

1 08 NCAC 21 .0101 is proposed for adoption as follows:

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3 **08 NCAC 21 .0101 BEST EFFORTS**

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

7 (1) All written solicitations for contributions include a request for the contributor's full name, mailing  
8 address, and principal occupation as defined in G.S. 163-278.11(a)(1), and include ~~an accurate a~~  
9 statement of North Carolina law regarding the collection and reporting of individual contributor  
10 information. The following are examples of acceptable statements for a candidate committee,  
11 political committee, or referendum ~~committee, but are not the only allowable statements:~~committee:

12 (A) “State law requires us to use our best efforts to collect and report the full name, mailing  
13 address, job title or profession, and employer’s name or employer’s specified field of  
14 business activity of individuals whose contributions exceed fifty dollars (\$50) in an  
15 election”; and

16 (B) “To comply with State law, we must use best efforts to obtain, maintain, and submit the  
17 full name, mailing address, job title or profession, and employer’s name or employer’s  
18 specified field of business activity of individuals whose contributions exceed fifty dollars  
19 (\$50) in an election.”

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

24 (2) For each aggregate contribution received in excess of fifty dollars (\$50) per election, as defined in  
25 G.S. 163-278.13(e), which lacks required contributor information, such as the contributor's full  
26 name, mailing address, job title or profession, or employer’s name or employer’s specified field of  
27 business activity, the treasurer makes at least one effort after the receipt of the contribution to obtain  
28 the missing information. That effort shall consist of either a written request sent to the contributor  
29 or an oral request to the contributor documented in writing. All documented requests shall be  
30 preserved and retained consistent with G.S. 163-278.35. The written or oral request must be made  
31 no later than 30 days after receipt of the contribution. The written or oral request shall not include  
32 material on any other subject or any additional solicitation, except that it may include language  
33 ~~solely~~ thanking the contributor for the contribution. The request must ~~clearly~~  
34 information and must include the statement set forth in Subparagraph (a)(1) of this Rule. Written  
35 requests must include this statement in a clear and conspicuous manner. If the request is written, it  
36 shall be accompanied by a pre-addressed return post card or envelope for the response material.

1 (3) The treasurer reports all contributor information not provided by the contributor, but in the political  
2 committee's or referendum committee's possession, including information in contributor records,  
3 fundraising records and previously filed reports, in the same election cycle.

4 (4) If, after complying with all provisions of this section, the treasurer is unable to identify the  
5 contributor's principal occupation, the treasurer lists all available information and report "unable to  
6 obtain" as to the missing occupational information.

7 (5) If any of the contributor information is received after the contribution has been disclosed on a  
8 regularly scheduled report, the candidate committee, political committee, or referendum committee  
9 files on or before its next regularly scheduled reporting date, amendments to the report(s) originally  
10 disclosing the contribution(s), which include the contributor identifications together with the dates  
11 and amounts of the contribution(s). Amendments must be filed for all reports that cover the election  
12 in which the contribution was received that disclose itemizable contributions from the same  
13 contributor if the contributor information is incorrect or missing from the report.

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

1 08 NCAC 21 .0102 is proposed for adoption as follows:

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3 **08 NCAC 21 .0102 REPORTING OF INDEPENDENT EXPENDITURES**

4 (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  
5 required to report independent expenditures under G.S. 163-278.12(a) has made independent expenditures with a  
6 present actual or market value in excess of one hundred dollars (\$100.00) during an election as defined in G.S. 163-  
7 278.6(30), the individual, ~~person-person~~, or entity shall report all independent expenditures, and any donations made  
8 to further independent expenditures, with the following board of elections:

- 9 (1) ~~If~~ if the district of the candidate or ballot issue supported or opposed is within one county, and the  
10 candidate is not running for a legislative, judicial, or district attorney office, the report shall be filed  
11 with the county board of elections; or  
12 (2) ~~If~~ if the district of the candidate or ballot issue supported or opposed extends to more than one  
13 county, or the candidate is running for a legislative, judicial, or district attorney office, the report  
14 shall be filed with the State Board.

