

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35148-LU-26 (01/05)

Short Title: Clarify Disclosure Reqs./Electioneering Comm. (Public)

Sponsors: Senator Cook (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE LAWS PERTAINING TO DISCLOSURE REQUIREMENTS
3 FOR ELECTIONEERING COMMUNICATIONS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 163-278.6 reads as rewritten:

6 "§ 163-278.6. Definitions.

7 When used in this Article:

8 ...

9 (8j) The term "electioneering communication" means any broadcast, cable, or
10 satellite communication, or mass mailing, or telephone bank that has all the
11 following characteristics:

12 a. Refers to a clearly identified candidate for elected ~~office~~office,
13 regardless of whether the candidate is opposed or unopposed in both
14 the primary and general election for that office.

15 b. In the case of the general election in November of the
16 even-numbered year is aired or transmitted after September 7 of that
17 year, and in the case of any other election is aired or transmitted
18 within 60 days of the time set for absentee voting to begin pursuant
19 to G.S. 163-227.2 in an election for that office.

20 c. May be received by either:

21 1. 50,000 or more individuals in the State in an election for
22 statewide office or 7,500 or more individuals in any other
23 election if in the form of broadcast, cable, or satellite
24 communication.

25 2. 20,000 or more households, cumulative per election, in a
26 statewide election or 2,500 households, cumulative per
27 election, in any other election if in the form of mass mailing
28 or telephone bank.

29 (8k) The term "electioneering communication" does not include any of the
30 following:

31 a. A communication appearing in a news story, commentary, or
32 editorial distributed through the facilities of any broadcasting station,
33 unless those facilities are owned or controlled by any political party,
34 political committee, or candidate.

35 b. A communication that constitutes an expenditure or independent
36 expenditure under this Article.



- 1 c. A communication that constitutes a candidate debate or forum
- 2 conducted pursuant to rules adopted by the Board or that solely
- 3 promotes that debate or forum and is made by or on behalf of the
- 4 person sponsoring the debate or forum.
- 5 d. A communication made while the General Assembly is in ~~session~~
- 6 regular session, as defined in G.S. 163-278.13B(a)(3), which,
- 7 incidental to advocacy for or against a specific piece of legislation
- 8 pending before introduced in either house of the General
- 9 Assembly, Assembly identified by the bill number and short title,
- 10 urges the audience to communicate with a member or members of
- 11 the General Assembly concerning that piece of legislation or a
- 12 solicitation of others as defined in G.S. 120C-100(a)(13) properly
- 13 reported under Chapter 120C of the General Statutes.
- 14 e. A communication that meets all of the following criteria:
- 15 1. Does not mention any election, candidacy, political party,
- 16 opposing candidate, or voting by the general public.
- 17 2. Does not take a position on the candidate's character or
- 18 qualifications and fitness for office.
- 19 3. Proposes a commercial transaction.
- 20 f. A public opinion poll conducted by a news medium, as defined in
- 21 G.S. 8-53.11(a)(3), conducted by an organization whose primary
- 22 purpose is to conduct or publish public opinion polls, or contracted
- 23 for by a person to be conducted by an organization whose primary
- 24 purpose is to conduct or publish public opinion polls. This
- 25 sub-subdivision shall not apply to a push poll. For the purpose of this
- 26 sub-subdivision, "push poll" shall mean the political campaign
- 27 technique in which an individual or organization attempts to
- 28 influence or alter the view of respondents under the guise of
- 29 conducting a public opinion poll.
- 30 g. A communication made by a news medium, as defined in
- 31 G.S. 8-53.11(a)(3), if the communication is in print.

...."

SECTION 2. This act is effective when it becomes law.