

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1204

Short Title: Campaign Finance Definitions. (Public)

Sponsors: Representative Harrison.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

April 8, 2009

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.

35 c. A communication that constitutes a candidate debate or forum  
36 conducted pursuant to rules adopted by the Board or that solely



1 promotes that debate or forum and is made by or on behalf of the  
 2 person sponsoring the debate or forum.

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

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

12 "(2) The term "electioneering communication" means any mass mailing or  
 13 telephone bank that has all the following characteristics:

- 14 a. Refers to a clearly identified candidate for a statewide office or the  
 15 ~~General Assembly~~ Assembly and is susceptible of no reasonable  
 16 interpretation other than as an appeal to vote for or against a specific  
 17 candidate. A communication is susceptible of no other reasonable  
 18 interpretation if it does any of the following:  
 19 1. Refers to the personal qualities, character, or fitness for office  
 20 of that candidate.  
 21 2. Identifies that candidate's position or stance on an issue and  
 22 supports or condemns that position.  
 23 3. Supports or condemns that candidate's public record.  
 24 b. Is made within one of the following time periods:  
 25 1. 60 days before a general or special an election for the office  
 26 sought by the ~~candidate, or~~ candidate.  
 27 2. 30 days before a primary election or a convention of a  
 28 political party that has authority to nominate a candidate for  
 29 the office sought by the candidate.

30 c. Is targeted to the relevant electorate.

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

- 33 a. A communication appearing in a news story, commentary, or  
 34 editorial distributed through any newspaper or periodical, unless that  
 35 publication is owned or controlled by any political party, political  
 36 committee, or candidate.  
 37 b. A communication that constitutes an expenditure or independent  
 38 expenditure under Article 22A of this Chapter.  
 39 c. A communication that constitutes a candidate debate or forum  
 40 conducted pursuant to rules adopted by the Board or that solely  
 41 promotes that debate or forum and is made by or on behalf of the  
 42 person sponsoring the debate or forum.  
 43 d. A communication that is distributed by a corporation solely to its  
 44 shareholders or employees, or by a labor union or professional  
 45 association solely to its members.  
 46 e. A communication made while the General Assembly is in session  
 47 which, incidental to advocacy for or against a specific piece of  
 48 legislation pending before the General Assembly, urges the audience  
 49 to communicate with a member or members of the General Assembly  
 50 concerning that piece of ~~legislation~~ legislation, as long as the  
 51 communication does not mention an election, candidacy, political

1 party, or challenger and does not take a position on a candidate's  
2 character, qualifications, or fitness for office."

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

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

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

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

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

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

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

22 c. Is targeted to the relevant electorate.

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

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

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

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

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

43 e. An electioneering communication as defined in Article 22E of this  
44 Chapter."

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

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

48 a. Refers to a clearly identified candidate for a statewide office or the  
49 General ~~Assembly~~-Assembly and is susceptible of no reasonable  
50 interpretation other than as an appeal to vote for or against a specific

- 1 candidate. A communication is susceptible of no other reasonable  
2 interpretation if it does any of the following:  
3 1. Refers to the personal qualities, character, or fitness for office  
4 of that candidate.  
5 2. Identifies that candidate's position or stance on an issue and  
6 supports or condemns that position.  
7 3. Supports or condemns that candidate's public record.  
8 b. Is made in an even-numbered year after the final date on which a  
9 Notice of Candidacy can be filed for the office, pursuant to  
10 G.S. 163-106(c) or G.S. 163-323, and through the day on which the  
11 general election is conducted, excluding the time period set in the  
12 definition for "electioneering communication" in  
13 G.S. 163-278.90(2)b.  
14 c. Is targeted to the relevant electorate.  
15 (2) The term "candidate-specific communication" does not include any of the  
16 following:  
17 a. A communication appearing in a news story, commentary, or  
18 editorial distributed through any newspaper or periodical, unless that  
19 publication is owned or controlled by any political party, political  
20 committee, or candidate.  
21 b. A communication that constitutes an expenditure or independent  
22 expenditure under Article 22A of this Chapter.  
23 c. A communication that constitutes a candidate debate or forum  
24 conducted pursuant to rules adopted by the Board or that solely  
25 promotes that debate or forum and is made by or on behalf of the  
26 person sponsoring the debate or forum.  
27 d. A communication that is distributed by a corporation solely to its  
28 shareholders or employees or by a labor union or professional  
29 association solely to its members.  
30 e. A communication made while the General Assembly is in session  
31 which, incidental to advocacy for or against a specific piece of  
32 legislation pending before the General Assembly, urges the audience  
33 to communicate with a member or members of the General Assembly  
34 concerning that piece of ~~legislation~~ legislation, as long as the  
35 communication does not mention an election, candidacy, political  
36 party, or challenger and does not take a position on a candidate's  
37 character, qualifications, or fitness for office.  
38 f. An electioneering communication as defined in Article 22F of this  
39 Chapter.  
40 g. A public opinion poll conducted by a newspaper, periodical, or other  
41 news gathering organization."  
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**SECTION 5.** This act is effective when it becomes law.