15 (b) An independent expenditure filer is the individual, person, or other entity making a reportable independent  
16 expenditure under G.S. 163-278.12(a).

17 (c) The independent expenditure filer shall file CRO-2210A Independent Expenditure Report Cover, CRO-  
18 2210B Donations to Further Independent Expenditures, and CRO-2210C Incurred Costs of Independent Expenditures  
19 available on the State Board's website unless the independent expenditure filer files reports electronically consistent  
20 with 08 NCAC 21 .0106. Independent expenditure reports filed with the county board of elections or the State Board  
21 shall include all of the following:

- 22 (1) ~~The~~ the independent expenditure filer's name and mailing address;  
23 (2) ~~A~~ a phone number for the independent expenditure filer;  
24 (3) ~~If~~ if the independent expenditure filer is an individual, the filer's principal occupation as defined in  
25 G.S. 163-278.11(a)(1);  
26 (4) ~~If~~ if the independent expenditure filer is a person or entity, the principal place of business of the  
27 person or entity;  
28 (5) ~~For~~ for each independent expenditure made:  
29 (A) The name and mailing address of the payee;  
30 (B) The amount paid;  
31 (C) The date the expenditure was incurred;  
32 (D) A description of the expenditure; and  
33 (E) The name of the candidate, candidates of ~~a clearly an~~ an identified political ~~party-party~~, or  
34 referendum supported or opposed by the independent ~~expenditure-expenditure~~;  
35 (6) ~~For~~ for each donation of more than one hundred dollars (\$100.00) that must be reported under G.S.  
36 163-278.12(f):  
37 (A) ~~The~~ the donor's name and mailing address;

1 (B) ~~If~~ if the donor is an individual, the donor's principal occupation as defined in G.S. 163-  
2 278.11(a)(1);

3 (C) ~~If~~ if the donor is a person or entity, the principal place of business of that person or entity;

4 (D) ~~The~~ the amount of the donation; and

5 (E) ~~The~~ the date of the ~~donation.~~ donation; and

6 (7) A a certification as to whether any expenditures reported were made in concert or cooperation with,  
7 or at the request or suggestion of, a candidate, a candidate campaign committee as defined in G.S.  
8 163-278.38Z(3), a referendum committee, the agent of a candidate, the agent of a candidate  
9 campaign committee, or an agent of a referendum committee.

10 (d) An independent expenditure filer that makes expenditures with a present, actual, or market value in excess  
11 of five thousand dollars (\$5,000.00) during an election as defined in G.S. 163-278.6(30) shall file independent  
12 expenditure reports electronically consistent with 08 NCAC 21 .0106. ~~All other independent expenditure filers shall~~  
13 ~~report independent expenditures, and any donation made to further independent expenditures, on forms available on~~  
14 ~~the State Board's website, or electronically consistent with 08 NCAC 21 .0106. The independent expenditure filer~~  
15 ~~shall use the following State Board forms available on the State Board's website:~~

16 (1) ~~Independent Expenditure Report Cover;~~

17 (2) ~~Donations to Further Independent Expenditures; and~~

18 (3) ~~Incurring Costs of Independent Expenditures.~~

19 (e) For each independent expenditure report filed electronically, the independent expenditure filer shall sign the  
20 Independent Expenditure Report Cover and file the signed original in accordance with Paragraph (g) of this Rule with  
21 the board of elections identified in Paragraph (a) of this Rule.

22 (f) The independent expenditure filer shall complete and sign file forms within the time period set forth in G.S.  
23 163-278.12(d). An independent expenditure filer that makes a reportable independent expenditure within 10 days of  
24 an election, and has not previously reported independent expenditures during the election the independent expenditure  
25 affects, shall file reports no later than the 10th day after independent expenditures exceed one hundred dollars  
26 (\$100.00). After the initial report, the independent expenditure filer shall continue to file independent expenditure  
27 reports according to the reporting schedule in G.S. 163-278.9 until the end of the election. The final report for a given  
28 election shall cover the period through the day of the election. ~~An independent expenditure filer that makes a reportable~~  
29 ~~independent expenditure within 10 days of an election, and has not previously reported independent expenditures~~  
30 ~~during the election the independent expenditure affects, shall file reports no later than the 10th day after independent~~  
31 ~~expenditures exceed one hundred dollars (\$100.00).~~ If the independent expenditure filer makes independent  
32 expenditures in support of or in opposition to municipal candidates or municipal ballot issues, the independent  
33 expenditure filer shall report all independent expenditures according to the reporting schedule in Part 2 of Article 22A  
34 of Chapter 163 of the General Statutes. ~~The due date of each report shall be published on the State Board of Elections~~  
35 ~~website.~~

