



## STATE BOARD OF ELECTIONS

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October 19, 2006

Senator Charlie Albertson  
North Carolina General Assembly  
525 Legislative Office Building  
Raleigh, NC 27603-5925

Dear Senator Albertson:

This is to memorialize our conversation and your communication dated October 16, 2006, in which you have requested an advisory opinion pursuant to G.S. §163-278.23 regarding permissible uses of campaign funds from a candidate's campaign committee. You also asked whether there are restrictions on one candidate's ability to volunteer in his brother's campaign for another office.

It is my understanding that your brother, Arliss Albertson, is a candidate for re-election in a County Commission District that is incorporated within the North Carolina Senate District where you are a candidate. You want to help your brother, but at the same time wish to make sure you are compliant with campaign finance laws.

Your committee is eligible to make a contribution (direct or in-kind) not to exceed \$4,000 per election. You may contribute to your brother's campaign amounts funds from your personal funds that exceed the \$4,000.00 limit. Contributions to a candidate by his siblings are not limited. Below is the pertinent part of the governing statute:

**§ 163-278.13. Limitation on contributions.**

(a) *No individual, political committee, or other entity shall contribute to any candidate or other political committee any money or make any other contribution in any election in excess of four thousand dollars (\$4,000) for that election.*

(b) *No candidate or political committee shall accept or solicit any contribution from any individual, other political committee, or other entity of any money or any other contribution in any election in excess of four thousand dollars (\$4,000) for that election.*

(c) *Notwithstanding the provisions of subsections (a) and (b) of this section, it shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to make a contribution to the candidate or to the candidate's treasurer of any amount of money or to make any other contribution in any election in excess of four thousand dollars (\$4,000) for that election.*

(d) *For the purposes of this section, the term "an election" means any primary, second primary, or general election in which the candidate or political committee may be involved, without regard to whether the candidate is opposed or unopposed in the election, except that where a candidate is not on the ballot in a second primary, that second primary is not "an election" with respect to that candidate.*

**Though you are a candidate, there is no prohibition against your serving as a volunteer in your brother's campaign. Below is the definition of contribution set forth in our campaign finance laws. The bold portion is the pertinent portion.**

**§ 163-278.6. Definitions.**

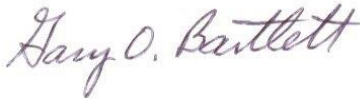
(6) *The terms "contribute" or "contribution" mean any advance, conveyance, deposit, distribution, transfer of funds, loan, payment, gift, pledge or subscription of money or anything of value whatsoever, to a candidate to*

*support or oppose the nomination or election of one or more clearly identified candidates, to a political committee, to a political party, or to a referendum committee, whether or not made in an election year, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a contribution. These terms include, without limitation, such contributions as labor or personal services, postage, publication of campaign literature or materials, in-kind transfers, loans or use of any supplies, office machinery, vehicles, aircraft, office space, or similar or related services, goods, or personal or real property. These terms also include, without limitation, the proceeds of sale of services, campaign literature and materials, wearing apparel, tickets or admission prices to campaign events such as rallies or dinners, and the proceeds of sale of any campaign-related services or goods. **Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, political committee, or referendum committee. The term "contribution" does not include an "independent expenditure."** If:*

- a. *Any individual, person, committee, association, or any other organization or group of individuals, including but not limited to, a political organization (as defined in section 527(e)(1) of the Internal Revenue Code of 1986) makes, or contracts to make, any disbursement for any electioneering communication, as defined in G.S. 163-278.80(2) and (3) and G.S. 163-278.90(2) and (3); and*
- b. *That disbursement is coordinated with a candidate, an authorized political committee of that candidate, a State or local political party or committee of that party, or an agent or official of any such candidate, party, or committee that disbursement or contracting shall be treated as a contribution to the candidate supported by the electioneering communication or that candidate's party and as an expenditure by that candidate or that candidate's party.*

This opinion is based upon the facts as stated in our conversation on August 23, 2006. If those facts should change, you should evaluate whether this opinion is still applicable and 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.

Sincerely,



Gary O. Bartlett  
Executive Director