

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE DRH50445-RR-38 (03/22)

Short Title: Voter-Owned Elections Pilot. (Public)

Sponsors: Representatives Glazier, Ross, Rapp, Martin (Primary Sponsors);  
Alexander, Harrison, J. Harrell, Goodwin, and Luebke.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND TO APPROPRIATE FUNDS TO FINANCE THE PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 22J.

"The Voter-Owned Elections Act.

**"§ 163-278.95. Purpose and establishment of Voter-Owned Elections Act.**

The purpose of this Article is to ensure the vitality and fairness of democratic elections in North Carolina to the end that any eligible citizen of this State can realistically choose to seek and run for public office. It is also the purpose of this Article to protect the constitutional rights of voters and candidates from the detrimental effects of increasingly large amounts of money being raised and spent in North Carolina to influence the outcome of elections. It is essential to the public interest that the potential for corruption or the appearance of corruption is minimized and that the equal and meaningful participation of all citizens in the democratic process is ensured. Accordingly, this Article establishes the North Carolina Voter-Owned Elections Fund as an alternative source of campaign financing for candidates who obtain a sufficient number of qualifying contributions from registered voters and who voluntarily accept strict fund-raising and spending limits. This Article is available to candidates for the

1 Council of State offices of Auditor, Superintendent of Public Instruction, and  
2 Commissioner of Insurance in elections to be held in 2008 and thereafter.

3 **"§ 163-278.96. Definitions.**

4 The following definitions apply in this Article:

- 5 (1) Board. – The State Board of Elections.
- 6 (2) Campaign-related expenditure. – An expenditure that benefits the  
7 candidate's current campaign in accordance with guidelines established  
8 by the Board.
- 9 (3) Candidate. – An individual who becomes a candidate as described in  
10 G.S. 163-278.6(4). The term includes a 'candidate campaign  
11 committee' as defined in G.S. 163-278.38Z(3).
- 12 (4) Certified candidate. – A candidate for office who chooses to receive  
13 campaign funds from the Fund and who is certified under  
14 G.S. 163-278.98(c).
- 15 (5) Contested primary and contested general election. – An election in  
16 which there are more candidates than the number to be elected.
- 17 (6) Contribution. – Defined in G.S. 163-278.6. A distribution from the  
18 Fund pursuant to this Article is not a 'contribution' and is not subject to  
19 the limitations of G.S. 163-278.13 or the prohibitions of  
20 G.S. 163-278.15 or G.S. 163-278.19.
- 21 (7) Expenditure. – Defined in G.S. 163-278.6.
- 22 (8) Fund. – The North Carolina Voter-Owned Elections Fund established  
23 in G.S. 163-278.97.
- 24 (9) Independent expenditure. – Defined in G.S. 163-278.6.
- 25 (10) Maximum qualifying contributions. – If the candidate has an  
26 uncontested primary, an amount equal to 100 times the filing fee for  
27 the office sought. If the candidate has a contested primary, 200 times  
28 the filing fee for the office sought.
- 29 (11) Nonparticipating candidate. – A candidate for office who is not  
30 seeking to be certified under G.S. 163-278.98(c).
- 31 (12) Office. – The Council of State offices of Auditor, Superintendent of  
32 Public Instruction, and Commissioner of Insurance.
- 33 (13) Participating candidate. – A candidate for office who has filed a  
34 declaration of intent to participate under G.S. 163-278.98(a).
- 35 (14) Political committee. – Defined in G.S. 163-278.6.
- 36 (15) Qualifying contribution. – A contribution of not less than ten dollars  
37 (\$10.00) and not more than two hundred dollars (\$200.00) in the form  
38 of a check or money order to the candidate that meets both of the  
39 following conditions:
  - 40 a. Made by any registered voter in this State.
  - 41 b. Made only during the qualifying period and obtained with the  
42 approval of the candidate or candidate's committee.
- 43 (16) Qualifying period. – The period beginning September 1 in the year  
44 before the election and ending on the day of the primary.

1           (17) Trigger for rescue funds. – The dollar amount at which rescue funds  
2           are released for certified candidates. In the case of a contested primary,  
3           the trigger equals the maximum qualifying contributions for the  
4           candidate. In the case of a contested general election, the trigger equals  
5           the base level of funding available under G.S. 163-278.99(b)(2).