36 (g) A report is considered filed either:

- 1           (1)    ~~On~~on the date it is received by hand-delivery during regular business hours at the county board of  
2                   elections or State Board of Elections;
- 3           (2)    ~~On~~on the date it is postmarked by the United States Postal Services or marked with an equivalent  
4                   marking by a delivery service authorized by G.S. 1A-1, Rule 4; or
- 5           (3)    ~~For~~for an independent expenditure report filed electronically pursuant to Paragraph (d) of this Rule,  
6                   on the date the completed report is emailed to the State Board of Elections at  
7                   campaign.reporting@ncsbe.gov.
- 8   (h)       A report that is missing any of the information in Paragraph (c) of this Rule shall not be considered filed in  
9                   accordance with G.S. 163-278.12(d).
- 10   (i)       An independent expenditure filer that makes an expenditure of five thousand dollars (\$5,000) or more or  
11             receives a donation of one thousand dollars (\$1,000) or more before an election but after the period covered by the  
12             last report due before that election, shall file a 48-hour report with the State Board or county board of elections using  
13             forms available on the State Board’s website. An independent expenditure filer that makes a reportable independent  
14             expenditure within 10 days of an election, and has not previously reported independent expenditures during the  
15             election the independent expenditure affects, shall file 48-hour reports in accordance with this Paragraph. A 48-hour  
16             report shall be made using CRO-2210A Independent Expenditure Report Cover, CRO-2210B Donations to Further  
17             Independent Expenditures, and CRO-2210C Incurred Costs of Independent Expenditures. 48-hour reports may be  
18             filed by fax or email.

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

1 08 NCAC 21 .0103 is proposed for adoption as follows:

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**08 NCAC 21 .0103 REPORTING OF SPECIAL CONTRIBUTIONS**

(a) Once a person as defined in G.S. 163-278.6(72) or other entity required to report contributions under G.S. 163-278.12(b) has made contributions with a present, actual, or market value in excess of one hundred dollars (\$100.00) during an election as defined in G.S. 163-278.6(30), the person or entity shall report all contributions made, and any donations made to further contributions, with the following board of elections:

- (1) ~~If~~ if the district of the candidate, committee, or ballot issue supported or opposed 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~~ if the district of the candidate, committee, or ballot issue supported or opposed 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) A special contributor is the person or other entity making a reportable contribution under G.S. 163-278.12(b).

(c) When reporting contributions, the special contributor shall file CRO-2215A Special Contributor Report Cover, CRO-2215B Donations to Further Contributions, and CRO-2215C Contributions to Registered Committees available on the State Board’s website. Special contributor reports filed with the county board of elections or the State Board of Elections shall include all of the following:

- (1) ~~The~~ the special contributor’s name and mailing ~~address.~~ address;
- (2) ~~The~~ the special contributor’s principal place of ~~business.~~ business;
- (3) ~~For~~ for each contribution ~~made.~~ made;
  - (A) ~~The~~ the name and mailing address of the recipient committee;
  - (B) ~~The~~ the amount of the contribution;
  - (C) ~~The~~ the date of the contribution; and
  - (D) ~~For~~ for any in-kind contribution, a description of the ~~expenditure.~~ expenditure;
- (4) ~~For~~ for each donation of more than one hundred dollars (\$100.00) that must be reported under G.S. 163-278.12(f):
  - (A) ~~The~~ the donor’s name and mailing ~~address.~~ address;
  - (B) ~~If~~ if the donor is an individual, the donor’s principal occupation as defined in ~~G.S. 163-278.11(a)(1).~~ G.S. 163-2778.11(a)(1);
  - (D) ~~If~~ if the donor is a person, the principal place of business of that ~~person.~~ person;
  - (E) ~~The~~ the amount of the ~~donation.~~ donation;
  - (F) ~~The~~ the date of the ~~donation.~~ donation;

