

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 381
Judiciary Committee Substitute Adopted 6/4/97

Short Title: N.C. Clean Election Act.

(Public)

Sponsors:

Referred to: Appropriations.

March 12, 1997

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A SYSTEM OF COMPLETE PUBLIC FINANCING OF
3 ELECTIONS FOR GOVERNOR, COUNCIL OF STATE, AND GENERAL
4 ASSEMBLY; AND TO MAKE RELATED CHANGES.

5 The General Assembly of North Carolina enacts:

6 Section 1. Chapter 163 of the General Statutes is amended by adding a new
7 Article to read:

8 **"ARTICLE 22D.**

9 **"THE NORTH CAROLINA CLEAN ELECTION ACT.**

10 **"§ 163-278.61. Definitions.**

11 When used in this Article:

12 (1) The term 'certified candidate' means a candidate running for office who
13 chooses to participate in the North Carolina Clean Election Act and who
14 is certified as a Clean Election Act candidate under G.S. 163-278.64(e).

15 (2) The term 'Commission' means the North Carolina Commission on
16 Election Practices, as established under G.S. 163-278.65.

17 (3) The terms 'contested primary election' and 'contested general election'
18 mean elections in which there are more candidates than the number to
19 be elected.

- 1 (4) The terms 'contribution' and 'expenditure' have the same meaning as
2 defined in G.S. 163-278.6.
- 3 (5) The term 'election cycle' comprises the primary, runoff primary, and
4 general election for election to the same term of the same office.
- 5 (6) The term 'Fund' means the North Carolina Clean Election Fund
6 established in G.S. 163-278.63.
- 7 (7) The term 'nonparticipating candidate' means a candidate running for
8 Governor, Lieutenant Governor, other office in the Council of State,
9 State Senator, or State Representative who does not choose to
10 participate in the North Carolina Clean Election Act and who is not
11 seeking to be certified as a Clean Election Act candidate under G.S.
12 163-278.64(e).
- 13 (8) The term 'office', as used in this Article, means Governor, Lieutenant
14 Governor, other office in the Council of State, State Senator, or State
15 Representative.
- 16 (9) The term 'participating candidate' means a candidate who is running for
17 office who is seeking to be certified as a Clean Election Act candidate
18 under G.S. 163-278.64(e).
- 19 (10) The term 'qualifying contribution' means a donation of five dollars
20 (\$5.00) in the form of a check or money order payable to the Clean
21 Election Fund in support of a candidate that is:
- 22 a. Made by any registered voter who is eligible to vote for the
23 office which the candidate is seeking;
- 24 b. Made during the designated qualifying period and obtained
25 through efforts made with the knowledge and approval of the
26 candidate; and
- 27 c. Acknowledged by a written receipt that identifies the name,
28 address, occupation, and place of employment of the donor on
29 forms provided by the Commission.
- 30 (11) The term 'qualifying period' means:
- 31 a. For participating candidates for Governor, Lieutenant Governor,
32 and other offices in the Council of State, the period beginning
33 November 1 immediately preceding the election year and ending
34 at noon on the third Monday in February of the election year.
- 35 b. For participating candidates for State Senator and State
36 Representative, the period beginning January 1 of the election
37 year and ending at noon on the first Monday in February of the
38 election year.
- 39 (12) The term 'seed money contribution' means a contribution of no more
40 than one hundred dollars (\$100.00) made to a candidate by an individual
41 but not a political committee, including contributions from the candidate
42 and that candidate's spouse, parents, brothers, and sisters. A candidate
43 may collect and spend seed money contributions throughout the

1 qualifying period and during the 30 days immediately preceding the
2 qualifying period. Seed money contributions are for the primary
3 purpose of enabling participating candidates to collect qualifying
4 contributions and shall be reported according to procedures developed
5 by the Commission in the same method as qualifying contributions
6 under subdivision (10) of this section. A candidate may not collect seed
7 money contributions after certification as a Clean Election Act
8 candidate. Candidates may not spend seed money after certification for
9 campaign purposes, and may not spend seed money for any purpose
10 after certification and before the general election of the election cycle
11 for which they were certified, but after the election cycle may spend
12 unspent seed money for noncampaign purposes.

