

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 347  
HOUSE BILL 276

AN ACT TO PROVIDE FOR THE ADMINISTRATION OF THE POLITICAL  
PARTIES FINANCING FUND.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-278.41 reads as rewritten:

**"§ 163-278.41. Appropriations in general election years and other years.**

(a) Following the conclusion of the last primary or nominating convention held by a political party in a general election year in which a presidential election is held, the State chairman of that political party may apply to the State ~~Treasurer~~ Board of Elections (State Board) for the disbursement of all funds deposited with the State Treasurer on behalf of such party in the North Carolina Political Parties Financing Fund. ~~Fund (Political Parties Fund) to be administered by the State Board of Elections and in which shall be placed money contributed by taxpayers, as provided in G.S. 105-159.1.~~ Upon receipt of such application, the State ~~Treasurer~~ Board shall forthwith, and every 30 days thereafter, pay over to said chairman all funds currently held by ~~him~~ the State Treasurer on behalf of said chairman's political party, but provided that all such payments shall cease 30 days after the State Board of Elections has certified all of the results of the general election to the Secretary of State. Additionally and upon receipt of such application, the State ~~Treasurer~~ Board shall pay over to the said chairman all funds currently held by the State Treasurer in the 'Presidential Election Year Candidates Fund' of that party, which funds shall be allocated and disbursed during the presidential election year by the same procedure as the funds received from the Political Parties Fund are allocated. Any remaining funds of the political party in the hands of the State Treasurer shall thereafter be held by him until eligible for distribution pursuant to this section.

(b) Following the conclusion of the last primary or nominating convention held by a political party in a general election year in which there is not a presidential election, the State chairman of the political party may apply to the State ~~Treasurer~~ Board for the disbursement of all funds deposited on behalf of such party in the Political Parties Fund. Upon receipt of such application, the State ~~Treasurer~~ Board shall forthwith, and every 30 days thereafter, pay over to said chairman all funds currently held by ~~him~~ the State Treasurer on behalf of said chairman's political party provided that all such payments to the said chairman shall cease 30 days after the State Board of Elections has certified all of the results of the general election to the Secretary of State. Any remaining funds of the political party in the hands of the State Treasurer shall thereafter be held by him until eligible for distribution pursuant to this section.

(c) In each year in which no general election is held, each State chairman of a political party on behalf of which funds have been deposited in the Political Parties Fund may, on or between August 1 and September 1 thereof, apply to the State ~~Treasurer-Board~~ for payment of an amount not to exceed fifty percent (50%) of the then available funds credited to the account of his party. Upon receipt of such application, the State ~~Treasurer-Board~~ shall pay over to said State chairman an amount not to exceed fifty percent (50%) of the then available funds credited to the account of his party. Additionally and upon receipt of such application, the State ~~Treasurer-Board~~ shall direct the State Treasurer to place fifty percent (50%) of the said available funds in a separate interest bearing account to be known as the 'Presidential Election Year Candidates Fund of the (name of the party) Party' to be disbursed in accord with the provisions of subsection (a) above. Any remaining funds of the political party in the hands of the State Treasurer shall thereafter be held by him until eligible for distribution by the State Board pursuant to this section. Any interest earned on the funds deposited by the State Treasurer in such Presidential Election Year Campaign Fund shall be credited thereto."

Sec. 2. G.S. 163-278.43 is amended by adding a new subsection to read:

"(c1) The State Board shall review each application and certify that the political party is eligible to receive the funds requested. The State Board shall establish rules for the administration and enforcement of this Article."

Sec. 3. G.S. 105-159.1 (a) reads as rewritten:

"(a) Every individual whose income tax liability for the taxable year is one dollar (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of the amount of tax paid by him or her to the Department shall be paid by the Secretary to the State Board of Elections for deposit with the State Treasurer for the use of all political parties upon a pro rata basis according to their respective party voter registrations according to the most recent certification of the State Board of Elections; Provided, however, that no political party with less than one percent (1%) of the total number of registered voters in the State shall receive any of these funds, and the registration of such a party shall not be included in calculating the pro rata distribution. As used in this section, the term 'political party' means a political party which at the last preceding general State election received at least ten percent (10%) of the entire vote cast in the State for Governor or for presidential electors, or a group of voters who by July 1 of the preceding calendar year, by virtue of a petition as a new political party, had duly qualified as a new political party within the meaning of Chapter 163 of the General Statutes."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 20th day of June, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives