



NORTH CAROLINA
STATE BOARD OF ELECTIONS

2022 CAMPAIGN FINANCE



CAMPAIGN FINANCE



CAMPAIGN FINANCE INFORMATION

The information provided in this part of the guide is relevant to candidates running in municipal elections. Candidates for municipal offices file campaign disclosure reports with their county boards of elections. The statutes relevant to candidate campaign finance are found in Article 22A and Article 22M of Chapter 163 of the North Carolina General Statutes. These statutes may be accessed at the following link: <https://www.ncleg.gov/Laws/GeneralStatutes>. If legislative action or legal developments affect the information within this document, such changes will be noted and made available on the Campaign Finance section of the website of the State Board of Elections.



ORGANIZING THE COMMITTEE

FIRST ACTIVITY:

Due within 10 days of:

Receiving contributions or making expenditures

Filing a notice of candidacy

A person certified as the nominee of a political party for a vacancy

2022

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FORMS REQUIRED TO SET UP THE COMMITTEE



*If you are a candidate eligible to file a Certification of Threshold, the Organizational Report is not required. (See next section to determine Threshold eligibility.)

It is highly recommended that the organizational paperwork also include the "Candidate Designation of Committee Funds" form (CRO-3900). This optional form is recommended to ensure the candidate's choice of committee fund distribution in the event that the candidate dies before the committee is closed.

CERTIFICATION OF THRESHOLD

If a municipal candidate does not intend to raise or spend more than \$1,000 in the election cycle, he or she may file a certification to that effect using the "Certification of Threshold" form (CRO-3600). As long as the committee remains under the threshold, the candidate does not have to file disclosure reports, which means that his or her organizational paperwork should consist only of CRO forms 2100A, 3500 and 3600.

Note: All monies raised or spent count towards the \$1,000 threshold, including money that the candidate spends out of pocket, in-kind contributions, loans etc.

A committee that intends to remain under the threshold must submit form CRO-3600 at the beginning of each election cycle OR upon organizing the committee (within the ten-day period allotted for submitting the organizational report). If a committee does not renew the certification by submitting a new CRO-3600 at the beginning of the next election cycle, the committee will be required to file disclosure reports.

Threshold committees that wish to close after the election must submit a Certification to Close Committee form, CRO 3400, by the end of the election year.

Please note that the option to file the Certification of Threshold is available ONLY to candidates seeking county or municipal offices.

Candidates for legislative, judicial and statewide races are not eligible to file a Certification of Threshold.

VOTE NORTH CAROLINA
STATE BOARD OF ELECTIONS

Candidate Designation of Committee Funds

This form is used to certify committee funds and allow the candidate to designate the use of the funds. See the candidate's book on the Internet www.ncsbe.com for additional information.

This Designation of Funds at the Board of Elections Office takes the candidate's campaign reports as filed.

Candidate Name: _____
Committee Name: _____
Treasurer Name: _____
If Committee is new formation, designate an agent to receive all designations: _____
Committee EIN: _____
Local Registered: (check if correct) (Priority: optional) _____

I, _____ hereby declare that in the event of my death or incapacity all funds remaining in my Campaign Committee account(s) (after payment of personal outstanding debts or outstanding expenses for handling of the Committee or closing thereof) be paid to the following person or persons: N.C. Gen. Stat. 163.276 (b)(2).

Name of Party: _____ Check Return to my Address or to: _____
1. _____
2. _____
3. _____

By signing this form, I certify that the foregoing certifies my eligible contribution under N.C. Gen. Statute 163.276 (b)(2). A copy of this form should be maintained with the Committee records.

Signature of Candidate: _____
Date: _____

CRO-3600 Candidate Designation of Committee Funds

TREASURER TRAINING



Treasurer training is a mandatory course that provides instruction on campaign finance disclosure filing and compliance. The training is conducted in group sessions at the State Board of Elections and at regional locations at various times during the year. Training is also available online. Visit our website at

www.ncsbe.gov/Campaign-Finance/training for details. All treasurers **MUST** complete treasurer training within three months of appointment and once every four years, regardless of the amount of money that is raised or spent.

