

Changes in the States: *North Carolina Updates Its Campaign Finance Laws and Adjusts Its Lobbying and Gift Laws*

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In response to recent court cases, North Carolina passed SB 1263, which amended the state's campaign finance laws. Governor Mike Easley signed this legislation into law on August 2, 2008. Among other things, the law limits the state's electioneering communications prohibition to those communications that are susceptible to no reasonable interpretation other than being an appeal to vote for or against a candidate, as the Supreme Court's 2007 *FEC v. Wisconsin Right to Life* decision demanded.

In addition, the law amended the statutory definition of the phrase "to support or oppose" to apply only to express advocacy as defined in *Buckley v. Valeo* and its progeny—namely, the use of phrases like "vote for," "reelect," "support" or other similar types of campaign-related language. This was in response to the 4th Circuit's decision in *North Carolina Right to Life v. Leake*, which determined that a portion of the state's earlier definition was unconstitutionally vague, untailored and overly broad.

In addition, through HB 2542, North Carolina amended its lobbying and gift rules on August 15, 2008. Two of the changes are discussed below.

First, the state now allows lobbyist principals to rely on certain statements from their North Carolina lobbyists that estimate the portion of compensation allocated for North Carolina lobbying.

Second, the state expanded an exception to its gift restrictions. Now, state officials may accept food and beverages at certain, specifically defined non-public events. Previously, food and beverages generally could only be consumed at public events.