

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 708
Judiciary Committee Substitute Adopted 4/22/97
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House Committee Substitute Favorable 9/24/98

Short Title: Election Act of 1998.

(Public)

Sponsors:

Referred to:

April 7, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE CERTAIN DISCLOSURES ON POLITICAL
3 ADVERTISEMENTS TO BE MADE BY THEIR SPONSORS; TO REVISE THE
4 DEFINITIONS OF "POLITICAL COMMITTEE," "CONTRIBUTION,"
5 "EXPENDITURE,"AND "POLITICAL PURPOSE" TO CONFORM TO FEDERAL
6 COURT DECISIONS AND TO ADD DEFINITIONS OF "INDEPENDENT
7 EXPENDITURE"AND "EXPRESS ADVOCACY"; TO CONFORM STATE LAW
8 TO FEDERAL COURT DECISIONS CONCERNING INDEPENDENT
9 EXPENDITURES BY CERTAIN TYPES OF CORPORATIONS; TO RESTORE
10 1996 CAMPAIGN REPORTING SCHEDULE WITH A \$250 THRESHOLD FOR
11 CONTRIBUTOR IDENTIFICATION; AND TO CHANGE THE DEADLINES AND
12 PROCEDURES BY WHICH NEW PARTIES MAY GAIN BALLOT ACCESS AND
13 CHOOSE CANDIDATES, TO ALLOW VOTERS TO RETAIN OFFICIAL
14 AFFILIATION WITH AN EXPIRED PARTY, TO MAKE CERTAIN CHANGES
15 TO EQUALIZE CANDIDACY REQUIREMENTS, AND TO REMOVE CERTAIN
16 COURT-INVALIDATED REQUIREMENTS FROM THE PETITION

1 PROCEDURES FOR NEW PARTIES, UNAFFILIATED CANDIDATES, AND
2 WRITE-IN CANDIDATES.

3 The General Assembly of North Carolina enacts:

4 Section 1. This act shall be known as "The Election Act of 1998." By the act,
5 the General Assembly intends to provide for reasonable regulation of election campaigns
6 to the end that the First Amendment is respected, candidates are given reasonable
7 standards of disclosure without being overburdened, and the voters are given adequate
8 information on which to base their decisions. The General Assembly recognizes that the
9 pressure upon candidates to raise increasing amounts of money has a harmful influence
10 on the process of democracy. The principal reason for the pressure is the rising costs of
11 media advertising. Accordingly, the General Assembly calls upon the corporations that
12 control the news media to provide significant amounts of print space and prime air time
13 to candidates to communicate with the voters, at the lowest practicable rate.

14 –STAND BY YOUR AD.

15 Section 2. (a) Article 22A of Chapter 163 of the General Statutes is amended
16 by adding a new Part to read:

17 **"PART 1A. DISCLOSURE REQUIREMENTS FOR MEDIA**
18 **ADVERTISEMENTS.**

19 **"§ 163-278.39. Basic disclosure requirements for all political campaign**
20 **advertisements.**

21 (a) Basic Requirements. – It shall be unlawful for any sponsor to sponsor an
22 advertisement in the print media or on radio or television that constitutes an expenditure
23 or contribution required to be disclosed under this Article unless all the following
24 conditions are met:

25 (1) It bears the legend or includes the statement: 'Paid for by
26 [Name of candidate, candidate campaign committee, political party
27 organization, political action committee, referendum committee,
28 individual, or other sponsor].' In television advertisements, this
29 disclosure shall be made by visual legend.

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

33 (3) The sponsor states in the advertisement its position for or against the
34 candidate, provided that this subdivision applies only if the
35 advertisement supports or opposes a specific candidate or candidates.

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

39 (5) In a print media advertisement supporting or opposing a specific
40 candidate or candidates, the sponsor states whether it is authorized by a
41 candidate. The visual legend in the advertisement shall state either
42 'Authorized by [name of candidate], candidate for [name of office]' or
43 'Not authorized by a candidate.' This subdivision does not apply if the

1 sponsor of the advertisement is the candidate the advertisement supports
2 or that candidate's campaign committee.

- 3 (6) In a print media advertisement that identifies a candidate the sponsor is
4 opposing, the sponsor discloses in the advertisement the name of the
5 candidate that is intended to benefit from the advertisement.

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

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

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

23 **"§ 163-278.39A. Disclosure requirements for television and radio advertisements**
24 **supporting or opposing candidates.**

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

29 (b) Disclosure Requirements for Television. –

- 30 (1) Candidate advertisements on television. – Television advertisements
31 purchased by a candidate or by a candidate campaign committee
32 supporting or opposing a specific candidate or candidates shall include a
33 disclosure statement spoken by the candidate and containing at least the
34 following words: 'I am (or "This is...") [name of candidate], candidate
35 for [name of office], and I (or "my campaign...") sponsored this ad.'

- 36 (2) Political party advertisements on television. – Television advertisements
37 purchased by a political party organization supporting or opposing a
38 specific candidate or candidates shall include a disclosure statement
39 spoken by the chair, executive director, or treasurer of the political party
40 organization and containing at least the following words: 'The [name of
41 political party organization] sponsored this ad opposing/supporting
42 [name of candidate] for [name of office].' The disclosed name of the

- 1 political party organization shall include the name of the political party
2 as it appears on the ballot.
- 3 (3) Political action committee advertisements on television. – Television
4 advertisements purchased by a political action committee supporting or
5 opposing a specific candidate or candidates shall include a disclosure
6 statement spoken by the chief executive officer or treasurer of the
7 political action committee and containing at least the following words:
8 'The [name of political action committee] political action committee
9 sponsored this ad opposing/supporting [name of candidate] for [name of
10 office].' The name of the political action committee used in the
11 advertisement shall be the name that appears on the statement of
12 organization as required in G.S. 163-278.7(b)(1).
- 13 (4) Advertisements on television by an individual. – Television
14 advertisements purchased by an individual supporting or opposing a
15 specific candidate or candidates shall include a disclosure statement
16 spoken by the individual and containing at least the following words: 'I
17 am [individual's name], and I sponsored this advertisement
18 opposing/sponsoring [name of candidate] for [name of office].'
- 19 (5) Advertisements on television by another sponsor. – Television
20 advertisements purchased by a sponsor other than a candidate, a
21 candidate campaign committee, a political party organization, a political
22 action committee, or an individual which mention the name of a specific
23 candidate or candidates and whose cost or value constitutes an
24 expenditure required to be disclosed under this Article shall include a
25 disclosure statement spoken by the chief executive or principal decision
26 maker of the sponsor and containing at least the following words:
27 '[Name of sponsor] sponsored this ad.'
- 28 (6) All advertisements on television. – In any television advertisement
29 described in subdivisions (1) through (5) of this subsection, an
30 unobscured, full-screen picture containing the disclosing individual,
31 either in photographic form or through the actual appearance of the
32 disclosing individual on camera, shall be featured throughout the
33 duration of the disclosure statement.
- 34 (c) Disclosure Requirements for Radio. –
- 35 (1) Candidate advertisements on radio. – Radio advertisements purchased
36 by a candidate or by a candidate campaign committee supporting or
37 opposing a specific candidate or candidates shall include a disclosure
38 statement spoken by the candidate and containing at least the following
39 words: 'I am (or "This is..") [name of candidate], candidate for [name of
40 office], and this ad was paid for (or "sponsored" or "furnished") by
41 [name of candidate campaign committee that paid for the
42 advertisement].'

