

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 825
Judiciary Committee Substitute Adopted 4/30/97

Short Title: Candidate Accountability.

(Public)

Sponsors:

Referred to:

April 14, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PROCEDURE FOR CANDIDATE DISCLOSURE WITH
3 REGARD TO ADVERTISEMENTS.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 22A of Chapter 163 of the General Statutes is amended by
6 adding a new section to read:

7 "**§ 163-278.38A. Procedure for candidate disclosure concerning ads.**

8 (a) Definitions. – As used in this section:

9 (1) 'Requesting candidate' means a candidate for any office on the ballot in
10 North Carolina who sends a disclosure request to a receiving candidate
11 according to the provisions of subsection (b) of this section.

12 (2) 'Receiving candidate' means a candidate for any office on the ballot in
13 North Carolina who is sent a disclosure request according to the
14 provisions of subsection (b) of this section.

15 (3) 'Disclosure request' means a form designed by the State Board of
16 Elections to be sent by a requesting candidate to a receiving candidate.
17 The State Board of Elections shall develop such a form, providing a
18 space for the requesting candidate to disclose his or her name and
19 describe the advertisement about which the request is being made. The

1 form shall have a space in which the receiving candidate shall be asked
2 to register approval or disapproval of that advertisement. The form shall
3 not contain a space for the receiving candidate to make additional
4 comments. On the form, the State Board of Elections shall ask that the
5 receiving candidate send the disclosure request form immediately to the
6 State Board. The State Board shall notify the receiving candidate on the
7 form that if the State Board does not receive a response within 10 days
8 after the receiving candidate receives the disclosure request, the State
9 Board will prepare a public record stating that the receiving candidate
10 did not respond.

11 (b) Right of Requesting Candidate to Send Disclosure Request. – If a requesting
12 candidate believes the outcome of an election would be affected by an advertisement that:

13 (1) Has been published on radio, on television, or in print; and

14 (2) Mentions the name of any candidate for that office,

15 the requesting candidate may send a disclosure request to a receiving candidate for the
16 same office. Any requesting candidate sending a disclosure request shall do so by
17 certified mail, return receipt requested. The requesting candidate shall notify the State
18 Board of Elections when the disclosure request has been sent and when the return receipt
19 has been received.

20 (c) Response by Receiving Candidate; Public Record. – Any receiving candidate
21 who receives a disclosure request under subsection (b) of this section may respond by
22 registering on the disclosure request form approval or disapproval of the advertisement,
23 may respond by declining to register approval or disapproval, or may elect not to
24 respond. The State Board of Elections shall record a receiving candidate's response to any
25 disclosure letter sent under subsection (b) of this section and make that record public
26 upon the State Board's receipt of the receiving candidate's response. The State Board
27 shall not include in its record any comments of the receiving candidate beyond approval,
28 disapproval, declination to approve or disapprove, or nonresponse. If the State Board
29 does not receive a response within 10 days after the receiving candidate receives the
30 disclosure request, the State Board shall immediately prepare a public record stating that
31 the receiving candidate did not respond. The State Board of Elections shall notify the
32 news media by press release at least 21 days before any primary or election the names of
33 all receiving candidates who have been sent disclosure requests under this section and
34 their responses. The State Board shall update that press release once a week during the
35 final three weeks before the primary or election.

36 (d) Rules by State Board of Elections. – The State Board of Elections shall
37 promulgate rules for the enforcement of this section."

38 Section 2. This act becomes effective January 1, 1998.