

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1290\*  
Judiciary I Committee Substitute Adopted 6/27/00  
House Committee Substitute Favorable 6/30/00

Short Title: Election Bd. Conduct.

(Public)

Sponsors:

Referred to:

May 31, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROHIBIT CERTAIN POLITICAL ACTIVITIES BY BOARD OF  
3 ELECTIONS MEMBERS.

4 The General Assembly of North Carolina enacts:

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

7 **"ARTICLE 4A.**

8 **"POLITICAL ACTIVITIES BY BOARD OF ELECTIONS MEMBERS.**

9 **"§ 163-38. Applicability of Article.**

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

16 **"§ 163-39. Limitation on political activities.**

17 No individual subject to this Article shall:

- 1           (1) Make written or oral statements intended for general distribution or  
2           dissemination to the public at large supporting or opposing the  
3           nomination or election of one or more clearly identified candidates for  
4           public office.
- 5           (2) Make written or oral statements intended for general distribution or  
6           dissemination to the public at large supporting or opposing the passage  
7           of one or more clearly identified referendum proposals.
- 8           (3) Solicit contributions for a candidate, political committee, or referendum  
9           committee.

10 Individual expressions of opinion, support, or opposition not intended for general public  
11 distribution shall not be deemed a violation of this Article. Nothing in this Article shall be  
12 deemed to prohibit participation in a political party convention as a delegate. Nothing in  
13 this Article shall be deemed to prohibit a board member from making a contribution to a  
14 candidate, political committee, or referendum committee.

15 **"§ 163-40. Violation may be ground for removal.**

16       A violation of this Article may be a ground to remove a State Board of Elections  
17 member under G.S. 143B-16, a county board of elections member under G.S. 163-22(c),  
18 or a municipal board of elections member under G.S. 163-280(i). No criminal penalty  
19 shall be imposed for a violation of this Article.

20 **"§ 163-40.1. Definitions.**

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

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