

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SENATE BILL 767
RATIFIED BILL

AN ACT TO REVISE THE LIMITATION ON LOBBYIST-RELATED FUND-RAISING TO STRENGTHEN THE ACT AND TO COMPLY WITH A COURT DECISION; TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO ADOPT A PLAN DESIGNATING ONE-STOP VOTING SITES IN A COUNTY WHERE THE COUNTY BOARD OF ELECTIONS WAS UNABLE TO REACH UNANIMITY ON A PLAN AND A MEMBER OR MEMBERS OF THAT COUNTY BOARD HAS PETITIONED THE STATE BOARD TO ADOPT A PLAN; AND TO PROVIDE FUNDING FOR COUNTIES TO OPERATE MULTIPLE ONE-STOP VOTING SITES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.13B reads as rewritten:

"§ 163-278.13B. Limitation on fund-raising during legislative session.

- (a) Definitions. – For purposes of this section:
- (1) 'Limited contributor' means a lobbyist registered pursuant to Article 9A of Chapter 120 of the General Statutes, that lobbyist's agent, that lobbyist's principal as defined in G.S. 120-47.1(7), or a political committee that employs or contracts with or whose parent entity employs or contracts with a lobbyist registered pursuant to Article 9A of Chapter 120 of the General Statutes.
 - (2) 'Limited contributee' means a member of or candidate for the Council of State, a member of or candidate for the General Assembly, ~~or a political committee the purpose of which is to assist a member or members of or candidate or candidates for the Council of State or General Assembly.~~
 - (3) The General Assembly is in 'regular session' from the date set by law or resolution that the General Assembly convenes until the General Assembly either adjourns sine die or recesses or adjourns for more than 10 days.
 - (4) A contribution is 'made' during regular session if the check or other instrument is dated during the session, or if the check or other instrument is delivered to the limited contributee during session, or if the limited contributor pledges during the session to deliver the check or other instrument at a later time.
 - (5) A contribution is 'accepted' during regular session if the check or other instrument is dated during the session, or if the limited contributee receives the check or other instrument during session and does not return it within 10 days, or agrees during session to receive the check or other instrument at a later time.
- (b) Prohibited Solicitations. – While the General Assembly is in regular session, no limited contributee or the real or purported agent of a limited contributee shall:
- (1) Solicit a contribution from a limited contributor to be made to that limited contributee or to be made to any other candidate, officeholder, or political committee; or
 - (2) Solicit a third party, requesting or directing that the third party directly or indirectly solicit a contribution from a limited contributor or relay to

the ~~prohibited~~-limited contributor the ~~prohibited~~-limited contributee's solicitation of a contribution.

It shall not be deemed a violation of this section for a limited contributee to serve on a board or committee of an organization that makes a solicitation of a limited contributor as long as that limited contributee does not directly participate in the solicitation and that limited contributee does not directly benefit from the solicitation.

- (c) Prohibited Contributions. – While the General Assembly is in regular session:
- (1) No limited contributor shall make or offer to make a contribution to a limited contributee.
 - (2) No limited contributor shall make a contribution to any candidate, officeholder, or political committee, directing or requesting that the contribution be made in turn to a limited contributee.
 - (3) No limited contributor shall transfer any amount of money or anything of value to any entity, directing or requesting that the entity use what was transferred to contribute to a limited contributee.
 - (4) No limited contributee or the real or purported agent of a limited contributee prohibited from solicitation by subsection (b) of this section shall accept a contribution from a limited contributor.
 - (5) No limited contributor shall solicit a contribution from any individual or political committee on behalf of a limited contributee. This subdivision does not apply to a limited contributor soliciting a contribution on behalf of a political party executive committee if the solicitation is solely for a separate segregated fund kept by the political party limited to use for activities that are not candidate-specific, including generic voter registration and get-out-the-vote efforts, pollings, mailings, and other general activities and advertising that do not refer to a specific individual candidate.

(d) Exception. – The provisions of this section do not apply with regard to a limited contributee during the three weeks prior to the day of a second primary if that limited contributee is a candidate who will be on the ballot in that second primary.

(e) Prosecution. – A violation of this section is a Class 2 misdemeanor."

Section 2. G.S. 163-227.2(g) reads as rewritten:

"(g) Notwithstanding any other provision of this section, a county board of elections by unanimous vote of all its members may provide for one or more sites in that county for absentee ballots to be applied for and cast under this section. Any site other than the county board of elections office shall be in any building or part of a building that the county board of elections is entitled under G.S. 163-129 to demand and use as a voting place. Every individual staffing any of those sites shall be a member or full-time employee of the county board of elections or an employee of the county board of elections whom the board has given training equivalent to that given a full-time employee. Those sites must be approved by the State Board of Elections as part of a Plan for Implementation approved by both the county board of elections and by the State Board of Elections which shall also provide adequate security of the ballots and provisions to avoid allowing persons to vote who have already voted. The Plan for Implementation shall include a provision for the presence of political party observers at each one-stop site equivalent to the provisions in G.S. 163-45 for party observers at voting places on election day. If a county board of elections has considered a proposed Plan or Plans for Implementation and has been unable to reach unanimity in favor of a Plan, a member or members of that county board of elections may petition the State Board of Elections to adopt a plan for it. If petitioned, the State Board may also receive and consider alternative petitions from another member or members of that county board. The State Board of Elections may adopt a Plan for that county. The State Board, in that plan, shall take into consideration factors including geographic, demographic, and partisan interests of that county."

Section 3.(a) There is appropriated from the General Fund for the 2000-2001 fiscal year the sum of two hundred fifty thousand dollars (\$250,000) to the State Board of Elections for the purpose of funding and administering a one-time grant-in-aid program to counties to operate multiple One-Stop absentee voting sites.

Section 3.(b) Counties shall use funds granted pursuant to this section to offset costs associated with the implementation of G.S. 163-227.2(g).

Section 3.(c) The State Board of Elections shall develop and issue procedures related to a grant process for grant applications and grant awards to counties. The procedures developed shall include a requirement that counties submit a plan outlining how the funds will be used. The procedures shall be developed and issued no later than July 31, 2000. The procedures shall include a specific application deadline and the date by which grant award decisions shall be made by the board. County grants-in-aid to boards of county commissioners shall be awarded no later than September 15, 2000.

Section 3.(d) Criteria for the amount of grant awards shall include county population and county voter registration and shall be used to encourage greater voter accessibility in the various counties. No board of county commissioners shall use grant funds issued pursuant to this section to supplant funds previously budgeted for the county board of elections.

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 13th day of July, 2000.

Marc Basnight
President Pro Tempore of the Senate

James B. Black
Speaker of the House of Representatives

James B. Hunt, Jr.
Governor

Approved _____ .m. this _____ day of _____ , 2000