

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 459

Short Title: Repeal Matching Funds.

(Public)

Sponsors: Senator Brock.

Referred to: Judiciary I.

March 30, 2011

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**SECTION 1.** G.S. 163-278.62(18) is repealed.

**SECTION 2.** G.S. 163-278.66 is repealed.

**SECTION 3.** G.S. 163-278.67 is repealed.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. Except for personal and family contributions permitted under subdivision (4) of this subsection, multiple contributions from the same contributor to the same candidate shall not exceed five hundred dollars (\$500.00)."

**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



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

8 **SECTION 8.** G.S. 163-278.96(17) is repealed.

9 **SECTION 9.** G.S. 163-278.99A is repealed.

10 **SECTION 10.** G.S. 163-278.99B is repealed.

11 **SECTION 11.** 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 12.** 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 13.** G.S. 163-278.99(b)(2) reads as rewritten:

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

35 **SECTION 14.** G.S. 163-278.13(e4) is repealed.

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