13 **"§ 163-278.62. Purpose and establishment of North Carolina Clean Election Act.**

14 The purpose of this Article is to ensure the vitality of democratic elections in North
15 Carolina, to the end that any citizen of this State, regardless of personal wealth or income,
16 can realistically choose to seek and run for public office. It is also the purpose of this
17 Article to protect the First Amendment rights of candidates from being financially
18 overwhelmed by the expenditures of their opponents or by independent expenditures.
19 Accordingly, this Article establishes the North Carolina Clean Election Fund as an
20 alternative campaign finance option available to candidates running for office. This
21 Article is available to candidates for elections to be held in 2000 and thereafter. The
22 Commission shall administer this Article and the North Carolina Clean Election Fund.
23 Candidates participating in this Article must also comply with all other applicable
24 election and campaign laws and rules.

25 **"§ 163-278.63. North Carolina Clean Election Fund established; sources of funding.**

26 (a) Establishment of Fund. – The North Carolina Clean Election Act is established
27 to finance the election campaigns of certified candidates for office and to pay
28 administrative and enforcement costs of the Commission related to this Article. The
29 Fund is a special, dedicated, nonlapsing fund. Any interest generated by the Fund is
30 credited to the Fund. The Commission shall administer the Fund.

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

- 33 (1) The qualifying contributions required of Clean Election Act candidates
34 under G.S. 163-278.64, once submitted to the Commission;
- 35 (2) Other unspent Clean Election Act revenues distributed to any Clean
36 Election Act candidate who does not remain a candidate until the
37 primary or general election for which they were distributed, or such
38 revenues that remain unspent by a candidate following the date of the
39 primary election or general election for which they were distributed;
- 40 (3) Any money transferred to the Clean Election Fund from the North
41 Carolina Candidates Financing Fund;
- 42 (4) Contributions made to the Clean Election Fund by individual taxpayers
43 pursuant to G.S. 105-269.6;

- 1 (5) Voluntary donations made directly to the Clean Election Fund; and
2 (6) General Fund monies appropriated for the use of the Clean Election
3 Fund by the General Assembly pursuant to subsection (c) of this
4 section.

5 (c) Determination of Fund Amount. – By April 1, 1999, and every two years
6 thereafter, the Commission shall prepare and provide to the General Assembly a report
7 documenting, evaluating, and making recommendations relating to the administration,
8 implementation, and enforcement of the North Carolina Clean Election Act. In its report,
9 the Commission shall set out the funds received to date, the expected needs of the Fund
10 during the next election cycle, and the amount of the appropriation from the General
11 Assembly that will be needed for the biennium. The General Assembly shall include in
12 its appropriations from the General Fund that year at least the amount that the
13 Commission states in its report will be needed. In addition, the General Assembly shall
14 reserve for the first fiscal year of the biennium at least fifteen percent (15%) of the
15 amount of funds the Commission states in its report that it will need during the biennium,
16 to be used by the Commission to cover any disbursement under G.S. 163-278.64 in
17 excess of the amount of its direct appropriation.

18 **"§ 163-278.64. Terms of participation.**

19 (a) Declaration of Intent. – Any individual choosing to participate in the North
20 Carolina Clean Election Act shall first file with the Commission a declaration of intent to
21 participate in the act as a candidate for a stated office. The declaration of intent shall be
22 filed with the Commission prior to or during the qualifying period, except as provided
23 under subsection (l) of this section, according to forms and procedures developed by the
24 Commission. A candidate choosing to participate in the Clean Election Act must submit
25 a declaration of intent prior to collecting any qualifying contributions under this Article.

26 A candidate who files a declaration of intent shall swear or affirm that the candidate
27 has complied with and will continue to comply with Clean Election Act contribution and
28 expenditure limits and will comply with all other requirements set forth in this Article, or
29 promulgated by the Commission.

30 (b) Restrictions on Contributions and Expenditures for Participating Candidates. –
31 After becoming a participating candidate as defined by G.S. 163-278.61(6) and prior to
32 certification, participating candidates shall not accept contributions, except for seed
33 money contributions or qualifying contributions. A participating candidate shall limit
34 expenditures and seed money contributions to the following amounts:

- 35 (1) For a candidate for Governor, two hundred thousand dollars (\$200,000).
36 (2) For a candidate for Lieutenant Governor or other office in the Council
37 of State, one hundred thousand dollars (\$100,000).
38 (3) For a candidate for State Senator, six thousand dollars (\$6,000).
39 (4) For a candidate for State Representative, four thousand dollars (\$4,000).

