



NORTH CAROLINA

State Board of Elections

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KIM WESTBROOK STRACH
Executive Director

December 29, 2015

Mr. Steve Long
301 Fayetteville Street
Suite 1400
Raleigh, North Carolina 27601

Re: Request for clarification regarding attendance at events hosted by the Connect NC Referendum Committee

Dear Steve:

You have requested guidance regarding the scope of my advisory opinion dated December 4, 2015 in which, I cited provisions in our law that limit a referendum committee's ability to coordinate with candidates in the production of communications that expressly advocate for the bond proposal and provide evidence of support for candidates.¹ Specifically, you ask whether "the Referendum Committee may invite candidates to promote the bonds at public events and in other ways that do not include direct expenditure of committee funds directly tied to the candidates' promotion of the bonds."

Candidates are free to associate with any group, irrespective of a group's filing status with our agency. Accordingly, candidates are free to attend and speak at events hosted by Connect NC, so long as the candidate or agent of the candidate is not coordinating with the Referendum Committee on how the appearance and/or remarks will be used in future expenditures by the Referendum Committee. As long as candidates are not coordinating with the Referendum Committee on communications that advocate passage of the Bond and include the names or statements of candidates showing support of the passage of the Bond, there are no issues with candidates attending events hosted by the Referendum Committee.

You have also asked if the Referendum Committee could interview candidates on the spot at their public events and use the video/audio of those interviews in communications without triggering a "coordinated expenditure" that would be a "contribution" to the candidates. It would be permissible for the Referendum Committee to interview candidates and use the footage for future

¹ See NCGS § 163-278.14A.

communications without triggering a “coordinated expenditure” as long as the candidate is not provided a script, given approval of a script or comments, advised or provided any details regarding how the content of the interview will be used in communications by the Referendum Committee.

The content of this advisory opinion is issued under my authority found in G.S. § 163-278.23.

If you have questions, please feel free to let me know.

Sincerely,

A handwritten signature in black ink that reads "Kim Westbrook Strach". The signature is written in a cursive, flowing style.

Kim Westbrook Strach
Executive Director, State Board of Elections

cc: Mollie Masich, Codifier of Rules
Amy Strange, Deputy Director-Campaign Finance and Operations