

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 20
Finance Committee Substitute Adopted 8/4/09

Short Title: Voter-Owned Election for Treasurer.

(Public)

Sponsors:

Referred to:

February 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ADD THE OFFICE OF STATE TREASURER TO THE COUNCIL OF STATE
3 OFFICES SUBJECT TO THE VOTER-OWNED ELECTIONS ACT; TO MAKE
4 TECHNICAL CHANGES TO THE ACT; AND TO PROVIDE FUNDING FOR THE
5 ACT.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. Article 22J of Chapter 163 of the General Statutes reads as rewritten:

8 "Article 22J.

9 "The Voter-Owned Elections Act.

10 "§ 163-278.95. Purpose and establishment of Voter-Owned Elections Act.

11 The purpose of this Article is to ensure the vitality and fairness of democratic elections in
12 North Carolina to the end that any eligible citizen of this State can realistically choose to seek
13 and run for public office. It is also the purpose of this Article to protect the constitutional rights
14 of voters and candidates from the detrimental effects of increasingly large amounts of money
15 being raised and spent in North Carolina to influence the outcome of elections. It is essential to
16 the public interest that the potential for corruption or the appearance of corruption is minimized
17 and that the equal and meaningful participation of all citizens in the democratic process is
18 ensured. Accordingly, this Article establishes the North Carolina Voter-Owned Elections Fund
19 as an alternative source of campaign financing for candidates who obtain a sufficient number of
20 qualifying contributions from registered voters and who voluntarily accept strict fund-raising
21 and spending limits. This Article is available to candidates for the Council of State offices of
22 Auditor, Superintendent of Public Instruction, Treasurer, and Commissioner of Insurance in
23 elections to be held in 2008 and thereafter.

24 "§ 163-278.96. Definitions.

25 The following definitions apply in this Article:

- 26 (1) Board. – The State Board of Elections.
27 (2) Campaign-related expenditure. – An expenditure that benefits the candidate's
28 current campaign in accordance with guidelines established by the Board.
29 (3) Candidate. – An individual who becomes a candidate as described in
30 G.S. 163-278.6(4). The term includes a "candidate campaign committee" as
31 defined in G.S. 163-278.38Z(3).
32 (4) Certified candidate. – A candidate for office who chooses to receive
33 campaign funds from the Fund and who is certified under
34 G.S. 163-278.98(c). A write-in candidate authorized under G.S. 163-123 is
35 not eligible to become a certified candidate.
36 (5) Contested primary and contested general election. – An election in which
37 there are more candidates than the number to be elected.