1 (2) Political party advertisements on radio. – Radio advertisements
2 purchased by a political party organization supporting or opposing a
3 specific candidate or candidates shall include a disclosure statement
4 spoken by the chair, executive director, or treasurer of the political party
5 organization and containing at least the following words: 'This ad
6 opposing/supporting [name of candidate] for [name of office] was paid
7 for (or "sponsored" or "furnished") by [name of political party].' The
8 disclosed name of the political party organization shall include the name
9 of the political party as it appears on the ballot.

10 (3) Political action committee advertisements on radio. – Radio
11 advertisements purchased by a political action committee supporting or
12 opposing a specific candidate or candidates shall include a disclosure
13 statement spoken by the chief executive officer or treasurer of the
14 political action committee and containing at least the following words:
15 'This ad opposing/supporting [name of candidate] for [name of office]
16 was paid for (or "sponsored" or "furnished") by [name of political action
17 committee] political action committee.' The name of the political action
18 committee used in the advertisement shall be the name that appears on
19 the statement of organization as required by G.S. 163-278.7(b)(1).

20 (4) Advertisements on radio by an individual. – Radio advertisements
21 purchased by an individual supporting or opposing a specific candidate
22 or candidates shall include a disclosure statement spoken by the
23 individual and containing at least the following words: 'I am
24 [individual's name], and this ad opposing/supporting [name of
25 candidate] for [name of office] was paid for (or "sponsored" or
26 "furnished") by me.'

27 (5) Advertisements on radio by another sponsor. – Radio advertisements
28 purchased by a sponsor other than a candidate, a candidate campaign
29 committee, a political party organization, a political action committee,
30 or an individual, which mentions the name of a specific candidate or
31 candidates and whose cost or value constitutes an expenditure or
32 contribution required to be disclosed under this Article, shall include a
33 disclosure statement spoken by the chief executive or principal decision
34 maker of the sponsor and containing at least the following words:
35 '[Name of sponsor] paid for (or "sponsored" or "furnished") this ad.'

36 (d) Placement of Disclosure Statement in Television and Radio Advertisements. –
37 In advertisements on television, a sponsor may place the disclosure statement required by
38 this section at any point during the advertisement, except if the duration of the
39 advertisement is more than five minutes, the disclosure statement shall be made both at
40 the beginning and end of the advertisement. The sponsor may provide the oral disclosure
41 statement required by this section at the same time as the visual disclosure required under
42 the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, is shown. But any visual
43 disclosure legend shall be at least 32 scan lines in size. For advertisements on radio, the

1 placement of the oral disclosure statement shall comply with the requirements of the
2 Communications Act of 1934, 47 U.S.C. §§ 315 and 317.

3 (e) Choice of Supporting or Opposing a Candidate. – In its oral disclosure
4 statement, a sponsoring political party organization, political action committee,
5 individual, or other noncandidate sponsor shall choose either to identify an advertisement
6 as supporting a specific candidate or opposing a specific candidate.

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

12 (f) Legal Remedy. – Pursuant to the conditions established in subdivisions (1), (2),
13 and (3) of this subsection, a candidate for an elective office who complied with the
14 television and radio disclosure requirements throughout that candidate's entire campaign
15 shall have a monetary remedy in a civil action against (i) an opposing candidate or
16 candidate committee whose television or radio advertisement violates these disclosure
17 requirements and (ii) against any political party organization, political action committee,
18 individual, or other sponsor whose advertisement for that elective office violates these
19 disclosure requirements:

20 (1) Any plaintiff candidate in a statewide race in an action under this
21 section shall complete and file a Notice of Complaint Regarding Failure
22 to Disclose on Television or Radio Campaign Advertising with the State
23 Board of Elections after the airing of the advertisement but no later than
24 the first Friday after the Tuesday on which the election occurred.
25 Candidates in nonstatewide races may file the notice during the same
26 time period with one county board of elections within the electoral area
27 in which they are candidates. The timely filing of this notice preserves
28 the candidate's right to bring an action in superior court any time within
29 90 days after the election. A candidate shall bring the civil action in the
30 county where the candidate filed the notice.

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

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

39 a. The plaintiff candidate can establish having notified or attempted
40 to notify the sponsor of the advertisement properly by return-
41 receipt mail about the failure of a particular advertisement or
42 advertisements to comply with the disclosure requirements of
43 this section, and

1 b. After the notice or attempted notice, the advertisement continued
2 to be aired.

3 The treble damages shall be calculated from the date on which the
4 return-receipt notice was accepted or rejected by a defendant sponsoring
5 candidate or candidate committee, political party organization, political
6 action committee, or individual. The plaintiff candidate or candidate
7 committee shall send a copy of any return-receipt mailing to the relevant
8 board of elections as provided in subdivision (1) of this subsection
9 within five days after the notice is returned to the possession of the
10 candidate or candidate committee.

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

15 (3) A candidate who violates the disclosure requirements of State law in
16 this section and that candidate's campaign committee shall be jointly
17 and severally liable for the payment of damages and attorneys' fees. If
18 the candidate is held personally liable for any payment of damages or
19 attorneys' fees, the candidate shall not use or be reimbursed by funds
20 from the candidate's campaign committee in paying any amount.

