

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1205

Short Title: Voter-Owned Elections. (Public)

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Sponsors: Senators Nesbitt, Hartsell; Albertson, Atwater, Berger of Franklin, Bingham, Cowell, Graham, Jones, Kinnaird, Purcell, Shaw, Snow, and Swindell.

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Referred to: Select Committee on Government and Election Reform.

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March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE CANDIDATES FOR CERTAIN COUNCIL OF STATE  
2 OFFICES WITH THE OPTION OF FINANCING THEIR CAMPAIGNS FROM A  
3 PUBLICLY SUPPORTED FUND, PROVIDED THAT THEY GAIN  
4 AUTHORIZATION TO DO SO FROM REGISTERED VOTERS AND THAT  
5 THEY ABIDE BY STRICT FUND-RAISING AND SPENDING LIMITS; AND  
6 TO IMPOSE REGULATORY SURCHARGES TO FINANCE THE FUND.  
7

8 The General Assembly of North Carolina enacts:

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

"Article 22G.

"The Voter-Owned Elections Act.

11 **§ 163-278.95. Purpose and establishment of Voter-Owned Elections Act.**

12 The purpose of this Article is to ensure the vitality and fairness of democratic  
13 elections in North Carolina to the end that any eligible citizen of this State can  
14 realistically choose to seek and run for public office. It is also the purpose of this Article  
15 to protect the constitutional rights of voters and candidates from the detrimental effects  
16 of increasingly large amounts of money being raised and spent in North Carolina to  
17 influence the outcome of elections. It is essential to the public interest that the potential  
18 for corruption or the appearance of corruption is minimized and that the equal and  
19 meaningful participation of all citizens in the democratic process is ensured.  
20 Accordingly, this Article establishes the North Carolina Voter-Owned Elections Fund as  
21 an alternative source of campaign financing for candidates who obtain a sufficient  
22 number of qualifying contributions from registered voters and who voluntarily accept  
23 strict fund-raising and spending limits. This Article is available to candidates for the  
24 Council of State offices of Secretary of State, Auditor, Treasurer, Superintendent of  
25 Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of  
26  
27

1 Labor, and Commissioner of Insurance in elections to be held in 2012 and thereafter.

2 **"§ 163-278.96. Definitions.**

3 The following definitions apply in this Article:

- 4 (1) Board. – The State Board of Elections.
- 5 (2) Campaign-related expenditure. – An expenditure that benefits the  
6 candidate's current campaign in accordance with guidelines established  
7 by the Board.
- 8 (3) Candidate. – An individual who becomes a candidate as described in  
9 G.S. 163-278.6(4). The term includes a 'candidate campaign  
10 committee' as defined in G.S. 163-278.38Z(3).
- 11 (4) Certified candidate. – A candidate for office who chooses to receive  
12 campaign funds from the Fund and who is certified under  
13 G.S. 163-278.98(c).
- 14 (5) Contested primary and contested general election. – An election in  
15 which there are more candidates than the number to be elected.
- 16 (6) Contribution. – Defined in G.S. 163-278.6. A distribution from the  
17 Fund pursuant to this Article is not a 'contribution' and is not subject to  
18 the limitations of G.S. 163-278.13 or the prohibitions of  
19 G.S. 163-278.15 or G.S. 163-278.19.
- 20 (7) Expenditure. – Defined in G.S. 163-278.6.
- 21 (8) Fund. – The North Carolina Voter-Owned Elections Fund established  
22 in G.S. 163-278.97.
- 23 (9) Independent expenditure. – Defined in G.S. 163-278.6.
- 24 (10) Maximum qualifying contributions. – An amount equal to two hundred  
25 thousand dollars (\$200,000).
- 26 (11) Nonparticipating candidate. – A candidate for office who is not  
27 seeking to be certified under G.S. 163-278.98(c).
- 28 (12) Office. – The Council of State offices of Secretary of State, Auditor,  
29 Treasurer, Superintendent of Public Instruction, Attorney General,  
30 Commissioner of Agriculture, Commissioner of Labor, and  
31 Commissioner of Insurance.
- 32 (13) Participating candidate. – A candidate for office who has filed a  
33 declaration of intent to participate under G.S. 163-278.98(a).
- 34 (14) Political committee. – Defined in G.S. 163-278.6.
- 35 (15) Qualifying contribution. – A contribution of not less than ten dollars  
36 (\$10.00) and not more than one hundred dollars (\$100.00) in the form  
37 of a check or money order to the candidate or the candidate's  
38 committee that meets both of the following conditions:
- 39 a. Made by any registered voter in this State.
- 40 b. Made only during the qualifying period and obtained with the  
41 approval of the candidate or candidate's committee.
- 42 c. Acknowledged by a written receipt, on a multicopy form  
43 approved by the Board, which identifies the complete name,  
44 residence address, and county of residence of the contributor