Treasurers for candidates that are eligible to file the Certification of Threshold must also complete the required training.

A schedule of upcoming training sessions is available at the end of this document and on the NCSBE website www.ncsbe.gov/Campaign-Finance/training.

TREASURER TRAINING

ARE ALL CANDIDATES REQUIRED TO FILE DISCLOSURE REPORTS?

Most candidates are required to file disclosure reports. Only candidates for county or municipal offices that do not intend to raise or spend more than \$1,000 are eligible to file a Certification of Threshold and thus be exempt from filing disclosure reports. While eligible candidates that file a Certification of Threshold are not required to file reports, all information pertaining to contributions and expenditures are required to be accurately maintained in the committee's records. This includes records of the candidate's personal spending on behalf of the campaign.

WHEN ARE DISCLOSURE REPORTS FILED?

The reports that must be filed in a municipal election vary depending on the jurisdiction. An overview of the schedules can be found in G.S. 163-278.40B, 40C, 40D and 40E. If you are unclear on how your city election is conducted, please contact your county board of elections. The county board of elections will provide notice before each report is due. For Municipal DISCLOSURE REPORTING the treasurer disclosed on the most recent Statement of Organization - Candidate Committee (CRO-2100A). If a treasurer prefers to receive notices by email, he or she must check the box on the Statement of Organization. A treasurer that does not make the selection on the Statement of Organization will not receive notices by email.

The reporting schedule for 2020 State and County disclosure reports can be found at the following link.<https://www.ncsbe.gov/Campaign-Finance/reporting-schedules>



WHAT IS INCLUDED IN A DISCLOSURE REPORT?

All disclosure reports must include the Disclosure Report Cover form (CRO-1000), the Detailed Summary form (CRO 1100), and details for all contributions and expenditures occurring within the reporting period.

The Disclosure Report Cover is essential for showing the start and end dates of the transactions included, the type of report being submitted, and for providing a signature that attests to the truth of the report. A candidate/treasurer who signs a report must have completed the required training (unless the report is filed within the 90-day training grace period).

The Detailed Summary form is also required even if there has been no financial activity, in which case zeroes should be entered on the appropriate lines. However, if contributions have been received or expenditures made or debts incurred, then additional forms containing those transactions must be included with the report.

A helpful hint to remember when completing disclosure reports using the paper forms is that the Detailed Summary form (CRO-1100) serves as a forms guide as well as a summary of activity. The treasurer should refer to the transactions described on this form to determine which other forms, if any, are required to accompany the report. The required form for each transaction is noted on the same line as the transaction description.

This process is simpler for persons who use State Board software because the software generates the appropriate form for each transaction.

The image shows the 'Disclosure Report Cover' form. It includes fields for 'Candidate Name', 'Committee Name', 'Reporting Period', and 'Reporting Type'. There are sections for 'Candidate Information' and 'Committee Information'. At the bottom, there are checkboxes for 'I certify that the information on this form is true and correct to the best of my knowledge and belief' and 'I certify that the information on this form is true and correct to the best of my knowledge and belief'.

The image shows the 'Detailed Summary' form, which is a table with columns for 'Start of Election Cycle', 'Summary 1', 'Summary 2', 'Summary 3', and 'Summary 4'. The table lists various categories of contributions and expenditures, such as 'Contributions from Individuals', 'Contributions from Political Party Committees', and 'Expenditures for Campaigns'. Each row includes a description, a dollar amount, and a column for 'Required Form'.

Category	Start of Election Cycle	Summary 1	Summary 2	Summary 3	Summary 4	Required Form
Contributions from Individuals	0000.00	0.00	0.00	0.00	0.00	CRO-1100
Contributions from Political Party Committees	0000.00	0.00	0.00	0.00	0.00	CRO-1100
Contributions from Other Political Committees	0000.00	0.00	0.00	0.00	0.00	CRO-1100
Expenditures for Campaigns	0000.00	0.00	0.00	0.00	0.00	CRO-1100

METHODS AVAILABLE FOR FILING DISCLOSURE REPORTS

Any committees may file disclosure reports electronically. Municipal candidates who have a cumulative total of more than \$10,000 in contributions, in expenditures, or in loans in an election cycle must file reports electronically. G.S. § 163-278.9(i).