21 (g) Relation to the Communications Act of 1934. – Television advertisements by a
22 sponsor supporting or opposing a specific candidate or candidates shall comply with the
23 oral disclosure requirements under State law in this section. Those advertisements shall
24 also comply with disclosure requirements under the Communications Act of 1934, 47
25 U.S.C. §§ 315 and 317 by use of visual legends. The content of those visual legends is
26 specified by the Communications Act of 1934, 47 U.S.C. §§ 315 and 317, and G.S. 163-
27 278.39(a)(1). The size of those visual legends is determined by G.S. 163-278.39(b),
28 which satisfies requirements under the Communications Act of 1934, 47 U.S.C. §§ 315
29 and 317. In the case of radio advertisements, the oral disclosure requirements under State
30 law in this section incorporate the content requirements under the Communications Act
31 of 1934, 47 U.S.C. §§ 315 and 317.

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

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

38 **§ 163-278.39B. Definitions.**

39 As used in this Part:

40 (1) 'Advertisement' means any message of advocacy appearing in the print
41 media, on television, or on radio that constitutes a contribution or
42 expenditure under this Article.

- 1 (2) 'Candidate' means any individual who, with respect to a public office
2 listed in G.S. 163-278.6(18), has filed a notice of candidacy or a petition
3 requesting to be a candidate, or has been certified as a nominee of a
4 political party for a vacancy, or has otherwise qualified as a candidate in
5 a manner authorized by law, or has filed a statement of organization
6 under G.S. 163-278.7 and is required to file periodic financial disclosure
7 statements under G.S. 163-278.9.
- 8 (3) 'Candidate campaign committee' means any political committee
9 organized by or under the direction of a candidate.
- 10 (4) 'Full-screen' means the only picture appearing on the television screen
11 during the oral disclosure statement contains the disclosing person, that
12 the picture occupies all visible space on the television screen, and that
13 the image of the disclosing person occupies at least fifty percent (50%)
14 of the vertical height of the television screen.
- 15 (5) 'Print media' means billboards, cards, newspapers, newspaper inserts,
16 magazines, mass mailings, pamphlets, fliers, periodicals, and outdoor
17 advertising facilities. A 'mass mailing' is a mailing with more than five
18 hundred (500) pieces.
- 19 (6) 'Political action committee' has the same meaning as 'political
20 committee' in G.S. 163-278.6(14), except that 'political action
21 committee' does not include any political party or political party
22 organization.
- 23 (7) 'Political party organization' means any political party executive
24 committee or any political committee that operates under the direction
25 of a political party executive committee or political party chair.
- 26 (8) 'Radio' means any radio broadcast station that is subject to the
27 provisions of 47 U.S.C. §§ 315 and 317.
- 28 (9) 'Scan line' means a standard term of measurement used in the electronic
29 media industry calculating a certain area in a television advertisement.
- 30 (10) 'Sponsor' means a candidate, candidate committee, political party
31 organization, political action committee, referendum committee,
32 individual, or other entity that purchases an advertisement.
- 33 (11) 'Supporting or Opposing' means an advertisement that mentions the
34 name of a candidate, elected official, political party, or referendum
35 issue, and whose cost or value constitutes an expenditure or contribution
36 required to be disclosed under this Article.
- 37 (12) 'Television' means any television broadcast station, cable television
38 system, wireless-cable multipoint distribution system, satellite
39 company, or telephone company transmitting video programming that is
40 subject to the provisions of 47 U.S.C. §§ 315 and 317.
- 41 (13) 'Unobscured' means the only printed material that may appear on the
42 television screen is a visual disclosure statement required by law, and
43 nothing is blocking the view of the disclosing person's face.

1 **"§ 163-278.39C. Scope of disclosure requirements.**

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

- 6 (1) Do not apply to an individual who makes uncoordinated independent
7 expenditures aggregating less than one thousand dollars (\$1,000) in a
8 political campaign; and
9 (2) Do not apply to an individual who incurs expenses with respect to a
10 referendum."

11 (b) G.S. 163-278.16 reads as rewritten:

12 **"§ 163-278.16. Regulations regarding ~~contributions, expenditures and media~~**
13 **advertising, ~~timing of contributions and expenditures.~~**

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

- 17 (1) Until the candidate, political committee, or referendum committee
18 appoints a treasurer and certifies the name and address of the treasurer
19 to the Board; and
20 (2) Unless the contribution is received or the expenditure made by or
21 through the treasurer of the candidate, political committee, or
22 referendum committee.

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

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

- 26 (1) ~~It bears the legend or includes the statement: "Paid for by (or Sponsored~~
27 ~~by)..... (Name of candidate, political committee, referendum~~
28 ~~committee, individual)";~~
29 (2) ~~The name used in the labeling required in subdivision (1) of this~~
30 ~~subsection is the name that appears on the statement of organization as~~
31 ~~required in G.S. 163-278.7(b)(1), provided that this subdivision applies~~
32 ~~only if the sponsor is a political committee or referendum committee;~~
33 (3) ~~The sponsor states in the media advertisement its position:~~
34 a. ~~For or against the candidate; or~~
35 b. ~~For or against an opposing candidate~~
36 ~~provided that this subdivision applies only if the media advertisement is~~
37 ~~made for or against a candidate; and~~
38 (4) ~~The sponsor states in the media advertisement its position for or against~~
39 ~~the ballot measure; provided this subdivision applies only if the media~~
40 ~~advertisement is made for or against a ballot measure.~~

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

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

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

9 (c) G.S. 163-278.27(a) reads as rewritten:

10 "(a) Any individual, candidate, political committee, referendum committee,
11 treasurer, person or media who violates the applicable provisions of G.S. 163-278.7, 163-
12 278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14, 163-278.16, 163-
13 278.17, 163-278.18, 163-278.39, 163-278.40A, 163-278.40B, 163-278.40C, 163-
14 278.40D or 163-278.40E is guilty of a Class 2 misdemeanor."

15 -REVISED AND NEW DEFINITIONS IN THE CAMPAIGN FINANCE LAW;
16 COMPLIANCE WITH COURT DECISIONS.

17 Section 3. (a) G.S. 163-278.6(14) reads as rewritten:

18 "(14) The term 'political committee' means a combination of two or more
19 individuals, or any person, committee, association, or ~~organization~~, the
20 ~~primary or incidental purpose of which is to support or oppose any~~
21 ~~candidate or political party or to influence or attempt to influence the~~
22 ~~result of an election or which accepts contributions or makes~~
23 organization that has one or more of the following characteristics:

24 a. Is controlled by a candidate;

25 b. Makes contributions to a candidate or political committee; or

26 c. Has as a nonincidental purpose, making expenditures for the
27 purpose of influencing or attempting to influence to expressly
28 advocate the nomination or election or defeat of any a clearly
29 identified candidate at any election, election.

