

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE DRH50391-RR-15 (02/01)

Short Title: Campaign Finance Definitions.

(Public)

Sponsors: Representative Harrison.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE DEFINITIONS OF "ELECTIONEERING COMMUNICATION"
3 AND "CANDIDATE-SPECIFIC COMMUNICATION" TO CLARIFY WHAT IS
4 SUSCEPTIBLE OF NO REASONABLE INTERPRETATION OTHER THAN AS AN
5 APPEAL TO VOTE FOR OR AGAINST A SPECIFIC CANDIDATE.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 163-278.80(2) and (3) read as rewritten:

8 "(2) The term "electioneering communication" means any broadcast, cable, or
9 satellite communication that has all the following characteristics:

10 a. Refers to a clearly identified candidate for a statewide office or the
11 General ~~Assembly~~ Assembly and is susceptible of no reasonable
12 interpretation other than as an appeal to vote for or against a specific
13 candidate. A communication is susceptible of no other reasonable
14 interpretation if it does any of the following:

- 15 1. Refers to the personal qualities, character, or fitness for office
16 of that candidate.
17 2. Identifies that candidate's position or stance on an issue and
18 supports or condemns that position.
19 3. Supports or condemns that candidate's public record.

20 b. Is made within one of the following time periods:

- 21 1. 60 days before a general or special election for the office
22 sought by the ~~candidate, or~~ candidate.
23 2. 30 days before a primary election or a convention of a
24 political party that has authority to nominate a candidate for
25 the office sought by the candidate.

26 c. Is targeted to the relevant electorate.

27 (3) The term "electioneering communication" does not include any of the
28 following:

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

33 b. A communication that constitutes an expenditure or independent
34 expenditure under Article 22A of this Chapter.



- 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 which, incidental to advocacy for or against a specific piece of
7 legislation pending before the General Assembly, urges the audience
8 to communicate with a member or members of the General Assembly
9 concerning that piece of ~~legislation~~ legislation, as long as the
10 communication does not mention an election, candidacy, political
11 party, or challenger and does not take a position on a candidate's
12 character, qualifications, or fitness for office. "

13 **SECTION 2.** G.S. 163-278.90(2) and (3) read as rewritten:

- 14 "(2) The term "electioneering communication" means any mass mailing or
15 telephone bank that has all the following characteristics:
- 16 a. Refers to a clearly identified candidate for a statewide office or the
17 ~~General Assembly~~ General Assembly and is susceptible of no reasonable
18 interpretation other than as an appeal to vote for or against a specific
19 candidate. A communication is susceptible of no other reasonable
20 interpretation if it does any of the following:
- 21 1. Refers to the personal qualities, character, or fitness for office
22 of that candidate.
- 23 2. Identifies that candidate's position or stance on an issue and
24 supports or condemns that position.
- 25 3. Supports or condemns that candidate's public record.
- 26 b. Is made within one of the following time periods:
- 27 1. 60 days before a general or special an election for the office
28 sought by the ~~candidate, or~~ candidate.
- 29 2. 30 days before a primary election or a convention of a
30 political party that has authority to nominate a candidate for
31 the office sought by the candidate.
- 32 c. Is targeted to the relevant electorate.
- 33 (3) The term "electioneering communication" does not include any of the
34 following:
- 35 a. A communication appearing in a news story, commentary, or
36 editorial distributed through any newspaper or periodical, unless that
37 publication is owned or controlled by any political party, political
38 committee, or candidate.
- 39 b. A communication that constitutes an expenditure or independent
40 expenditure under Article 22A of this Chapter.
- 41 c. A communication that constitutes a candidate debate or forum
42 conducted pursuant to rules adopted by the Board or that solely
43 promotes that debate or forum and is made by or on behalf of the
44 person sponsoring the debate or forum.
- 45 d. A communication that is distributed by a corporation solely to its
46 shareholders or employees, or by a labor union or professional
47 association solely to its members.
- 48 e. A communication made while the General Assembly is in session
49 which, incidental to advocacy for or against a specific piece of
50 legislation pending before the General Assembly, urges the audience
51 to communicate with a member or members of the General Assembly

1 concerning that piece of ~~legislation~~-legislation, as long as the
2 communication does not mention an election, candidacy, political
3 party, or challenger and does not take a position on a candidate's
4 character, qualifications, or fitness for office."

