

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 296

Short Title: Campaign Pledge.

(Public)

Sponsors: Senators Albertson; Ballance, Carpenter, Carrington, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Warren, Weinstein, and Winner.

Referred to: Judiciary.

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 candidateWitness:

.....

1 .....  
2 (Title of witness)'Each candidate who chooses to sign the pledge in this  
3 subsection shall do so in the presence of the chairman or secretary of the board of  
4 elections, State or county, with which that candidate files. In the alternative, the  
5 candidate's signature on the pledge may be acknowledged and certified to by an officer  
6 authorized to take acknowledgments and administer oaths, in which case the candidate  
7 may mail the pledge, together with notice of candidacy, to the appropriate board of  
8 elections."

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

11 **"§ 163-114A. Candidate's pledge.**

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

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

18 **"§ 163-98.1. Candidate's pledge.**

19 When a party certifies to the State Board of Elections its nomination of a candidate  
20 for office pursuant to G.S. 163-98.1, that candidate shall be offered the opportunity to  
21 sign the following pledge:'Date .....Realizing that  
22 the principles of morality, ethics, and civility are essential to the integrity of the  
23 democratic process, I pledge to conduct a campaign consistent with these principles. I  
24 will refrain from campaign practices that in any way detract from the honorable pursuit of  
25 elective office.Signed .....

Name of candidateWitness:

26 .....  
27 .....  
28 .....  
29 (Title of witness)'Each candidate who chooses to sign the pledge in this section  
30 shall do so in the presence of the chairman or secretary of the State Board of Elections. In  
31 the alternative, the candidate's signature on the pledge may be acknowledged and  
32 certified to by an officer authorized to take acknowledgments and administer oaths, in  
33 which case the candidate may mail the pledge to the State Board of Elections no later  
34 than the date by which the party must certify its nominees to the State Board of Elections  
35 pursuant to G.S. 163-98."

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

38 **"§ 163-124. Candidate's pledge.**

39 When filing petitions pursuant to G.S. 163-122(a) or a declaration of intent pursuant  
40 to G.S. 163-123(b), every person seeking to become a candidate for elective office under  
41 this Article shall be offered the opportunity to sign the following pledge:'Date  
42 .....Realizing that the principles of morality, ethics,  
43 and civility are essential to the integrity of the democratic process, I pledge to conduct a

1 campaign consistent with these principles. I will refrain from campaign practices that in  
2 any way detract from the honorable pursuit of elective office.Signed

3 .....

4 Name of candidateWitness:

5 .....

6 .....

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

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

16 "(p) The State Board of Elections shall prepare a certified list of all candidates in  
17 the State who have signed the pledge provided for in G.S. 163-106(a1), 163-114A, 163-  
18 98.1, 163-124, and those who have not. The State Board of Elections shall publicize with  
19 the major State media, and require county boards of elections to publicize with local  
20 media, the names of candidates who have signed the pledge and those who have not. The  
21 publicity shall be by news release, issued by the State Board no later than 21 days before  
22 any primary or election, listing the name of every candidate in the State for whom a vote  
23 may be counted in that election and reporting whether or not that candidate signed the  
24 pledge. The State Board shall direct each county board of elections to issue a news  
25 release and distribute it to local media no later than 21 days before each primary or  
26 election, listing the name of every candidate for whom a vote may be counted in the  
27 county and reporting whether or not that candidate signed the pledge."

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

29 **"§ 163-278. Duty of investigating and prosecuting violations of this Article.**

30 It shall be the duty of the State Board of Elections and the district attorneys to  
31 investigate any violations of this Article, ~~and the~~ on their own or upon complaint under  
32 oath by any registered voter. The Board and district attorneys are authorized and  
33 empowered to subpoena and compel the attendance of any person before them for the  
34 purpose of making such investigation. The State Board of Elections and the district  
35 attorneys are authorized to call upon the Attorney General to furnish assistance by the  
36 State Bureau of Investigation in making the investigations of such violations. The State  
37 Board of Elections shall furnish the district attorney a copy of its investigation. The  
38 district attorney shall initiate prosecution and prosecute any violations of this Article. The  
39 provisions of G.S. 163-278.28 shall be applicable to violations of this Article."

40 Section 7. This act becomes effective January 1, 1998, and applies to all  
41 candidacies commenced on or after that date.