30 ~~or which~~ If the group qualifies as a 'political committee' under sub-
31 subdivision a., b., or c. of this subdivision, it continues to be a political
32 committee if it receives contributions to repay loans or cover a deficit,
33 ~~or which~~ makes expenditures to satisfy obligations of an election already
34 held. The term includes, without limitation, any political party's State,
35 county or district executive committee."

36 (b) G.S. 163-278.6(6) reads as rewritten:

37 "(6) The terms 'contribute' or 'contribution' mean any advance, conveyance,
38 deposit, distribution, transfer of funds, loan, payment, gift, pledge or
39 subscription of money or anything of value whatsoever, to a candidate,
40 political committee, political party, or referendum committee from any
41 person or individual, whether or not made in an election year, and any
42 contract, agreement, promise or other obligation, whether or not legally
43 enforceable, to make a contribution, in support of or in opposition to

1 any candidate, political committee, referendum committee, or political
2 party. These terms include, without limitation, such contributions as
3 labor or personal services, postage, publication of campaign literature or
4 materials, in-kind transfers, loans or use of any supplies, office
5 machinery, vehicles, aircraft, office space, or similar or related services,
6 goods, or personal or real property. These terms also include, without
7 limitation, the proceeds of sale of services, campaign literature and
8 materials, wearing apparel, tickets or admission prices to campaign
9 events such as rallies or dinners, and the proceeds of sale of any
10 campaign-related services or ~~goods—~~notwithstanding—~~goods.~~
11 Notwithstanding the foregoing meanings of 'contribution,' the word
12 shall not be construed to include services provided without
13 compensation by individuals volunteering a portion or all of their time
14 on behalf of a candidate, political committee, or referendum committee.
15 The term 'contribution' does not include an 'independent expenditure.'"

16 (c) G.S. 163-278.6(9) reads as rewritten:

17 "(9) The terms 'expend' or 'expenditure' mean any contribution, purchase,
18 advance, conveyance, deposit, distribution, transfer of funds, loan,
19 payment, gift, pledge or subscription of money or anything of value
20 whatsoever, from any person or individual, whether or not made in an
21 election year, and any contract, agreement, promise or other obligation,
22 whether or not legally enforceable, to make an expenditure, ~~in support of~~
23 ~~or in opposition to~~ to expressly advocate the nomination or election or
24 defeat of any candidate, political committee, referendum committee, or
25 political party—clearly identified candidate. The term 'expenditure' also
26 includes any payment made by a candidate, political committee, or
27 referendum committee."

28 (d) G.S. 163-278.6 is amended by adding a new subdivision to read:

29 "(9A) The term 'express advocacy' means a communication that advocates the
30 election or defeat of a candidate by:

31 a. Containing a phrase such as 'vote for', 're-elect', 'support',
32 'cast your ballot for', '(name of candidate) for (name of
33 office)', '(name of candidate) in (year)', 'vote against',
34 'defeat', 'reject', or a campaign slogan or words that in
35 context can have no reasonable meaning other than to
36 advocate the election or defeat of one or more clearly
37 identified candidates;

38 b. Referring to one or more clearly identified candidates in a
39 paid advertisement that is broadcast by a radio broadcast
40 station or a television broadcast station within sixty (60)
41 calendar days preceding the date of a primary or election
42 of the candidate; or

1 c. Expressing unmistakable and unambiguous support for or
2 opposition to one or more clearly identified candidates
3 when taken as a whole and with limited reference to
4 external events, such as proximity to an election.

5 The term 'express advocacy' does not include a printed
6 communication that (i) presents information in an educational
7 manner solely about the voting record or position on a campaign
8 issue of two or more candidates; (ii) is not made in coordination
9 with a candidate, political party, or agent of the candidate or
10 party; or a candidate's agent or a person who is coordinating with
11 a candidate or a candidate's agent; and (iii) does not contain a
12 phrase such as 'vote for', 're-elect', 'support', 'cast your ballot for',
13 '(name of candidate) for Governor', '(name of candidate) in 1998',
14 'vote against', 'defeat', 'reject', or a campaign slogan or words that
15 in context can have no reasonable meaning other than to urge the
16 election or defeat of one or more clearly identified candidates."

17 (e) G.S. 163-278.6 is amended by adding a new subdivision to read:

18 "(9B) The term 'independently expend' or 'independent expenditure' means an
19 expenditure made without consultation or coordination with any
20 candidate, political committee, or political party that benefits or would
21 benefit electorally from the expenditure."

22 (f) G.S. 163-278.6(16) reads as rewritten:

23 "(16) The term 'political purpose' means any purpose in aid of seeking to
24 influence an election or a to expressly advocate the nomination or election
25 or defeat of a clearly identified political party or candidate."

26 (g) G.S. 163-269 and G.S. 163-270 are repealed.

27 (h) G.S. 163-278.19 is amended by adding a new subsection to read:

28 "(f) This section does not prohibit an independent expenditure by an entity that:

29 (1) Was formed for the express purpose of promoting political ideas and
30 does not engage in business activities;

31 (2) Does not have shareholders or other individuals or persons which have
32 an economic interest in its assets and earnings; and

33 (3) Was not established by a business corporation, including, but not
34 limited to, those chartered under Chapter 55 or Chapter 55A, by an
35 insurance company, by a business entity, by a professional association,
36 or by a labor union and does not receive a significant portion of its
37 revenues from such entities."

38 (i) G.S. 163-278.12 reads as rewritten:

39 "~~§ 163-278.12. Contributions and expenditures by an individual other than a~~
40 ~~candidate. Independent expenditures.~~

41 Subject to ~~G.S. 163-278.16(f)~~ and Part 1A of this Article and to G.S. 163-278.14, it
42 shall be permissible for an individual other than a candidate to make ~~contributions or~~
43 ~~expenditures in support of, or in opposition to, any candidate, political committee, or referendum~~

1 ~~committee other than by contribution to a candidate, political committee, or referendum~~
2 ~~committee.~~ independent expenditures. In the event an individual or entity other than a
3 political committee permitted by law to do so makes contributions or expenditures, other
4 ~~than by contribution to a candidate, political committee, or referendum committee,~~ independent
5 expenditures in excess of one hundred dollars (\$100.00), then, within 10 days after
6 making such ~~a contribution or an independent~~ expenditure, ~~he that individual or entity~~ shall
7 file a statement of such ~~contribution or independent~~ expenditure with the Board in
8 accordance with the terms and conditions of G.S. 163-278.11."

9 (j) G.S. 163-278.12A is repealed.

