

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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SENATE BILL 376

Short Title: Clarify Disclosure Reqs./Electioneering Comm. (Public)

Sponsors: Senators Cook (Primary Sponsor); and Rabin.

Referred to: Rules and Operations of the Senate.

March 25, 2015

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE LAWS PERTAINING TO DISCLOSURE REQUIREMENTS
FOR ELECTIONEERING COMMUNICATIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6 reads as rewritten:

"§ 163-278.6. Definitions.

When used in this Article:

...

(8j) The term "electioneering communication" means any broadcast, cable, or satellite communication, or mass mailing, or telephone bank that has all the following characteristics:

- a. Refers to a clearly identified candidate for elected ~~office-office~~, regardless of whether the candidate is opposed or unopposed in both the primary and general election for that office.
- b. In the case of the general election in November of the even-numbered year is aired or transmitted after September 7 of that year, and in the case of any other election is aired or transmitted within 60 days of the time set for absentee voting to begin pursuant to G.S. 163-227.2 in an election for that office.
- c. May be received by either:
 1. 50,000 or more individuals in the State in an election for statewide office or 7,500 or more individuals in any other election if in the form of broadcast, cable, or satellite communication.
 2. 20,000 or more households, cumulative per election, in a statewide election or 2,500 households, cumulative per election, in any other election if in the form of mass mailing or telephone bank.

(8k) The term "electioneering communication" does not include any of the following:

- a. A communication appearing in a news story, commentary, or editorial distributed through the facilities of any broadcasting station, unless those facilities are owned or controlled by any political party, political committee, or candidate.
- b. A communication that constitutes an expenditure or independent expenditure under this Article.



- 1 c. A communication that constitutes a candidate debate or forum
2 conducted pursuant to rules adopted by the Board or that solely
3 promotes that debate or forum and is made by or on behalf of the
4 person sponsoring the debate or forum.
- 5 d. A communication made while the General Assembly is in ~~session~~
6 regular session, as defined in G.S. 163-278.13B(a)(3), which,
7 incidental to advocacy for or against a specific piece of legislation
8 pending before introduced in either house of the General
9 Assembly, Assembly identified by the bill number and short title,
10 urges the audience to communicate with a member or members of
11 the General Assembly concerning that piece of legislation or a
12 solicitation of others as defined in G.S. 120C-100(a)(13) properly
13 reported under Chapter 120C of the General Statutes.
- 14 e. A communication that meets all of the following criteria:
15 1. Does not mention any election, candidacy, political party,
16 opposing candidate, or voting by the general public.
17 2. Does not take a position on the candidate's character or
18 qualifications and fitness for office.
19 3. Proposes a commercial transaction.
- 20 f. A public opinion poll conducted by a news medium, as defined in
21 G.S. 8-53.11(a)(3), conducted by an organization whose primary
22 purpose is to conduct or publish public opinion polls, or contracted
23 for by a person to be conducted by an organization whose primary
24 purpose is to conduct or publish public opinion polls. This
25 sub-subdivision shall not apply to a push poll. For the purpose of this
26 sub-subdivision, "push poll" shall mean the political campaign
27 technique in which an individual or organization attempts to
28 influence or alter the view of respondents under the guise of
29 conducting a public opinion poll.
- 30 g. A communication made by a news medium, as defined in
31 G.S. 8-53.11(a)(3), if the communication is in print.

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33 **SECTION 2.** This act is effective when it becomes law.