1 and the amount and date of the contribution made; states that  
2 the contributor is a registered voter; states that the contributor  
3 authorizes the candidate to use the contribution to qualify to  
4 receive funds from the Fund; and is signed by the candidate or  
5 the candidate's representative.

6 (16) Qualifying period. – The period beginning 300 days before the close of  
7 the filing period for candidates for party nomination for the office and  
8 ending on the day of the primary.

9 (17) Trigger for rescue funds. – The dollar amount at which rescue funds  
10 are released for certified candidates. In the case of a contested primary,  
11 the trigger equals one hundred fifty thousand dollars (\$150,000). In the  
12 case of a contested general election, the trigger equals the base level of  
13 funding available under G.S. 163-278.99(b)(2).

14 **"§ 163-278.97. Voter-Owned Elections Fund established; sources of funding.**

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

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

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

25 (2) Voluntary donations made directly to the Fund.

26 (3) Regulatory surcharges in accordance with Article 2E of Chapter 105 of  
27 the General Statutes.

28 (c) Determination of Fund Amount. – By January 1, 2011, and every two years  
29 thereafter, the Board, in conjunction with the Advisory Council established under  
30 G.S. 163-278.68(b), shall prepare and provide to the Joint Legislative Commission on  
31 Governmental Operations of the General Assembly a report documenting, evaluating,  
32 and making recommendations relating to the administration, implementation, and  
33 enforcement of the Voter-Owned Elections Act. In its report, the Board shall set out the  
34 funds received to date and the expected needs of the Fund during the next election  
35 cycle.

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 2,000  
5 registered voters in this State. No more than a third of a candidate's qualifying  
6 contributions submitted to the Board for purposes of certification shall come from  
7 registered voters who are residents of the same congressional district. No payment, gift,  
8 or anything of value shall be given in exchange for a qualifying contribution.

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

- 12 (1) Signed and filed a completed declaration of intent to participate in this  
13 Article.
- 14 (2) Submitted copies of the appropriate number of forms described in  
15 G.S. 163-278.96(15), which the Board shall verify through a random  
16 sample or other means it adopts.
- 17 (3) Filed a notice of candidacy with the Board as a candidate for the  
18 office.
- 19 (4) Otherwise met the requirements for participation in this Article.

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

23 (d) Final Report for Qualifying Contributions. – No later than five business days  
24 after the end of the qualifying period, all participating candidates shall submit a report  
25 to the Board of all previously unreported qualifying contributions, together with copies  
26 of the contribution forms described in G.S. 163-278.96(15), in accordance with  
27 procedures developed by the Board. Within seven business days after submittal of the  
28 final report, the Board shall determine, through a random audit or other means it adopts,  
29 whether the contributions abide by the definition of qualifying contributions, whether  
30 they must be returned to the donor, and whether they exceed the maximum amount of  
31 qualifying contributions.

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

- 35 (1) Beginning January 1 of the year before the election and before filing a  
36 declaration of intent, a candidate shall limit campaign-related  
37 expenditures to ten thousand dollars (\$10,000) and shall not accept  
38 more than ten thousand dollars (\$10,000) from sources and in amounts  
39 permitted by Article 22A of this Chapter. A candidate who exceeds  
40 either of these limits shall be ineligible to file a declaration of intent or  
41 receive funds from the Fund.
- 42 (2) From the filing of a declaration of intent through the end of the  
43 qualifying period, a candidate may accept only qualifying  
44 contributions, contributions under ten dollars (\$10.00) from North

1 Carolina voters, in-kind party contributions as permitted in subdivision  
2 (4) of this subsection, and personal and family contributions permitted  
3 under subdivision (4a) of this subsection. The total contributions the  
4 candidate may accept during this period shall not exceed the maximum  
5 qualifying contributions for that candidate. In addition to these  
6 contributions, the candidate may only expend during this period the  
7 remaining money raised pursuant to subdivision (1) of this subsection  
8 and possible rescue funds received pursuant to G.S. 163-278.101.