10 -RESTORATION OF REPORTING SCHEDULE; \$250 IDENTIFICATION
11 THRESHOLD.

12 Section 4. (a) G.S. 163-278.8(d) reads as rewritten:

13 "(d) A treasurer shall not be required to report the name of any individual who is a
14 resident of this State who makes a total contribution of ~~one hundred two hundred fifty~~
15 ~~dollars (\$100.00) (\$250.00)~~ or less but he shall instead report the fact that he has received
16 a total contribution of ~~one hundred two hundred fifty~~ dollars ~~(\$100.00) (\$250.00)~~ or less,
17 the amount of the contribution, and the date of receipt. If a treasurer receives
18 contributions of ~~one hundred two hundred fifty~~ dollars ~~(\$100.00) (\$250.00)~~ or less, each at
19 a single event, he may account for and report the total amount received at that event, the
20 date and place of the event, the nature of the event, and the approximate number of
21 people at the event. With respect to the proceeds of sale of services, campaign literature
22 and materials, wearing apparel, tickets or admission prices to campaign events such as
23 rallies or dinners, and the proceeds of sale of any campaign-related services or goods, if
24 the price or value received for any single service or goods exceeds ~~one hundred two~~
25 ~~hundred fifty~~ dollars ~~(\$100.00), (\$250.00)~~, the treasurer shall account for and report the
26 name of the individual paying for such services or goods, the amount received, and the
27 date of receipt, but if the price or value received for any single service or item of goods
28 does not exceed ~~one hundred two hundred fifty~~ dollars ~~(\$100.00), (\$250.00)~~ the treasurer
29 may report only those services or goods rendered or sold at a value that does not exceed
30 ~~one hundred two hundred fifty~~ dollars ~~(\$100.00), (\$250.00)~~, the nature of the services or
31 goods, the amount received in the aggregate for the services or goods, and the date of the
32 receipt."

33 (b) G.S. 163-278.9 reads as rewritten:

34 "**§ 163-278.9. Statements filed with Board.**

35 (a) Except as provided in G.S. 163-278.10A, the treasurer of each candidate and of
36 each political committee shall file under verification with the Board the following
37 reports:

- 38 (1) Organizational Report. – The appointment of the treasurer as required
39 by G.S. 163-278.7(a), the statement of organization required by G.S.
40 163-278.7(b), and a report of all contributions and expenditures not
41 previously reported shall be filed with the Board no later than the tenth
42 day following the day the candidate files notice of candidacy or the
43 tenth day following the organization of the political committee,

1 whichever occurs first. Any candidate whose campaign is being
2 conducted by a political committee which is handling all contributions
3 and expenditures for his campaign shall file a statement with the Board
4 stating such fact at the time required herein for the organizational report.
5 Thereafter, the candidate's political committee shall be responsible for
6 filing all reports required by law.

7 (2) Preprimary Report. – The treasurer shall file a report with the Board no
8 later than the tenth day preceding the primary election. ~~A candidate who~~
9 ~~is not on the ballot in the primary and who has filed a first quarter report~~
10 ~~pursuant to subdivision (5a) of this subsection shall not be required to file a~~
11 ~~separate preprimary report under this subdivision.~~

12 (3) Postprimary Report(s). – The treasurer shall file a report with the Board no
13 later than the 30th day after the primary election if the candidate was
14 eliminated in the primary. If there is a second primary, the treasurer
15 shall file a report with the Board no later than the 30th day after the
16 second primary election if the candidate was eliminated in the second
17 primary.

18 (4) Preelection Report. – The treasurer shall file a report with the Board not
19 later than the tenth day preceding the general election.

20 (4a) ~~48-Hour Report.~~— ~~A political committee or political party that receives~~
21 ~~a contribution or transfer of funds from any political committee shall~~
22 ~~disclose within 48 hours of receipt a contribution or transfer of one~~
23 ~~thousand dollars (\$1,000) or more received after the last preelection~~
24 ~~report but before an election. The disclosure shall be by report to the~~
25 ~~State Board of Elections identifying the source and amount of the funds.~~
26 ~~The State Board of Elections shall specify the form and manner of~~
27 ~~making the report.~~

28 (5) Repealed by Session Laws 1985, c. 164, s. 1.

29 (5a) ~~Quarterly Reports.~~— ~~During even-numbered years during which there is~~
30 ~~an election for that candidate or in which the campaign committee is~~
31 ~~supporting a candidate, the treasurer shall file a report by mailing or~~
32 ~~otherwise delivering it to the Board no later than seven working days~~
33 ~~after the end of each calendar quarter covering the prior calendar~~
34 ~~quarter, except that the report for the third quarter shall also cover the~~
35 ~~period in October through the seventeenth day before the election, the~~
36 ~~third quarter report shall be due seven days after that date, and the~~
37 ~~fourth quarter report shall not include that period if a third quarter report~~
38 ~~was required to be filed.~~

39 (6) ~~Semiannual~~Annual Reports. – If contributions are received or
40 expenditures made during a calendar year for which no reports are
41 otherwise required by this Article, any and all such contributions and
42 expenditures shall be reported by the last Friday in July, ~~covering the~~
43 ~~period through the last day of June, and shall be reported by the last Friday in~~

1 ~~January, covering the period through the last day of December.~~ January of
2 the following year.

3 (b) Except as otherwise provided in this Article, each report shall be current within
4 seven days prior to the date the report is due and shall list all contributions received and
5 expenditures made which have not been previously reported.

6 (c) Repealed by Session Laws 1985, c. 164, s. 6.1.

7 (d) Candidates and committees for municipal offices are not subject to subsections
8 (a), (b) and (c) of this section. Reports for those candidates and committees are covered
9 by Part 2 of this Article.

10 (e) Notwithstanding subsections (a) through (c) of this section, any political party
11 (including a State, district, county, or precinct committee thereof) which is required to
12 file reports under those subsections and under the Federal Election Campaign Act of
13 1971, as amended (2 U.S.C. 434), shall instead of filing the reports required by those
14 subsections, file with the State Board of Elections:

15 (1) The organizational report required by subsection (a)(1) of this section,
16 and

17 (2) A copy of each report required to be filed under 2 U.S.C. 434, such
18 copy to be filed on the same day as the federal report is required to be
19 filed.

20 (f) Any report filed under subsection (e) of this section may include matter
21 required by the federal law but not required by this Article.

22 (g) Any report filed under subsection (e) of this section must contain all the
23 information required by G.S. 163-278.8 or G.S. 163-278.11, notwithstanding that the
24 federal law may set a higher reporting threshold.

