

08 NCAC 21 .0202 PROCEDURES FOR CLOSING A COMMITTEE

(a) A political committee as defined in G.S. 163-278.6(74) may close and cease filing reports according to the schedules set forth in G.S. 163-278.9 or Article 22A, Part 2 if it stops receiving contributions or making expenditures and disposes of all assets and liabilities. In order to close, a political committee shall file all of the following with the board of elections:

- (1) a certification that the political committee intends to close and cease existence and that all assets have been disposed of and reported; and
- (2) a Final Report setting forth the information in G.S. 163-278.11 and covering the period since the last report filed under G.S. 163-278.9 or Article 22A, Part 2. The Final Report shall disclose no cash on hand at the end date of the reporting period; no outstanding loans, and no outstanding debts and obligations owed by the political committee.

(b) A political committee that qualifies under threshold in accordance with G.S. 163-278.10A shall only file a certification as described in Subparagraph (a)(1) of this Rule.

(c) A political committee shall file the certification and Final Report by filing forms available on the State Board of Elections website with the board of elections. The certification and Final Report are considered filed:

- (1) on the date received by hand-delivery during regular business hours at the board of elections;
- (2) on the date postmarked by the United States Postal Service or marked with an equivalent marking by a delivery service authorized by G.S. 1A-1, Rule 4.

(d) Notwithstanding Paragraph (c) of this Rule, a political committee required to file reports electronically pursuant to G.S. 163-278.9(i) shall complete and file a Final Report consistent with 08 NCAC 21 .0106. All other political committees may elect to file a Final Report consistent with 08 NCAC 21 .0106.

(e) If the political committee is required to file a Final Report, the certification in Subparagraph (a)(1) of this Rule shall be filed within 15 calendar days of the Final Report.

(f) Upon receipt of the certification and Final Report, a political committee that is eligible to close under G.S. 163-278.6(74) and this Rule shall be placed in "closed pending" status. A political committee that is closed pending is not required to file reports under G.S. 163-278.9 or Article 22A, Part 2. A political committee that is closed pending shall continue to preserve records consistent with G.S. 163-278.35. The political committee shall be closed after the board of elections completes a final examination of the political committee's reports under G.S. 163-278.24 and all potential prohibited transactions under Articles 22A and 22M of Chapter 163 of the General Statutes are resolved and all amended reports are filed. The State Board may order a committee closed that has not resolved potential prohibited transactions or filed amended reports.

(g) A candidate committee shall not close after the candidate supported files a notice of candidacy, or the candidate's name has been placed on the general election ballot pursuant to G.S. 163-122. A candidate committee may close after the candidate supported withdraws as a candidate pursuant to G.S. 163-106.4 or after the certificate of nomination or election is issued under G.S. 163-182.15.

(h) A political committee shall not close if:

- (1) the political committee has failed to file a report required by G.S. 163-278.9 or Article 22A, Part 2; or
- (2) the political committee has a penalty assessed under G.S. 163-278.34 that remains unpaid within three years of the date the assessment was due. A political committee may close after the State Board waives a penalty under G.S. 163-278.34.

(i) A closed or closed pending political committee may re-open at any time. A committee shall be re-opened upon receipt of an Organizational Report as described in G.S. 163-278.9(a)(1). A political committee shall be assigned the same ID Number issued by the board of elections upon re-opening.

*History Note: Authority G.S. 163-278.21;
Eff. September 1, 2021.*