6           **"§ 163-278.97. Voter-Owned Elections Fund established; sources of funding.**

7           (a) Establishment of Fund. – The North Carolina Voter-Owned Elections Fund is  
8           established to finance the election campaigns of certified candidates for office and to  
9           pay administrative and enforcement costs of the Board related to this Article. The Fund  
10           is a special, dedicated, nonlapsing, nonreverting fund. Any interest generated by the  
11           Fund is credited to the Fund. The Board shall administer the Fund.

12           (b) Sources of Funding. – Money received from all the following sources must be  
13           deposited in the Fund:

14           (1) Unspent Fund revenues distributed for an election that remain unspent  
15           or uncommitted at the time the recipient is no longer a certified  
16           candidate in the election.

17           (2) Money ordered returned to the Fund in accordance with  
18           G.S. 163-278.103.

19           (3) Money paid to the Fund equal to excess contributions as provided in  
20           G.S. 163-278.98(e)(1).

21           (3) Voluntary donations made directly to the Fund.

22           (4) Appropriations from the General Fund.

23           (c) Evaluation and Determination of Fund Amount. – By January 1, 2011, and  
24           every four years thereafter, the Board, in conjunction with the Advisory Council  
25           established under G.S. 163-278.68(b), shall prepare and provide to the Joint Legislative  
26           Commission on Governmental Operations of the General Assembly a report  
27           documenting, evaluating, and making recommendations relating to the administration,  
28           implementation, and enforcement of the Voter-Owned Elections Act. In its report, the  
29           Board shall set out the funds received to date and the expected needs of the Fund during  
30           the next election cycle and make recommendations about the feasibility of expanding  
31           its provisions to include other candidates for State office based on the experience of the  
32           Voter-Owned Elections Act and the experience of similar programs in North Carolina  
33           and other states. The Board shall also evaluate and make recommendations regarding  
34           how to address activities that could undermine the purpose of this Article, including  
35           spending that appears to target candidates but is not reached by regulation.

36           **"§ 163-278.98. Requirements for participation.**

37           (a) Declaration of Intent to Participate. – Any individual choosing to receive  
38           campaign funds from the Fund shall first file with the Board a declaration of intent to  
39           participate in the act as a candidate for a stated office. The declaration of intent shall be  
40           filed before or during the qualifying period and before collecting any qualifying  
41           contributions. In the declaration, the candidate shall swear or affirm that only one  
42           political committee, identified with its treasurer, shall handle all contributions,  
43           campaign-related expenditures, and obligations for the participating candidate and that  
44           the candidate will comply with the contribution and expenditure limits set forth in

1 subsection (e) of this section and all other requirements set forth in this Article or  
2 adopted by the Board. Failure to comply is a violation of this Article.

3 (b) Demonstration of Support of Candidacy. – In order to be certified,  
4 participating candidates must obtain qualifying contributions from at least 750  
5 registered voters in this State. The qualifying contributions shall be equal to at least 25  
6 times the amount of the filing fee for the office. No payment, gift, or anything of value  
7 shall be given in exchange for a qualifying contribution.

8 (c) Certification of Candidates. – Upon receipt of a submittal of the record of  
9 qualifying contributions by a participating candidate, the Board shall determine whether  
10 or not the candidate has:

- 11 (1) Filed a completed declaration of intent to participate in this Article.
- 12 (2) Submitted a report itemizing the appropriate number of qualifying  
13 contributions received from registered voters, which the Board shall  
14 verify through a random sample or other means it adopts. The report  
15 shall include the county of residence of each registered voter listed.
- 16 (3) Filed a notice of candidacy with the State Board of Elections as a  
17 candidate for the office.
- 18 (4) Otherwise met the requirements for participation in this Article.

19 The Board shall certify candidates complying with the requirements of this section  
20 as soon as possible and no later than five business days after receipt of a satisfactory  
21 record of qualifying contributions.