25 (h) Any report filed under subsection (e) of this section may reflect the cumulative
26 totals required by G.S. 163-278.11 in an attachment, if the federal law does not permit
27 such information in the body of the report.

28 (i) Any report or attachment filed under subsection (e) of this section must be
29 made under oath.

30 (j) Treasurers for the following entities shall electronically file each report
31 required by this section that shows in excess of five thousand dollars (\$5,000) in
32 contributions, in expenditures, or in loans, according to rules adopted by the State Board
33 of Elections:

34 (1) A candidate for statewide office;

35 (2) A State, district, county, or precinct executive committee of a political
36 party, if the committee makes contributions or independent expenditures
37 in excess of five thousand dollars (\$5,000) that affect contests for
38 statewide office;

39 (3) A political committee that makes contributions in excess of five
40 thousand dollars (\$5,000) to candidates for statewide office or makes
41 independent expenditures in excess of five thousand dollars (\$5,000)
42 that affect contests for statewide office.

1 The State Board of Elections shall provide the software necessary to file an electronic
2 report to a treasurer required to file an electronic report at no cost to the treasurer."

3 (c) G.S. 163-278.9A(a)(2a) is repealed.

4 –BALLOT ACCESS CHANGES.

5 Section 5. (a) G.S. 163-96 reads as rewritten:

6 "**§ 163-96. 'Political party' defined; creation of new party.**

7 (a) Definition. – A political party within the meaning of the election laws of this
8 State shall be either:

9 (1) Any group of voters which, at the last preceding general State election,
10 polled for its candidate for Governor, or for presidential electors, at least
11 ten percent (10%) of the entire vote cast in the State for Governor or for
12 presidential electors; or

13 (2) Any group of voters which shall have filed with the State Board of
14 Elections petitions for the formulation of a new political party which are
15 signed by registered and qualified voters in this State equal in number to
16 two percent (2%) of the total number of voters who voted in the most
17 recent general election for Governor. Also the petition must be signed
18 by at least 200 registered voters from each of four congressional
19 districts in North Carolina. To be effective, the petitioners must file their
20 petitions with the State Board of Elections before 12:00 noon on the ~~first~~
21 ~~day of June~~ thirty-first day of December preceding the day on which is
22 to be held the first general State election in which the new political party
23 desires to participate. The State Board of Elections shall forthwith
24 determine the sufficiency of petitions filed with it and shall immediately
25 communicate its determination to the State chairman of the proposed
26 new political party.

27 (b) Petitions for New Political Party. – Petitions for the creation of a new political
28 party shall contain on the heading of each page of the petition in bold print or all in
29 capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN
30 COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW POLITICAL
31 PARTY TO BE NAMED AND WHOSE STATE CHAIRMAN IS,
32 RESIDING AT..... AND WHO CAN BE REACHED BY TELEPHONE AT.....
33 THE SIGNERS OF THIS PETITION ~~INTEND TO ORGANIZE A NEW POLITICAL~~
34 ~~PARTY~~ DESIRE THAT A NEW POLITICAL PARTY BE ORGANIZED TO
35 PARTICIPATE IN THE NEXT SUCCEEDING GENERAL ELECTION.'

36 All printing required to appear on the heading of the petition shall be in type no smaller
37 than 10 point or in all capital letters, double spaced typewriter size. In addition to the
38 form of the petition, the organizers and petition circulators shall inform the signers of the
39 general purpose and intent of the new party.

40 The petitions must specify the name selected for the proposed political party. The
41 State Board of Elections shall reject petitions for the formation of a new party if the name
42 chosen contains any word that appears in the name of any existing political party
43 recognized in this State or if, in the Board's opinion, the name is so similar to that of an

1 existing political party recognized in this State as to confuse or mislead the voters at an
2 election.

3 The petitions must state the name and address of the State chairman of the proposed
4 new political party.

5 ~~The validity of the signatures on the petitions shall be proved in accordance with one
6 of the following alternative procedures:~~

7 (1) ~~The signers may acknowledge their signatures before an officer
8 authorized to take acknowledgments, after which that officer shall
9 certify the validity of the signatures by appropriate notation attached to
10 the petition, or~~

11 (2) ~~A person in whose presence a petition was signed may go before an
12 officer authorized to take acknowledgments and, after being sworn,
13 testify to the genuineness of the signatures on the petition, after which
14 the officer before whom he has testified shall certify his testimony by
15 appropriate notation attached to the petition.~~

16 Each petition shall be presented to the chairman of the board of elections of the county
17 in which the signatures were obtained, and it shall be the chairman's duty:

18 (1) To examine the signatures on the petition and place a check mark on the
19 petition by the name of each signer who is qualified and registered to
20 vote in his county.

21 (2) To attach to the petition his signed certificate
22 a. Stating that the signatures on the petition have been checked
23 against the registration records and
24 b. Indicating the number found qualified and registered to vote in
25 his county.

26 (3) To return each petition, together with the certificate required by the
27 preceding subdivision, to the person who presented it to him for
28 checking.

29 The group of petitioners shall submit the petitions to the chairman of the county board
30 of elections in the county in which the signatures were obtained no later than 5:00 P.M.
31 on the fifteenth business day preceding the date the petitions are due to be filed with the
32 State Board of Elections as provided in subsection (a)(2) of this section. ~~Provided the
33 petitions are timely submitted, the chairman of the county board of elections shall require a fee
34 of five cents (5¢) for each signature appearing and shall proceed to examine and verify the
35 signatures under the provisions of this subsection. Verification shall be completed within two
36 weeks 15 business days from the date such petitions are presented and the required fee
37 received. presented. Notwithstanding the previous sentence, the county board may extend
38 its deadline for verifying the signatures for a reasonable length of time, if meeting the
39 deadline is unduly burdensome and extending it will not disadvantage the petitioners."~~

40 (b) G.S. 163-97.1 reads as rewritten:

41 **"§ 163-97.1. Voters affiliated with expired political party.**

42 ~~The State Board of Elections shall be authorized to promulgate appropriate
43 procedures to order the county boards of elections to change the registration affiliation of~~

1 all voters who are recorded on the voter registration books as being affiliated with a
2 political party which has lost its legal status as provided in G.S. 163-97. The State Board
3 of Elections shall not implement the authority contained in this section earlier than 90
4 days following the certification of the election in which the political party failed to
5 continue its legal status as provided in G.S. 163-97. All voters affiliated with such
6 expired political party shall be changed to "unaffiliated" designation by the State Board's
7 order and all such registrants shall be entitled to declare a political party affiliation as
8 provided in G.S. 163-74(b). Any voter registered with a political party shall be allowed to
9 retain that affiliation even if that party loses its status as a political party under the
10 provisions of G.S. 163-97. Unless the voter indicates an intention otherwise, the county
11 board of elections shall carry that voter on its registration lists as a member of the expired
12 party."

