



STATE BOARD OF ELECTIONS

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GARY O. BARTLETT
Executive Director

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September 10, 2012

Mr. Roger W. Knight, P.A.
8510 Six Forks Road, Suite 102
Raleigh, North Carolina 27615

Re: Request for Advisory Opinion pursuant to N.C. Gen. Stat. § 163-278.23

Dear Mr. Knight:

I am in receipt of your letter received September 7, 2012, in which you seek guidance as to whether the prohibition on lobbyist contributions extends to independent expenditure groups. Specifically, you state that you are referring to groups such as your client, Real Jobs NC, that are organized as Section 527 organizations with the Internal Revenue Service but are not North Carolina political committees.

N.C.G.S. § 163-278.13B and N.C.G.S. § 163-278.13C address the prohibitions on lobbyist contributions. These statutes prohibit lobbyists from making contributions to candidates for the General Assembly and the Council of State and their candidate campaign committees. It does not prohibit lobbyists from making contributions to other political committees, including independent expenditure political committees. Further, money donated to a group making independent expenditures, such as your client, would not be considered a contribution¹ and if the source of the money was from a lobbyist, it would not be prohibited by any campaign finance statute. Therefore, independent expenditure groups, such as your client, may accept donations from lobbyists.

This opinion is based upon the information provided in your September 7, 2012 letter. If any information in that letter should change, you should consult with our office to ensure that this opinion would still be binding. Finally, this opinion will be filed with the Codifier of Rules to be published unedited in the North Carolina Register and the North Carolina Administrative Code. If you should have any questions, please do not hesitate to contact me or Kim Strach, Deputy Director- Campaign Finance.

Sincerely,

Gary O. Bartlett

Gary O. Bartlett

cc: Julian Mann III, Codifier of Rules

¹ N.C.G.S. § 163-278.6(6) provides the statutory definition of contribution. It does not include funds given to a group or organization that does not meet the definition of a North Carolina political committee.