~~ month. Upon the receipt of ~~the certified list,~~ the
43 those names, each county board of elections shall remove from its voter registration

1 records any person the list shows to be dead. The county board need not send any notice
2 to the address of the person so removed."

3 Section 7.(b) G.S. 163-82.14(c)(1) reads as rewritten:

4 "(1) Report of Conviction Within the State. – The clerk of superior court, on
5 or before the fifteenth day of ~~March, June, September, and December~~ of
6 every ~~year, month,~~ shall report to the county board of elections of that
7 county the name, county of residence, and residence address if
8 available, of each individual against whom a final judgment of
9 conviction of a felony has been entered in that county in the preceding
10 calendar ~~quarter, month.~~ Any county board of elections receiving such a
11 report about an individual who is a resident of another county in this
12 State shall forward a copy of that report to the board of elections of that
13 county as soon as possible."

14 Section 7.(c) This section becomes effective January 1, 2000.

15 – EXPANDING THE "RACE" CATEGORY ON THE VOTER REGISTRATION
16 FORM.

17 Section 8.(a) G.S. 163-82.4(a) reads as rewritten:

18 "(a) Information Requested of Applicant. – The form required by G.S. 163-82.3(a)
19 shall request the applicant's:

- 20 (1) Name,
- 21 (2) Date of birth,
- 22 (3) Residence address,
- 23 (4) County of residence,
- 24 (5) Date of application,
- 25 (6) Gender,
- 26 (7) Race,
- 27 (7a) Ethnicity,
- 28 (8) Political party affiliation, if any, in accordance with subsection (c) of
29 this section,
- 30 (9) Telephone number (to assist the county board of elections in contacting
31 the voter if needed in processing the application),

32 and any other information the State Board finds is necessary to enable officials of the
33 county where the person resides to satisfactorily process the application. The form shall
34 require the applicant to state whether currently registered to vote anywhere, and at what
35 address, so that any prior registration can be cancelled. The portions of the form
36 concerning race and ethnicity shall include as a choice any category shown by the most
37 recent decennial federal census to compose at least one percent (1%) of the total
38 population of North Carolina. The county board shall make a diligent effort to complete
39 for the registration records any information requested on the form that the applicant does
40 not complete, but no application shall be denied because an applicant does not state race,
41 ethnicity, gender, or telephone number. The application shall conspicuously state that
42 provision of the applicant's telephone number is optional. If the county board maintains
43 voter records on computer, the free list provided under this subsection shall include

1 telephone numbers if the county board enters the telephone number into its computer
2 records of voters."

3 Section 8.(b) This section becomes effective January 1, 2002.

4 Section 9. Of the funds appropriated to the State Board of Elections for the
5 1999-2000 fiscal year, the State Board of Elections may use up to the sum of twenty-five
6 thousand dollars (\$25,000) for the purpose of meeting its additional responsibilities under
7 Sections 2, 3, 5, and 6 of this act.

8 Section 10. Prosecutions for, or sentences based on, offenses occurring before
9 the relevant effective date in this act are not abated or affected by this act, and the statutes
10 that would be applicable to those prosecutions or sentences but for the provisions of this
11 act remain applicable to those prosecutions or sentences.

12 Section 11. The provisions of this act are severable. If any section, subsection,
13 subdivision, sub-subdivision, phrase, or word of this act or of any statute that it amends is
14 held invalid by a court of competent jurisdiction, the invalidity does not affect any other
15 portion or portions of this act that can be given effect without the invalid provision.

16 Section 12. This act is effective when it becomes law.