13 (c) G.S. 163-98 reads as rewritten:

14 **"§ 163-98. General election participation by new political party.**

15 In the first general election following the date on which a new political party qualifies
16 under the provisions of G.S. 163-96, it shall be entitled to have the names of its
17 candidates for municipal, county, district, State, congressional, and national offices
18 printed on the official ballots, but it shall not be entitled to have the names of candidates for
19 other offices printed on State, district, or county ballots at that election. ballots in accordance
20 with the procedures in this section.

21 For the first general election following the date on which it qualifies under G.S. 163-
22 96, a new political party shall select its candidates by party convention. Following
23 adjournment of the nominating convention, but not later than the first day of July prior to the
24 general election, the president of the convention shall certify to the State Board of Elections the
25 names of persons chosen in the convention as the new party's candidates for State, congressional,
26 and national offices in the ensuing general election. The State Board of Elections shall print
27 names thus certified on the appropriate ballots as the nominees of the new party. in accordance
28 with Article 1 and Article 10 of this Chapter."

29 (d) Article 9 of Chapter 163 of the General Statutes is amended by adding a new
30 section to read:

31 **"§ 163-100. Political party for presidential election only.**

32 A party shall be recognized only for the purposes of nominating candidates for
33 presidential electors in a general election if the party meets the other requirements of this
34 Article except that the petitioners for that party file their petitions as provided in G.S.
35 163-96(a)(2) with the State Board of Elections before 12:00 noon on the second Thursday
36 in July before that general election. If that party so qualifies, it may nominate its electors
37 in convention no later than 90 days before the general election. Unless the party has met
38 the petition deadline of G.S. 163-96, it shall cease to be a political party within the
39 provisions of this Chapter."

40 (e) G.S. 163-106(b) reads as rewritten:

41 "(b) Eligibility to File. – No person shall be permitted to file as a candidate in a
42 primary if, at the time he offers to file notice of candidacy, he is registered on the
43 appropriate registration book or record as an affiliate of a political party other than that in

1 whose primary he is attempting to file. No person who has changed his political party
2 affiliation or who has changed from unaffiliated status to party affiliation as permitted in
3 G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to
4 which he changed unless he has been affiliated with the political party in which he seeks
5 to be a candidate for at least 90 days prior to the filing date for the office for which he
6 desires to file his notice of ~~candidacy~~-candidacy, provided that the requirement of this
7 sentence shall not apply to a person filing a notice of candidacy in the primary of a party
8 holding its first primary since gaining ballot access under the provisions of G.S. 163-
9 96(a)(2).

10 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party
11 primary election."

12 (f) G.S. 163-107.1 reads as rewritten:

13 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

14 (a) Any qualified voter who seeks nomination in the party primary of the political
15 party with which he affiliates may, in lieu of payment of any filing fee required for the
16 office he seeks, file a written petition requesting him to be a candidate for a specified
17 office with the appropriate board of elections, State, county or municipal.

18 (b) If the candidate is seeking the office of United States Senator, Governor,
19 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or Judge
20 of the Court of Appeals, the petition must be signed by ~~10,000 registered voters who are~~
21 ~~members of the political party in whose primary the candidate desires to run, except that in the~~
22 ~~case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by~~
23 ~~primary election, the petition must be signed by ten percent (10%) of the registered voters of the~~
24 ~~State who are affiliated with the same political party in whose primary the candidate desires to~~
25 ~~run, or in the alternative, the petition shall be signed by no less than 10,000 registered voters~~
26 ~~regardless of the voter's political party affiliation, whichever requirement is greater.~~registered
27 voters of the State equal in number to two percent (2%) of the total number of registered
28 voters in the State as reflected by the most recent statistical report issued by the State
29 Board of Elections. The petition must be filed with the State Board of Elections not later
30 than 12:00 noon on Monday preceding the filing deadline before the primary in which he
31 seeks to run. The names on the petition shall be verified by the board of elections of the
32 county where the signer is registered, and the petition must be presented to the county
33 board of elections at least 15 days before the petition is due to be filed with the State
34 Board of Elections. When a proper petition has been filed, the candidate's name shall be
35 printed on the primary ballot.

36 (c) County, Municipal and District Primaries. – If the candidate is seeking one of
37 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
38 section, or a municipal or any other office requiring a partisan primary which is not set
39 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board
40 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
41 primary. The petition shall be signed by ~~ten percent (10%) of the registered voters of the~~
42 ~~election area in which the office will be voted for, who are affiliated with the same political party~~
43 ~~in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by~~

1 no less than 200 registered voters regardless of said voter's political party affiliation, whichever
2 requirement is greater. registered voters in the election area in which the office will be
3 voted for equal to four percent (4%) of the registered voters of that area as reflected by
4 the latest statistical report issued by the appropriate board of elections. The board of
5 elections shall verify the names on the petition, and if the petition is found to be
6 sufficient, the candidate's name shall be printed on the appropriate primary ballot.
7 Petitions for candidates for member of the U.S. House of Representatives, District
8 Attorney, and judge of the District Court or members of the State House of
9 Representatives from multi-county districts or members of the State Senate from multi-
10 county districts must be presented to the county board of elections for verification at least
11 15 days before the petition is due to be filed with the State Board of Elections, and such
12 petition must be filed with the State Board of Elections no later than 12:00 noon on
13 Monday preceding the filing deadline. The State Board of Elections may adopt rules to
14 implement this section and to provide standard petition forms.

15 (d) Nonpartisan Primaries and Elections. – Any qualified voter who seeks to be a
16 candidate in any nonpartisan primary or election may, in lieu of payment of the filing fee
17 required, file a written petition signed by ~~ten percent (10%) of the registered voters in the~~
18 ~~election area in which the office will be voted for with the appropriate board of elections.~~
19 registered voters in the election area in which the office will be voted for equal to four
20 percent (4%) of the registered voters of that area as reflected by the latest statistical report
21 issued by the appropriate board of elections. Any qualified voter may sign the petition.
22 The petition shall state the candidate's name, address and the office which he is seeking.
23 The petition must be filed with the appropriate board of elections no later than 60 days
24 prior to the filing deadline for the primary or election, and if found to be sufficient, the
25 candidate's name shall be printed on the ballot."