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- 1 (6) Contribution. – Defined in G.S. 163-278.6. A distribution from the Fund
2 pursuant to this Article is not a "contribution" and is not subject to the
3 limitations of G.S. 163-278.13 or the prohibitions of G.S. 163-278.15 or
4 G.S. 163-278.19. Instead of being subject to G.S. 163-278.16B, distributions
5 are subject to the guidelines issued by the Board pursuant to
6 G.S. 163-278.98(e)(5).
- 7 (6a) Electioneering communication. – As defined in G.S. 163-278.80 and
8 G.S. 163-278.90, except that it is made during the period beginning 30 days
9 before absentee ballots become available for a primary and ending on
10 primary election day and during the period 60 days before absentee ballots
11 become available for a general election and ending on general election day.
- 12 (7) Expenditure. – Defined in G.S. 163-278.6.
- 13 (8) Fund. – The North Carolina Voter-Owned Elections Fund established in
14 G.S. 163-278.97.
- 15 (9) Independent expenditure. – Defined in G.S. 163-278.6.
- 16 (10) Maximum qualifying contributions. – If the candidate has ~~an uncontested no~~
17 ~~primary, an amount equal to 100~~ one hundred dollars (\$100.00) times the
18 ~~filing fee minimum~~ number of qualifying contributions required by
19 G.S. 163-278.98(b) for the office sought. If the candidate has a contested
20 primary, ~~200 two hundred dollars (\$200.00) times the filing fee minimum~~
21 ~~number of qualifying contributions required by G.S. 163-278.98(b) for the~~
22 ~~office sought.~~
- 23 (11) Nonparticipating candidate. – A candidate for office who is not seeking to be
24 certified under G.S. 163-278.98(c).
- 25 (12) Office. – The Council of State offices of Treasurer, Auditor, Superintendent
26 of Public Instruction, and Commissioner of Insurance.
- 27 (13) Participating candidate. – A candidate for office who has filed a declaration
28 of intent to participate under G.S. 163-278.98(a).
- 29 (14) Political committee. – Defined in G.S. 163-278.6.
- 30 (15) Qualifying contribution. – A contribution of not less than ten dollars
31 (\$10.00) and not more than two hundred dollars (\$200.00) in the form of ~~a~~
32 ~~check or money order~~ prescribed for noncash monetary contributions in
33 G.S. 163-278.14(b) to the candidate that meets both of the following
34 conditions:
- 35 a. Made by ~~any~~ an individual who is a registered voter in this
36 State-State at the time of the submittal of the report specified in
37 G.S. 163-278.98(c).
- 38 b. Made only during the qualifying ~~period~~ period, except as provided in
39 G.S. 163-278.98(b1), and obtained with the approval of the candidate
40 or candidate's committee.
- 41 (16) Qualifying period. – The period beginning September 1 in the year before
42 the election and ending on the 10th day after the day of the primary.
- 43 (17) Trigger for matching funds. – The dollar amount at which matching funds
44 are released under G.S. 163-278.99B for certified candidates. In the case of a
45 contested primary, the trigger equals the maximum qualifying contributions
46 for the candidate. In the case of a contested general election, the trigger
47 equals the base level of funding available under G.S. 163-278.99(b)(4).

48 **"§ 163-278.97. Voter-Owned Elections Fund established; sources of funding.**

49 (a) Establishment of Fund. – The North Carolina Voter-Owned Elections Fund is
50 established to finance the election campaigns of certified candidates for office and to pay
51 administrative and enforcement costs of the Board related to this Article. The Fund is a special,

1 dedicated, nonlapsing, nonreverting fund. Any interest generated by the Fund is credited to the
2 Fund. The Board shall administer the Fund.

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

5 (1) Unspent Fund revenues distributed for an election that remain unspent or
6 uncommitted at the time the recipient is no longer a certified candidate in the
7 election.

8 (2) Money ordered returned to the Fund in accordance with G.S. 163-278.99D.

9 (3) Money paid to the Fund equal to excess contributions as provided in
10 G.S. 163-278.98(e)(1).

11 (4) Voluntary donations made directly to the Fund.

12 (5) Appropriations from the General Fund.

13 (c) Evaluation and Determination of Fund Amount. – By January 1, 2011, and every
14 four years thereafter, the Board, in conjunction with the Advisory Council established under
15 G.S. 163-278.68(b), shall prepare and provide to the Joint Legislative Commission on
16 Governmental Operations of the General Assembly a report documenting, evaluating, and
17 making recommendations relating to the administration, implementation, and enforcement of
18 this Article. In its report, the Board shall set out the funds received to date and the expected
19 needs of the Fund during the next election cycle and make recommendations about the
20 feasibility of expanding its provisions to include other candidates for State office based on the
21 experience of this Article and the experience of similar programs in North Carolina and other
22 states. The Board shall also evaluate and make recommendations regarding how to address
23 activities that could undermine the purpose of this Article, including spending that appears to
24 target candidates but is not reached by regulation.

25 **"§ 163-278.98. Requirements for participation.**

26 (a) Declaration of Intent to Participate. – Any individual choosing to receive campaign
27 funds from the Fund shall first file with the Board a declaration of intent to participate in the
28 program established by this Article as a candidate for a stated office. The declaration of intent
29 shall be filed before or during the qualifying period and before collecting any qualifying
30 contributions. In the declaration, the candidate shall swear or affirm that only one political
31 committee, identified with its treasurer, shall handle all contributions, campaign-related
32 expenditures, and obligations for the participating candidate and that the candidate will comply
33 with the contribution and expenditure limits set forth in subsection (e) of this section and all
34 other requirements set forth in this Article or adopted by the Board. Failure to comply is a
35 violation of this Article.

