

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS15036-RR-12 (01/23)

Short Title: Matching Funds Repeal.

(Public)

Sponsors: Senator Berger of Rockingham.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE MATCHING FUNDS PROVISIONS OF THE PUBLIC CAMPAIGN ACT AND THE VOTER-OWNED ELECTION ACT, CONSISTENT WITH THE DECISION OF THE SUPREME COURT OF THE UNITED STATES IN DAVIS V. FEDERAL ELECTION COMMISSION, AND TO MAKE CONFORMING AND RELATED CHANGES.

The General Assembly of North Carolina enacts:

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 G.S. 163-278.62(18) is repealed.

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 G.S. 163-278.66 is repealed.

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 G.S. 163-278.67 is repealed.

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

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

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

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

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

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

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

"(d) Board to Adopt Rules and Issue Opinions. – The Board shall adopt rules and issue opinions to ensure effective administration of this Article. Such rules and opinions shall include, but not be limited to, procedures for obtaining qualifying contributions, certification of candidates, addressing circumstances involving special elections, vacancies, recounts, withdrawals, or replacements, collection of revenues for the Fund, distribution of Fund revenue to certified candidates, return of unspent Fund disbursements, and compliance with this Article.



1 ~~The Board shall adopt procedures for the distribution of matching money that further the~~
2 ~~purpose and avoid the subversion of G.S. 163-278.67.~~ For races involving special elections,
3 recounts, vacancies, withdrawals, or replacement candidates, the Board shall establish
4 procedures for qualification, certification, disbursement of Fund revenues, and return of
5 unspent Fund revenues. The Board shall fulfill each of these duties in consultation with the
6 Advisory Council on the Public Campaign Fund."

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

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

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

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

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

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

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

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

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

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

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