

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1481
Select Committee on Government and Election Reform Committee Substitute
Adopted 5/22/07

Short Title: Campaign Report Random Audits.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1
2 AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTIONS TO CONDUCT
3 RANDOM AUDITS OF CAMPAIGN REPORTS; TO PROVIDE FOR CIVIL
4 PENALTIES FOR WILLFUL CONCEALMENT THROUGH LATE FILING;
5 AND TO MAKE A TECHNICAL CORRECTION TO THE CRIMINAL
6 PENALTY FOR KNOWINGLY SIGNING A FALSE CAMPAIGN REPORT.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 163-278.22 reads as rewritten:

9 **"§ 163-278.22. Duties of State Board.**

10 It shall be the duty and power of the State Board:

- 11 (1) To prescribe forms of statements and other information required to be
12 filed by this Article, to furnish such forms to the county boards of
13 elections and individuals, media or others required to file such
14 statements and information, and to prepare, publish and distribute or
15 cause to be distributed to all candidates at the time they file notices of
16 candidacy a manual setting forth the provisions of this Article and a
17 prescribed uniform system for accounts required to file statements by
18 this Article.
- 19 (2) To accept and file any information voluntarily supplied that exceeds
20 the requirements of this Article.
- 21 (3) To develop a filing, coding, and cross-indexing system consonant with
22 the purposes of this Article.
- 23 (4) To make statements and other information filed with it available to the
24 public at a charge not to exceed actual cost of copying.
- 25 (5) To preserve reports and statements filed under this Article. Such
26 reports and statements, after a period of two years following the
27 election year, may be transferred to the Department of Cultural

1 Resources, Office of Archives and History, and shall be preserved for
2 a period of 10 years.

3 (6) To prepare and publish such reports as it may deem appropriate.

4 (7) To make investigations to the extent the Board deems necessary with
5 respect to statements filed under the provisions of this Article and with
6 respect to alleged failures to file any statement required under the
7 provisions of this Article, and, upon complaint under oath by any
8 registered voter, with respect to alleged violations of any part of this
9 Article.

10 (8) After investigation, to report apparent violations by candidates,
11 political committees, referendum committees, individuals or persons to
12 the proper district attorney as provided in G.S. 163-278.27.

13 (9) To prescribe and furnish forms of statements and other material to the
14 county boards of elections for distribution to candidates and
15 committees required to be filed with the county boards.

16 (10) To instruct the chairman and director of elections of each county board
17 as to their respective duties and responsibilities relative to the
18 administration of this Article.

19 (11) To require appropriate certification of delinquent or late filings from
20 the county boards of elections and to execute the same responsibilities
21 relative to such reports as provided in G.S. 163-278.27.

22 (12) To assist county boards of elections in resolving questions arising from
23 the administration of this Article.

24 (13) To require county boards of elections to hold such hearings, make such
25 investigations, and make reports to the State Board as the State Board
26 deems necessary in the administration of this Article.

27 (14) To calculate, assess, and collect civil penalties pursuant to this Article.

28 (15) To conduct random audits of candidates, political committees, and
29 referendum committees. The State Board shall adopt rules to ensure
30 random selection from all committees and funds, including those
31 reporting to county boards."

32 **SECTION 2.** G.S. 163-278.32 reads as rewritten:

33 **"§ 163-278.32. Statements under oath.**

34 Any statement required to be filed under this Article shall be signed and certified as
35 true and correct by the individual, media, candidate, treasurer or others required to file
36 it, and shall be certified as true and correct to the best of the knowledge of the
37 individual, media, candidate, treasurer or others filing the statement; provided further
38 that the candidate shall certify as true and correct to the best of his knowledge the
39 organizational report and appointment of treasurer filed for the candidate or the
40 candidate's principal campaign committee. ~~Any~~ A certification under this Article shall
41 be treated as under oath, and any person making a certification under this Article
42 knowing the information to be untrue may be prosecuted for perjury under G.S. 14-209.
43 is guilty of a Class F felony."

1 **SECTION 3.** There is appropriated from the General Fund to the State
2 Board of Elections for the 2007-2008 fiscal year the sum of one million dollars
3 (\$1,000,000) for the implementation of this act.

4 **SECTION 4.** This act becomes effective January 1, 2008, and applies to all
5 reports due or filed on and after that date.