36 (b) Demonstration of Support of Candidacy. – In order to be certified, participating
37 candidates must obtain qualifying contributions from at least ~~750~~ 900 registered voters in this
38 ~~State.~~ State, and from an additional 100 registered voters in this State for each one hundred
39 thousand dollars (\$100,000) that the grant amount for the office under G.S. 163-278.99(b)(4)
40 exceeds three hundred thousand dollars (\$300,000). Multiple contributions from the same
41 individual to the same candidate shall not count as more than one qualifying contribution.

42 The qualifying contributions shall be equal to at least ~~25~~ twenty dollars (\$20.00) times the
43 amount of the filing fee for the office. ~~minimum number of qualifying contributions but shall~~
44 not exceed the maximum qualifying contributions defined in G.S. 163-278.96(10). No
45 payment, gift, or anything of value, or the opportunity to win anything of value shall be
46 given in exchange for a qualifying contribution.

47 (c) Certification of Candidates. – Upon receipt of a submittal of the record of qualifying
48 contributions by a participating candidate, the Board shall determine whether or not the
49 candidate has:

50 (1) Filed a completed declaration of intent to participate in this Article.

- 1 (2) Submitted a report itemizing the appropriate number of qualifying
2 contributions received from registered voters, which the Board shall verify
3 through a random sample or other means it adopts. The report shall include
4 the county of residence of each registered voter listed.
- 5 (3) Filed a notice of candidacy with the State Board of Elections as a candidate
6 for the office.
- 7 (4) Otherwise met the requirements for participation in this Article.

8 The Board shall certify candidates complying with the requirements of this section as soon
9 as possible and no later than five business days after receipt of a satisfactory record of
10 qualifying contributions.

11 (d) Final Report for Qualifying Contributions. – No later than five business days after
12 the end of the qualifying period, all participating candidates shall submit a report to the Board
13 of all previously unreported qualifying contributions, in accordance with procedures developed
14 by the Board. Within seven business days after submittal of the final report, the Board shall
15 determine, through a random audit or other means it adopts, whether the contributions abide by
16 the definition of qualifying contributions, whether they must be returned to the donor, and
17 whether they exceed the maximum amount of qualifying contributions.

18 (e) Restrictions on Contributions and Expenditures for Participating and Certified
19 Candidates. – The following restrictions shall apply to contributions and expenditures with
20 respect to participating and certified candidates:

- 21 (1) Beginning August 1 of the year before the election and before filing a
22 declaration of intent, a candidate shall limit campaign-related expenditures
23 to twenty thousand dollars (\$20,000) and shall not accept more than twenty
24 thousand dollars (\$20,000) from sources and in amounts permitted by
25 Article 22A of this Chapter. A candidate who exceeds either of these limits
26 shall be ineligible to file a declaration of intent or receive funds from the
27 Fund. However, the acceptance of contributions in excess of that twenty
28 thousand dollar (\$20,000) limit does not render the candidate ineligible if the
29 candidate pays to the Board an amount equal to the contributions accepted
30 by the candidate in excess of that limit. The Board shall deposit all such
31 payments into the Fund.
- 32 (2) From the filing of a declaration of intent through the end of the qualifying
33 period, a candidate may accept only qualifying contributions, contributions
34 under ten dollars (\$10.00) from North Carolina voters, in-kind party
35 contributions as permitted in subdivision (4) of this subsection, and personal
36 and family contributions permitted under subdivision (4a) of this subsection.
37 The total contributions the candidate may accept during this period shall not
38 exceed the maximum qualifying contributions for that candidate. Except for
39 personal and family contributions permitted under subdivision (4a) of this
40 subsection, multiple contributions from the same contributor to the same
41 candidate shall not exceed two hundred dollars (\$200.00). In addition to
42 these contributions, the candidate may only expend during this period the
43 remaining money raised pursuant to subdivision (1) of this subsection and
44 possible matching funds received pursuant to G.S. 163-278.99B. If the
45 candidate has any remaining money that was raised as contributions before
46 August 1 of the year before the election, the candidate may not expend that
47 money after filing the declaration of intent, except for purposes permitted
48 under subdivision (2), (3), (6), (7), or (8) of G.S. 163-278.16B(a).
- 49 (3) After the qualifying period and through the date of the general election, the
50 candidate shall cease campaign-related fund-raising ~~activities—activities,~~
51 except as provided in subsection (b) of this section, and shall expend only