40 (c) Qualifying Contributions. – Participating candidates must obtain qualifying
41 contributions as follows:

1 (1) For a candidate for Governor, at least 6,000 verified registered North
2 Carolina voters shall have supported the candidacy by providing a
3 qualifying contribution to that candidate.

4 (2) For a candidate for Lieutenant Governor or other office in the Council
5 of State, at least 3,000 verified registered North Carolina voters shall
6 have supported the candidacy by providing a qualifying contribution to
7 that candidate.

8 (3) For a candidate for State Senator, at least 300 voters shall have
9 supported the candidacy by providing a qualifying contribution to that
10 candidate.

11 (4) For a candidate for State Representative, at least 200 voters shall have
12 supported the candidacy by providing a qualifying contribution to that
13 candidate.

14 No payment, gift, or anything of value shall be given in exchange for a qualifying
15 contribution.

16 (d) Filing With the Commission. – All participating candidates shall file qualifying
17 contributions with the Commission during the qualifying period according to procedures
18 developed by the Commission, except as provided under subsection (l) of this section.

19 (e) Certification of Clean Election Act Candidates. – Upon receipt of a final
20 submittal of qualifying contributions by a participating candidate, the Commission shall
21 determine whether or not the candidate has:

22 (1) Signed and filed a declaration of intent to participate in this Article;

23 (2) Submitted the appropriate number of qualifying contributions;

24 (3) Qualified as a candidate under G.S. 163-106, 163-98, 163-122, 163-123,
25 or 163-114;

26 (4) Complied with seed money contributions or expenditure restrictions;
27 and

28 (5) Otherwise met the requirements for participation in this Article.

29 The Commission shall certify candidates complying with the requirements of this
30 section as Clean Election Act candidates as soon as possible and no later than three days
31 after final submittal of qualifying contributions.

32 Certified candidates shall comply with all requirements of this Article after
33 certification and throughout the primary election and general election periods. Failure to
34 do so is a violation of this Article.

35 (f) Restrictions on Contributions and Expenditures for Certified Candidates. –
36 After certification, a candidate shall limit campaign expenditures and debts to the
37 revenues distributed to the candidate from the Fund and may not accept any contributions
38 unless specifically authorized by the Commission, provided that a candidate may accept
39 in-kind contributions from political party executive committees, up to an aggregate value
40 of ten percent (10%) of a candidate's public financing. All revenues distributed to
41 certified candidates must be used for campaign-related purposes. The Commission shall
42 publish guidelines outlining permissible campaign-related expenditures. A candidate
43 shall return to the Fund any amount that is unspent and uncommitted at the time that

1 person ceases to be a candidate before a primary or election for which the Fund money
2 was distributed. A candidate shall return to the Fund any amount that was unspent and
3 uncommitted after the date of the primary election or general election for which the Fund
4 money was distributed.

5 (g) Timing of Fund Distribution. – The Commission shall distribute to certified
6 candidates revenues from the Fund in amounts determined under subsection (h) of this
7 section in the following manner:

8 (1) Within three days after certification, for candidates certified before the
9 first Monday in February of the election year, revenues from the Fund
10 as if the candidates are in an uncontested primary election.

11 (2) Within three days after the first Monday in February of the election
12 year, for primary election certified candidates, revenues from the Fund
13 according to whether the candidate is in a contested or uncontested
14 primary election, reduced by any amounts previously distributed under
15 subdivision (1) of this subsection.

16 (3) Within the earlier of the following: within three days after the primary
17 election, or within three days after the certification pursuant to G.S.
18 163-122, 163-123, or 163-98 of the first opposition candidate, for
19 general election certified candidates, revenues from the Fund according
20 to whether the candidate is in a contested general election. No funds are
21 distributed for uncontested general elections.

22 Funds may be distributed to certified candidates under this section by any mechanism
23 that is expeditious, ensures accountability, and safeguards the integrity of the Fund.

