

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

S

1

SENATE BILL 938

Short Title: Municipal Public Campaigns. (Public)

Sponsors: Senators Davis; Berger of Franklin, Foriest, Jones, and Kinnaird.

Referred to: State and Local Government.

March 26, 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 S.L. 2007-222, reads as  
6 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 by a city  
11 pursuant to such a program are not subject to the contribution limitations of G.S. 163-278.13  
12 and the prohibitions on corporate contributions of G.S. 163-278.15 or G.S. 163-278.19 but shall  
13 be reported as if they were contributions in all campaign reports required by law to be filed by  
14 the 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 of Elections  
20 shall seek diversity of population size, regional location, and demographic composition. The  
21 State Board of Elections shall limit the number of municipalities selected according to its own  
22 resources to administer the pilot program. The State Board of Elections shall closely monitor  
23 the pilot program and report its findings and recommendations by June 30, 2016, to the Joint  
24 Legislative Commission on Governmental Operations, to the Fiscal Research Division of the  
25 Legislative Services Office, to the Joint Legislative Elections Oversight Committee, and to the  
26 committees in the House of Representatives and Senate to which election-related bills are  
27 primarily referred. The State Board of Elections shall provide interim reports to those same  
28 entities by June 30, 2012, and June 30, 2014.

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

30 **SECTION 2.** Sections 1, 3, and 4 of S.L. 2007-222 are repealed.

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