1 the funds the candidate receives from the Fund pursuant to
2 G.S. 163-278.99(b) plus any funds remaining from the qualifying period and
3 possible matching funds.

4 (4) In addition to the amounts above, a candidate may accept in-kind
5 contributions from political party executive committees, up to an aggregate
6 value of thirty thousand dollars (\$30,000) for the election cycle.

7 (4a) During the qualifying period, the candidate may contribute up to one
8 thousand dollars (\$1,000) of that candidate's own money to the campaign.
9 Debt incurred by the candidate for a campaign expenditure shall count
10 toward that limit. The candidate may accept in contributions one thousand
11 dollars (\$1,000) from each member of that candidate's family consisting of
12 spouse, parent, child, brother, and sister. Up to two hundred dollars
13 (\$200.00) of a contribution from the candidate's family member may be
14 treated as a qualifying contribution if it meets the requirements of
15 G.S. 163-278.96(15)a. and b.

16 (5) A candidate and the candidate's committee shall limit the use of all revenues
17 permitted by this subsection to expenditures for campaign-related purposes
18 only. The Board shall publish guidelines outlining permissible
19 campaign-related expenditures.

20 (6) Except as provided in subdivision (1) of this subsection, any contribution
21 received by a participating or certified candidate that falls outside that
22 permitted by this subsection shall be returned to the donor as soon as
23 practicable. Contributions intentionally made, solicited, or accepted in
24 violation of this Article are subject to civil penalties as specified in
25 G.S. 163-278.99D. The funds involved shall be forfeited to the Civil Penalty
26 and Forfeiture Fund.

27 (7) A candidate shall return to the Fund any amount distributed for an election
28 that is unspent and uncommitted at the date of the election or at the time the
29 individual ceases to be a certified candidate, whichever occurs first. For
30 accounting purposes, all qualifying, personal, and family contributions shall
31 be considered spent before revenue from the Fund is spent or committed.

32 (f) Revocation. – A candidate may revoke, in writing to the Board, a decision to
33 participate in the Fund at any time. After a revocation, that candidate may accept and expend
34 outside the limits of this Article without violating this Article. Within 10 days after revocation,
35 a candidate shall return to the Board all money received from the Fund.

36 **"§ 163-278.99. Distribution from the Fund.**

37 (a) Timing of Fund Distribution. – The Board shall distribute to a certified candidate
38 revenue from the Fund in an amount determined under subdivision (b)(4) of this section as
39 follows:

40 (1) One-third of the amount within five business days after the certified
41 candidate's name is approved to appear on the ballot in a contested general
42 election, but no earlier than five business days after the primary.

43 (2) The remainder of the amount on August 1 before the general election.

44 (b) Amount of Fund Distribution. – ~~By August 1, 2011, and no less frequently than~~
45 ~~every four years thereafter, No later than August 1 of the second year before an election, the~~
46 ~~Board shall determine the amount of funds, rounded to the nearest one hundred dollars~~
47 ~~(\$100.00), to be distributed to certified candidates as follows:~~

48 (1) ~~Uncontested primaries. No primary.~~ – No funds shall be distributed.

49 (2) Contested primaries. – No funds shall be distributed except as provided in
50 G.S. 163-278.99B.