22 (d) Final Report for Qualifying Contributions. – No later than five business days  
23 after the end of the qualifying period, all participating candidates shall submit a report  
24 to the Board of all previously unreported qualifying contributions, in accordance with  
25 procedures developed by the Board. Within seven business days after submittal of the  
26 final report, the Board shall determine, through a random audit or other means it adopts,  
27 whether the contributions abide by the definition of qualifying contributions, whether  
28 they must be returned to the donor, and whether they exceed the maximum amount of  
29 qualifying contributions.

30 (e) Restrictions on Contributions and Expenditures for Participating and Certified  
31 Candidates. – The following restrictions shall apply to contributions and expenditures  
32 with respect to participating and certified candidates:

- 33 (1) Beginning August 1 of the year before the election and before filing a  
34 declaration of intent, a candidate shall limit campaign-related  
35 expenditures to twenty thousand dollars (\$20,000) and shall not accept  
36 more than twenty thousand dollars (\$20,000) from sources and in  
37 amounts permitted by Article 22A of this Chapter. A candidate who  
38 exceeds either of these limits shall be ineligible to file a declaration of  
39 intent or receive funds from the Fund. However, the acceptance of  
40 contributions in excess of that twenty thousand dollar (\$20,000) limit  
41 does not render the candidate ineligible if the candidate pays to the  
42 Board an amount equal to the contributions accepted by the candidate  
43 in excess of that limit. The Board shall deposit all such payments into  
44 the Fund.

- 1           (2)   From the filing of a declaration of intent through the end of the  
2           qualifying period, a candidate may accept only qualifying  
3           contributions, contributions under ten dollars (\$10.00) from North  
4           Carolina voters, in-kind party contributions as permitted in subdivision  
5           (4) of this subsection, and personal and family contributions permitted  
6           under subdivision (4a) of this subsection. The total contributions the  
7           candidate may accept during this period shall not exceed the maximum  
8           qualifying contributions for that candidate. In addition to these  
9           contributions, the candidate may only expend during this period the  
10           remaining money raised pursuant to subdivision (1) of this subsection  
11           and possible rescue funds received pursuant to G.S. 163-278.101. If  
12           the candidate has any remaining money that was raised as  
13           contributions before August 1 of the year before the election, the  
14           candidate may not expend that money after filing the declaration of  
15           intent, except for purposes permitted under subdivisions (2), (3), (6),  
16           (7), or (8) of G.S. 163-278.16B(a).
- 17           (3)   After the qualifying period and through the date of the general  
18           election, the candidate shall cease campaign-related fund-raising  
19           activities and shall expend only the funds the candidate receives from  
20           the Fund pursuant to G.S. 163-278.99(b)(2) plus any funds remaining  
21           from the qualifying period and possible rescue funds.
- 22           (4)   In addition to the amounts above, a candidate may accept in-kind  
23           contributions from political party executive committees, up to an  
24           aggregate value of thirty thousand dollars (\$30,000) for the election  
25           cycle.
- 26           (4a) During the qualifying period, the candidate may contribute up to one  
27           thousand dollars (\$1,000) of that candidate's own money to the  
28           campaign. Debt incurred by the candidate for a campaign expenditure  
29           shall count toward that limit. The candidate may accept in  
30           contributions one thousand dollars (\$1,000) from each member of that  
31           candidate's family consisting of spouse, parent, child, brother, and  
32           sister.
- 33           (5)   A candidate and the candidate's committee shall limit the use of all  
34           revenues permitted by this subsection to expenditures for  
35           campaign-related purposes only. The Board shall publish guidelines  
36           outlining permissible campaign-related expenditures.
- 37           (6)   Except as provided in subdivision (1) of this subsection, any  
38           contribution received by a participating or certified candidate that falls  
39           outside that permitted by this subsection shall be returned to the donor  
40           as soon as practicable. Contributions intentionally made, solicited, or  
41           accepted in violation of this Article are subject to civil penalties as  
42           specified in G.S. 163-278.103. The funds involved shall be forfeited to  
43           the Civil Penalty and Forfeiture Fund.
- 44           (7)   A candidate shall return to the Fund any amount distributed for an

1 election that is unspent and uncommitted at the date of the election or  
2 at the time the individual ceases to be a certified candidate, whichever  
3 occurs first. For accounting purposes, all qualifying, personal, and  
4 family contributions shall be considered spent before revenue from the  
5 Fund is spent or committed.