A software manual, step-by-step instructions and new software instruction videos are available on our website: <http://www.ncsbe.gov/Campaign-Finance/reporting-software>.

The Campaign Finance Reporting Forms can be found on the website at <http://www.ncsbe.gov/Campaign-Finance/reporting-forms>.

All other committees may file on paper forms.



PENALTIES FOR FILING DISCLOSURE REPORTS LATE

Yes. Committees will be assessed civil penalties for reports that are not received or postmarked bthe report due date. A candidate committee report that does not affect a statewide election is penalized at \$50 per day up to a maximum of \$500.

A candidate committee report that does affect a statewide election is penalized at a rate of \$250 per day up to a maximum of \$10,000 report is considered to affect a statewide election if the committee made any contributions to or in support of a statewide candidate.

A committee's active status may be terminated for failure to file reports and pay assessed penalties. Once the committee's active status is terminated, the committee is not eligible to receive contributions or make expenditures.



PO Box 27255
Raleigh, NC 27611-7255
Phone: (919) 814-0700
Fax: (919) 715-0135
campaign.reporting@ncsbe.gov

Certified Mail
Return Receipt Requested

NOTICE OF NONCOMPLIANCE

May 27, 2021

This serves as official notice that your 2020 Fourth Quarter Report has not been received by the North Carolina State Board of Elections. Your report is past due and must be filed immediately.

If your report is not filed within thirty (30) days of the date of this official notice, 08 NCAC 21 .0201 requires that the active status of your committee be terminated. This status renders the committee ineligible to receive or make contributions until the committee has filed the delinquent campaign finance report and satisfied any late filing penalty incurred pursuant to N.C.G.S. § 163-278.34(a). Attached, you will find a Notice of Penalty Assessment detailing any late filing penalty assessed against the committee related to this past due report.

WHEN SUBMITTING PAPERWORK...REMEMBER

- i. Forms can be typewritten or completed in blue or black ink (handwritten reports must not be completed in pencil).
- ii. Forms need not be stapled together.
- iii. Reports cannot be filed prior to the end of the reporting period.
- iv. Always enter the period start date and period end date on form CRO-1000.
- v. A DATE and ORIGINAL signature are required on the Disclosure Report Cover (CRO-1000).



CAMPAIGN FINANCE LAW REGARDING CONTRIBUTIONS AND EXPENDITURES

a. Candidate committees may only make expenditures as permitted by G.S. 163-278.16B.

A candidate or candidate committee may use contributions only for the following purposes:

i. Expenditures resulting from the candidate's campaign for public office.

ii. Expenditures resulting from holding public office.

iii. Donations to an organization described in Section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 170(c)), provided that the candidate or the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.

iv. Contributions to a national, State, district or county committee of a political party or a caucus of the political party or an affiliated party committee.

v. Contributions to another candidate or candidate's campaign committee. vi. To return all or a portion of a contribution to the contributor.

vii. Payment of any penalties against the candidate or candidate's campaign committee for violation of North Carolina's Campaign Finance Laws.

viii. Payment to the Escheat Fund established by Chapter 116B of the General Statutes.

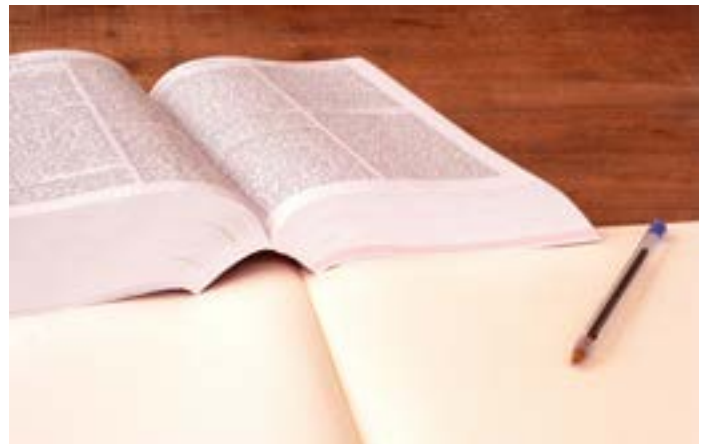
ix. Legal expense donation not in excess of four thousand dollars (\$4,000) per calendar year to a legal expense fund established pursuant to Article 22M of Chapter 163 of the General Statutes.