24 (h) Amount of Fund Distribution. – By March 1, 1999, and no less frequently than
25 every two or four years thereafter, as appropriate, the Commission shall determine the
26 amount of funds to be distributed to participating candidates based on the type of election
27 and office as follows:

28 (1) Contested Primary Elections. – The amount of revenues to be
29 distributed is the average amount of campaign expenditures made by the
30 number of highest vote-receiving candidates equal to twice the number
31 of candidates to be nominated during all contested primary election
32 racers for the immediately preceding two primary elections for that
33 office, provided that each of the following shall be considered a separate
34 office for purposes of calculating the average:

35 a. Governor.

36 b. Lieutenant Governor and other offices in the Council of State
37 shall be considered together as one separate office.

38 c. Each State Senate district seat, except that the amount to be
39 distributed to a candidate in a two-seat district shall be double the
40 amount for a candidate in a single-seat district.

41 d. Each State Representative district seat, except that the amount to
42 be distributed to a candidate in a two-seat district shall be double
43 the amount for a candidate in a single-seat district, and the

1 amount to be distributed to a candidate in a three-seat district
2 shall be triple the amount for a candidate in a single-seat district.

3 (2) Uncontested Primary Elections. – The amount of revenues to be
4 distributed is the average amount of campaign expenditures made by
5 each candidate during all uncontested primary election races, or for
6 contested races if the amount is lower, for the immediately preceding
7 two primary elections for that office as defined in subdivision (1) of this
8 subsection.

9 (3) Contested General Elections. – The amount of revenues to be distributed
10 is the average amount of campaign expenditures made by the number of
11 highest vote-receiving candidates equal to twice the number to be
12 elected during all contested general election races for the immediately
13 preceding two general elections for that office as defined in subdivision
14 (1) of this subsection.

15 (4) Uncontested General Elections. – No revenues shall be distributed for
16 uncontested general elections.

17 If the immediately preceding two election cycles do not contain sufficient data for the
18 Commission to determine the amount to be distributed for an office, the Commission
19 shall use data from the most recent applicable elections for that office. If no applicable
20 elections for that office contain sufficient data, the Commission shall set an amount based
21 on data from elections for comparable offices.

22 (i) Reporting by Noncertified Candidates. – Any noncertified candidate who has
23 as an opponent a certified candidate shall report to the Commission 20 days before any
24 election an estimate of the amount that the noncertified candidate intends to spend. Any
25 individual or political committee that intends to make expenditures to influence an
26 election containing a certified candidate shall report to the Commission 20 days before
27 the day of the election the amount that individual or political committee intends to spend
28 to influence the election. Reports required by this subsection shall be made according to
29 procedures which shall be developed by the Commission.

30 (j) Matching Funds. – When any campaign, finance, or election report or group of
31 reports show that the sum of a candidate's expenditures or obligations made, or funds
32 raised or borrowed, whichever is greater, alone or in conjunction with expenditures made
33 independently of the candidate to influence the election on behalf of the candidate or in
34 opposition to an opposing Clean Election Act candidate, exceeds the distribution amount
35 under subsection (h) of this section, the Commission shall issue immediately to any
36 opposing Clean Election Act candidate an additional amount equivalent to the reported
37 excess. Any estimate reported pursuant to subsection (i) of this section shall be treated as
38 an expenditure for purposes of release of matching funds under this subsection. Total
39 matching funds to any candidate in an election are limited to an amount equal to the
40 amount originally distributed under subdivision (1), (2), or (3) of subsection (h),
41 whichever is applicable.

42 (k) Unaffiliated Candidates. – Unaffiliated candidates certified pursuant to G.S.
43 163-122 before 12:00 noon on the first Monday in February of the election year shall be

1 eligible for revenues from the Fund in the same amounts and at the same time as
2 uncontested primary election candidates and general election candidates as specified in
3 subsections (g) and (h) of this section. For unaffiliated candidates not certified by 12:00
4 noon on the first Monday in February, the deadline for filing qualifying contributions is
5 12:00 noon on the last Friday in June of the election year. Unaffiliated candidates
6 certified after noon on the first Friday in February shall be eligible for revenues from the
7 Fund in the same amounts as general election candidates, as specified in subsections (g)
8 and (h).

9 (l) Other Procedures. – For races involving special elections, recounts, vacancies,
10 withdrawals, or replacement candidates, the Commission shall establish by rule
11 procedures for qualification, certification, disbursement of Fund revenues, and return of
12 unspent Fund revenues.