(d) ~~When reporting contributions, the special contributor shall use the following State Board forms available on the State Board’s website:~~

- (1) ~~Special Contributor Report Cover;~~
- (2) ~~Donations to Further Contributions; and~~

1           ~~(3) — Contributions to Registered Committees.~~

2 ~~(e)(d)~~ The special contributor shall complete and ~~sign~~file forms within the time period set forth in G.S. 163-  
3 278.12(d). A special contributor that makes a reportable contribution within 10 days of an election, and has not  
4 previously reported contributions during that election, shall file reports no later than the 10th day after contributions  
5 exceed one hundred dollars (\$100.00). After the initial report, the special contributor shall continue to file special  
6 contributor reports according to the reporting schedule in G.S. 163-278.9 until the end of the election. The final report  
7 for a given election shall cover the period through the day of the election. ~~A special contributor that makes a reportable~~  
8 ~~contribution within 10 days of an election, and has not previously reported contributions during that election, shall~~  
9 ~~file reports no later than the 10th day after contributions exceed one hundred dollars (\$100.00).~~ If the special  
10 contributor makes contributions in support of or in opposition to municipal candidates or municipal ballot issues, the  
11 special contributor shall report all contributions according to the reporting schedule in Part 2 of Article 22A of Chapter  
12 163 of the General Statutes. ~~The due date of each report shall be published in the State Board of Elections website.~~

13 ~~(f)(e)~~ A report is ~~consider~~considered filed either:

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

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

20 ~~(h)(g)~~ A special contributor that makes a contribution of five thousand dollars (\$5,000) or more or receives a  
21 donation of one thousand dollars (\$1,000) or more before an election but after the period covered by the last report  
22 due before that election, shall file a 48-hour report with the State Board or county board of elections using forms  
23 available on the State Board's website. A special contributor that makes a reportable contribution within 10 days of  
24 an election, and has not previously reported contributions during that election, shall file 48-hour reports in accordance  
25 with this Paragraph. A 48-hour report shall be made using CRO-2215A Special Contributor Report Cover, CRO-  
26 2215B Donations to Further Contributions, and CRO-2215C Contributions to Registered Committees. 48-hour reports  
27 may be filed by fax or email.

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

1 08 NCAC 21 .0104 is proposed for adoption as follows:

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3 **08 NCAC 21 .0104 REPORTING OF ELECTIONEERING COMMUNICATIONS**

4 (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  
5 required to report electioneering communications under G.S. 163-278.12C has incurred an expense for the direct cost  
6 of producing or airing electioneering communications with a present actual or market value aggregating in excess of  
7 five thousand dollars (\$5,000) during an election as defined in G.S. 163-278.6(8j), the individual, ~~person-person,~~ or  
8 entity shall report all electioneering communications, and any donations made to further electioneering  
9 communications, with the following board of elections:

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

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

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

- 24 (1) ~~The~~the name and mailing address of the individual, person, or entity incurring the ~~expense-~~expense;  
25 (2) ~~A~~a phone number for the individual, person, or entity incurring the ~~expense-~~expense;  
26 (3) ~~The~~the name and mailing address of the custodian of the books and accounts of the individual,  
27 person, or entity incurring the ~~expense-~~expense;  
28 (4) ~~If~~if the expense is incurred by an individual, the individual's principal occupation as defined in ~~G.S.~~  
29 ~~163-278.11(a)(1)-~~G.S. 163-278.11(a);  
30 (5) ~~If~~if the expense is incurred by a person or entity, the principal place of business of the person or  
31 ~~entity-~~entity;  
32 (6) ~~If~~if an individual, person, or entity is sharing or exercising direction or control over the activities  
33 of the individual, person, or entity incurring the expense with regards to the electioneering  
34 communication:  
35 (A) ~~The~~the name and mailing address of the individual, person or entity sharing or exercising  
36 direction or control;

