

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1999

SESSION LAW 2000-114  
SENATE BILL 1290

AN ACT TO PROHIBIT CERTAIN POLITICAL ACTIVITIES BY BOARD OF  
ELECTIONS MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"ARTICLE 4A.

"Political Activities by Board of Elections Members.

**"§ 163-38. Applicability of Article.**

This Article applies to members of the State Board of Elections and of each county and municipal board of elections. With regard to prohibitions in this Article concerning candidates, referenda, and committees, the prohibitions do not apply if the candidate or referendum will not be on the ballot in an area within the jurisdiction of the board, or if the political committee or referendum committee is not involved with an election or referendum that will be on the ballot in an area within the jurisdiction of the board.

**"§ 163-39. Limitation on political activities.**

No individual subject to this Article shall:

- (1) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the nomination or election of one or more clearly identified candidates for public office.
- (2) Make written or oral statements intended for general distribution or dissemination to the public at large supporting or opposing the passage of one or more clearly identified referendum proposals.
- (3) Solicit contributions for a candidate, political committee, or referendum committee.

Individual expressions of opinion, support, or opposition not intended for general public distribution shall not be deemed a violation of this Article. Nothing in this Article shall be deemed to prohibit participation in a political party convention as a delegate. Nothing in this Article shall be deemed to prohibit a board member from making a contribution to a candidate, political committee, or referendum committee.

**"§ 163-40. Violation may be ground for removal.**

A violation of this Article may be a ground to remove a State Board of Elections member under G.S. 143B-16, a county board of elections member under G.S. 163-22(c),

or a municipal board of elections member under G.S. 163-280(i). No criminal penalty shall be imposed for a violation of this Article.

**"§ 163-40.1. Definitions.**

The provisions of Article 22A of this Chapter apply to the definition and proof of terms used in this Article."

Section 2. This act becomes effective January 1, 2001.

In the General Assembly read three times and ratified this the 7th day of July, 2000.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 8:36 a.m. this 14th day of July, 2000