b. If the candidate committee is required to file disclosure reports, all expenditures must be reported.

c. Any expenditure that is made for media purposes must be paid for by check or other verifiable form of payment.

d. All expenditures of more than \$50 must be made with a verifiable form of payment.

e. Expenditures for non-media purposes that are less than \$50 may be reported without disclosing the payee. The report must still disclose the form of payment, date, amount, purpose and account code for the account from which the expenditure was made.



WHAT IS THE LAW REGARDING CONTRIBUTIONS?



Do not “pass the hat” or collect any contributions, however small the amount, without recording the contributor’s name and contact information.

Do not accept cash from a contributor in excess of \$50.

Do not accept a contribution, including an “in-kind” contribution, from a business, corporation, professional association, labor union or insurance company.

A person who purchases something from a candidate has made a contribution to that candidate’s committee. All such contributions, however small, must be disclosed.

Volunteers raising contributions on behalf of the committee must turn those over to the treasurer within seven days of receipt so that the records are current, as required by State law.

Do not accept blank checks. The contributor must indicate the intended recipient on the payee line of the check.

WHAT IS THE LAW REGARDING EXPENDITURES?

Candidate committees may only make expenditures as permitted by G.S. 163-278.16B. A candidate or candidate committee may use contributions only for the following purposes:

- i. Expenditures resulting from the candidate's campaign for public office.
 - ii. Expenditures resulting from holding public office.
 - iii. Donations to an organization described in Section 170(c) of the Internal Revenue Code of 1986 (26 U.S.C. § 170(c)), provided that the candidate or the candidate's spouse, children, parents, brothers, or sisters are not employed by the organization.
 - iv. Contributions to a national, State, district or county committee of a political party or a caucus of the political party or an affiliated party committee.
 - v. Contributions to another candidate or candidate's campaign committee.
 - vi. To return all or a portion of a contribution to the contributor.
 - vii. Payment of any penalties against the candidate or candidate's campaign committee for violation of North Carolina's Campaign Finance Laws.
 - viii. Payment to the Escheat Fund established by Chapter 116B of the General Statutes.
 - ix. Legal expense donation not in excess of four thousand dollars (\$4,000) per calendar year to a legalexpense fund established pursuant to Article 22M of Chapter 163 of the General Statutes.
- b. If the candidate committee is required to file disclosure reports, all expenditures must be reported.
 - c. Any expenditure that is made for media purposes must be paid for by check or other verifiable form of payment.
 - d. All expenditures of more than \$50 must be made with a verifiable form of payment.
 - e. Expenditures for non-media purposes that are less than \$50 may be reported without disclosing the payee. The report must still disclose the form of payment, date, amount, purpose and account code for the account from which the expenditure was made.



MEDIA

WHAT IS A LEGEND?

A legend is the disclosure statement included on certain print media, TV and radio advertisements. When a disclosure legend is required, the legend must include the statement “Paid for by [Name of candidate, committee, individual or other entity]” and must indicate whether the ad was authorized or not authorized by a candidate (does not apply to ads purchased by candidates). See G.S. §163-278.39 for complete requirements.

WHAT ADVERTISEMENTS REQUIRE THE LEGEND?

TV, radio and print media advertisements require a disclosure legend. Print media includes billboards, cards, newspapers, newspaper inserts, magazines, mass mailings, pamphlets, fliers, periodicals, and outdoor advertising facilities.

WHAT MATERIALS DO NOT REQUIRE THE LEGEND?

Buttons, bumper stickers, yard signs and campaign paraphernalia such as balloons, shopping bags, nail files, etc., imprinted with a campaign message.

