

1 08 NCAC 21 .0201 is amended as published in 37:04 NCR 313-314 as follows:

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3 **SECTION .0200 – ~~NONCOMPLIANCE~~ POLITICAL COMMITTEES AND REFERENDUM**
4 **COMMITTEES**

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6 **08 NCAC 21 .0201 ~~PROCEDURES FOR POLITICAL AND REFERENDUM COMMITTEES~~**
7 **COMMITTEE ACCOUNTS**

8 (a) All bank accounts, safety deposit boxes, and other depositories utilized by political committees and referendum
9 committees listed on the statement of organization as required by G.S. 163-278.7(b)(8) or G.S. 163-278.8(b) must be
10 maintained in North Carolina.

11 ~~(b) Whenever a political committee or referendum committee fails to file with the State Board any report required to~~
12 ~~be filed under the provisions of Article 22A of Chapter 163, the Board, by certified mail, shall issue a formal Notice~~
13 ~~of Noncompliance to the political treasurer of the committee and shall order that the report be filed within 30 days of~~
14 ~~issuance. In the event the committee does not file its report within 30 days of the issuance of the Notice of~~
15 ~~Noncompliance, the Board by certified mail shall issue a Notice of Termination of Active Status, which shall render~~
16 ~~the committee ineligible to receive or make contributions until such time as it has filed the delinquent report and has~~
17 ~~satisfied any statutory penalty incurred pursuant to G.S. 163-278.34.~~

18 *History Note: Authority G.S. 163-278.7; 163-278.8; 163-278.21. ~~163-278.21; 163-278.23; 163-278.27; 163-~~*
19 *~~278.34~~*

1 08 NCAC 21 .0206 is adopted with changes as published in 37:04 NCR 313-314 as follows:

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3 **08 NCAC 21 .0206 REQUESTING A WAIVER OF A CIVIL LATE PENALTY**

4 (a) A political committee, referendum committee, individual, or entity requesting a waiver of a civil late penalty under
5 G.S. 163-278.34(a) shall complete and file the form available on the State Board's website within 60 days of service
6 of the notice of penalty assessment. The form shall be signed and notarized and set forth any facts or circumstances
7 that support good cause for a waiver of the penalty.

8 (b) Waiver requests shall e filed with the State Board using one of the following methods:

- 9 (1) Hand-delivery during regular business hours to the State Board's offices.
10 (2) United States Postal Service to the mailing address listed on the State Board's website.
11 (3) Delivery service authorized by G.S. 1A-1, Rule 4 to the physical address published on the State
12 Board's website.
13 (4) Email to campaign.reporting@ncsbe.gov so long as the original signed copy is retained by the
14 political committee, referendum committee, individual or entity for at least two years counting from
15 the date of the election to which the late report affects.

16 (c) A waiver request is considered filed on the date it is postmarked by the United States Postal Service or marked
17 with an equivalent marking by a delivery service authorized by G.S. 1A-1, Rule 4. ~~An email is considered filed if~~
18 ~~received by 11:59 pm. A waiver request filed by email must be sent to campaign.reporting@ncsbe.gov by 11:59 pm~~
19 ~~to be considered filed on that date.~~

20 (d) ~~Examples of factors considered by the State Board in determining the presence of good cause include but are not~~
21 ~~limited to:~~

- 22 (1) ~~Whether the late report was the first late report of the committee or the first late report within the~~
23 ~~last 10 years.~~
24 (2) ~~Whether the late report was due prior to or after the election for a candidate.~~
25 (3) ~~Whether the late report resulted in any contribution or expenditure not being disclosed to the public.~~
26 (4) ~~Whether the late report resulted from a family emergency, severe illness or hospitalization, natural~~
27 ~~disaster, or similar unforeseen circumstance.~~
28 (5) ~~Whether the treasurer or assistant treasurer received insufficient guidance from the State Board~~
29 ~~office or county board office in attempting to file reports.~~
30 (6) ~~Whether documented issues with the U.S. Postal Service or other delivery service inhibited the~~
31 ~~committee from filing a timely report.~~

32 (d)(e) ~~If a waiver request is denied by the State Board, a new notice of penalty assessment notice of the denial shall~~
33 ~~be served by any means authorized under G.S. 1A-1, Rule 4. The new notice of penalty assessment notice of the denial~~
34 ~~shall direct the political committee, referendum committee, individual or entity to pay the assessment within 30 days.~~
35 ~~The political committee, referendum committee, individual or entity is not eligible to request a waiver of the new~~
36 ~~penalty assessment. Reconsideration of a waiver request may be granted by the State Board based on mitigating factors~~
37 ~~not previously known to the State Board.~~

1 *History Note: Authority G.S. 163-278.34; G.S. 163-278.21*

1 08 NCAC 21 .0207 is adopted with changes as published in 37:004 NCR 313-314 as follows:

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3 **08 NCAC 21 .0207 PROCEDURES FOR COMMITTEES WITH MISSING REPORTS**

4 (a) A political committee or referendum committee that fails to file a report required by Article 22A within 30 days
5 after service of the Notice of Penalty Assessment under G.S. 163-278.34(e) shall be issued a Notice of Noncompliance
6 directing the treasurer to file the missing report. A copy of the Notice of Noncompliance shall be posted to the State
7 Board's website.

8 ~~(b) A political committee or referendum committee that fails to file a missing report within 30 days after service of~~
9 ~~the Notice of Noncompliance shall be referred to the State Board for consideration issuance of an order requiring the~~
10 ~~committee to file the missing report and to cease receiving contributions and making expenditures if the missing~~
11 ~~report is not filed within 30 days of the order, order, except in extenuating circumstances as determined by the State~~
12 ~~Board. The treasurer shall be provided notice of the referral and given the opportunity to submit a written~~

13 affidavit stating any facts or circumstances for the State Board's consideration. If a political committee or
referendum committee fails to file a missing report within 30 days after service of the Notice of Noncompliance, the
State Board shall consider an order requiring the committee to file the missing report and to cease receiving
contributions and making expenditures if the missing report is not filed within 30 days of the order. Prior to any
decision, the State Board shall give notice to the treasurer and an opportunity for the treasurer or other representative
of the committee to provide a written affidavit stating any facts or circumstances for why an order should not be
issued.

14 (c) Any order issued by the State Board of Elections under Paragraph (b) shall be served by any means authorized
15 under G.S. 1A-1, Rule 4. A copy of the order shall be posted to the State Board's website.

16 (d) A political committee or referendum committee that fails to file the missing report within 30 days of the State
17 Board's order under Paragraph (b) shall have the committee's status changed from active to suspended. While
18 suspended, the committee shall not receive any contributions or make any expenditures except for the payment of any
19 civil penalties or forfeitures under G.S. 163-278.14 or G.S. 163-278.34. To be removed from suspended status, the
20 political committee or referendum committee shall file all missing reports identified in any order of the State Board
21 and pay all civil late penalties incurred pursuant to G.S. 163-278.34.

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23 *History Note: Authority G.S. 163-278.34; G.S. 163-278.21.*
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