

1 individual, or other sponsor].' In television advertisements, this
2 disclosure shall be made by visual legend.

3 (2) The name used in the labeling required in subdivision (1) of this
4 subsection is the name that appears on the statement of organization as
5 required in G.S. 163-278.7(b)(1).

6 (3) The sponsor states in the advertisement its position for or against the
7 candidate, provided that this subdivision applies only if the
8 advertisement supports or opposes the nomination or election of one or
9 more clearly identified candidates.

10 (4) The sponsor states in the advertisement its position for or against a
11 ballot measure, provided that this subdivision applies only if the
12 advertisement is made for or against a ballot measure.

13 (5) In a print media advertisement supporting or opposing the nomination
14 or election of one or more clearly identified candidates, the sponsor
15 states whether it is authorized by a candidate. The visual legend in the
16 advertisement shall state either 'Authorized by [name of candidate],
17 candidate for [name of office]' or 'Not authorized by a candidate.' This
18 subdivision does not apply if the sponsor of the advertisement is the
19 candidate the advertisement supports or that candidate's campaign
20 committee.

21 (6) In a print media advertisement that is not an independent expenditure
22 and that identifies a candidate the sponsor is opposing, the sponsor
23 discloses in the advertisement the name of the candidate who is intended
24 to benefit from the advertisement.

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

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

36 (c) Misrepresentation of Authorization. – Notwithstanding G.S. 163-278.27(a),
37 any candidate, candidate campaign committee, political party organization, political
38 action committee, referendum committee, individual, or other sponsor making an
39 advertisement in the print media or on radio or television bearing any legend required by
40 subsection (a) of this section that misrepresents the sponsorship or authorization of the
41 advertisement is guilty of a Class 1 misdemeanor.

1 "§ 163-278.39A. Disclosure requirements for television and radio advertisements
2 supporting or opposing the nomination or election of one or more clearly
3 identified candidates.

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

8 (b) Disclosure Requirements for Television. –

9 (1) Candidate advertisements on television. – Television advertisements
10 purchased by a candidate or by a candidate campaign committee
11 supporting or opposing the nomination or election of one or more
12 clearly identified candidates shall include a disclosure statement spoken
13 by the candidate and containing at least the following words: 'I am (or
14 "This is..." [name of candidate], candidate for [name of office], and I
15 (or "my campaign..." sponsored this ad.'

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

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

36 (4) Advertisements on television by an individual. – Television
37 advertisements purchased by an individual supporting or opposing the
38 nomination or election of one or more clearly identified candidates shall
39 include a disclosure statement spoken by the individual and containing
40 at least the following words: 'I am [individual's name], and I sponsored
41 this advertisement opposing/supporting [name of candidate] for [name
42 of office].'

- 1 (5) Advertisements on television by another sponsor. – Television
2 advertisements purchased by a sponsor other than a candidate, a
3 candidate campaign committee, a political party organization, a political
4 action committee, or an individual which supports or opposes the
5 nomination or election of one or more clearly identified candidates shall
6 include a disclosure statement spoken by the chief executive or principal
7 decision maker of the sponsor and containing at least the following
8 words: '[Name of sponsor] sponsored this ad.'
- 9 (6) All advertisements on television. – In any television advertisement
10 described in subdivisions (1) through (4) of this subsection, an
11 unobscured, full-screen picture containing the disclosing individual,
12 either in photographic form or through the actual appearance of the
13 disclosing individual on camera, shall be featured throughout the
14 duration of the disclosure statement.
- 15 (c) Disclosure Requirements for Radio. –
- 16 (1) Candidate advertisements on radio. – Radio advertisements purchased
17 by a candidate or by a candidate campaign committee supporting or
18 opposing the nomination or election of one or more clearly identified
19 candidates shall include a disclosure statement spoken by the candidate
20 and containing at least the following words: 'I am (or "This is...") [name
21 of candidate], candidate for [name of office], and this ad was paid for
22 (or "sponsored" or "furnished") by [name of candidate campaign
23 committee that paid for the advertisement].'
- 24 (2) Political party advertisements on radio. – Radio advertisements
25 purchased by a political party organization supporting or opposing the
26 nomination or election of one or more clearly identified candidates shall
27 include a disclosure statement spoken by the chair, executive director,
28 or treasurer of the political party organization and containing at least the
29 following words: 'This ad opposing/supporting [name of candidate] for
30 [name of office] was paid for (or "sponsored" or "furnished") by [name
31 of political party].' The disclosed name of the political party
32 organization shall include the name of the political party as it appears on
33 the ballot.
- 34 (3) Political action committee advertisements on radio. – Radio
35 advertisements purchased by a political action committee supporting or
36 opposing the nomination or election of one or more clearly identified
37 candidates shall include a disclosure statement spoken by the chief
38 executive officer or treasurer of the political action committee and
39 containing at least the following words: 'This ad opposing/supporting
40 [name of candidate] for [name of office] was paid for (or "sponsored" or
41 "furnished") by [name of political action committee] political action
42 committee.' The name of the political action committee used in the