6 (f) Revocation. – A candidate may revoke, in writing to the Board, a decision to  
7 participate in the Fund at any time. After a revocation, that candidate may accept and  
8 expend outside the limits of this Article without violating this Article. Within 10 days  
9 after revocation, a candidate shall return to the Board all money received from the Fund.

10 **§ 163-278.99. Distribution from the Fund.**

11 (a) Timing of Fund Distribution. – The Board shall distribute to a certified  
12 candidate revenue from the Fund in an amount determined under subdivision (b)(4) of  
13 this section within five business days after the certified candidate's name is approved to  
14 appear on the ballot in a contested general election, but no earlier than five business  
15 days after the primary.

16 (b) Amount of Fund Distribution. – By August 1, 2011, and no less frequently  
17 than every four years thereafter, the Board shall determine the amount of funds, rounded  
18 to the nearest one hundred dollars (\$100.00), to be distributed to certified candidates as  
19 follows:

20 (1) Uncontested primaries. – No funds shall be distributed.

21 (2) Contested primaries. – No funds shall be distributed except as  
22 provided in G.S. 163-278.101.

23 (3) Uncontested general elections. – No funds shall be distributed.

24 (4) For candidates in contested general elections, the later of the  
25 following: within seven business days after receiving the candidate's  
26 final report of qualifying contributions or within two business days  
27 after the certification pursuant to G.S. 163-122, 163-123, or 163-98 of  
28 the first opposition candidate.

29 (b) Amount of Fund Distribution. – By April 1, 2011, and no less frequently than  
30 every four years thereafter, the Board shall determine the base level of funds to be  
31 distributed to certified candidates. No funds are distributed for uncontested elections.  
32 The actual amount distributed to a certified candidate is the base level of funds reduced  
33 by any qualifying contributions raised above the maximum amount of qualifying  
34 contributions. The base level is determined in the following manner and rounded to the  
35 nearest one hundred dollars (\$100.00):

36 (1) Contested primary elections. – No funds shall be distributed except as  
37 provided in G.S. 163-278.101.

38 (2) Contested general elections. – The base level of funds is the average  
39 amount of campaign-related expenditures made by all candidates who  
40 won the immediately preceding three general elections for that office,  
41 but not less than three hundred thousand dollars (\$300,000).

42 (c) Method of Fund Distribution. – The Board, in consultation with the State  
43 Treasurer and the State Controller, shall develop a rapid, reliable method of conveying  
44 funds to certified candidates. In all cases, the Board shall distribute funds to certified

1 candidates in a manner that is expeditious, ensures accountability, and safeguards the  
2 integrity of the Fund. If the money in the Fund is insufficient to fully fund all certified  
3 candidates, then the available money shall be distributed proportionally, according to  
4 each candidate's eligible funding, and the candidate may raise additional money in the  
5 same manner as a nonparticipating candidate for the same office up to the unfunded  
6 amount of the candidate's eligible funding.

7 **"§ 163-278.100. Reporting requirements.**

8 (a) Reporting by Noncertified Candidates and Other Entities. – Any  
9 nonparticipating candidate with a certified opponent shall report total income, expenses,  
10 and obligations to the Board by facsimile machine or electronically within 24 hours  
11 after the total amount of campaign-related expenditures or obligations made, or funds  
12 raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds as  
13 defined in G.S. 163-278.96(17). Any entity making independent expenditures in support  
14 of or opposition to a certified candidate, or in support of a candidate opposing a certified  
15 candidate, or paying for electioneering communications, as defined in G.S. 163-278.80  
16 or G.S. 163-278.90, or candidate-specific communications, as defined in  
17 G.S. 163-278.100 or G.S. 163-278.110, referring to one of those candidates, shall report  
18 the total funds received, spent, or obligated for those expenditures or payments to the  
19 Board by facsimile machine or electronically within 24 hours after the total amount of  
20 expenditures or obligations made, or funds raised or borrowed, for the purpose of  
21 making the independent expenditures, electioneering communications, or  
22 candidate-specific communications exceeds five thousand dollars (\$5,000). After this  
23 24-hour filing, the nonparticipating candidate or other reporting entity shall comply with  
24 an expedited reporting schedule by filing additional reports after receiving an additional  
25 amount in excess of one thousand dollars (\$1,000) or after making or obligating to make  
26 an additional expenditure or payment in excess of one thousand dollars (\$1,000). The  
27 schedule and forms for reports required by this subsection shall be made according to  
28 procedures developed by the Board.

