

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 120
Committee Substitute Favorable 3/4/09

Short Title: Public Municipal Campaigns.

(Public)

Sponsors:

Referred to:

February 11, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A PILOT PROGRAM FOR PUBLIC FINANCING OF
3 MUNICIPAL ELECTION CAMPAIGNS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 160A-499.1, as enacted by Section 2 of Session Law 2007-222,
6 reads as rewritten:

7 "**§ 160A-499.1. Uniform, nondiscriminatory program of public financing of election**
8 **campaigns.**

9 (a) A governing body of a city may appropriate funds for a public campaign financing
10 program as defined in ~~G.S. 163-278.6(17a)~~ subsection (c) of this section for city office in that
11 city's jurisdiction if the city has held at least one public hearing on the program before adopting
12 it and the program is approved by the State Board of Elections. The State Board of Elections
13 shall develop guidelines for the basic components needed in a program to meet the criteria set
14 forth in ~~G.S. 163-278.6(17a)~~ subsection (c) of this section and shall approve a city's program
15 that meets the criteria. The guidelines shall require that participating candidates shall file all
16 disclosure reports with the State Board of Elections and that the State Board of Elections shall
17 certify all candidates participating in the program. Any city exercising authority under this
18 section shall provide full notice to the county board of elections in any county in which it has
19 territory.

20 (b) The governing body of a city appropriating funds as provided by this section shall
21 prepare a report no later than six months after the second election in which it appropriates funds
22 under this section that analyzes its experience in implementing a public campaign financing
23 program by that date, including percent of candidates participating in a program, sources and
24 amounts of funding, litigation involving a program, administrative issues, and
25 recommendations for changes in this statute. The report shall be presented by that date to the
26 ~~Joint Legislative Commission on Governmental Operations, to the Fiscal Research Division of~~
27 ~~the Legislative Services Office, and to the committees in the House of Representatives and~~
28 ~~Senate to which election-related bills are primarily referred.~~ State Board of Elections.

29 (c) The term 'public campaign financing program' means a uniform program of a
30 governmental entity that offers support for the campaigns of candidates for elective office
31 within the jurisdiction of that governmental entity under the following conditions: (i) the
32 candidates participating in the program must demonstrate public support and voluntarily accept
33 strict fund-raising and spending limits in accordance with a set of requirements drawn by that
34 government, (ii) the requirements are drawn to further the public purpose of free and fair
35 elections and do not discriminate for or against any candidate on the basis of race, creed,
36 position on issues, status of incumbency or nonincumbency, or party affiliation, (iii) any public
37 funds provided to candidates are restricted to use for campaign purposes according to



1 guidelines drawn by the State Board of Elections, (iv) unspent public funds are required to be
2 returned to that governmental entity, and (v) if the program provides for matching funds for
3 electioneering communications for certified candidates when funds in opposition to a certified
4 candidate or in support of an opponent to that candidate exceed a certain amount, the governing
5 entity shall determine which candidate, if any, is entitled to receive matching funds as a result
6 of the communication. The governing entity shall issue matching funds based on the
7 communication only if it ascertains that the communication is susceptible of no reasonable
8 interpretation other than as an appeal to vote for or against a specific candidate. In making its
9 determination, the governing entity shall not consider evidence external to the communication
10 itself of the intent of the sponsor or the effect of the communication. Funds paid pursuant to
11 such a program are not subject to the contribution limitations of G.S. 163-278.13 and the
12 prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19 but shall be
13 reported as if they were contributions in all campaign reports required by law to be filed by the
14 campaigns receiving the payments.

15 (d) This section applies to the Town of Chapel Hill and to other municipalities selected
16 by the State Board of Elections for participation in a pilot program for the public financing of
17 municipal campaigns. The State Board of Elections shall select for the pilot program only
18 municipalities whose governing boards have submitted proposals that comply with the criteria
19 of subsection (a) of this section. In selecting those municipalities, the State Board shall seek
20 diversity of population size, regional location, and demographic composition. The State Board
21 shall limit the number of municipalities selected according to its own resources to administer
22 the pilot program. The State Board of Elections shall closely monitor the pilot program and
23 report its findings and recommendations by June 30, 2016, to the Joint Legislative Commission
24 on Governmental Operations, to the Fiscal Research Division of the Legislative Services
25 Office, to the Joint Legislative Elections Oversight Committee, and to the committees in the
26 House of Representatives and Senate to which election-related bills are primarily referred. The
27 State Board shall provide interim reports to those same entities by June 30, 2012, and June 30,
28 2014.

29 (e) This section expires July 1, 2016."

30 **SECTION 2.** Sections 1, 3, and 4 of Session Law 2007-222 are repealed.

31 **SECTION 3.** This act is effective when it becomes law.