1 advertisement shall be the name that appears on the statement of
2 organization as required by G.S. 163-278.7(b)(1).

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

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

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

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

33 (e1) Joint Sponsors. – If an advertisement described in this section is jointly
34 sponsored, the disclosure statement shall name all the sponsors and the disclosing
35 individual shall be one of those sponsors. If a candidate is one of the sponsors, that
36 candidate shall be the disclosing individual, and if more than one candidate is the
37 sponsor, at least one of the candidates shall be the disclosing individual.

38 (f) Legal Remedy. – Pursuant to the conditions established in subdivisions (1), (2),
39 and (3) of this subsection, a candidate for an elective office who complied with the
40 television and radio disclosure requirements throughout that candidate's entire campaign
41 shall have a monetary remedy in a civil action against (i) an opposing candidate or
42 candidate committee whose television or radio advertisement violates these disclosure
43 requirements and (ii) against any political party organization, political action committee,

1 individual, or other sponsor whose advertisement for that elective office violates these
2 disclosure requirements:

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

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

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

22 a. The plaintiff candidate can establish having notified or attempted
23 to notify the sponsor of the advertisement properly by return-
24 receipt mail about the failure of a particular advertisement or
25 advertisements to comply with the disclosure requirements of
26 this section, and

27 b. After the notice or attempted notice, the advertisement continued
28 to be aired.

29 The treble damages shall be calculated from the date on which the
30 return-receipt notice was accepted or rejected by a defendant sponsoring
31 candidate or candidate committee, political party organization, political
32 action committee, or individual. The plaintiff candidate or candidate
33 committee shall send a copy of any return-receipt mailing to the relevant
34 board of elections as provided in subdivision (1) of this subsection
35 within five days after the notice is returned to the possession of the
36 candidate or candidate committee.

37 The court shall award reasonable attorneys' fees to a plaintiff
38 candidate who prevails in an action under this section. The plaintiff
39 candidate may bring the civil action personally or authorize his or her
40 candidate campaign committee to bring the civil action.

41 (3) A candidate who violates the disclosure requirements of State law in
42 this section and that candidate's campaign committee shall be jointly
43 and severally liable for the payment of damages and attorneys' fees. If

1 the candidate is held personally liable for any payment of damages or
2 attorneys' fees, the candidate shall not use or be reimbursed by funds
3 from the candidate's campaign committee in paying any amount.

4 (g) Relation to the Communications Act of 1934. – Television advertisements by a
5 sponsor supporting or opposing the nomination or election of one or more clearly
6 identified candidates shall comply with the oral disclosure requirements under State law
7 in this section. Those advertisements shall also comply with disclosure requirements
8 under the Communications Act of 1934, 47 U.S.C. §§ 315 and 317 by use of visual
9 legends. The content of those visual legends is specified by the Communications Act of
10 1934, 47 U.S.C. §§ 315 and 317, and G.S. 163-278.39(a)(1). The size of those visual
11 legends is determined by G.S. 163-278.39(b), which satisfies requirements under the
12 Communications Act of 1934, 47 U.S.C. §§ 315 and 317. In the case of radio
13 advertisements, the oral disclosure requirements under State law in this section
14 incorporate the content requirements under the Communications Act of 1934, 47 U.S.C.
15 §§ 315 and 317.