Am I required to put the legend on a palm card/business card? Yes



LEGEND SIZE REQUIREMENTS

For print media, the legend must be 5% of the printed space of the ad or 12-point type, whichever is greater.

b. For television, the visual disclosure legend must be 4% of vertical picture height. Television advertisements that are paid for by a candidate or candidate campaign committee must contain an easily identifiable photograph of the candidate for at least two seconds appearing simultaneously with the visual disclosure legend.

c. For radio, the disclosure statement must last at least two seconds, provided the statement is spoken so that its contents may be easily understood.

WHAT INFORMATION MUST BE INCLUDED IN THE LEGEND STATEMENT?

Please refer to the Media section in the Campaign Finance Manual that is available on the State Board of Elections: website www.ncsbe.gov.



MANDATORY COMPLIANCE TRAINING

For NC Candidate, Party and Referendum Committee Trainers

Training is required once every four years for all NC Trainers including those under the \$1,000 threshold.

A schedule of all regional training dates, times and locations is included with the candidate packet and is also available online at <https://www.ncsbe.gov/Campaign-Finance/training>

Complete instructions for registering and accessing the training website are included on the next page.

The following are helpful tips to remember when attempting to register or complete the training.

The system may not immediately provide you with a listing of session dates to select from. If this happens, log-out and wait until the next day to log-in, the dates should appear. Some users experience an issue with launching the online training in the Google Chrome browser. If you experience this issue, log out of the training website and use another internet browser to access the training. This online course currently does NOT contain audio.

Attendees arriving more than 15 minutes after the session begins may not receive credit & will need to re-schedule.

The SBE reserves the right to cancel any session due to low registration, weather or other unforeseen reasons.

Only attendees that pre-register will be notified of any possible cancellation.

To register for a Software Training in Raleigh or via phone: Email your request to:

campaign.reporting@ncsbe.gov - one of our trainers will contact you to schedule a session.

PAC's and IE Committees should visit www.ncsbe.gov/Campaign-Finance/training for their specialized schedule.

INSTRUCTIONS TO REGISTER TO TAKE CF MANDATORY COMPLIANCE TRAINING

To register for and complete NCSBE Campaign Finance Mandatory Compliance Training (online or in-person), follow these steps:

1. After reading through the instructions below, click on the link to access the training registration page (North Carolina Learning Center). New account users must wait 24–72 hours before all training opportunities will be available for registration.
2. To create a new account, click on the link next to the word “Register” on the North Carolina Learning Center website.
3. Complete all *required fields: First/Last Name, Email Address, Phone, User ID (recommended User ID is email address), Category (Associated State Agency), Association (Elections) and Password (password requirements: upper & lowercase letters, alpha and numeric characters, must be 8-20 characters, cannot have leading or trailing spaces and cannot be the same as Username, User ID or email address). Click “Login.”
4. From the Welcome page, search for training in the upper right corner. Enter the word “Campaign” and click the magnifying glass symbol.
5. You should see multiple training options in your list. Click on the training title of your preference (NCSBE Campaign Finance Mandatory Compliance Training), either the classroom or online session. The classroom session has a calendar symbol in red. The online session has a computer screen.
6. If a classroom session is selected, you will be taken to the next screen to REQUEST the session you would-like to attend. The system may not immediately provide you with a list of session dates to select from. If this happens, you will need to log out and wait until the next day (generally 24 hours) to log in, the dates will then be available.
7. You will be prompted to complete a short form for reporting purposes. Full Name, Phone Number, Address and Email Address are required fields. You will also be asked for Committee or Candidate Name and County. These should be completed if applicable. Click “SUBMIT.”
8. If online training is selected, you will be taken to the next screen. Select “REQUEST.” Then select “REGISTER.” The system will process your registration.) Then select “LAUNCH.” The course will proceed to load in a new window. There is currently no audio for the online training.

9. If you encounter a problem viewing the training website or loading the training presentation, the following troubleshooting tips may provide assistance.

