

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH30291-RR-48 (03/26)

Short Title: "Coordination" Defined for Campaign Law.

(Public)

Sponsors: Representatives Martin and Goodwin (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DEFINE "COORDINATION" FOR PURPOSES OF DETERMINING
3 WHETHER AN IN-KIND CAMPAIGN CONTRIBUTION HAS OCCURRED.

4 The General Assembly of North Carolina enacts:

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

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

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

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

20 2. The candidate's needs or plans.

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

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

28 "(9a) The term "independently expend" or "independent expenditure" means an
29 expenditure to support or oppose the nomination or election of one or more
30 clearly identified candidates that is made without ~~consultation or~~
31 coordination with a candidate or agent of a candidate whose nomination or
32 election the expenditure supports or whose opponent's nomination or
33 election the expenditure opposes. Supporting or opposing the election of
34 clearly identified candidates includes supporting or opposing the candidates
35 of a clearly identified political party. A contribution is not an independent



1 expenditure. As applied to referenda, the term "independent expenditure"
2 applies if ~~consultation or coordination~~ does not take place with a referendum
3 committee that supports a ballot measure the expenditure supports, or a
4 referendum committee that opposes the ballot measure the expenditure
5 opposes."

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