29 (b) Reporting by Participating and Certified Candidates. – Notwithstanding other  
30 provisions of law, participating and certified candidates shall report any money received  
31 and all campaign expenditures, obligations, and related activities to the Board according  
32 to procedures developed by the Board. Upon the filing of a final report for any losing  
33 primary election, special election, or general election, each candidate who has revenues  
34 from the Fund remaining unspent shall return those revenues to the Board. In  
35 developing these procedures, the Board shall utilize existing campaign reporting  
36 procedures wherever practicable.

37 (c) Timely Access to Reports. – The Board shall ensure prompt public access to  
38 the reports received in accordance with this Article. The Board may utilize electronic  
39 means of reporting and storing information.

40 **"§ 163-278.101. Rescue funds.**

41 (a) When Rescue Funds Become Available. – When any report or group of  
42 reports shows that 'funds in opposition to a certified candidate or in support of an  
43 opponent to that candidate' as described in this section exceed the trigger for rescue  
44 funds as defined in G.S. 163-278.96(17), the Board shall issue immediately to that

1 certified candidate an additional amount equal to the reported excess within the limits  
2 set forth in this section. 'Funds in opposition to a certified candidate or in support of an  
3 opponent to that candidate' shall be equal to the sum of subdivisions (1) and (2) as  
4 follows:

5 (1) The greater of the following:

6 a. Campaign expenditures or obligations made, or funds raised or  
7 borrowed, whichever is greater, reported by any one  
8 nonparticipating opponent of a certified candidate. Where a  
9 certified candidate has more than one nonparticipating  
10 opponent, the measure shall be taken from the nonparticipating  
11 candidate showing the highest relevant dollar amount.

12 b. The funds distributed in accordance with G.S. 163-278.99(b) to  
13 a certified opponent of the certified candidate.

14 (2) The aggregate total of all expenditures and payments reported in  
15 accordance with G.S. 163-278.100(a) of entities making independent  
16 expenditures, electioneering communications, or candidate-specific  
17 communications in opposition to the certified candidate, in support of  
18 any opponent of that certified candidate, or referring to either  
19 candidate.

20 (b) Limit on Rescue Funds in Contested Primary. – Total rescue funds to a  
21 certified candidate in a contested primary shall be limited to an amount equal to the  
22 maximum qualifying contributions for a candidate with a contested primary.

23 (c) Limit on Rescue Funds in Contested General Election. – Total rescue funds to  
24 a certified candidate in a contested general election shall be limited to an amount equal  
25 to two times the amount described in G.S. 163-278.99(b)(2).

26 (d) Determinations by Board. – In the case of electioneering communications and  
27 candidate-specific communications, the Board shall determine which candidate is  
28 entitled to receive rescue funds as a result of the communication. The Board shall notify  
29 each candidate it determines is entitled to receive rescue funds based on those  
30 communications, the sponsor of those communications, and any candidate who is an  
31 opponent of the candidate it determines is entitled to the rescue funds. The Board shall  
32 give the sponsor of the communication and any opposing candidate an adequate  
33 opportunity to rebut the determination of the Board. In considering the rebuttal, all  
34 candidates in the race and the sponsor shall be given adequate and equal opportunity to  
35 be heard. The Board shall adopt procedures for implementing this subsection, balancing  
36 in those procedures adequacy of opportunity to rebut and adequacy and equality of  
37 opportunity to be heard on the rebuttal with the need to expedite the decision on  
38 awarding rescue funds.