51 (3) Uncontested general elections. – No funds shall be distributed.

1 (4) Contested general elections. – The amount of funds to be distributed to a
2 candidate is the average amount of campaign-related expenditures made in
3 the general election by all candidates who won the immediately preceding
4 three general elections for that office, rounded to the nearest one thousand
5 dollars (\$1,000), but not less than three hundred thousand dollars
6 (\$300,000). The distribution amount shall be reduced by an amount equal to
7 the amount raised in qualifying contributions after the day of the primary.
8 For purposes of this subsection, "campaign-related expenditures" does not
9 include loan repayments and contributions to a candidate, political
10 committee, or political party. For purposes of this subsection, expenditures
11 are made in the general election if they are required to be reported on the
12 third and fourth quarterly reports of that election year.

13 (c) Method of Fund Distribution. – The Board, in consultation with the State Treasurer
14 and the State Controller, shall develop a rapid, reliable method of conveying funds to certified
15 candidates. In all cases, the Board shall distribute funds to certified candidates in a manner that
16 is expeditious, ensures accountability, and safeguards the integrity of the Fund. If the money in
17 the Fund is insufficient to fully fund all certified candidates, then the available money shall be
18 distributed proportionally, according to each candidate's eligible funding, and the candidate
19 may raise additional money in the same manner as a nonparticipating candidate for the same
20 office up to the unfunded amount of the candidate's eligible funding.

21 **"§ 163-278.99A. Reporting requirements.**

22 (a) Reporting by Noncertified Candidates and Other Entities. – Any nonparticipating
23 candidate with a certified opponent shall report total contributions received to the Board by
24 facsimile machine or electronically within 24 hours after the total amount of contributions
25 received exceeds eighty percent (80%) of the trigger for matching funds as defined in
26 G.S. 163-278.96(17). Any entity making independent expenditures in support of or in
27 opposition to a certified candidate, or in support of a candidate opposing a certified candidate,
28 or paying for electioneering communications referring to one of those candidates, shall report
29 the total funds received, spent, or obligated for those expenditures or payments to the Board by
30 facsimile machine or electronically within 24 hours after the total amount of expenditures or
31 obligations made, or funds raised or borrowed, for the purpose of making the independent
32 expenditures or electioneering communications exceeds five thousand dollars (\$5,000). After
33 the initial 24-hour filing, the nonparticipating candidate or other reporting entity shall comply
34 with an expedited reporting schedule. The schedule and forms for reports required by this
35 subsection shall ~~be~~ be supplied by the Board.

36 (b) Reporting by Participating and Certified Candidates. – Notwithstanding other
37 provisions of law, participating and certified candidates shall report any money received and all
38 campaign expenditures, obligations, and related activities to the Board according to procedures
39 developed by the Board. Upon the filing of a final report for any losing primary election,
40 special election, or general election, each candidate who has revenues from the Fund remaining
41 unspent shall return those revenues to the Board. In developing these procedures, the Board
42 shall utilize existing campaign reporting procedures wherever practicable.

43 (c) Timely Access to Reports. – The Board shall ensure prompt public access to the
44 reports received in accordance with this Article. The Board may utilize electronic means of
45 reporting and storing information.

46 **"§ 163-278.99B. Matching funds.**

47 (a) When Matching Funds Become Available. – When any report or group of reports
48 shows that "funds in opposition to a certified candidate or in support of an opponent to that
49 candidate" as described in this section exceed the trigger for matching funds as defined in
50 G.S. 163-278.96(17), the Board shall issue immediately to that certified candidate an additional
51 amount equal to the reported excess within the limits set forth in this section. "Funds in

1 opposition to a certified candidate or in support of an opponent to that candidate" shall be equal
2 to the sum of subdivisions (1) and (2) as follows:

3 (1) The greater of the following:

4 a. Campaign expenditures or obligations made, or funds raised or
5 borrowed, whichever is greater, reported by any one nonparticipating
6 opponent of a certified candidate. Where a certified candidate has
7 more than one nonparticipating opponent, the measure shall be taken
8 from the nonparticipating candidate showing the highest relevant
9 dollar amount.