5 **SECTION 3.** G.S. 163-278.100(1) and (2) read as rewritten:

6 "(1) The term "candidate-specific communication" means any broadcast, cable,
7 or satellite communication that has all the following characteristics:

8 a. Refers to a clearly identified candidate for a statewide office or the
9 ~~General Assembly~~-Assembly and is susceptible of no reasonable
10 interpretation other than as an appeal to vote for or against a specific
11 candidate. A communication is susceptible of no other reasonable
12 interpretation if it does any of the following:

13 1. Refers to the personal qualities, character, or fitness for office
14 of that candidate.

15 2. Identifies that candidate's position or stance on an issue and
16 supports or condemns that position.

17 3. Supports or condemns that candidate's public record.

18 b. Is made in an even-numbered year after the final date on which a
19 Notice of Candidacy can be filed for the office, pursuant to
20 G.S. 163-106(c) or G.S. 163-323, and through the day on which the
21 general election is conducted, excluding the time period set in the
22 definition for "electioneering communication" in
23 G.S. 163-278.80(2)b.

24 c. Is targeted to the relevant electorate.

25 (2) The term "candidate-specific communication" does not include any of the
26 following:

27 a. A communication appearing in a news story, commentary, or
28 editorial distributed through the facilities of any broadcasting station,
29 unless those facilities are owned or controlled by any political party,
30 political committee, or candidate.

31 b. A communication that constitutes an expenditure or independent
32 expenditure under Article 22A of this Chapter.

33 c. A communication that constitutes a candidate debate or forum
34 conducted pursuant to rules adopted by the Board or that solely
35 promotes that debate or forum and is made by or on behalf of the
36 person sponsoring the debate or forum.

37 d. A communication made while the General Assembly is in session
38 which, incidental to advocacy for or against a specific piece of
39 legislation pending before the General Assembly, urges the audience
40 to communicate with a member or members of the General Assembly
41 concerning that piece of ~~legislation~~-legislation, as long as the
42 communication does not mention an election, candidacy, political
43 party, or challenger and does not take a position on a candidate's
44 character, qualifications, or fitness for office.

45 e. An electioneering communication as defined in Article 22E of this
46 Chapter."

47 **SECTION 4.** G.S. 163-278.110(1) reads as rewritten:

48 "(1) The term "candidate-specific communication" means any mass mailing or
49 telephone bank that has all the following characteristics:

50 a. Refers to a clearly identified candidate for a statewide office or the
51 ~~General Assembly~~-Assembly and is susceptible of no reasonable

1 interpretation other than as an appeal to vote for or against a specific
2 candidate. A communication is susceptible of no other reasonable
3 interpretation if it does any of the following:

4 1. Refers to the personal qualities, character, or fitness for office
5 of that candidate.

6 2. Identifies that candidate's position or stance on an issue and
7 supports or condemns that position.

8 3. Supports or condemns that candidate's public record.

9 b. Is made in an even-numbered year after the final date on which a
10 Notice of Candidacy can be filed for the office, pursuant to
11 G.S. 163-106(c) or G.S. 163-323, and through the day on which the
12 general election is conducted, excluding the time period set in the
13 definition for "electioneering communication" in
14 G.S. 163-278.90(2)b.

15 c. Is targeted to the relevant electorate.

16 (2) The term "candidate-specific communication" does not include any of the
17 following:

18 a. A communication appearing in a news story, commentary, or
19 editorial distributed through any newspaper or periodical, unless that
20 publication is owned or controlled by any political party, political
21 committee, or candidate.

22 b. A communication that constitutes an expenditure or independent
23 expenditure under Article 22A of this Chapter.

24 c. A communication that constitutes a candidate debate or forum
25 conducted pursuant to rules adopted by the Board or that solely
26 promotes that debate or forum and is made by or on behalf of the
27 person sponsoring the debate or forum.

28 d. A communication that is distributed by a corporation solely to its
29 shareholders or employees or by a labor union or professional
30 association solely to its members.

31 e. A communication made while the General Assembly is in session
32 which, incidental to advocacy for or against a specific piece of
33 legislation pending before the General Assembly, urges the audience
34 to communicate with a member or members of the General Assembly
35 concerning that piece of ~~legislation~~ legislation, as long as the
36 communication does not mention an election, candidacy, political
37 party, or challenger and does not take a position on a candidate's
38 character, qualifications, or fitness for office.

39 f. An electioneering communication as defined in Article 22F of this
40 Chapter.

41 g. A public opinion poll conducted by a newspaper, periodical, or other
42 news gathering organization."

43 **SECTION 5.** This act is effective when it becomes law.