

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS35318-CH-9

Short Title: Prohibit Private Money in Elect. Admin/EEA. (Public)

Sponsors: Senator Davis (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE EMERGENCY ELECTION FUND AND TO REQUIRE THAT
3 ALL PRIVATE MONETARY DONATIONS FOR THE STATE BOARD OF ELECTIONS,
4 COUNTY BOARDS OF ELECTIONS, AND BOARDS OF COUNTY COMMISSIONERS
5 BE MAINTAINED AND DISBURSED BY THE EMERGENCY ELECTION
6 AUTHORITY.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 163-22 is amended by adding a new subsection to read:

9 "(s) Except as provided in G.S. 163-29, nothing in this Chapter shall grant authority to the
10 State Board of Elections to accept private monetary donations or in-kind contributions, directly
11 or indirectly, for conducting elections or employing individuals on a temporary basis."

12 **SECTION 2.** G.S. 163-33 is amended by adding a new subdivision to read:

13 "(17) Except as provided in G.S. 163-29, nothing in this Chapter shall grant
14 authority to county boards of elections to accept private monetary donations
15 or in-kind contributions, directly or indirectly, for conducting elections or
16 employing individuals on a temporary basis."

17 **SECTION 3.** G.S. 163-37 reads as rewritten:

18 "**§ 163-37. Duty of county board of commissioners.**

19 (a) The respective boards of county commissioners shall appropriate reasonable and
20 adequate funds necessary for the legal functions of the county board of elections, including
21 reasonable and just compensation of the director of elections.

22 (b) Except as provided in G.S. 163-29, nothing in this Chapter shall grant authority to
23 county boards of commissioners to accept private monetary donations or in-kind contributions,
24 directly or indirectly, for conducting elections or employing individuals under this Chapter on a
25 temporary basis."

26 **SECTION 4.** Article 3 of Chapter 163 of the General Statutes is amended by adding
27 a new section to read:

28 "**§ 163-29. Emergency election fund; Emergency Election Authority.**

29 (a) There is established an emergency election fund. The emergency election fund shall
30 consist only of the following:

31 (1) All private monetary donations received for the purpose of conducting
32 elections or employing individuals under this Chapter on a temporary basis.
33 Private monetary donations must be made directly to the emergency election
34 fund.

35 (2) Any State funds directly appropriated by the General Assembly to the
36 emergency election fund.



1 **(b)** There is established the North Carolina Emergency Election Authority (Authority).
2 The Authority shall consist of nine members. Five members shall be appointed by the Governor,
3 no more than two of whom shall be of the same political party. Two members shall be appointed
4 by the General Assembly upon the recommendation of the President Pro Tempore of the Senate,
5 neither of whom may be of the same political party. Two members shall be appointed by the
6 General Assembly upon the recommendation of the Speaker of the House of Representatives,
7 neither of whom may be of the same political party. All members must be registered voters in
8 this State, and no member may be a lobbyist registered under Chapter 120C of the General
9 Statutes. Members shall serve a five-year term and may not serve more than two successive
10 terms.

11 **(c)** Members of the Authority may be removed by the appointing authority for cause.
12 Vacancies on the Authority shall be filled by the appointing authority for the unexpired portion
13 of the term in which they occur.

14 **(d)** The purpose of the Authority shall be to maintain the emergency election fund and
15 authorize any disbursements made from the fund. Notwithstanding G.S. 163-22, 163-33, and
16 163-37, the Authority may disburse funds from the emergency election fund to the State Board
17 of Elections or county boards of elections as the Authority deems appropriate. In making
18 disbursements, the Authority shall comply with the following requirements:

19 **(1)** The Authority shall only disburse funds if one of the following has occurred:

20 a. A state of emergency has been declared pursuant to G.S. 166A-19.20.

21 b. The county board of commissioners of more than one-third of the
22 counties adopts a resolution stating that the county board of elections
23 lacks sufficient funds to properly administer the upcoming election.
24 The resolution must be provided to the Authority no earlier than 60
25 days before an election is scheduled to occur and no later than the
26 opening of "one-stop" absentee voting under G.S. 163-227.2.

27 **(2)** The Authority shall not disburse funds in a manner that provides a partisan
28 advantage.

29 **(e)** Notwithstanding G.S. 163-22, 163-33, and 163-37, any in-kind contribution received
30 by the State Board, a county board of elections, or a county board of commissioners shall be
31 approved by the Authority before that in-kind contribution is used in conducting an election.

32 **(f)** Only the Authority may fundraise, submit applications for grants, or otherwise solicit
33 funds for the emergency election fund. However, any funds received must be deposited into the
34 emergency election fund to be disbursed in accordance with this section.

35 **(g)** The Authority may adopt rules for disbursing funds and approving the use of in-kind
36 contributions in accordance with this section."

37 **SECTION 5.(a)** Notwithstanding G.S. 163-29, as enacted by this act, the initial
38 terms of the members of the Emergency Election Fund Authority shall be as follows:

39 **(1)** Of the five members appointed by the Governor, three members shall serve
40 an initial term of one year, one member shall serve an initial term of two years,
41 and one member shall serve an initial term of three years.

42 **(2)** Of the two members appointed by the General Assembly upon the
43 recommendation of the President Pro Tempore of the Senate, one member
44 shall serve an initial term of two years and one member shall serve an initial
45 term of three years.

46 **(3)** Of the two members appointed by the General Assembly upon the
47 recommendation of the Speaker of the House of Representatives, one member
48 shall serve an initial term of two years and one member shall serve an initial
49 term of three years.

1 **SECTION 5.(b)** Notwithstanding G.S. 163-29, as enacted by this act, any individual
2 appointed under this section to serve an initial term on the Emergency Election Fund Authority
3 shall be eligible for appointment to one additional five-year term.

4 **SECTION 6.** This act becomes effective October 1, 2021.