10 b. The funds distributed in accordance with G.S. 163-278.99(b) to a
11 certified opponent of the certified candidate.

12 (2) The aggregate total of all expenditures and payments reported in accordance
13 with G.S. 163-278.99A(a) of entities making independent expenditures or
14 electioneering communications in opposition to the certified candidate or in
15 support of any opponent of that certified candidate.

16 (b) Limit on Matching Funds in Contested Primary. Before Date of Primary. – Total
17 matching funds to a certified candidate ~~in a contested~~ before the date of the primary shall be
18 limited to an amount equal to the maximum qualifying contributions for a candidate with a
19 contested primary. Matching funds are available to a certified candidate with an opponent in
20 the primary or to a certified candidate who is clearly referred to in expenditures reportable
21 under G.S. 163-278.99A made in opposition to that candidate.

22 (c) Limit on Matching Funds in Contested General Election. – Total matching funds to
23 a certified candidate in a contested general election shall be limited to an amount equal to two
24 times the amount described in G.S. 163-278.99(b)(4).

25 (d) Determinations by Board. – In the case of electioneering communications, the
26 Board shall determine which candidate, if any, is entitled to receive matching funds as a result
27 of the communication. The Board shall issue matching funds based on the communication only
28 if it ascertains that the communication is susceptible of no reasonable interpretation other than
29 as an appeal to vote for or against a specific candidate. In making its determination, the Board
30 shall not consider evidence external to the communication itself of the intent of the sponsor or
31 the effect of the communication. The Board shall notify each candidate it determines is entitled
32 to receive matching funds based on those communications, the sponsor of those
33 communications, and any candidate who is an opponent of the candidate it determines is
34 entitled to the matching funds. The Board shall give the sponsor of the communication and any
35 opposing candidate an adequate opportunity to rebut the determination of the Board. In
36 considering the rebuttal, all candidates in the race and the sponsor shall be given adequate and
37 equal opportunity to be heard. The Board shall adopt procedures for implementing this
38 subsection, balancing in those procedures adequacy of opportunity to rebut and adequacy and
39 equality of opportunity to be heard on the rebuttal with the need to expedite the decision on
40 awarding matching funds. The Board shall distribute the matching funds, if any, at the
41 conclusion of its process.

42 (e) Proportional Measuring of Multicandidate Communications. – In calculating the
43 amount of matching funds a certified candidate is eligible to receive under this section, the
44 Board shall include the proportion of expenditures, obligations, or payments for multicandidate
45 communications that pertains to the candidate.

46 (f) No Matching Funds for Certain Communications Involving All Candidates. – No
47 matching funds are available under this section as a result of an expenditure that supports all
48 candidates for the same office or opposes all candidates for the same office. No matching funds
49 are available under this section as a result of an electioneering communication that the Board
50 ascertains is susceptible of no reasonable interpretation other than as an appeal to vote for all
51 candidates for the same office or to vote against all candidates for the same office.

1 **"§ 163-278.99C. Unaffiliated and new-party candidates.**

2 Unaffiliated candidates certified pursuant to G.S. 163-122 and new-party candidates
3 certified pursuant to G.S. 163-98 shall be eligible for revenues from the Fund in the same
4 amounts and at the same time as specified in G.S. 163-278.99. For unaffiliated candidates and
5 new-party candidates not certified to appear on the ballot by noon on the deadline set in
6 G.S. 163-106(c) for candidate filing in the election year, the deadline for seeking certification
7 to receive revenue from the Fund is noon on the first business day of July of the election year.

