

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1369

Short Title: "Coordination" Defined for Campaign Law. (Public)

Sponsors: Representatives Faison, Blue (Primary Sponsors); E. Floyd, Insko, and Lucas.

Referred to: Election Law and Campaign Finance Reform, if favorable, Ways and Means/Broadband Connectivity.

April 9, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE "COORDINATION" FOR PURPOSES OF DETERMINING
3 WHETHER AN IN-KIND CAMPAIGN CONTRIBUTION HAS OCCURRED.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 163-278.6 is amended to add a new subdivision to read:

6 "(6a) The term "coordination" means, with respect to a disbursement or
7 expenditure, the act of making the disbursement or expenditure in
8 consultation with, at the request of, or at the suggestion of a candidate,
9 candidate's committee, or any agent of the candidate or candidate committee.
10 It shall constitute "coordination" when a candidate, candidate's committee,
11 or an agent of a candidate or candidate's committee was involved in
12 discussions with the person or entity making the disbursement or
13 expenditure regarding either of the following:

14 a. The content, intended audience, means or mode of communication,
15 specific media outlets, timing, frequency, size, prominence, or
16 duration of the communications funded by the disbursement or
17 expenditure.

18 b. The candidate's needs or plans.

19 The term "coordination" shall not apply to the items enumerated in
20 G.S. 163-278.100(2)."

21 **SECTION 2.** G.S. 163-278.6(9a) reads as rewritten:

22 "(9a) The term "independently expend" or "independent expenditure" means an
23 expenditure to support or oppose the nomination or election of one or more
24 clearly identified candidates that is made without ~~consultation or~~
25 coordination with a candidate or agent of a candidate whose nomination or
26 election the expenditure supports or whose opponent's nomination or
27 election the expenditure opposes. Supporting or opposing the election of
28 clearly identified candidates includes supporting or opposing the candidates
29 of a clearly identified political party. A contribution is not an independent
30 expenditure. As applied to referenda, the term "independent expenditure"
31 applies if ~~consultation or~~ coordination does not take place with a referendum
32 committee that supports a ballot measure the expenditure supports, or a
33 referendum committee that opposes the ballot measure the expenditure
34 opposes."

35 **SECTION 3.** This act becomes effective January 1, 2010, and applies to
36 contributions made or accepted on or after that date.