- 1 (B) ~~If~~ if an individual, the individual's principal occupation as defined in G.S. 163-  
 2 278.11(a)(1); and
- 3 (C) ~~If~~ if a person or entity, the principal place of business of the person or ~~entity~~ entity;
- 4 (7) ~~For~~ for each electioneering communication reported:
- 5 (A) ~~The~~ the name and mailing address of each individual, person or entity paid to produce the  
 6 electioneering communication;
- 7 (B) ~~The~~ the amount paid to each individual, person or entity to produce the electioneering  
 8 communication;
- 9 (C) ~~The~~ the date of the electioneering communication;
- 10 (D) ~~A~~ a description of the electioneering communication, including any title; and
- 11 (E) ~~The~~ the name of the candidate or candidates referred to in the electioneering  
 12 ~~communication~~ communication;
- 13 (8) ~~For~~ for each donation of more than one thousand dollars (\$1,000.00) during the reporting period  
 14 made to further the electioneering communication:
- 15 (A) ~~The~~ the donor's name and mailing address;
- 16 (B) ~~If~~ if the donor is an individual, the individual's principal occupation as defined in G.S. 163-  
 17 278.11(a)(1);
- 18 (C) ~~If~~ if the donor is a person or entity, the principal place of business of the person or entity;
- 19 (D) ~~The~~ the amount of the donation; and
- 20 (E) ~~The~~ the date of the donation.

21 (d) ~~When reporting electioneering communications, the individual, person or entity shall use the following State  
 22 Board forms available on the State Board's website:~~

- 23 (1) ~~— Electioneering Communications Report Cover;~~
- 24 (2) ~~— Controlling/Directing Entity List;~~
- 25 (3) ~~— Receipts for Electioneering Communications; and~~
- 26 (4) ~~— Incurred Costs for Electioneering Communications.~~

27 ~~(e)~~ (d) The individual, person, or entity required to report electioneering communications shall complete and sign  
 28 forms within the time period set forth in G.S. 163-278.12C(b). After the initial report, the individual, person, or entity  
 29 incurring the expense shall continue to file electioneering communications reports according to the reporting schedule  
 30 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  
 31 day of the election. ~~The due date of each report shall be published in the State Board of Elections website.~~

32 ~~(f)~~ (c) A report is considered filed either:

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

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

3 (h) A 48-hour report shall be filed with the State Board of Elections or county board of elections using forms  
4 provided by the State Board if an individual, person or entity that produces or airs an electioneering communication  
5 incurs an expense of five thousand dollars (\$5,000) or more or receives a donation of one thousand dollars (\$1,00) or  
6 more for making an electioneering communication before an election but after the period covered by the last report  
7 due before that election. A 48-hour report shall be made using CRO-2310 Electioneering Communications Report  
8 Cover, CRO-2320 Controlling/Directing Entity List, CRO-2330 Receipts for Electioneering Communications, and  
9 CRO-2340 Incurred Costs for Electioneering Communications. 48-hour reports may be filed by fax or email.

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11 *History Note: Authority G.S. 163-278.12C; 163-278.21; 163-278.22;*

12 *Eff. May 1, 2020.*

1 08 NCAC 21 .0105 is proposed for adoption as follows:

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3 **08 NCAC 21 .0105 FEDERAL POLITICAL COMMITTEE REPORTING**

4 (a) A federal political committee that makes a contribution as defined in G.S. 163-278.6(13) to a North Carolina  
5 political committee pursuant to G.S. 163-278.7A shall register with the State Board of Elections by filing the following  
6 forms available on the State Board’s website no later than the 10th day following a federal political committee’s  
7 ~~transfer of anything of value~~ contribution to a North Carolina political committee:

8 (1) ~~A-CRO-4010~~ Federal Committee Statement of ~~Organization~~; ~~Organization~~, which shall report the  
9 information described in in G.S. 163-278.7(b), Federal ID Number, and type of committee;

10 (2) CRO-3500 Certification of Financial Account ~~Information~~; ~~Information~~, which shall report the  
11 information described in G.S. 13-278.7(b)(8);