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

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

22 **"§ 163-278.39B. Definitions.**

23 As used in this Part:

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

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

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

36 (4) 'Full-screen' means the only picture appearing on the television screen
37 during the oral disclosure statement contains the disclosing person, that
38 the picture occupies all visible space on the television screen, and that
39 the image of the disclosing person occupies at least fifty percent (50%)
40 of the vertical height of the television screen.

41 (5) 'Print media' means billboards, cards, newspapers, newspaper inserts,
42 magazines, mass mailings, pamphlets, fliers, periodicals, and outdoor

1 advertising facilities. A 'mass mailing' is a mailing with more than 500
2 pieces.

3 (6) 'Political action committee' has the same meaning as 'political
4 committee' in G.S. 163-278.6(14), except that 'political action
5 committee' does not include any political party or political party
6 organization.

7 (7) 'Political party organization' means any political party executive
8 committee or any political committee that operates under the direction
9 of a political party executive committee or political party chair.

10 (8) 'Radio' means any radio broadcast station that is subject to the
11 provisions of 47 U.S.C. §§ 315 and 317.

12 (9) 'Scan line' means a standard term of measurement used in the electronic
13 media industry calculating a certain area in a television advertisement.

14 (10) 'Sponsor' means a candidate, candidate committee, political party
15 organization, political action committee, referendum committee,
16 individual, or other entity that purchases an advertisement.

17 (11) 'Television' means any television broadcast station, cable television
18 system, wireless-cable multipoint distribution system, satellite
19 company, or telephone company transmitting video programming that is
20 subject to the provisions of 47 U.S.C. §§ 315 and 317.

21 (12) 'Unobscured' means the only printed material that may appear on the
22 television screen is a visual disclosure statement required by law, and
23 nothing is blocking the view of the disclosing person's face.

24 **"§ 163-278.39C. Scope of disclosure requirements.**

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

29 (1) Do not apply to an individual who makes uncoordinated independent
30 expenditures aggregating less than one thousand dollars (\$1,000) in a
31 political campaign; and

32 (2) Do not apply to an individual who incurs expenses with respect to a
33 referendum.

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

37 Section 2.(b) G.S. 163-278.16 reads as rewritten:

38 **"§ 163-278.16. Regulations regarding ~~contributions, expenditures and media~~**
39 **advertising-~~timing of contributions and expenditures.~~**

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

- 1 (1) Until the candidate, political committee, or referendum committee
2 appoints a treasurer and certifies the name and address of the treasurer
3 to the Board; and
4 (2) Unless the contribution is received or the expenditure made by or
5 through the treasurer of the candidate, political committee, or
6 referendum committee.

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

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

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

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

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

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

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

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

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

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

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

32 (g) ~~All printed matter for a political purpose from a political party or political
33 committee which identifies a candidate that party or committee is opposing shall indicate
34 in type no smaller than 12 point the name of the political party or political committee and
35 the name of the candidate that is intended to benefit from the printed matter."~~

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

37 "(a) Any individual, candidate, political committee, referendum committee,
38 treasurer, person or media who violates the applicable provisions of G.S. 163-278.7, 163-
39 278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16, 163-
40 278.17, 163-278.18, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-
41 278.40D or 163-278.40E is guilty of a Class 2 misdemeanor."

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

1 – PRIMA FACIE EVIDENCE THAT COMMUNICATIONS ARE "TO SUPPORT OR
2 OPPOSE ONE OR MORE CLEARLY IDENTIFIABLE CANDIDATES."

