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March 11, 2003

Mr. Ralph D. Karpinos
Chapel Hill Town Attorney
306 North Columbia Street
Chapel Hill, North Carolina 27516

RE: Voter Owned Elections

Dear Ralph:

This letter is in response to your February 28, 2003 letter to me concerning a proposal presented to the Chapel Hill Town Council for the implementation of a program entitled "Voter Owned Elections." I have reviewed this proposal with Carolyn Thomas, the Director of the Orange County Board of Elections. I have also reviewed the North Carolina General Statutes with respect to the proposed role prescribed for the Orange County Board of Elections in the Voter Owned Elections program. Finally, I have reviewed the decision of the State Board of Elections *In the Matter of Cary Town Council Candidates, Julie Robison and Jack Smith.*

Based on my review, it is my conclusion that the supervisory role identified in the Voter Owned Elections program as outlined in the material submitted in the petition to the Town Council is without authority under North Carolina law. I further see this program causing the Orange County Board of Elections to have to report to the State Board of Elections Town of Chapel Hill "contributions" to candidates (1) exceeding the limit placed on contributions made to candidates by corporations (N.C. Gen. Stat. §§ 163-278.15 and 163-278.19), (2) exceeding the limit placed on contributions to candidates by Chapel Hill ordinance (Session Law 1999-255), (3) exceeding the limit placed on contributions accepted by a candidate from any one individual, political committee or entity (G.S. § 163-

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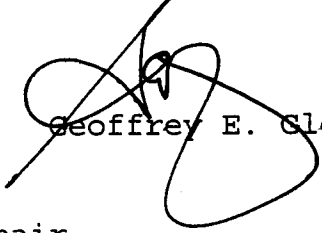
278.13(b)). Finally, in my opinion, any plan of public financing of elections would require statutory authorization from the North Carolina General Assembly.

The Orange County Board of Elections role in campaign financing is to review and audit financing reports and inform the State Board of Elections of the audit results. It is the State Board of Elections that enforces the campaign financing laws of the State of North Carolina. The Voter Owned Elections proposal would change that division of power and make the Orange County Board of Elections responsible for enforcing the campaign financing provisions of the Voter Owned Elections program. This change is likely to materially and significantly increase Orange County Board of Elections and staff work.

I cannot respond to the question in your letter about the County's willingness to require or request the Orange County Board of Elections and its staff to assume the role proposed for it in this program. In that regard, I can tell you there has been no request made of the Orange County Board of Elections to supervise the Voter Owned Election program. Neither has there been such a request made to the Orange County Board of Commissioners.

Very truly yours,

COLEMAN, GLEDHILL, HARGRAVE & PEEK, P.C.


Geoffrey E. Gledhill

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