39 **§ 163-278.102. Unaffiliated and new-party candidates.**

40 Unaffiliated candidates certified pursuant to G.S. 163-122 and new-party candidates  
41 certified pursuant to G.S. 163-98 shall be eligible for revenues from the Fund in the  
42 same amounts and at the same time as specified in G.S. 163-278.99. For unaffiliated  
43 candidates and new-party candidates not certified to appear on the ballot by noon on the  
44 date set in G.S. 163-106(c) deadline for candidate filing in the election year, the



1 deadline for seeking certification to receive revenue from the Fund is noon on the first  
2 business day of July of the election year.

3 **"§ 163-278.103. Enforcement by the Board; civil penalty.**

4 In addition to any other penalties that may be applicable, any individual, political  
5 committee, or other entity that violates any provision of this Article is subject to a civil  
6 penalty of up to ten thousand dollars (\$10,000) per violation or three times the amount  
7 of any financial transactions involved in the violation, whichever is greater. In addition  
8 to any fine, for good cause shown, a candidate found in violation of this Article may be  
9 required to return to the Fund all amounts distributed to the candidate from the Fund. If  
10 the Board makes a determination that a violation of this Article has occurred, the Board  
11 shall calculate and assess the amount of the civil penalty and shall notify the entity that  
12 is assessed the civil penalty of the amount that has been assessed. The Board shall then  
13 proceed in the manner prescribed in G.S. 163-278.34. In determining whether or not a  
14 candidate is in violation of this Article, the Board may consider as a mitigating factor  
15 any circumstances out of the candidate's control."

16 **SECTION 2.** G.S. 163-278.13(e) reads as rewritten:

17 "(e) This-Except as provided in subsection (e3) of this section, this section shall  
18 not apply to any national, State, district or county executive committee of any political  
19 party. For the purposes of this section only, the term "political party" means only those  
20 political parties officially recognized under G.S. 163-96."

21 **SECTION 3.** G.S. 163-278.13 is amended by adding a new subsection to  
22 read:

23 "(e3) In order to make meaningful the provisions of the North Carolina  
24 Voter-Owned Elections Act, as set forth in Article 22J of this Chapter, no candidate for  
25 an office subject to that Article shall accept, and no contributor shall make to that  
26 candidate, a contribution during the period beginning 21 days before the day of the  
27 general election and ending the day after the general election if that contribution causes  
28 the candidate to exceed the 'trigger for rescue funds' defined in G.S. 163-278.62(18). As  
29 used in this subsection, the term 'candidate' also includes 'candidate campaign  
30 committee' as defined in G.S. 163-278.38Z(3). Nothing in this subsection shall prohibit  
31 a candidate from making a contribution or loan secured entirely by that candidate's  
32 assets to that candidate's own campaign or to a political committee the principal purpose  
33 of which is to support that candidate's campaign. This subsection applies with respect to  
34 a candidate only if both of the following statements are true regarding that candidate:

35 (1) That candidate is opposed in the general election by a certified  
36 candidate as defined in Article 22G of this Chapter.

37 (2) That certified candidate has not received the maximum rescue funds  
38 available under G.S. 163-278.101(c).

39 The recipient of a contribution that apparently violates this subsection has three days  
40 to return the contribution or file a detailed statement with the State Board of Elections  
41 explaining why the contribution does not violate this subsection."

42 **SECTION 4.** The provisions of this act are severable. If any provision of  
43 this act is held invalid by a court of competent jurisdiction, the invalidity does not affect  
44 other provisions of the act that can be given effect without the invalid provision.

1           **SECTION 5.** There is appropriated from the General Fund to the State  
2 Board of Elections the sum of two million two hundred ninety thousand dollars  
3 (\$2,290,000) for the 2007-2008 fiscal year and the sum of two million two hundred  
4 ninety thousand dollars (\$2,290,000) for the 2008-2009 fiscal year for the  
5 implementation of this act.

6           **SECTION 6.** This act applies to elections for Auditor, Superintendent of  
7 Public Instruction, and Commissioner of Insurance in 2008 and thereafter. Section 5 of  
8 this act becomes effective July 1, 2007. The State Board of Elections shall make the  
9 kind of report required in G.S. 163-278.97(c), as enacted in this act, as soon as feasible  
10 before the 2008 election. The State Board of Elections shall make the determination  
11 required in G.S. 163-278.99(b), as enacted in this act, as soon as feasible before the  
12 2008 election. The remainder of this act is effective when it becomes law.