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

5 "**§ 163-278.14A. Prima facie evidence that communications are 'to support or oppose**
6 **the nomination or election of one or more clearly identified candidates.'**

7 (a) Any of the following three patterns of evidence shall constitute a prima facie
8 case that an individual or other entity acted 'to support or oppose the nomination or
9 election of one or more clearly identified candidates':

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

20 (2) Evidence of financial sponsorship of communications whose essential
21 nature expresses electoral advocacy to the general public and goes
22 beyond a mere discussion of public issues in that they:

23 a. Contain words of belief, opinion, or characterization directed at a
24 clearly identified candidate in an election;

25 b. Are targeted to the electorate for that election;

26 c. Occur through a paid advertisement distributed by any
27 broadcasting station, newspaper, magazine, or outdoor
28 advertising facility, or occur through a direct mailing or
29 telephone campaign;

30 d. Involve payment of more than three thousand dollars (\$3,000) to
31 communicate, provided that all communications making up the
32 total cost refer to the same candidate and target the candidate's
33 electorate; and

34 e. Are made within 60 days before an election in which the
35 candidate is running.

36 (3) Evidence that an entity or agent for that entity made a statement
37 admissible in a court of law that one of the entity's purposes is to
38 support or oppose a clearly identified candidate in an election and the
39 entity financially sponsors communications to the general public that:

40 a. Contain references to that candidate in which the candidate is
41 clearly identified;

42 b. Are targeted to the electorate for that election;

- 1 c. Occur through a paid advertisement distributed by any
2 broadcasting station, newspaper, magazine, or outdoor
3 advertising facility, or occur through a direct mailing or
4 telephone campaign; and
5 d. Involve payment of more than three thousand dollars (\$3,000) to
6 communicate, provided that all communications making up the
7 total cost refer to the same candidate and target the candidate's
8 electorate.

9 In rebutting the prima facie case, the defendant may offer evidence that the actions
10 were not intended to support or oppose the nomination or election of one or more clearly
11 identified candidates.

12 (b) Notwithstanding the provisions of subsection (a) of this section, a
13 communication shall not be subject to regulation if it:

- 14 (1) Appears in a news story, commentary, or editorial distributed through
15 the facilities of any broadcasting station, newspaper, or magazine,
16 unless those facilities are owned or controlled by any political party, or
17 political committee;
18 (2) Is distributed by a corporation solely to its stockholders and employees;
19 or
20 (3) Is distributed by any organization, association, or labor union solely to
21 its members or to subscribers or recipients of its regular publications."

22 Section 3.(b) G.S. 163-278.34A reads as rewritten:

23 "**§ 163-278.34A. Presumptions.**

24 In any proceeding brought pursuant to this Article in which a presumption arises from
25 the proof of certain facts, ~~the defendant has the burden of offering some evidence to rebut the~~
26 ~~presumption. The presumption shall be rebuttable, but the State bears the ultimate burden~~
27 of proving the essential elements of its case."

28 Section 3.(c) This section is effective when it becomes law.

29 – SETTING STATUTE OF LIMITATIONS AT FIVE YEARS FOR CAMPAIGN
30 FINANCE MISDEMEANORS.

31 Section 4.(a) Article 22A of Chapter 163 of the General Statutes is amended by
32 adding a new section to read:

33 "**§ 163-278.27A. Five-year statute of limitations.**

34 Prosecution for a misdemeanor brought under this Article shall be barred after five
35 years have expired from the date the violation occurred."

36 Section 4.(b) This section becomes effective December 1, 1999, and applies to
37 offenses occurring on and after that date.

38 – CORRECTING LOOPHOLE CONCERNING 'GIVING IN THE NAME OF
39 ANOTHER.'

40 Section 4.1.(a) G.S. 163-278.14(a) reads as rewritten:

41 "(a) No individual, political committee, or other entity shall make any contribution
42 anonymously, except as provided in G.S. 163-278.8(d), or in the name of another. No
43 candidate, political committee, referendum committee, political party, or treasurer shall

1 knowingly accept any contribution made by any individual or person in the name of
2 another individual or person or made anonymously except as provided in G.S. 163-
3 278.8(d). If a candidate, political committee, referendum committee, political party, or
4 treasurer receives ~~any such contributions,~~ anonymous contributions or contributions
5 determined to have been made in the name of another, he shall pay the money over to the
6 Board, by check, and all such moneys received by the Board shall be deposited in the
7 general fund of the State of North Carolina."