13 (m) Reporting by Participating and Certified Candidates. – Notwithstanding other
14 provisions of law, participating and certified candidates shall report any money collected,
15 all campaign expenditures, obligations, and related activities to the Commission
16 according to procedures developed by the Commission. Upon the filing of a final report
17 for any losing primary election, special election, or general election, each candidate who
18 has revenues from the Fund remaining unspent shall return all revenues to the
19 Commission. In developing these procedures, the Commission shall utilize existing
20 campaign reporting procedures wherever practicable. The Commission shall ensure
21 timely public access to campaign finance data and may utilize electronic means of
22 reporting and storing information.

23 (n) Appeals. – The procedure for challenging a certification decision by the
24 Commission is as follows:

25 (1) A person aggrieved by a certification decision may appeal to the full
26 Commission within three days of the certification decision. The appeal
27 shall be in writing and shall set forth the reasons for the appeal.

28 (2) Within five days after an appeal is properly made, and after due notice
29 is given to the parties, the Commission shall hold a hearing. The
30 appellant has the burden of providing evidence to demonstrate that the
31 Commission's decision was improper. The Commission shall rule on
32 the appeal within three days after the completion of the hearing.

33 (3) The challenger or a candidate may appeal the decision of the
34 Commission by commencing an action in superior court.

35 (4) Candidates whose certification by the Commission as a Clean Election
36 Act candidate is revoked on appeal shall return to the Commission any
37 unspent revenues distributed by the Fund. If the Commission or court
38 finds that an appeal was made frivolously or to result in delay or
39 hardship, the Commission or court may sanction the moving party by
40 requiring the party to pay costs of the Commission, court, and opposing
41 parties, if any.

42 **"§ 163-278.65. The Commission on Election Practices.**

1 (a) Establishment of the Commission. – There is established the North Carolina
2 Commission on Election Practices.

3 (b) The Commission shall consist of five members to be appointed as follows:

4 (1) By March 31, 1998, and as needed thereafter, the Governor, with the
5 advice of the President Pro Tempore of the Senate and the Speaker of
6 the House of Representatives, shall establish and publish a nomination
7 period for members of the public, groups, and organizations to nominate
8 qualified individuals to the Governor for appointment to the
9 Commission.

10 (2) The Governor shall appoint the members of the Commission, taking
11 into consideration nominations made during the nomination period,
12 subject to confirmation by the General Assembly by joint resolution.
13 No more than two Commission members shall be affiliated with the
14 same political party. No elected official or candidate for elective office
15 shall be eligible to be a member of the Commission. The Commission
16 members shall be appointed and confirmed by October 1, 1998.

17 (3) Of the initial appointees, two are appointed for one-year terms, two are
18 appointed for two-year terms, and one is appointed for a three-year term
19 according to random lot under the supervision of the Secretary of State.
20 Thereafter, appointees are appointed to serve four-year terms. A person
21 may not serve more than two full terms. The appointed members
22 receive the legislative per diem pursuant to G.S. 120-3.1.

23 (4) One of the Commission members shall be elected by the members as
24 chair.

25 (5) A vacancy during an unexpired term must be filled as provided in this
26 subsection, but only for the unexpired portion of the term.

27 **"§ 163-278.66. Commission to adopt rules.**

28 The Commission shall adopt rules to ensure effective administration of this Article.
29 Such rules shall include, but not be limited to, procedures for obtaining qualifying
30 contributions, certification as a Clean Election Act candidate, addressing circumstances
31 involving special elections, vacancies, recounts, withdrawals, or replacements, collection
32 of revenues for the Fund, distribution of Fund revenue to certified candidates, return of
33 unspent Fund disbursements, and compliance with the Clean Election Act.

34 **"§ 163-278.67. Violations.**

35 (a) Civil Penalty. – In addition to any other penalties that may be applicable, any
36 person who violates any provision of this Article is subject to a civil penalty of up to ten
37 thousand dollars (\$10,000) per violation. In addition to any fine, for good cause shown, a
38 candidate found in violation of this Article may be required to return to the Fund all
39 amounts distributed to the candidate from the Fund. If the Commission makes a
40 determination that a violation of this Article has occurred, the Commission shall impose a
41 fine or transmit the finding to the Attorney General for prosecution. Fines paid under this
42 section must be deposited in the Fund. In determining whether or not a candidate is in

1 violation of the expenditure limits of this Article, the Commission may consider as a
2 mitigating factor any circumstances out of the person's control.

