

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1778

Short Title: Donor's Occupation.

(Public)

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Sponsors: Representatives Luebke; Braswell, Church, Colton, Justus, and Michaux.

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Referred to: Judiciary I.

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May 26, 1994

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT INFORMATION TO BE REPORTED CONCERNING  
2 CAMPAIGN CONTRIBUTORS SHALL INCLUDE OCCUPATION,  
3 EMPLOYER'S NAME, AND BUSINESS ADDRESS; AND TO PROHIBIT SALE  
4 OR USE OF CAMPAIGN FINANCE REPORTS FOR SOLICITATION OR  
5 COMMERCIAL PURPOSES.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 163-278.8(c) reads as rewritten:

9 "(c) A treasurer may not accept a contribution of more than one hundred dollars  
10 (\$100.00) from a nonresident of this State unless the contribution is accompanied by a  
11 written statement setting forth the ~~name and address~~ name, complete home address,  
12 occupation, employer's name, and complete business address of each contributor."

13 Sec. 2. G.S. 163-278.8(d) reads as rewritten:

14 "(d) A treasurer shall not be required to report the name of any resident of this  
15 State who makes a total contribution of one hundred dollars (\$100.00) or less but he  
16 shall instead report the fact that he has received a total contribution of one hundred  
17 dollars (\$100.00) or less, the amount of the contribution, and the date of receipt. If a  
18 treasurer receives contributions of one hundred dollars (\$100.00) or less, each at a  
19 single event, he may account for and report the total amount received at that event, the  
20 date and place of the event, the nature of the event, and the approximate number of  
21 people at the event. With respect to the proceeds of sale of services, campaign literature  
22 and materials, wearing apparel, tickets or admission prices to campaign events such as  
23 rallies or dinners, and the proceeds of sale of any campaign-related services or goods, if  
24 the price or value received for any single service or goods exceeds one hundred dollars

1 (\$100.00), the treasurer shall account for and report the name of the individual paying  
2 for such services or ~~goods~~, goods and other information concerning the individual  
3 required in G.S. 163-278.11(a)(1), the amount received, and the date of receipt, but if  
4 the price or value received for any single service or item of goods does not exceed one  
5 hundred dollars (\$100.00), the treasurer may report only those services or goods  
6 rendered or sold at a value that does not exceed one hundred dollars (\$100.00), the  
7 nature of the services or goods, the amount received in the aggregate for the services or  
8 goods, and the date of the receipt.

9 Sec. 3. G.S. 163-278.11 reads as rewritten:

10 **"§ 163-278.11. Contents of treasurer's statement of receipts and expenditures.**

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

13 (1) Contributions. – A list of all contributions required to be listed under  
14 G.S. 163-278.8 received by or on behalf of a candidate, political  
15 committee, or referendum committee. The statement shall list the ~~name~~  
16 ~~and complete mailing address~~ name, complete home mailing address,  
17 occupation, employer's name, and complete business address of each  
18 contributor, the amount contributed, and the date such contribution  
19 was received. The total sum of all contributions to date shall be plainly  
20 exhibited. Forms for required reports shall be prescribed by the Board.

21 (2) Expenditures. – A list of all expenditures required under G.S. 163-  
22 278.8 made by or on behalf of a candidate, political committee, or  
23 referendum committee. The statement shall list the name and complete  
24 mailing address of each payee, the amount paid, the purpose, and the  
25 date such payment was made. The total sum of all expenditures to date  
26 shall be plainly exhibited. Forms for required reports shall be  
27 prescribed by the Board.

28 (3) Loans. – Every candidate and treasurer shall attach to the campaign  
29 transmittal submitted with each report an addendum listing all  
30 proceeds derived from loans for funds used or to be used in this  
31 campaign. The addendum shall be in the form as prescribed by the  
32 State Board of Elections and shall list the amount of the loan, the  
33 source, the period, the rate of interest, and the security pledged, if any,  
34 and all makers and endorsers.

35 (b) Statements shall reflect anything of value paid for or contributed by any  
36 person or individual, both as a contribution and expenditure."

37 Sec. 4. G.S. 163-278.22 reads as rewritten:

38 **"§ 163-278.22. Duties of State Board.**

39 It shall be the duty and power of the State Board:

40 (1) To prescribe forms of statements and other information required to be  
41 filed by this Article, to furnish such forms to the county boards of  
42 elections and individuals, media or others required to file such  
43 statements and information, and to prepare, publish and distribute or  
44 cause to be distributed to all candidates at the time they file notices of

- 1 candidacy a manual setting forth the provisions of this Article and a  
2 prescribed uniform system for accounts required to file statements by  
3 this Article;
- 4 (2) To accept and file any information voluntarily supplied that exceeds  
5 the requirements of this Article;
- 6 (3) To develop a filing, coding, and cross-indexing system consonant with  
7 the purposes of this Article;
- 8 (4) To make statements and other information filed with it available to the  
9 public at a charge not to exceed actual cost of ~~copying~~, copying, ~~except~~  
10 that any information copied from statements filed pursuant to the  
11 provisions of this Article may not be sold or used by any person for the  
12 purpose of soliciting contributions or for commercial purposes, other  
13 than using the name and address of any political committee to solicit  
14 contributions from such committee.
- 15 (5) To preserve reports and statements filed under this Article. Such  
16 reports and statements, after a period of two years following the  
17 election year, may be transferred to the Department of Cultural  
18 Resources, Division of Archives and History, and shall be preserved  
19 for a period of 10 years.
- 20 (6) To prepare and publish such reports as it may deem appropriate;
- 21 (7) To make investigations to the extent the Board deems necessary with  
22 respect to statements filed under the provisions of this Article and with  
23 respect to alleged failures to file any statement required under the  
24 provisions of this Article, and, upon complaint under oath by any  
25 registered voter, with respect to alleged violations of any part of this  
26 Article; and
- 27 (8) After investigation, to report apparent violations by candidates,  
28 political committees, referendum committees, individuals or persons to  
29 the proper district attorney as provided in G.S. 163-278.27.
- 30 (9) To prescribe and furnish forms of statements and other material to the  
31 county boards of elections for distribution to candidates and  
32 committees required to be filed with the county boards.
- 33 (10) To instruct the chairman and supervisors of elections of each county  
34 board as to their respective duties and responsibilities relative to the  
35 administration of this Article.
- 36 (11) To require appropriate certification of delinquent or late filings from  
37 the county boards of elections and to execute the same responsibilities  
38 relative to such reports as provided in G.S. 163-278.27.
- 39 (12) To assist county boards of elections in resolving questions arising  
40 from the administration of this Article.
- 41 (13) To require county boards of elections to hold such hearings, make such  
42 investigations, and make reports to the State Board as the State Board  
43 deems necessary in the administration of this Article."

1           Sec. 5. This act becomes effective January 1, 1995, and applies to the  
2 reporting of all contributions accepted on or after that date. This act applies to reports  
3 filed on or after January 1, 1995, but Sections 1 through 3 of this act apply to those  
4 reports only to the extent that those reports describe contributions accepted on or after  
5 January 1, 1995.