

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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

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

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

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

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

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

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

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

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