

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1145

Short Title: "Coordination" Defined for Campaign Law. (Public)

Sponsors: Representatives Martin, Goodwin (Primary Sponsors); Cotham and Harrison.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

April 8, 2009

A BILL TO BE ENTITLED

AN ACT TO DEFINE "COORDINATION" FOR PURPOSES OF DETERMINING
WHETHER AN IN-KIND CAMPAIGN CONTRIBUTION HAS OCCURRED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-278.6 is amended to add a new subdivision to read:

"(6a) The term "coordination" means, with respect to a disbursement or expenditure, the act of making in consultation with, at the request of, or at the suggestion of a candidate, candidate's committee, or any agent of the candidate or candidate committee. Either of the following shall be the means of proving that "coordination" has occurred with respect to a disbursement or expenditure:

a. Evidence that a candidate, candidate's committee, or an agent of a candidate or candidate's committee was involved in discussions with the person or entity making the disbursement or expenditure regarding either of the following:

1. The content, intended audience, means or mode of communication, specific media outlets, timing, frequency, size, prominence, or duration of the communications funded by the disbursement or expenditure.

2. The candidate's needs or plans.

b. Evidence that the person or entity making the disbursement or expenditure utilized a vendor that was also used by a candidate or candidate's committee in the development of his/her communications strategy, and that such vendor used knowledge or information derived from its work for the candidate in the provision of services in connection with the disbursement or expenditure."

SECTION 2. G.S. 163-278.6(9a) reads as rewritten:

"(9a) The term "independently expend" or "independent expenditure" means an expenditure to support or oppose the nomination or election of one or more clearly identified candidates that is made without ~~consultation~~ or coordination with a candidate or agent of a candidate whose nomination or election the expenditure supports or whose opponent's nomination or election the expenditure opposes. Supporting or opposing the election of clearly identified candidates includes supporting or opposing the candidates of a clearly identified political party. A contribution is not an independent expenditure. As applied to referenda, the term "independent expenditure" applies if ~~consultation~~ or coordination does not take place with a referendum



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1 committee that supports a ballot measure the expenditure supports, or a
2 referendum committee that opposes the ballot measure the expenditure
3 opposes."

4 **SECTION 3.** This act becomes effective January 1, 2010, and applies to
5 contributions made or accepted on or after that date.