

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: HB 1187 (3rd Edition)
SHORT TITLE: Push Poll Disclosure
SPONSOR(S): Representatives Blue; and Goodwin.

FISCAL IMPACT

Yes ()	No (X)	No Estimate Available ()		
<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>	<u>FY 2004-05</u>	<u>FY 2005-06</u>

REVENUES

EXPENDITURES

POSITIONS: 0

**PRINCIPAL DEPARTMENT(S) &
PROGRAM(S) AFFECTED:** Judicial Branch, Dept. of Correction, and County Jails

EFFECTIVE DATE: This act becomes effective December 1, 2001.

BILL SUMMARY:

Amends Article 22 of Chapter 163 of the General Statutes to add a new section that requires disclosure of the person, candidate, political party, or political committee requesting or paying for a persuasive poll. A persuasive poll, as used in this section, is defined as canvassing of persons, by means other than an established method of scientific sampling, by asking questions or other information concerning a candidate, which is designed to provide information that is designed to advocate the election, approval, or defeat of a candidate or measure. Any person that violates this new provision is guilty of a Class 1 misdemeanor.

The 3rd edition requires the entity conducting a persuasive poll to disclose name and telephone number of sponsor at beginning rather than end of the poll.

ASSUMPTIONS AND METHODOLOGY:

Department of Correction

Since this bill covers conduct that is currently not a criminal offense, it is not known how many offenders might be sentenced. However, since this bill establishes a new Class 1 misdemeanor offense, Fiscal Research does not expect an impact on the prison population. In some cases though, there may be an impact on county jail populations. While we cannot project the number of new jail inmates due to this bill, if any, we do know that in FY 1999/2000, 15% of all Class 1 misdemeanors resulted in active sentences. The average sentence length imposed was 45 days. Offenders serving active sentences of 90 days or less are housed in county jails. If sentencing for this offense followed the same pattern as Class 1 misdemeanors overall and if there were at least 7 convictions, there would be 1 person going to jail. There is no evidence to suggest there will be any significant number of offenders going to jail.

Judicial Branch

While there may be an impact on the courts due to the new misdemeanor, the AOC is unaware of any data from which to estimate the number of such polls conducted or the number of violations that might result under this bill. Their best guess would be that the vast majority of persons conducting these persuasive polls would likely comply with the law and there would not be a significant impact on court system workload from this one bill.

SOURCES OF DATA: Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission

TECHNICAL CONSIDERATIONS: None

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