

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH10163-ST-19 (04/10)

Short Title: Omnibus Campaign Changes. (Public)

Sponsors: Representative Goodwin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES RELATED TO CAMPAIGN FINANCE
3 LAWS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 163-278.23 reads as rewritten:

6 **"§ 163-278.23. Duties of Executive Director of Board.**

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

- 15 (1) It appears that the individual, candidate, treasurer, political committee,
16 referendum committee, media, or other entity has failed to file a
17 statement as required by law or that a statement filed does not conform
18 to this Article; or
19 (2) A written complaint is filed under oath with the Board by any
20 registered voter of this State alleging that a statement filed with the
21 Board does not conform to this Article or to the truth or that an
22 individual, candidate, treasurer, political committee, referendum
23 committee, media, or other entity has failed to file a statement required
24 by this Article.

25 The entity that is the subject of the complaint will be given an opportunity to
26 respond to the complaint before any action is taken requiring compliance.

1 ~~The Executive Director of the Board of Elections shall issue written opinions to~~
2 ~~candidates, the communications media, political committees, referendum committees, or~~
3 ~~other entities upon request, regarding filing procedures and compliance with this~~
4 ~~Article. Any such opinion so issued shall specifically refer to this paragraph. If the~~
5 ~~candidate, communications media, political committees, referendum committees, or~~
6 ~~other entities rely on and comply with the opinion of the Executive Director of the~~
7 ~~Board of Elections, then prosecution or civil action on account of the procedure~~
8 ~~followed pursuant thereto and prosecution for failure to comply with the statute~~
9 ~~inconsistent with the written ruling of the Executive Director of the Board of Elections~~
10 ~~issued to the candidate or committee involved shall be barred. Nothing in this paragraph~~
11 ~~shall be construed to prohibit or delay the regular and timely filing of reports. The~~
12 ~~Executive Director shall file all opinions issued pursuant to this section with the~~
13 ~~Codifier of Rules to be published unedited in the North Carolina Register and the North~~
14 ~~Carolina Administrative Code.~~

15 This section applies to Articles 22B, 22D, 22E, and 22F of the General Statutes to
16 the same extent that it applies to this Article."

17 **SECTION 1.(b)** Article 22A of Chapter 163 of the General Statutes is
18 amended by adding a new section to read:

19 **"§ 163.278.23A. Advisory opinions.**

20 (a) At the request of any person affected by this Article, the Executive Director
21 shall render advisory opinions on specific questions involving the meaning and
22 application of this Article. The request shall be in writing, electronic or otherwise, and
23 relate prospectively to real or reasonably anticipated fact settings or circumstances. On
24 its own motion, the Executive Director may render advisory opinions on specific
25 questions involving the meaning and application of this Article. The Executive Director
26 shall issue advisory opinions having prospective application only. Reliance upon a
27 requested written advisory opinion on a specific matter shall immunize the person or
28 persons requesting the written advisory opinion, on that matter, from investigation by
29 the State Board.

30 (b) The Executive Director shall publish advisory opinions at least once a year.
31 These advisory opinions shall be edited for publication purposes as necessary to protect
32 the identities of the individuals requesting opinions.

33 (c) Except as provided under subsection (b) of this section, requests for advisory
34 opinions, and advisory opinions issued under this section, are confidential and not
35 public records.

36 (d) For purposes of this section, the term "Article" shall mean Articles 22A, 22B,
37 22D, 22E, and 22F of this Chapter.

38 **SECTION 2.** G.S. 163-278.22(7) reads as rewritten:

39 "(7) To make investigations to the extent the Board deems necessary with
40 respect to statements filed under the provisions of this Article and with
41 respect to alleged failures to file any statement required under the
42 provisions of this Article, and, upon complaint under oath by any
43 registered voter, with respect to alleged violations of any part of this
44 Article. Information obtained by the Board during its investigation

1 shall be treated as confidential by the Board until a hearing is held, if
2 any."

3 **SECTION 3.** G.S. 163-278.11(a) reads as rewritten:

4 **"§ 163-278.11. Contents of treasurer's statement of receipts and expenditures.**

5 (a) Statements filed pursuant to provisions of this Article shall set forth the
6 following:

- 7 (1) Contributions. – Except as provided in subsection (a1) of this section,
8 a list of all contributions received by or on behalf of a candidate,
9 political committee, or referendum committee. The statement shall list
10 the name and complete mailing address of each contributor, the
11 amount contributed, the principal occupation of the contributor, and
12 the date such contribution was received. The total sum of all
13 contributions to date shall be plainly exhibited. Forms for required
14 reports shall be prescribed by the Board. As used in this section,
15 "principal occupation of the contributor" means the contributor's:
16 a. Job title or profession; and
17 b. Employer's name or employer's specific field of business
18 activity.

19 The State Board of Elections shall prepare a schedule of specific fields
20 of business activity, adapting or modifying as it deems suitable the
21 business activity classifications of the Internal Revenue Code or other
22 relevant classification schedules. In reporting a contributor's specific
23 field of business activity, the treasurer shall use the classification
24 schedule prepared by the State Board.

- 25 (2) Expenditures. – A list of all expenditures required under
26 G.S. 163-278.8 made by or on behalf of a candidate, political
27 committee, or referendum committee. The statement shall list the name
28 and complete mailing address of each payee, the amount paid, the
29 purpose, and the date such payment was made. The total sum of all
30 expenditures to date shall be plainly exhibited. Forms for required
31 reports shall be prescribed by the Board. In accounting for all
32 expenditures in accordance with G.S. 163-278.8(e) and
33 G.S. 163-278.8(f), the payee shall be the individual or person to whom
34 the candidate, political committee, or referendum committee is
35 obligated to make the expenditure. If the expenditure is to a financial
36 institution for revolving credit or a reimbursement for a payment to a
37 financial institution for revolving credit, the statement shall also
38 include a specific itemization of the goods and services purchased with
39 the revolving credit. If the obligation is for more than one good or
40 service, the statement shall include a specific itemization of the
41 obligation so as to provide a reasonable understanding of the
42 obligation.

- 43 (3) Loans. – Every candidate and treasurer shall attach to the campaign
44 transmittal submitted with each report an addendum listing all

1 proceeds derived from loans for funds used or to be used in this
2 campaign. The addendum shall be in the form as prescribed by the
3 State Board of Elections and shall list the amount of the loan, the
4 source, the period, the rate of interest, and the security pledged, if any,
5 and all makers and endorsers.

6 (4) Unpaid obligations. – A list of financial obligations of the candidate or
7 political committee incurred but not paid. The statement shall list the
8 name and complete mailing address of the person to whom the
9 obligation is owed, the amount owed, the purpose, and the date the
10 obligation was incurred."

11 **SECTION 4.** This act is effective when it becomes law.