26 (g) G.S. 163-122 reads as rewritten:

27 **"§ 163-122. Unaffiliated candidates nominated by petition.**

28 (a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. – Any
29 qualified voter who seeks to have his name printed on the general election ballot as an
30 unaffiliated candidate shall:

- 31 (1) If the office is a statewide office, file written petitions with the State
32 Board of Elections supporting his candidacy for a specified office.
33 These petitions must be filed with the State Board of Elections on or
34 before 12:00 noon on the ~~last Friday in June~~ day of the first primary for
35 the office preceding the general election and must be signed by qualified
36 voters of the State equal in number to two percent (2%) of the total
37 number of registered voters in the State as reflected by the most recent
38 statistical report issued by the State Board of Elections. Each petition
39 shall be presented to the chairman of the board of elections of the
40 county in which the signatures were obtained. The chairman shall
41 examine the names on the petition and place a check mark on the
42 petition by the name of each signer who is qualified and registered to
43 vote in his county and shall attach to the petition his signed certificate.

1 Said certificates shall state that the signatures on the petition have been
2 checked against the registration records and shall indicate the number of
3 signers to be qualified and registered to vote in his county. The
4 chairman shall return each petition, together with the certificate required
5 in this section, to the person who presented it to him for checking.
6 Verification by the chairman of the county board of elections shall be
7 completed within two weeks from the date such petitions are presented
8 and a fee of five cents (~~5¢~~) for each name appearing on the petition has been
9 received. presented.

10 (2) If the office is a district office comprised of two or more counties, file
11 written petitions with the State Board of Elections supporting his
12 candidacy for a specified office. These petitions must be filed with the
13 State Board of Elections on or before 12:00 noon on the ~~last Friday in~~
14 ~~June~~ day of the first primary for the office preceding the general
15 election and must be signed by qualified voters of the district equal in
16 number to four percent (4%) of the total number of registered voters in
17 the district as reflected by the latest statistical report issued by the State
18 Board of Elections. Each petition shall be presented to the chairman of
19 the board of elections of the county in which the signatures were
20 obtained. The chairman shall examine the names on the petition and the
21 procedure for certification shall be the same as specified in (1) above.

22 (3) If the office is a county office or a single county legislative district, file
23 written petitions with the chairman or director of the county board of
24 elections supporting his candidacy for a specified county office. These
25 petitions must be filed with the county board of elections on or before
26 12:00 noon on the ~~last Friday in June~~ day of the first primary for the
27 office preceding the general election and must be signed by qualified
28 voters of the county equal in number to four percent (4%) of the total
29 number of registered voters in the county as reflected by the most recent
30 statistical report issued by the State Board of Elections, except if the
31 office is for a district consisting of less than the entire county and only
32 the voters in that district vote for that office, the petitions must be
33 signed by qualified voters of the district equal in number to four percent
34 (4%) of the total number of voters in the district according to the most
35 recent figures certified by the State Board of Elections. Each petition
36 shall be presented to the chairman or director of the county board of
37 elections. The chairman shall examine, or cause to be examined, the
38 names on the petition and the procedure for certification shall be the
39 same as specified in (1) above.

40 (4) If the office is a partisan municipal office, file written petitions with the
41 chairman or director of the county board of elections in the county
42 wherein the municipality is located supporting his candidacy for a
43 specified municipal office. These petitions must be filed with the county

1 board of elections on or before the time and date specified in G.S. 163-
2 296 and must be signed by the number of qualified voters specified in
3 G.S. 163-296. The procedure for certification shall be the same as
4 specified in (1) above.

5 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
6 board of elections with which the petitions and affidavit have been timely filed shall
7 cause the unaffiliated candidate's name to be printed on the general election ballots in
8 accordance with G.S. 163-140.

9 An individual whose name appeared on the ballot in a primary election preliminary to
10 the general election shall not be eligible to have his name placed on the general election
11 ballot as an unaffiliated candidate for the same office in that year.

12 (b) Form of Petition. – Petitions requesting an unaffiliated candidate to be placed
13 on the general election ballot shall contain on the heading of each page of the petition in
14 bold print or in all capital letters the words: 'THE UNDERSIGNED REGISTERED
15 VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF AS
16 AN UNAFFILIATED CANDIDATE IN THE NEXT GENERAL ELECTION. THE
17 UNDERSIGNED HEREBY PETITION THAT SUBJECT CANDIDATE BE PLACED
18 ON THE APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS
19 CONTAINED IN G.S. 163-122.'

20 (c) This section does not apply to elections under Article 25 of this Chapter.

21 (d) Presidential Electors. – Unaffiliated candidates for presidential electors who
22 comply with the other provisions of this section shall qualify for the ballot if the petitions
23 for their candidacy are filed with the State Board of Elections at least 75 days before the
24 general election."

25 (h) G.S. 163-123(c)(1) reads as rewritten:

26 "(1) If the office is a statewide office, file written petitions with the State
27 Board of Elections supporting his candidacy for a specified office.
28 These petitions shall be filed on or before noon on the 90th day before
29 the general election. They shall be signed by 500 qualified voters of the
30 State. Before being filed with the State Board of Elections, each petition
31 shall be presented to the board of elections of the county in which the
32 signatures were obtained. A petition presented to a county board of
33 elections shall contain only names of voters registered in that county.
34 The chairman of the county board of elections shall examine the names
35 on the petition and place a check mark by the name of each signer who
36 is qualified and registered to vote in his county. The chairman of the
37 county board shall attach to the petition his signed certificate. On his
38 certificate the chairman shall state that the signatures on the petition
39 have been checked against the registration records and shall indicate the
40 number of signers who are qualified and registered to vote in his county
41 and eligible to vote for that office. The chairman shall return each
42 petition, together with the certificate required in this section, to the
43 person who presented it to him for checking. The chairman of the

1 county board shall complete the verification within two weeks from the
2 date the petition is presented. ~~At the time of submitting the petition, a fee of~~
3 ~~five cents (5¢) shall be paid for each name appearing on the petition."~~

4 Section 6. Prosecutions for, or sentences based on, offenses occurring before
5 the effective date of this act are not abated or affected by this act, and the statutes that
6 would be applicable to those prosecutions or sentences but for the provisions of this act
7 remain applicable to those prosecutions or sentences.

8 Section 7. The provisions of this act are severable. If any provision is held
9 invalid by a court of competent jurisdiction, the invalidity does not affect other provisions
10 of the act that can be given effect without the invalid provision.

11 Section 8. This act becomes effective February 1, 1999.