

CHAPTER 21 – DEPARTMENTAL RULES

SECTION .0100 – FUNCTIONAL AREAS OF RESPONSIBILITY

08 NCAC 21 .0101 BEST EFFORTS

The treasurer of a political committee or referendum committee shall be deemed to have exercised best efforts to obtain, maintain, and report the information required by G.S. 163-278.11(a)(1) if all of the following efforts set forth in this Rule are made:

- (1) All written solicitations for contributions include a request for the contributor's full name, mailing address, and principal occupation as defined in G.S. 163-278.11(a)(1), and include a statement of North Carolina law regarding the collection and reporting of individual contributor information. The following are examples of acceptable statements for a candidate committee, political committee, or referendum committee:
 - (a) "State law requires us to use our best efforts to collect and report the full name, mailing address, job title or profession, and employer's name or employer's specified field of business activity of individuals whose contributions exceed fifty dollars (\$50.00) in an election"; and
 - (b) "To comply with State law, we must use best efforts to obtain, maintain, and submit the full name, mailing address, job title or profession, and employer's name or employer's specified field of business activity of individuals whose contributions exceed fifty dollars (\$50.00) in an election."

The request and statement shall appear in a clear and conspicuous manner on any response material included in a solicitation. The request and statement are not clear and conspicuous if they are in small type in comparison to the solicitation and response materials, or if the printing is difficult to read or if the placement is easily overlooked by the potential contributor.

- (2) For each aggregate contribution received in excess of fifty dollars (\$50.00) per election, as defined in G.S. 163-278.13(e), which lacks required contributor information, such as the contributor's full name, mailing address, job title or profession, or employer's name or employer's specified field of business activity, the treasurer makes at least one effort after the receipt of the contribution to obtain the missing information. That effort shall consist of either a written request sent to the contributor or an oral request to the contributor documented in writing. All documented requests shall be preserved and retained consistent with G.S. 163-278.35. The written or oral request must be made no later than 30 days after receipt of the contribution. The written or oral request shall not include material on any other subject or any additional solicitation, except that it may include language thanking the contributor for the contribution. The request must ask for the missing information and must include the statement set forth in Item (1) of this Rule. Written requests must include this statement in a clear and conspicuous manner. If the request is written, it shall be accompanied by a pre-addressed return post card or envelope for the response material.
- (3) The treasurer reports all contributor information not provided by the contributor, but in the political committee's or referendum committee's possession, including information in contributor records, fundraising records and previously filed reports, in the same election cycle.
- (4) If, after complying with all provisions of this section, the treasurer is unable to identify the contributor's principal occupation, the treasurer lists all available information and report "unable to obtain" as to the missing occupational information.
- (5) If any of the contributor information is received after the contribution has been disclosed on a regularly scheduled report, the candidate committee, political committee, or referendum committee files on or before its next regularly scheduled reporting date, amendments to the report(s) originally disclosing the contribution(s), which include the contributor identifications together with the dates and amounts of the contribution(s). Amendments must be filed for all reports that cover the election in which the contribution was received that disclose itemizable contributions from the same contributor if the contributor information is incorrect or missing from the report.

History Note: Authority G.S. 163-278.11; 163-278.21; 163-278.22;
Eff. May 1, 2020.