8 **"§ 163-278.99D. Enforcement by the Board; civil penalty.**

9 In addition to any other penalties that may be applicable, any individual, political
10 committee, or other entity that violates any provision of this Article is subject to a civil penalty
11 of up to ten thousand dollars (\$10,000) per violation or three times the amount of any financial
12 transactions involved in the violation, whichever is greater. In addition to any fine, for good
13 cause shown, a candidate found in violation of this Article may be required to return to the
14 Fund all amounts distributed to the candidate from the Fund. If the Board makes a
15 determination that a violation of this Article has occurred, the Board shall calculate and assess
16 the amount of the civil penalty and shall notify the entity that is assessed the civil penalty of the
17 amount that has been assessed. The Board shall then proceed in the manner prescribed in
18 G.S. 163-278.34. In determining whether or not a candidate is in violation of this Article, the
19 Board may consider as a mitigating factor any circumstances out of the candidate's control.

20 **"§ 163-278.99D.1. Enforcement and administration.**

21 (a) Enforcement by the Board. – The Board, with the advice of the Advisory Council
22 for the Public Campaign Fund established by G.S. 163-278.68, shall administer the provisions
23 of this Article.

24 (b) Appeals. – The initial decision on an issue concerning qualification, certification, or
25 distribution of funds under this Article shall be made by the Executive Director of the Board.
26 The procedure for challenging that decision is as follows:

27 (1) An individual or entity aggrieved by a decision by the Executive Director of
28 the Board may appeal to the full Board within three business days of the
29 decision. The appeal shall be in writing and shall set forth the reasons for the
30 appeal.

31 (2) Within five business days after an appeal is properly made, and after due
32 notice is given to the parties, the Board shall hold a hearing. The appellant
33 has the burden of providing evidence to demonstrate that the decision of the
34 Executive Director was improper. The Board shall rule on the appeal within
35 three business days after the completion of the hearing.

36 (c) Board to Adopt Procedures and Issue Opinions. – The Board shall adopt procedures
37 and issue opinions to ensure effective administration of this Article. Such procedures and
38 opinions shall include, but not be limited to, procedures for obtaining qualifying contributions,
39 certification of candidates, addressing circumstances involving special elections, vacancies,
40 recounts, withdrawals, or replacements, collection of revenues for the Fund, distribution of
41 Fund revenue to certified candidates, return of unspent Fund disbursements, and compliance
42 with this Article. The Board shall adopt procedures for the distribution of matching money that
43 further the purpose and avoid the subversion of G.S. 163-278.99B. For races involving special
44 elections, recounts, vacancies, withdrawals, or replacement candidates, the Board shall
45 establish procedures for qualification, certification, disbursement of Fund revenues, and return
46 of unspent Fund revenues. Where applicable, the Board shall adapt the provisions of
47 G.S. 163-278.64A. The Board shall fulfill each of these duties in consultation with the
48 Advisory Council on the Public Campaign Fund.

49 (d) Report to the Public. – The Advisory Council for the Public Campaign Fund shall
50 issue a report by March 1, 2013, and every two years thereafter that evaluates and makes
51 recommendations about the implementation of this Article and the feasibility of expanding its

1 provisions to include other candidates for State office based on the experience of the Fund and
2 the experience of similar programs in other states. The Advisory Council shall also evaluate
3 and make recommendations regarding how to address activities that could undermine the
4 purpose of this Article, including spending that appears to target candidates receiving money
5 from the Fund but that does not meet the definition of "independent expenditure."

6 **"§ 163-278.99E. Voter education.**

7 (a) Voter Guide. – The Board shall publish a Voter Guide that explains the functions of
8 ~~office as defined in G.S. 163-278.96(12) and the laws concerning the election~~ all 10 offices of
9 the Council of State, the purpose and function of the Fund, and the laws concerning voter
10 registration. The Board shall distribute the Guide to as many voting-age individuals in the State
11 as practical, through a mailing to all residences or other means it deems effective. The State
12 Board of Elections shall maintain a list of the addresses from which mailed Voter Guides are
13 returned as undeliverable. That list shall be available for public inspection. The distribution
14 shall occur no more than 28 days nor fewer than seven days before the one-stop voting period
15 provided in G.S. 163-227.2 for the primary and no more than 28 days nor fewer than seven
16 days before the one-stop voting period provided in G.S. 163-227.2 for the general election.