8 Section 4.1.(b) This section becomes effective December 1, 1999, and applies
9 to offenses committed on and after that date.

10 – CHANGING THE STATE BOARD OF ELECTIONS'S STATUS UNDER THE
11 ADMINISTRATIVE PROCEDURE ACT.

12 Section 5.(a) G.S. 150B-1(c) reads as rewritten:

13 "(c) Full Exemptions. – This Chapter applies to every agency except:

- 14 (1) The North Carolina National Guard in exercising its court-martial
15 jurisdiction.
- 16 (2) The Department of Health and Human Services in exercising its
17 authority over the Camp Butner reservation granted in Article 6 of
18 Chapter 122C of the General Statutes.
- 19 (3) The Utilities Commission.
- 20 (4) The Industrial Commission.
- 21 (5) The Employment Security Commission.
- 22 (6) The State Board of Elections and the Executive Secretary-Director of
23 the State Board of Elections, provided that, when promulgating rules
24 they shall follow the procedures in subsections (a) through (g) and
25 subsection (i) of G.S. 150B-21.2."

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

27 "**§ 163-278.23. Duties of Executive Secretary-Director of Board.**

28 The Executive Secretary-Director of the Board shall inspect or cause to be inspected
29 each statement filed with the Board under this Article within 30 days after the date it is
30 filed. The Executive Secretary-Director shall advise, or cause to be advised, no more than
31 30 days and at least five days before each report is due, each candidate or treasurer whose
32 organizational report has been filed, of the specific date each report is due. He shall
33 immediately notify any individual, candidate, treasurer, political committee, referendum
34 committee, or media required to file a statement under this Article if:

- 35 (1) It appears that the individual, candidate, treasurer, political committee,
36 referendum committee or media has failed to file a statement as required
37 by law or that a statement filed does not conform to this Article; or
- 38 (2) A written complaint is filed under oath with the Board by any registered
39 voter of this State alleging that a statement filed with the Board does not
40 conform to this Article or to the truth or that an individual, candidate,
41 treasurer, political committee, referendum committee or media has
42 failed to file a statement required by this Article.

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

15 Section 5.(c) G.S. 163-278.34(a1) reads as rewritten:

16 "(a1) The State Board shall calculate and assess the amount of the civil penalty due
17 under subsection (a) of this section and shall notify the person who is assessed the civil
18 penalty of the amount. The notice of assessment shall be served by any means authorized
19 under G.S. 1A-1, Rule 4, and shall direct the violator either to pay the assessment or to
20 contest the assessment within 30 days by filing a ~~petition for a contested case under Article 3~~
21 ~~of Chapter 150B of the General Statutes~~ protest or request for waiver of the penalty with the
22 State Board of Elections. If a violator does not pay a civil penalty assessed by the Board
23 within 30 days after it is due, the Board shall request the Attorney General to institute a
24 civil action to recover the amount of the assessment. The civil action may be brought in
25 the superior court of any county where the report was due to be filed or any county where
26 the violator resides or maintains an office. A civil action must be filed within three years
27 of the date the assessment was due. An assessment that is not contested is due when the
28 violator is served with a notice of assessment. An assessment that is contested is due at
29 the conclusion of the administrative and judicial review of the assessment. Consistent
30 with G.S. 115C-437, the State Controller shall pay the clear proceeds of civil penalties
31 collected under this section to the County School Fund in the county in which the person
32 charged with the violation resides. The State Controller shall reduce the monies collected
33 by the enforcement costs and the collection costs to determine the clear proceeds payable
34 to the County School Fund. Monies set aside for the costs of enforcement and the costs of
35 collection shall be credited to accounts of the State Board of Elections."