9 (3) After the qualifying period and through the date of the general  
10 election, the candidate shall expend only the funds the candidate  
11 receives from the Fund pursuant to G.S. 163-278.99(b)(2) plus any  
12 funds remaining from the qualifying period, in-kind contributions  
13 permitted by subdivision (4) of this subsection, and possible rescue  
14 funds.

15 (4) A candidate may accept in-kind contributions from political party  
16 executive committees and their affiliates, up to an aggregate value of  
17 thirty thousand dollars (\$30,000) for the election cycle.

18 (4a) During the qualifying period, the candidate may contribute up to one  
19 thousand dollars (\$1,000) of that candidate's own money to the  
20 campaign. Debt incurred by the candidate for a campaign expenditure  
21 shall count toward that limit. The candidate may accept in  
22 contributions one thousand dollars (\$1,000) from each member of that  
23 candidate's family consisting of spouse, parent, child, brother, and  
24 sister, as long as the candidate accepts no more than two thousand  
25 dollars (\$2,000) from all those family members combined.

26 (5) A candidate and the candidate's committee shall limit the use of all  
27 revenues permitted by this subsection to expenditures for  
28 campaign-related purposes only. The Board shall publish guidelines  
29 outlining permissible campaign-related expenditures. In establishing  
30 those guidelines, the Board shall differentiate expenditures that  
31 reasonably further a candidate's campaign from expenditures for  
32 personal use that would be incurred in the absence of the candidacy. In  
33 establishing the guidelines, the Board shall review relevant provisions  
34 of G.S. 163-278.16B, G.S. 163-278.42(e), the Federal Election  
35 Campaign Act, and rules adopted pursuant to it, and similar provisions  
36 in other states.

37 (6) Any contribution received by a participating or certified candidate that  
38 falls outside that permitted by this subsection shall be returned to the  
39 donor as soon as practicable. Contributions intentionally made,  
40 solicited, or accepted in violation of this Article are subject to civil  
41 penalties as specified in G.S. 163-278.103. The funds involved shall be  
42 forfeited to the Civil Penalty and Forfeiture Fund.

43 (7) A candidate shall return to the Fund any amount distributed for an  
44 election that is unspent and uncommitted at the date of the election or

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

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

9    **"§ 163-278.99. Distribution from the Fund.**

10           (a)   Timing of Fund Distribution. – The Board shall distribute to certified  
11           candidates amounts from the Fund specified under subsection (b) of this section on the  
12           following schedule:

13                   (1)   For candidates in contested primary elections, the later of the  
14                   following: within two business days after the date set in  
15                   G.S. 163-106(c) deadline for candidate filing in the election year or  
16                   within two business days of the time the candidate becomes certified in  
17                   accordance with G.S. 163-278.98(c).

18                   (2)   For candidates in contested general elections, the later of the  
19                   following: within seven business days after receiving the candidate's  
20                   final report of qualifying contributions or within two business days  
21                   after the certification pursuant to G.S. 163-122, 163-123, or 163-98 of  
22                   the first opposition candidate.

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

30                   (1)   Contested primary elections. – The base level of funds is the median  
31                   amount of campaign-related expenditures made by all major party  
32                   candidates who reported campaign expenditures for contested primary  
33                    races for the immediately preceding two primaries for that office, but  
34                   not less than fifty thousand dollars (\$50,000).

35                   (2)   Contested general elections. – The base level of funds is the median  
36                   amount of campaign-related expenditures made by all major party  
37                   candidates who reported campaign expenditures for contested general  
38                   election races for the immediately preceding two general elections for  
39                   that office, but not less than three hundred thousand dollars  
40                   (\$300,000).