10. If you are unable to open the training website it may be because you have a pop-up blocker for security reasons on your computer. You will need to configure your pop-up blocker to allow access to the training website.

11. If you need to return to the course or after you have completed it (either online or in-person) you will use the User ID and password that you created to log back in to view and print your certificate from the transcript page.



MANDATORY ELECTRONIC FILING FREQUENTLY ASKED QUESTIONS

1. I am expecting to have very little activity for my election. Do I still need to file my reports electronically?

Any committee that raises or spends in excess of \$10,000.00 in an election cycle will be a mandatory electronic filer. Any committee that does not exceed the \$10,000.00 limit will not be expected to file their reports electronically, but can certainly file them voluntarily.

2. What are the benefits of filing electronically?

The software performs all of the calculations for you thereby making your reports more accurate and less time consuming for the user. In addition, the software maintains a database of all contributors and payees which also saves time by eliminating the need to enter repetitive information.

3. How do I obtain the reporting software?

The Campaign Finance Remote Software (CFRS) is available on the State Board of Elections website at www.ncsbe.gov/Campaign-Finance/reporting-software. The software is available for download. There are also short instructional videos, a manual and help topics that will get you started.

4. I have a really old pc (dial-up, tablet, Mac), will this software work on my device?

The Reporting software is a stand-alone application built for the Windows operating system; there is no support for setting up the application to run over a network. The following Windows operating platforms are supported, but the software will operate on various Windows operating platforms (including Windows 10):

- Windows XP SP3
- Windows 7 32bit

5. When is the best time to start using the software?

You can start at any time but it's easier to start at the beginning of a committee or the beginning of an election cycle so that your election totals are correct.

6. Is there a form that I need to file with the BOE indicating that I am planning to exceed \$10,000?

No, once a committee exceeds \$10,000 they are expected to start using the software and filing future reports electronically.

7. Can I create a pdf file and email that in as my electronic filing?

No. A pdf is not the correct format for electronic filing. Your electronically filed report must be imported into the State Board of Elections and Ethics Enforcement internal software, and so we need a data file.

8. Why am I emailing my electronic reports to the State? I am a municipal/county candidate.

Currently we do not have internal software that the County Boards of Election can use, and so they are unable to accept and process electronic reports. All electronic reports will be made available on the NCSBE website, and the county boards will provide a link to each committee on their website.

9. How can I determine that my electronic report was received?

A reply email is sent for each report that is filed electronically and all electronic reports will be available on the NCSBE website. The website is updated each evening with all reports that have been imported for the day. You can search for your report by selecting Campaign Finance – Report Search.

10. I heard that the state was working on web based software. Is that available?

We do not anticipate the new software being available during the 2021 Municipal Election.

11. Do I still need to file a signed cover page manually if I have filed an electronic report?

Yes. The law requires that reports are filed under an original signature, so you must file a signed Disclosure Report Cover with your State or County Board of Elections.

12. We are planning to have three very large fundraisers. Will I be able to assist my treasurer with data entry duties using this software?

Unfortunately, the software is a stand-alone application which cannot easily be shared between users. Downloading the software to a laptop which can be shared between users is what we would recommend.

13. What happens if a committee exceeds \$10,000.00 and doesn't file their reports electronically?

Hardcopy reports reflecting that a committee has exceeded the \$10,000.00 limit will be processed as "report not received" until that report is properly filed electronically. Reports filed late or not received are assessed daily penalties.

14. If I want to receive training for the software, how do I register my interest?

Software training is provided at the NCSBE office, on a one to one basis. If enough interest is generated, we may be able to offer software training workshops. There are currently no plans to offer regional software training. There are short instructional videos, a manual and help topics that will get you started on the software page of the NCSBE website. [http://www.ncsbe.gov/Campaign-Finance/reporting software](http://www.ncsbe.gov/Campaign-Finance/reporting-software)

Register your interest in software training by emailing campaign.reporting@ncsbe.gov. You can also use this email address if you have any related questions.

15. If I have questions about how to use the software, who should I ask?

You should call or email your questions to NCSBE at 919-814-0700 or campaign.reporting@ncsbe.gov.