

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 276

Short Title: Political Parties Fund.

(Public)

Sponsors: Representative Jones.

Referred to: Courts, Justice, etc.

March 21, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF THE POLITICAL PARTIES FINANCING FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.41 reads as rewritten:

"§ 163-278.41. Appropriations in general election years and other years.

(a) Following the conclusion of the last primary or nominating convention held by a political party in a general election year in which a presidential election is held, the State chairman of that political party may apply to the State ~~Treasurer~~ Board of Elections (State Board) for the disbursement of all funds deposited with the State Treasurer on behalf of such party in the North Carolina Political Parties Financing ~~Fund~~ Fund (Political Parties Fund) to be administered by the State Board of Elections and in which shall be placed money contributed by taxpayers, as provided in G.S. 105-159.1. Upon receipt of such application, the State ~~Treasurer~~ Board shall forthwith, and every 30 days thereafter, pay over to said chairman all funds currently held by ~~him~~ the State Treasurer on behalf of said chairman's political party, but provided that all such payments shall cease 30 days after the State Board of Elections has certified all of the results of the general election to the Secretary of State. Additionally and upon receipt of such application, the State ~~Treasurer~~ Board shall pay over to the said chairman all funds currently held by the State Treasurer in the 'Presidential Election Year Candidates Fund' of that party, which funds shall be allocated and disbursed during the presidential election year by the same procedure as the funds received from the Political Parties Fund are allocated. Any remaining funds of the political party in the hands of the State

1 Treasurer shall thereafter be held by him until eligible for distribution pursuant to this
2 section.

3 (b) Following the conclusion of the last primary or nominating convention held
4 by a political party in a general election year in which there is not a presidential
5 election, the State chairman of the political party may apply to the State ~~Treasurer-Board~~
6 for the disbursement of all funds deposited on behalf of such party in the Political
7 Parties Fund. Upon receipt of such application, the State ~~Treasurer-Board~~ shall forthwith,
8 and every 30 days thereafter, pay over to said chairman all funds currently held by ~~him~~
9 the State Treasurer on behalf of said chairman's political party provided that all such
10 payments to the said chairman shall cease 30 days after the State Board of Elections has
11 certified all of the results of the general election to the Secretary of State. Any
12 remaining funds of the political party in the hands of the State Treasurer shall thereafter
13 be held by him until eligible for distribution pursuant to this section.

14 (c) In each year in which no general election is held, each State chairman of a
15 political party on behalf of which funds have been deposited in the Political Parties
16 Fund may, on or between August 1 and September 1 thereof, apply to the State ~~Treasurer~~
17 Board for payment of an amount not to exceed fifty percent (50%) of the then available
18 funds credited to the account of his party. Upon receipt of such application, the State
19 ~~Treasurer-Board~~ shall pay over to said State chairman an amount not to exceed fifty
20 percent (50%) of the then available funds credited to the account of his party.
21 Additionally and upon receipt of such application, the State ~~Treasurer-Board~~ shall direct
22 the State Treasurer to place fifty percent (50%) of the said available funds in a separate
23 interest bearing account to be known as the 'Presidential Election Year Candidates Fund
24 of the (name of the party) Party' to be disbursed in accord with the provisions of
25 subsection (a) above. Any remaining funds of the political party in the hands of the
26 State Treasurer shall thereafter be held by him until eligible for distribution by the State
27 Board pursuant to this section. Any interest earned on the funds deposited ~~by the State~~
28 ~~Treasurer~~ in such Presidential Election Year Campaign Fund shall be credited thereto."

29 Sec. 2. G.S. 163-278.43 is amended by adding a new subsection to read:

30 "(c1) The State Board shall review each application and certify that the political
31 party is eligible to receive the funds requested. The State Board shall establish rules for
32 the administration and enforcement of this Article."

33 Sec. 3. G.S. 105-159.1 (a) reads as rewritten:

34 "(a) Every individual whose income tax liability for the taxable year is one dollar
35 (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of
36 the amount of tax paid by him or her to the Department shall be paid by the Secretary to
37 the State Board of Elections for deposit with the State Treasurer for the use of all
38 political parties upon a pro rata basis according to their respective party voter
39 registrations according to the most recent certification of the State Board of Elections;
40 Provided, however, that no political party with less than one percent (1%) of the total
41 number of registered voters in the State shall receive any of these funds, and the
42 registration of such a party shall not be included in calculating the pro rata distribution.
43 As used in this section, the term 'political party' means a political party which at the last
44 preceding general State election received at least ten percent (10%) of the entire vote

1 cast in the State for Governor or for presidential electors, or a group of voters who by
2 July 1 of the preceding calendar year, by virtue of a petition as a new political party, had
3 duly qualified as a new political party within the meaning of Chapter 163 of the General
4 Statutes."

5 Sec. 4. This act is effective upon ratification.