3 (b) Class I Felony. – Any person who willfully or knowingly violates this Article
4 or rules of the Commission or knowingly makes a false statement in any report required
5 by this Article is guilty of a Class I felony and, if certified as a Clean Election Act
6 candidate, must return to the Fund all amounts distributed to the candidate."

7 Section 2. Article 22C of Chapter 163 of the General Statutes is repealed.

8 Section 3. (a) G.S. 105-269.6 reads as rewritten:

9 **"§ 105-269.6. Contribution of individual income tax refund to ~~Candidates Financing~~**
10 **~~Fund.~~ the North Carolina Clean Election Fund.**

11 An individual entitled to a refund of income taxes under Division II of Article 4 of
12 this Chapter may elect to contribute all or part of the refund to the ~~North Carolina~~
13 ~~Candidates Financing Fund for the use of political campaigns as provided in Article 22C of~~
14 ~~Chapter 163 of the General Statutes.~~ North Carolina Clean Election Fund created in Article
15 22D of Chapter 163 of the General Statutes. The Secretary of Revenue shall provide
16 appropriate language and space on the individual income tax form in which to make the
17 election. The election becomes irrevocable upon filing the individual's income tax return
18 for the taxable year. The Secretary of Revenue shall, on a quarterly basis, transmit the
19 contributions made pursuant to this section to the State Treasurer for credit to the ~~North~~
20 ~~Carolina Candidates Financing Fund.~~ North Carolina Clean Election Fund. Any interest
21 earned on funds so credited shall be credited to the Fund."

22 (b) The Secretary of Revenue shall transfer to the North Carolina Clean Election
23 Fund any funds contributed to the North Carolina Candidates Financing Fund pursuant to
24 G.S. 105-269.6 before its amendment by this section but not yet transferred to that Fund.

25 Section 4. G.S. 163-278.13 reads as rewritten:

26 **"§ 163-278.13. Limitation on contributions.**

27 (a) No individual or political committee shall contribute to any candidate or other
28 political committee any money or make any other contribution in any election in excess
29 of ~~four thousand dollars (\$4,000)~~ five hundred dollars (\$500.00) for that election.

30 (b) No candidate or political committee shall accept or solicit any contribution
31 from any individual or other political committee of any money or any other contribution
32 in any election in excess of ~~four thousand dollars (\$4,000)~~ five hundred dollars (\$500.00)
33 for that election.

34 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, it
35 shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to
36 make a contribution to the candidate or to the candidate's treasurer of any amount of
37 money or to make any other contribution in any election in excess of ~~four thousand dollars~~
38 ~~(\$4,000)~~ five hundred dollars (\$500.00) for that election.

39 (d) For the purposes of this section, the term 'an election' means any primary,
40 second primary, or general election in which the candidate or political committee may be
41 involved, without regard to whether the candidate is opposed or unopposed in the ~~election.~~
42 election, except that where a candidate is not on the ballot in a second primary, that
43 second primary is not 'an election' with respect to that candidate.

1 (e) This section shall ~~not~~ apply to ~~any national, State, district or county~~ district, county,
2 ~~precinct, or other executive committee~~ committees of any political party. The limitation
3 in this section on contributions to or from political party executive committees shall
4 apply collectively to all executive committees of the same political party nationally or
5 within the State. For the purposes of this section only, the term 'political party' means only
6 those political parties officially recognized under G.S. 163-96. Contributions by political
7 party executive committees under G.S. 163-278.42 are subject to the limitations of this
8 section.

9 (e1) No referendum committee which received any contribution from a corporation,
10 labor union, insurance company, business entity, or professional association may make
11 any contribution to another referendum committee, to a candidate or to a political
12 committee.

13 (f) Any individual, candidate, political committee, or referendum committee who
14 violates the provisions of this section is guilty of a Class 2 misdemeanor."

15 Section 5. The provisions of this act are severable. If any provision of this act
16 is held invalid by a court of competent jurisdiction, the invalidity does not affect other
17 provisions of the act that can be given effect without the invalid provision.

18 Section 6. This act is effective when it becomes law. Section 4 of this act
19 applies to any contribution, primary, or election occurring on or after the date it becomes
20 law.