

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 625\*

Short Title: Matching Funds Repeal. (Public)

Sponsors: Representatives Current; Avila, Blust, Boles, Brown, Brubaker, Burr, Cleveland, Gulley, Hurley, McGee, Neumann, Sager, Starnes, Steen, and Wiley.

Referred to: Election Law and Campaign Finance Reform, if favorable, Appropriations.

March 18, 2009

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**SECTION 1.** G.S. 163-278.62(18) is repealed.

**SECTION 2.** G.S. 163-278.66 is repealed.

**SECTION 3.** G.S. 163-278.67 is repealed.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. The Board shall adopt procedures for the distribution of matching money that further the



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

6 **SECTION 8.** G.S. 163-278.96(17) is repealed.

7 **SECTION 9.** G.S. 163-278.99A is repealed.

8 **SECTION 10.** G.S. 163-278.99B is repealed.

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

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

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

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

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

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

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

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