A BILL TO BE ENTITLED

AN ACT TO CLARIFY PRIVACY OF THE IDENTITY OF DONORS TO NONPROFIT ORGANIZATIONS.

Whereas, freedom of speech, freedom of the press, and the right to assemble are all expressive rights that are essential to the survival of our free society; and

Whereas, for many people, an efficient and effective way to exercise their expressive rights is to join with others in support of nonprofit organizations that speak, publish, and advocate on their behalf; and

Whereas, laws and administrative orders that impose donor disclosure requirements on nonprofit organizations have been used to suppress civil rights organizations and other dissenters through forms of retaliation; and

Whereas, citizens should be entitled to the freedom to contribute to nonprofit organizations devoid of fear of their personal information being divulged without their consent;

Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 132 of the General Statutes is amended by adding a new section to read:


(a) Unless so authorized by State or federal law, no board or governing body of the State, or of any institution of the State government, or of any political subdivision of the State, including all boards, departments, divisions, constituent institutions of The University of North Carolina, community colleges, and other units of government in the executive branch, may adopt or enforce any rule, regulation, or policy that requires any of the following:

(1) An individual to disclose his or her contributions or donations to any nonprofit corporation.

(2) A nonprofit corporation to disclose its membership.

(3) A nonprofit corporation to disclose the identity of persons making contributions or donations to that nonprofit corporation.

(4) Any list, record, register, registry, role, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, or volunteer of, or donor of financial or nonfinancial support to a nonprofit corporation.

(b) Any person whose property or person is injured by reason of an act made unlawful by this section may sue for civil damages. For each act in violation of subsection (a) of this section, damages may be (i) in an amount of up to two thousand five hundred dollars ($2,500) or (ii) three times the amount of actual damages, whichever amount is greater. A person seeking
damages as set forth in this subsection may also institute a civil action to enjoin and restrain future acts that would constitute a violation of this section. The venue for any civil action brought under this subsection shall be the county in which the plaintiff resides or any county in which any part of the alleged act took place, regardless of whether the defendant was ever actually present in that county. Civil actions under this subsection must be brought within three years from the date on which the identity of the wrongdoer was discovered or reasonably should have been discovered. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. The court, in an action brought under this subsection, may award reasonable attorneys' fees to the prevailing party.

(c) This section shall not apply to the following:
   (1) Criminal investigations.
   (2) Orders of a court.
   (3) Income tax reviews and investigations under Chapter 105 of the General Statutes.

(d) For purposes of this section, the term "nonprofit corporation" shall mean any organization described in section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 170(c))."

SECTION 2. This act becomes effective October 1, 2021, and applies to any rule, regulation, or policy adopted or enforced on or after that date.