17 (b) Candidate Information. – The Voter Guide shall include information concerning all
18 candidates for ~~office as defined in G.S. 163-278.96(12)~~, all 10 of the offices of the Council of
19 State, as provided by those candidates according to a format provided to the candidates by the
20 Board. The Board shall request information for the Guide from each candidate according to the
21 following format:

22 (1) Place of residence.

23 (2) Education.

24 (3) Occupation.

25 (4) Employer.

26 (5) Previous elective offices held.

27 (6) ~~Endorsements, limited to 50 words.~~ Endorsements. Concerning
28 endorsements, the Board shall send to the candidates instructions as follows:
29 "In order to have an endorsement published, you must provide written
30 confirmation to the Board from the endorsing person or organization that
31 you received that person's or organization's endorsement."

32 (7) ~~Candidate statement, limited to 150 words.~~ Statement. Concerning that
33 statement, the Board shall send to the candidates instructions as follows:
34 "Your statement may include information such as your qualifications, your
35 endorsements, why you would make a good elected official, what
36 distinguishes you from your opponent(s), and any other information relevant
37 to your candidacy. The State Board of Elections will reject any portion of
38 any statement which it determines contains obscene, profane, or defamatory
39 language. The candidate shall have three days to resubmit the candidate
40 statement if the Board rejects a portion of the statement."

41 The entire entry for a candidate shall be limited to 250 words.

42 (c) Disclaimer. – The Voter Guide shall contain the following statement: "Statements
43 by candidates do not express or reflect the opinions of the State Board of Elections."

44 (d) Relationship to the Judicial Voter Guide. – ~~The Board may~~ Whenever possible, the
45 Board shall publish the Voter Guide in conjunction with the Judicial Voter Guide described in
46 G.S. 163-278.69."

47 **SECTION 2.(a)** Chapter 105 of the General Statutes is amended by adding a new
48 Article to read:

49 "Article 2E.

50 "Assessments.

51 **"§ 105-113.120. Surcharge imposed.**

1 A surcharge is imposed on a person who pays a regulatory charge listed under
2 G.S. 105-113.121. The agency that collects a charge upon which the surcharge is due must
3 collect the surcharge at the same time and remit the proceeds of the surcharge to the
4 Department of Revenue on a monthly basis. The Department must credit the proceeds of the
5 surcharge collected under this section to the Voter-Owned Election Fund created pursuant to
6 G.S. 163-278.97.

7 **"§ 105-113.121. Charges subject to surcharge.**

8 The following surcharges are imposed by this Article:

9 (1) A one percent (1%) surcharge on the insurance regulatory charges provided
10 in G.S. 58-6-25.

11 (2) A five dollar (\$5.00) surcharge on the license fees as provided in
12 G.S. 58-33-125(a).

13 **"§ 105-113.122. Assessments on payments from Treasurer.**

14 An assessment of up to four-fifths of one percent (0.8%) must be applied to payments made
15 to entities the State Treasurer retains in accordance with the Treasurer's authority under Article
16 6 of Chapter 147 of the General Statutes. Assessments must be made in such a manner that they
17 are broadly applied among various entities and the total amount assessed each fiscal year
18 exceeds seven hundred fifty thousand dollars (\$750,000) but is less than one million two
19 hundred fifty thousand dollars (\$1,250,000). The Treasurer must credit the assessments to the
20 Department of Revenue on a monthly basis. The Department must promptly credit the
21 assessments collected under this section to the Voter-Owned Election Fund created pursuant to
22 G.S. 163-278.97."

23 **SECTION 2.(b)** This section is effective when it becomes law and applies to
24 charges and fees that are due and contracts that are entered into or renewed on or after that date.

25 **SECTION 3.** The provisions of this act are severable. If any provision of this act is
26 held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions
27 of this act that can be given effect without the invalid provision.

28 **SECTION 4.** Except as otherwise provided in this act, this act is effective when it
29 becomes law.