12 (3) An Organizational Disclosure Report to include the ~~following~~ following, unless the federal political  
13 committee files reports electronically consistent with 08 NCAC 21 .0106:

14 (A) ~~A-CRO-4100~~ Federal Committee North Carolina Disclosure Report ~~Cover~~; ~~Cover~~, which  
15 shall report:

16 (i) the full name, mailing address, phone number, and the NC ID Number assigned to  
17 the federal political committee;

18 (ii) the report year, period start date, and period end date for the report;

19 (iii) the full name of the treasurer and assistant treasurer during the period;

20 (iv) the total amount contributed to North Carolina political committees during the  
21 period;

22 (v) account information;

23 (vi) date filed; and

24 (vii) an original signature and certification in accordance with G.S. 163-278.32.

25 (B) ~~A-CRO-4200~~ Federal Committee Report of Contributions to NC Political Committees,  
26 which shall list all contributions to North Carolina political committees made prior to the  
27 filing of the Organizational Disclosure Report. The federal political committee shall report  
28 the following for each contribution made by or refunded to the federal political committee:

29 (i) the full name, mailing address, and phone number for each recipient of a  
30 contribution;

31 (ii) the amount of each contribution;

32 (iii) the form of payment;

33 (iv) the date each contribution was made; and

34 (v) the total sum of all contributions to the recipient during the election;

35 (b) The treasurer of a federal political committee registered with the State of North Carolina pursuant to G.S.  
36 163-278.7A shall file reports according to the reporting schedule in G.S. 163-278.9. If the federal political committee  
37 makes contributions to municipal candidates, the federal political committee must report contributions to municipal

1 candidates according to the reporting schedule in Part 2 of Article 22A. The due date of each report shall be published  
2 on the State Board of Elections website.

3 (c) A federal political committee that shows a cumulative total of more than five thousand dollars (\$5,000) in  
4 contributions to statewide candidates for an election cycle, or more than ten thousand dollars (\$10,000) in  
5 contributions to non-statewide candidates for an election cycle, shall file reports electronically consistent with 08  
6 NCAC 21 .0106. For each report filed electronically, the treasurer shall sign the CRO-4100 Federal Committee North  
7 Carolina Disclosure Report Cover and file the signed original in accordance with Paragraph (d) of this Rule with the  
8 State Board of Elections. All other federal political committees shall report on forms provided by the State Board, or  
9 may choose to file reports electronically consistent with 08 NCAC 21 .0106. A federal political committee that does  
10 not file electronically shall use the following State Board forms available on the State Board's website to file a  
11 ~~disclosure~~-report:

12 (1) ~~A-CRO-4100~~ Federal Committee North Carolina Disclosure Report Cover; and

13 (2) ~~A-CRO-4200~~ Federal Committee Report of Contributions to NC Political Committees, which shall  
14 ~~list all contributions to North Carolina political committees made between the period start date and~~  
15 ~~period end date.~~ Committees.

16 (d) A report, certification, or other form is considered filed either:

17 (1) ~~On-on~~ the date it is received by hand-delivery during regular business hours at the State Board of  
18 Elections;

19 (2) ~~On-on~~ the date it is postmarked by the United States Postal Service or marked with an equivalent  
20 marking by a delivery service authorized by G.S. 1A-1, Rule 4; or

21 (3) ~~For~~ for a disclosure report that is filed electronically ~~pursuant to Paragraph (c) of this Rule~~, on the  
22 date the completed report is emailed to the State Board of Elections at  
23 [campaign.reporting@ncsbe.gov](mailto:campaign.reporting@ncsbe.gov).

24 (e) If no contribution is made during a period described in G.S. 163-278.9, the treasurer may ~~file concurrently~~  
25 ~~with a quarterly or semiannual report a certification to have the committee deemed inactive.~~ certify the committee as  
26 inactive consistent with G.S. 163-278.10. ~~The certification shall be made on forms provided by the State Board and~~  
27 ~~available on the State Board's website.~~ An inactive committee shall not be required to file reports so long as the federal  
28 political committee makes no contributions. Once a contribution is made, the federal political committee shall resume  
29 reporting according to the reporting schedule in G.S. 163-278.9.

