

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 296
Judiciary Committee Substitute Adopted 3/19/97

Short Title: Campaign Pledge.

(Public)

Sponsors:

Referred to:

March 5, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A PLEDGE FOR PERSONS TO TAKE AT THE BEGINNING OF THEIR CANDIDACIES FOR PUBLIC OFFICE, TO PROVIDE FOR PUBLICITY ABOUT WHO SIGNED THE PLEDGE, AND TO PROVIDE A COMPLAINT MECHANISM FOR VIOLATION OF THE CORRUPT PRACTICES ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-106 is amended by adding a new subsection to read:

"(a1) When filing the notice of candidacy, every candidate for selection as the nominee of a political party shall be offered the opportunity to sign the following pledge:

'Date

Realizing that the principles of morality, ethics, and civility are essential to the integrity of the democratic process, I pledge to conduct a campaign consistent with these principles. I will refrain from campaign practices that in any way detract from the honorable pursuit of elective office.

Signed

.....
Name of candidate

Witness:

.....
.....

(Title of witness)'

Each candidate who chooses to sign the pledge in this subsection shall do so in the presence of the chairman or secretary of the board of elections, State or county, with which that candidate files. In the alternative, the candidate's signature on the pledge may be acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail the pledge, together with notice of candidacy, to the appropriate board of elections."

Section 2. Article 10 of Chapter 163 of the General Statutes is amended by inserting a new section to read:

"§ 163-114A. Candidate's pledge.

Every person chosen by a party to fill a vacancy under the provisions of G.S. 163-114 shall be offered the opportunity to sign the pledge set out in G.S. 163-106(a1) in the manner prescribed by that subsection, except that the pledge shall be delivered or mailed to the appropriate board of elections at the time the nomination is certified to that board."

Section 3. Article 9 of Chapter 163 of the General Statutes is amended by inserting a new section to read:

"§ 163-98.1. Candidate's pledge.

When a party certifies to the State Board of Elections its nomination of a candidate for office pursuant to G.S. 163-98.1, that candidate shall be offered the opportunity to sign the following pledge:

'Date

.....

Realizing that the principles of morality, ethics, and civility are essential to the integrity of the democratic process, I pledge to conduct a campaign consistent with these principles. I will refrain from campaign practices that in any way detract from the honorable pursuit of elective office.

Signed

Name of candidate

Witness:

.....
.....

(Title of witness)'

Each candidate who chooses to sign the pledge in this section shall do so in the presence of the chairman or secretary of the State Board of Elections. In the alternative, the candidate's signature on the pledge may be acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail the pledge to the State Board of Elections no later than the date by which the party must certify its nominees to the State Board of Elections pursuant to G.S. 163-98."

1 Section 4. Article 11 of Chapter 163 of the General Statutes is amended by
2 inserting a new section to read:

3 **"§ 163-124. Candidate's pledge.**

4 When filing petitions pursuant to G.S. 163-122(a) or a declaration of intent pursuant
5 to G.S. 163-123(b), every person seeking to become a candidate for elective office under
6 this Article shall be offered the opportunity to sign the following pledge:

7 Date

8 Realizing that the principles of morality, ethics, and civility are
9 essential to the integrity of the democratic process, I pledge to conduct a
10 campaign consistent with these principles. I will refrain from campaign
11 practices that in any way detract from the honorable pursuit of elective
12 office.

13 Signed

14 Name of candidate Witness:

15

16

17 (Title of witness)'Each candidate who chooses to sign the pledge in this section
18 shall do so in the presence of the chairman or secretary of the board of elections, State or
19 county, with which that candidate files the documents necessary to commence the
20 candidacy. In the alternative, the candidate's signature on the pledge may be
21 acknowledged and certified to by an officer authorized to take acknowledgments and
22 administer oaths, in which case the candidate may mail the pledge to the appropriate
23 board of elections no later than the date by which the petitions or declaration of intent
24 must be filed."

25 Section 5. G.S. 163-22 is amended by adding a new subsection to read:

26 "(p) The State Board of Elections shall prepare a certified list of all candidates in
27 the State who have signed the pledge provided for in G.S. 163-106(a1), 163-114A, 163-
28 98.1, 163-124, and those who have not. The State Board of Elections shall publicize with
29 the major State media, and require county boards of elections to publicize with local
30 media, the names of candidates who have signed the pledge and those who have not. The
31 publicity shall be by news release, issued by the State Board no later than 21 days before
32 any primary or election, listing the name of every candidate in the State for whom a vote
33 may be counted in that election and reporting whether or not that candidate signed the
34 pledge. The State Board shall direct each county board of elections to issue a news
35 release and distribute it to local media no later than 21 days before each primary or
36 election listing the name of every candidate for whom a vote may be counted in the
37 county and reporting whether or not that candidate signed the pledge."

38 Section 6. G.S. 163-278 reads as rewritten:

39 **"§ 163-278. Duty of investigating and prosecuting violations of this Article.**

40 It shall be the duty of the State Board of Elections and the district attorneys to the
41 extent they deem necessary to investigate any violations of this Article, ~~and the~~ on their
42 own or upon complaint under oath by any registered voter. The Board and district
43 attorneys are authorized and empowered to subpoena and compel the attendance of any

1 person before them for the purpose of making such investigation. The State Board of
2 Elections and the district attorneys are authorized to call upon the Attorney General to
3 furnish assistance by the State Bureau of Investigation in making the investigations of
4 such violations. The State Board of Elections shall furnish the district attorney a copy of
5 its investigation. The district attorney shall initiate prosecution and prosecute any
6 violations of this Article. The provisions of G.S. 163-278.28 shall be applicable to
7 violations of this Article."

8 Section 7. This act becomes effective January 1, 1998, and applies to all
9 candidacies commenced on or after that date. Sections 1 through 5 of this act expire
10 January 1, 2002.