

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 887

Short Title: Candidate Appearance in Ad.

(Public)

Sponsors: Representatives Jones; Gottovi and Warner.

Referred to: Judiciary I.

April 18, 1991

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FILING FEE FOR CANDIDATES FOR STATEWIDE AND LEGISLATIVE OFFICES, AND TO OFFER A LOWER FILING FEE FOR CANDIDATES WHO AGREE TO PERSONAL LABELING IN RADIO AND TELEVISION ADS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-107 reads as rewritten:

"§ 163-107. Filing fees required of candidates in primary; alternative filing fees for candidates who agree to personal labeling in radio and television advertising; refunds.

(a) Regular Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which he files under the provisions of G.S. 163-106 a filing fee for the office he seeks in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
Governor One Ten percent (1%)-(10%) of	the annual salary of the office sought
Lieutenant Governor	One Ten percent (1%)-(10%) of the annual salary of the office sought
All State executive offices	One Ten percent (1%)-(10%) of

1		the annual salary of the office
2		sought
3	All Justices, Judges, and	One Ten percent (1%)-(10%) of
4	District Attorneys of the	the annual salary of the office
5	General Court of Justice	sought
6	United States Senator	One percent (1%) of the annual
7		salary of the office sought
8	Members of the United States	One percent (1%) of the annual
9	House of Representatives	salary of the office sought
10	State Senator	One Ten percent (1%)-(10%) of
11		the annual salary of the office
12		sought
13	Member of the State House of	One Ten percent (1%)-(10%) of
14	Representatives	the annual salary of the office
15		sought
16	All county offices not	One percent (1%) of the annual
17	compensated by fees	salary of the office sought
18	County commissioners, if	Ten dollars (\$10.00)
19	compensated entirely by fees	
20	Members of county board of	Five dollars (\$5.00)
21	education, if compensated	
22	entirely by fees	
23	Sheriff, if compensated	Forty dollars (\$40.00), plus one
24	entirely by fees	percent (1%) of the income of
25		the office above four thousand
26		dollars (\$4,000)
27	Clerk of superior court, if	Forty dollars (\$40.00), plus one
28	compensated entirely by fees	percent (1%) of the income of
29		the office above four thousand
30		dollars (\$4,000)
31	Register of deeds, if	Forty dollars (\$40.00), plus one
32	compensated entirely by fees	percent (1%) of the income of
33		the office above four thousand
34		dollars (\$4,000)
35	Any other county office, if	Twenty dollars (\$20.00), plus
36	compensated entirely by fees	one percent (1%) of the income
37		of the office above two
38		thousand dollars (\$2,000)
39	All county offices compensated	One percent (1%) of the first
40	partly by salary and partly	annual salary to be received
41	by fees (exclusive of fees)	
42	<u>(a1) Alternative Fee Schedule. – The following alternative filing fees shall be paid</u>	
43	<u>by any candidate for any of the following offices who, pursuant to subsection (a2),</u>	

1 voluntarily agrees to the limitations specified in (a2) concerning radio and television
2 advertisements:

<u>Office Sought</u>	<u>Amount of Filing Fee</u>
<u>Governor</u>	<u>One percent (1%) of the annual salary of the office sought</u>
<u>Lieutenant Governor</u>	<u>One percent (1%) of the annual salary of the office sought</u>
<u>All State executive offices</u>	<u>One percent (1%) of the annual salary of the office sought</u>
<u>All Justices, Judges, and District Attorneys of the General Court of Justice</u>	<u>One percent (1%) of the annual salary of the office sought</u>
<u>State Senator</u>	<u>One percent (1%) of the annual salary of the office sought</u>
<u>Member of the State House of Representatives</u>	<u>One percent (1%) of the annual salary of the office sought.</u>

19 (a2) Agreement to Personal Labeling. – The filing fees set out in subsection (a1)
20 of this section, and not those in subsection (a) of this section, shall apply to any
21 candidate for an office listed in subsection (a1) who files with the board of elections
22 with which he is required to file his notice of candidacy an affidavit stating the
23 following: 'I agree that, in any radio or television political advertisement paid for by:

- 24 (1) Me;
- 25 (2) A political committee authorized by me;
- 26 (3) Any agent of (1) or (2); or
- 27 (4) Any other person authorized by (1) or (2) to make such payment

28 the advertisement shall include an audio statement in which I shall say in my own voice:
29 "I am (candidate's name), a candidate for (the office the candidate is seeking) and I have
30 approved the contents of this advertisement." If the advertisement is on television, I
31 shall make the statement in a full-screen appearance that shows me saying the words.' If
32 the candidate files the affidavit at the time he files his notice of candidacy, the candidate
33 shall pay the fee set out in subsection (a1). If he does not file the affidavit at the time he
34 files his notice of candidacy, he shall pay the fee set out in subsection (a).