30 (f) Organizational, quarterly, semiannual, and final disclosure reports shall be filed even if no contributions are  
31 made by the federal political committee during the period of time covered by the report. A federal political committee  
32 may close at any time. Once closed, a committee may cease filing reports. In order to close, the federal political  
33 committee shall file the following forms available on the State Board's website:

34 (1) ~~A-CRO-3410~~ Certification to Close Federal Committee which shall have an original signature and  
35 certify that the federal political committee no longer intends to make any contributions to North  
36 Carolina political committees; and

37 (2) A Final Disclosure Report to include the following:

- 1 (A) ~~A-CRO-4100~~ Federal Committee North Carolina Disclosure Report Cover;
- 2 (B) ~~A-CRO-4200~~ Federal Committee Report of Contributions to NC Political Committees,
- 3 which shall list all contributions to North Carolina political committees made since the
- 4 period end date of the last report.

5 ~~(g) Organizational, quarterly, semiannual, and final disclosure reports shall be filed even if no contributions are~~

6 ~~made by the federal political committee during the period of time covered by the report.~~

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8 *History Note: Authority G.S. 163-278.7A; 163-278.21; 163-278.22;*

9 *Eff. May 1, 2020.*

1 08 NCAC 21 .0106 is proposed for adoption as follows:

2  
3 **08 NCAC 21 .0106 ELECTRONIC FILING**

4 (a) All political committees required to file electronically pursuant to G.S. 163-278.9(i) shall prepare disclosure  
5 reports using either of the following:

6 (1) ~~The~~the current version of the campaign finance software made available by the North Carolina  
7 State Board of Elections and available for download on the State Board website; or

8 (2) ~~Third~~third party software only if that software can generate reports that are capable of import into  
9 the State Board's central database. The import file formats and validation tool to assist in verifying  
10 the format of import files shall be available on the State Board's website.

11 (b) Reports generated by the State Board software or third-party software shall be filed by e-mailing the  
12 generated .cfd file to campaign.reporting@ncsbe.gov. State Board staff shall process the .cfd file and send an e-mail  
13 to the political committee's treasurer confirming receipt.

14 (c) ~~Reports received until 11:59 pm shall be deemed to have been filed that business day.~~ Reports shall be filed  
15 on or before 11:59 p.m. of the business day in which it is to be filed.

16 (d) For each disclosure report filed electronically, the treasurer shall sign the CRO-1000 Disclosure Report Cover  
17 and file it with the board of elections office where the political committee filed its Statement of Organization. The  
18 Disclosure Report Cover shall report:

19 (1) the full name, mailing address, phone number, and NC ID Number assigned to the political committee;

20 (2) the report year, period start date, and period end date for the report;

21 (3) the full name of the treasurer during the period;

22 (4) type of committee;

23 (5) type of report;

24 (6) account information;

25 (7) date filed; and

26 (8) an original signature and certification in accordance with G.S. 163-278.32.

27 (e) A Disclosure Report Cover is considered filed either:

28 (1) ~~On~~on the date it is received by hand-delivery during regular business hours at the county board of  
29 elections or State Board of Elections; or

30 (2) ~~On~~on the date it is postmarked by the United States Postal Service or marked with an equivalent  
31 marking by a delivery service authorized by G.S. 1A-1, Rule 4.

32 (e) A committee that exceeds the reporting threshold in G.S. 163-278.9(i) during an election cycle, and is  
33 required to start filing electronically ~~during an election cycle~~ shall ensure that each contributor's reported sum-to-  
34 date ~~for the election cycle is reported accurately on all subsequent disclosure reports~~ includes the sum of contribution  
35 received before the political committee began filing electronically.

36 (f) A committee that is required to file electronically pursuant to G.S. 163-278.9(i) and only files a paper report  
37 shall be deemed to have failed to file and shall receive a Notice of Noncompliance pursuant to 08 NCAC 21 .0201.

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*History Note: Authority G.S. 163-278.9; 163-278.21; 163-278.22;  
Eff. May 1, 2020.*