

08 NCAC 21 .0104 REPORTING OF ELECTIONEERING COMMUNICATIONS

(a) Once an individual as defined in G.S. 163-278.6(55), person as defined in G.S. 163-278.6(72), or other entity required to report electioneering communications under G.S. 163-278.12C has incurred an expense for the direct cost of producing or airing electioneering communications with a present actual or market value aggregating in excess of five thousand dollars (\$5,000) during an election as defined in G.S. 163-278.6(8j), the individual, person, or entity shall report all electioneering communications, and any donations made to further electioneering communications, with the following board of elections:

- (1) if the district of the candidate referred to is within one county, and the candidate is not running for a legislative, judicial or district attorney office, the report shall be filed with the county board of elections; or
- (2) if the district of the candidate referred to extends to more than one county, or the candidate is running for a legislative, judicial or district attorney office, the report shall be filed with the State Board.

(b) The direct cost of producing or airing electioneering communications includes, but is not limited to, the cost of studio rental time; video or audio recording media; staff salaries; consultant fees; talent; airtime on broadcast, cable or satellite radio and television stations; and the charges for a broker to purchase the airtime.

(c) When reporting electioneering communications, the individual, person, or entity shall file CRO-2310 Electioneering Communications Report Cover, CRO-2320 Controlling/Directing Entity List; CRO-2330 Receipts for Electioneering Communications, and CRO-2340 Incurred Costs for Electioneering Communications available on the State Board's website. Electioneering Communication reports filed with the county board of elections or the State Board of Elections shall include all of the following:

- (1) the name and mailing address of the individual, person, or entity incurring the expense;
- (2) a phone number for the individual, person, or entity incurring the expense;
- (3) the name and mailing address of the custodian of the books and accounts of the individual, person, or entity incurring the expense;
- (4) if the expense is incurred by an individual, the individual's principal occupation as defined in G.S. 163-278.11(a);
- (5) if the expense is incurred by a person or entity, the principal place of business of the person or entity;
- (6) if an individual, person, or entity is sharing or exercising direction or control over the activities of the individual, person, or entity incurring the expense with regards to the electioneering communication:
 - (A) the name and mailing address of the individual, person or entity sharing or exercising direction or control;
 - (B) if an individual, the individual's principal occupation as defined in G.S. 163-278.11(a)(1); and
 - (C) if a person or entity, the principal place of business of the person or entity;
- (7) for each electioneering communication reported:
 - (A) the name and mailing address of each individual, person or entity paid to produce the electioneering communication;
 - (B) the amount paid to each individual, person or entity to produce the electioneering communication;
 - (C) the date of the electioneering communication;
 - (D) a description of the electioneering communication, including any title; and
 - (E) the name of the candidate or candidates referred to in the electioneering communication;
- (8) for each donation of more than one thousand dollars (\$1,000) during the reporting period made to further the electioneering communication:
 - (A) the donor's name and mailing address;
 - (B) if the donor is an individual, the individual's principal occupation as defined in G.S. 163-278.11(a)(1);
 - (C) if the donor is a person or entity, the principal place of business of the person or entity;
 - (D) the amount of the donation; and
 - (E) the date of the donation.

(d) The individual, person, or entity required to report electioneering communications shall complete and sign forms within the time period set forth in G.S. 163-278.12C(b). After the initial report, the individual, person, or entity incurring the expense shall continue to file electioneering communications reports according to the reporting

schedule in G.S. 163-278.9 until the end of the election. The final report for a given election shall cover the period through the day of the election.

(e) A report is considered filed either:

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

(g) A report that is missing any of the information in Paragraph (c) shall not be considered filed in accordance with G.S. 163-278.12C.

(h) A 48-hour report shall be filed with the State Board of Elections or county board of elections using forms provided by the State Board if an individual, person or entity that produces or airs an electioneering communication incurs an expense of five thousand dollars (\$5,000) or more or receives a donation of one thousand dollars (\$1,000) or more for making an electioneering communication before an election but after the period covered by the last report due before that election. A 48-hour report shall be made using CRO-2310 Electioneering Communications Report Cover, CRO-2320 Controlling/Directing Entity List, CRO-2330 Receipts for Electioneering Communications, and CRO-2340 Incurred Costs for Electioneering Communications. 48-hour reports may be filed by fax or email.

*History Note: Authority G.S. 163-278.12C; 163-278.21; 163-278.22;
Eff. May 1, 2020.*