

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 336

Short Title: Matching Funds Repeal. (Public)

Sponsors: Senators Berger of Rockingham; Brock, Preston, and Tillman.

Referred to: Judiciary I.

February 26, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC
3 CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT, CONSISTENT WITH
4 THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN DAVIS V.
5 FEDERAL ELECTION COMMISSION, AND TO MAKE CONFORMING AND
6 RELATED CHANGES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 163-278.62(18) is repealed.

9 **SECTION 2.** G.S. 163-278.66 is repealed.

10 **SECTION 3.** G.S. 163-278.67 is repealed.

11 **SECTION 4.** G.S. 163-278.64(d)(2) reads as rewritten:

12 "(2) From the filing of a declaration of intent through the end of the qualifying
13 period, a candidate may accept only qualifying contributions, contributions
14 under ten dollars (\$10.00) from North Carolina voters, and personal and
15 family contributions permitted under subdivision (4) of this subsection. The
16 total contributions the candidate may accept during this period shall not
17 exceed the maximum qualifying contributions for that candidate. In addition
18 to these contributions, the candidate may only expend during this period the
19 remaining money raised pursuant to subdivision (1) of this ~~subsection and~~
20 ~~possible matching funds received pursuant to G.S. 163-278.67.subsection.~~"

21 **SECTION 5.** G.S. 163-278.64A(a) reads as rewritten:

22 "(a) Participation Provisions Modified. – Candidates involved in elections described in
23 G.S. 163-329 may participate in the Fund subject to the provisions of G.S. 163-278.64 as
24 modified by this section. The Board shall adapt other provisions of this ~~Article, including~~
25 ~~G.S. 163-278.67, Article~~ to those elections."

26 **SECTION 6.** G.S. 163-278.65(b)(2) reads as rewritten:

27 "(2) Contested primaries. – No funds shall be ~~distributed except as provided in~~
28 ~~G.S. 163-278.67.distributed.~~"

29 **SECTION 7.** G.S. 163-278.68(d) reads as rewritten:

30 "(d) Board to Adopt Rules and Issue Opinions. – The Board shall adopt rules and issue
31 opinions to ensure effective administration of this Article. Such rules and opinions shall
32 include, but not be limited to, procedures for obtaining qualifying contributions, certification of
33 candidates, addressing circumstances involving special elections, vacancies, recounts,
34 withdrawals, or replacements, collection of revenues for the Fund, distribution of Fund revenue
35 to certified candidates, return of unspent Fund disbursements, and compliance with this Article.
36 ~~The Board shall adopt procedures for the distribution of matching money that further the~~
37 ~~purpose and avoid the subversion of G.S. 163-278.67.~~ For races involving special elections,



1 recounts, vacancies, withdrawals, or replacement candidates, the Board shall establish
2 procedures for qualification, certification, disbursement of Fund revenues, and return of
3 unspent Fund revenues. The Board shall fulfill each of these duties in consultation with the
4 Advisory Council on the Public Campaign Fund."

5 **SECTION 8.** G.S. 163-278.96(17) is repealed.

6 **SECTION 9.** G.S. 163-278.99A is repealed.

7 **SECTION 10.** G.S. 163-278.99B is repealed.

8 **SECTION 11.** G.S. 163-278.99(b)(2) reads as rewritten:

9 "(2) Contested primaries. – No funds shall be ~~distributed except as provided in~~
10 ~~G.S. 163-278.99B-distributed.~~"

11 **SECTION 12.** G.S. 163-278.98(e)(2) reads as rewritten:

12 "(2) From the filing of a declaration of intent through the end of the qualifying
13 period, a candidate may accept only qualifying contributions, contributions
14 under ten dollars (\$10.00) from North Carolina voters, in-kind party
15 contributions as permitted in subdivision (4) of this subsection, and personal
16 and family contributions permitted under subdivision (4a) of this subsection.
17 The total contributions the candidate may accept during this period shall not
18 exceed the maximum qualifying contributions for that candidate. In addition
19 to these contributions, the candidate may only expend during this period the
20 remaining money raised pursuant to subdivision (1) of this ~~subsection and~~
21 ~~possible matching funds received pursuant to G.S. 163-278.99B- subsection.~~
22 If the candidate has any remaining money that was raised as contributions
23 before August 1 of the year before the election, the candidate may not
24 expend that money after filing the declaration of intent, except for purposes
25 permitted under subdivision (2), (3), (6), (7), or (8) of G.S. 163-278.16B(a)."

26 **SECTION 13.** G.S. 163-278.98(e)(3) reads as rewritten:

27 "(3) After the qualifying period and through the date of the general election, the
28 candidate shall cease campaign-related fund-raising activities and shall
29 expend only the funds the candidate receives from the Fund pursuant to
30 G.S. 163-278.99(b) plus any funds remaining from the qualifying ~~period and~~
31 ~~possible matching funds-period.~~"

32 **SECTION 14.** G.S. 163-278.13(e4) is repealed.

33 **SECTION 15.** This act is effective when it becomes law.