35 (a3) Certification of Candidate's Affidavit of Agreement. – The chairman of the
36 county board of elections with which an affidavit is filed under subsection (a2) shall
37 forward the affidavit to the State Board of Elections no later than 30 days after the
38 candidate files the affidavit. The county board shall keep a certified copy of the
39 affidavit. The State Board of Elections shall keep as a public record each such affidavit
40 forwarded to it.

41 (a4) Affidavit of Compliance. – Every candidate who files an affidavit under
42 subsection (a2) and pays the filing fee set out in subsection (a1) shall, if he has
43 complied with the terms of the agreement set out in subsection (a2), file an affidavit
44 with the State Board of Elections no later than 30 days after the general election stating

1 that he has complied. Any candidate who paid a filing fee under subsection (a1) who
2 does not file an affidavit of compliance with the State Board of Elections no later than
3 30 days after the general election shall pay to the State Board no later than the next
4 January 7 the difference between the filing fees in subsection (a1) and subsection (a) for
5 the office he sought.

6 (a5) Felony for Falsifying Affidavit of Compliance. – Any candidate who
7 fraudulently falsifies an affidavit of compliance set out in subsection (a3) is guilty of a
8 Class I felony. This provision shall be investigated and enforced in the manner
9 proscribed in G.S. 163-278 for the crimes in Article 22 of this Chapter.

10 (b) Refund of Fees. – If any person who has filed a notice of candidacy and paid
11 the filing fee prescribed in subsection (a) of this section, withdraws his notice of
12 candidacy within the period prescribed in G.S. 163-106(e), he shall be entitled to have
13 the fee he paid refunded. If the fee was paid to the State Board of Elections, the
14 chairman of that board shall cause a warrant to be drawn on the Treasurer of the State
15 for the refund payment. If the fee was paid to a county board of elections, the chairman
16 of the Board shall certify to the county accountant that the refund should be made, and
17 the county accountant shall make the refund in accordance with the provisions of the
18 County Fiscal Control Act.

19 If any person files a notice of candidacy and pays a filing fee to a board of elections
20 other than that with which he is required to file under the provisions of G.S. 163-106(e),
21 he shall be entitled to have the fee refunded in the manner prescribed in this subsection
22 if he requests the refund before the date on which the right to file for that office expires
23 under the provisions of G.S. 163-106(e)."

24 Sec. 2. G.S. 163-278.16 reads as rewritten:

25 "**§ 163-278.16. Regulations regarding contributions, expenditures and media**
26 **advertising.**

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

- 30 (1) Until the candidate, political committee, or referendum committee
31 appoints a treasurer and certifies the name and address of the treasurer
32 to the Board; and
- 33 (2) Unless the contribution is received or the expenditure made by or
34 through the treasurer of the candidate, political committee, or
35 referendum committee.

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

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

- 39 (1) It bears the legend or includes the statement: 'Paid for by (or
40 Sponsored by) (Name of candidate, political
41 committee, referendum committee, individual)';
- 42 (2) The name used in the labeling required in subdivision (1) of this
43 subsection is the name that appears on the statement of organization as

- 1 required in G.S. 163-278.7(b)(1), provided that this subdivision applies
2 only if the sponsor is a political committee or referendum committee;
- 3 (3) The sponsor states in the media advertisement its position:
4 a. For or against the candidate; or
5 b. For or against an opposing candidate provided that this
6 subdivision applies only if the media advertisement is made for
7 or against a candidate; and
- 8 (4) The sponsor states in the media advertisement its position for or
9 against the ballot measure; provided this subdivision applies only if the
10 media advertisement is made for or against a ballot measure.

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

14 The media shall not publish or broadcast any political advertisement unless it bears
15 the legend or includes the statement required herein. For purposes of this subsection,
16 'media' means broadcasting stations, carrier current stations, newspapers, magazines,
17 periodicals, outdoor advertising facilities, billboards, and newspaper inserts.

18 The labeling requirements in this section are in addition to any labeling the
19 candidate agrees to place in his advertisement under G.S. 163-107(a2)."

20 Sec. 3. This act becomes effective January 1, 1992, and applies to all
21 primaries and elections held on or after that date.