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

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

6 **"§ 163-278.100. Reporting requirements.**

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

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

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

39 **"§ 163-278.101. Rescue funds.**

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

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

4 (1) The greater of the following:

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

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

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

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

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

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

38 **§ 163-278.102. Unaffiliated and new-party candidates.**

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



1 business day of July of the election year.

2 **"§ 163-278.103. Enforcement by the Board; civil penalty.**

3 The Board, with the advice of the Advisory Council established under  
4 G.S. 163-278.68(b), shall administer the provisions of this Article in the same manner  
5 as described in Article 22D of this Chapter. In addition to any other penalties that may  
6 be applicable, any individual, political committee, or other entity that violates any  
7 provision of this Article is subject to a civil penalty in the same manner as described in  
8 Article 22D of this Chapter."

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

10 "(e) Except as provided in subsections ~~(e2) and (e3)~~-(e2), (e3), and (e5) of this  
11 section, this section shall not apply to any national, State, district or county executive  
12 committee of any political party. For the purposes of this section only, the term  
13 "political party" means only those political parties officially recognized under  
14 G.S. 163-96."

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

17 "(e5) In order to make meaningful the provisions of Article 22G of this Chapter, no  
18 candidate for any office that is in that current election subject to the provisions of  
19 Article 22G of this Chapter shall accept a contribution during the period beginning 21  
20 days before the day of the general election and ending the day after the general election.  
21 No contributor shall make a contribution to a candidate for any office that is in that  
22 current election subject to the provisions of Article 22G of this Chapter during the  
23 period beginning 21 days before the general election and ending the day after the  
24 general election if that contribution causes the candidate to exceed the 'trigger for rescue  
25 funds' defined in G.S. 163-278.96(17). The prohibitions in this subsection shall also  
26 apply to a political committee the principal purpose of which is to support a candidate  
27 for those offices. Nothing in this subsection shall prohibit a candidate from making a  
28 contribution or loan secured entirely by that candidate's assets to that candidate's own  
29 campaign or to a political committee the principal purpose of which is to support that  
30 candidate's campaign. This subsection applies with respect to a candidate only if both of  
31 the following statements are true regarding that candidate:

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

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

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

39 **SECTION 4.** Chapter 105 of the General Statutes is amended by adding a  
40 new Article to read:

41 "Article 2E.

42 "Regulatory Surcharges.

43 **"§ 105-113.120. Surcharge imposed.**

1       (a) Surcharge. – A surcharge is imposed on a person who pays a regulatory  
2 charge listed under G.S. 113-121. The surcharge imposed is equal to one percent (1%)  
3 of the amount of the charge.

4       (b) Collection and Use. – The agency that collects a charge upon which the  
5 surcharge imposed by this section is due must collect the surcharge due under this  
6 section at the same time. The head of each agency that collects a surcharge under this  
7 section must remit the proceeds of the surcharge to the Department of Revenue on a  
8 monthly basis. The Department must credit the proceeds of the surcharge collected  
9 under this section to the Voter-Owned Election Fund created pursuant to  
10 G.S. 163-278.97.

11 **"§ 105-113.121. Charges subject to surcharge.**

12       The surcharge imposed by this Article applies to the following regulatory charges:

- 13       (1) Insurance regulatory charges and license fees as provided in  
14 G.S. 58-6-25 and G.S. 58-33-125(a).  
15       (2) Elevator and boiler inspection fees as provided in G.S. 95-110.5 and  
16 G.S. 95-69.11.  
17       (3) Business filing fees with the Secretary of State as provided in  
18 G.S. 55-1-22, 57C-1-22, and 25-9-525.  
19       (4) Security dealers and salespersons registration fees as provided in  
20 G.S. 78A-37(b)."

21       **SECTION 5.** The provisions of this act are severable. If any provision of  
22 this act is held invalid by a court of competent jurisdiction, the invalidity does not affect  
23 other provisions of the act that can be given effect without the invalid provision.

24       **SECTION 6.** This act applies to elections for Secretary of State, Auditor,  
25 Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of  
26 Agriculture, Commissioner of Labor, and Commissioner of Insurance in 2012 and  
27 thereafter. Section 4 of this act becomes effective July 1, 2008, and applies to fees and  
28 other charges due on or after that date. The remainder of this act is effective when it  
29 becomes law.