36 Section 5.(d) This section is effective when this act becomes law. The exemptions
37 set forth in subsection (a) of this section apply to any rules promulgated by the State
38 Board of Elections at any time and to any contested case commenced on or after the date
39 this act becomes law.

40 – PROHIBIT FUND-RAISING FROM LOBBYISTS AND RELATED POLITICAL
41 COMMITTEES.

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

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

- 1 (1) No limited contributor shall make or offer to make a contribution to a
2 limited contributee.
- 3 (2) No limited contributor shall make a contribution to any candidate,
4 officeholder, or political committee, directing or requesting that the
5 contribution be made in turn to a limited contributee.
- 6 (3) No limited contributor shall transfer any amount of money or anything
7 of value to any entity, directing or requesting that the entity use what
8 was transferred to contribute to a limited contributee.
- 9 (4) No limited contributee shall accept a contribution from a limited
10 contributor.
- 11 (5) No limited contributor shall solicit a contribution from any individual or
12 political committee on behalf of a limited contributee."

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

15 – REQUIRING MONTHLY REPORTS TO BOARDS OF ELECTIONS OF DEATHS
16 AND FELONY CONVICTIONS.

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

18 "(b) Death. – The Department of Health and Human Services, on or before the
19 fifteenth day of ~~March, June, September, and December,~~ every month, shall furnish free of
20 charge to each county board of elections a certified list of the names of deceased persons
21 who were residents of that county. The Department of Health and Human Services shall
22 base each list upon information supplied by death certifications it received during the
23 preceding ~~quarter.~~ month. Upon the receipt of the certified list, the county board of
24 elections shall remove from its voter registration records any person the list shows to be
25 dead. The county board need not send any notice to the address of the person so removed.

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

27 "(1) Report of Conviction Within the State. – The clerk of superior court, on
28 or before the fifteenth day of ~~March, June, September, and December~~ of
29 every ~~year,~~ month, shall report to the county board of elections of that
30 county the name, county of residence, and residence address if
31 available, of each individual against whom a final judgment of
32 conviction of a felony has been entered in that county in the preceding
33 calendar ~~quarter.~~ month. Any county board of elections receiving such a
34 report about an individual who is a resident of another county in this
35 State shall forward a copy of that report to the board of elections of that
36 county as soon as possible."

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

38 – EXPANDING THE "RACE" CATEGORY ON THE VOTER REGISTRATION
39 FORM.

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

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

- 43 (1) Name,

- 1 (2) Date of birth,
2 (3) Residence address,
3 (4) County of residence,
4 (5) Date of application,
5 (6) Gender,
6 (7) Race,
7 (7a) Ethnicity,
8 (8) Political party affiliation, if any, in accordance with subsection (c) of
9 this section,
10 (9) Telephone number (to assist the county board of elections in contacting
11 the voter if needed in processing the application),

12 and any other information the State Board finds is necessary to enable officials of the
13 county where the person resides to satisfactorily process the application. The form shall
14 require the applicant to state whether currently registered to vote anywhere, and at what
15 address, so that any prior registration can be cancelled. The portions of the form
16 concerning race and ethnicity shall include as a choice any category shown by the most
17 recent decennial federal census to compose at least one percent (1%) of the total
18 population of North Carolina. The county board shall make a diligent effort to complete
19 for the registration records any information requested on the form that the applicant does
20 not complete, but no application shall be denied because an applicant does not state race,
21 ethnicity, gender, or telephone number. The application shall conspicuously state that
22 provision of the applicant's telephone number is optional. If the county board maintains
23 voter records on computer, the free list provided under this subsection shall include
24 telephone numbers if the county board enters the telephone number into its computer
25 records of voters."

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

27 Section 9. This act becomes effective only if the sum of twenty-five thousand
28 dollars (\$25,000) for the 1999-2000 fiscal year is appropriated from the General Fund to
29 the State Board of Elections for the purpose of meeting its additional responsibilities
30 under Sections 2, 3, 5, and 6 of this act. This act does not obligate the General Assembly
31 to appropriate funds.

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

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

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