

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1163
Second Edition Engrossed 6/30/89

Short Title: Tax Check-off Consent Needed.

(Public)

Sponsors: Senator Walker.

Referred to: Finance.

May 4, 1989

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PAID PREPARER OF TAX RETURNS MAY NOT
2 DESIGNATE ON A TAXPAYER'S RETURN WHETHER OR NOT TAX FUNDS
3 SHALL BE PAID FOR THE USE OF POLITICAL PARTIES UNLESS THE
4 PREPARER OBTAINS THE CONSENT OF THE TAXPAYER OR THE
5 TAXPAYER'S SPOUSE.
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 105-159.1 reads as rewritten:

9 **"§ 105-159.1. Designation of tax by individual to political party.**

10 (a) Every individual whose income tax liability for the taxable year is one dollar
11 (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of
12 the amount of tax paid by him or her to the Department of Revenue shall thereafter be
13 paid by the Secretary of Revenue, in the manner hereinafter prescribed, to the State
14 Treasurer for the use of all political parties as defined herein upon a pro rata basis
15 according to their respective party voter registrations according to the most recent
16 certification of the State Board of Elections; Provided, however, that no political party
17 with less than one percent (1%) of the total number of registered voters in the State shall
18 receive any such funds, and the registration of such parties shall not be included in
19 calculating the pro rata distribution. For purposes of this section, political party shall
20 mean a political party which at the last preceding general State election received at least
21 ten percent (10%) of the entire vote cast in the State for Governor, or for presidential
22 electors, or a group of voters who by July 1 of the preceding calendar year, by virtue of

1 a petition as a new political party, had duly qualified as a new political party within the
2 meaning of Chapter 163 of the General Statutes of North Carolina.

3 (b) For each quarterly period beginning January 1, 1978, and for each quarterly
4 period thereafter, on or before the last day of the month following the close of each
5 quarterly period, the Secretary of Revenue shall remit all funds so designated above
6 collected during the preceding quarter to the State Treasurer who shall thereafter deposit
7 them in an interest-bearing account to be known as the North Carolina Election
8 Campaign Fund. Any interest earned on funds so deposited shall be credited to the
9 political party for which said funds were designated. A report to the State Treasurer,
10 State Board of Elections and each State party chairman shall accompany each such
11 remittance, and shall detail the amount of funds forwarded, the cumulative total of funds
12 forwarded to date for the year, and an estimate of the probable total amount to be
13 collected and forwarded for that calendar year.

14 (c) Repealed by Session Laws 1983, c. 481, effective January 1, 1983.

15 (d) The Secretary of Revenue shall amend the income tax return in order that all
16 taxpayers desiring to make the political contributions authorized ~~herein shall in this~~
17 section may do so by designating same on the front face of the tax return. The line of
18 authorization for ~~such the~~ designation shall be color contrasted with the color scheme of
19 the remainder of the income tax return. ~~Such The~~ return, or accompanying explanatory
20 instruction, shall readily indicate that any such designations neither increase nor
21 decrease an individual's tax liability.

22 (e) A paid preparer of tax returns may not designate on a return that the taxpayer
23 does or does not desire to make the political contribution authorized in this section
24 unless the taxpayer or the taxpayer's spouse has consented to the designation."

25 Sec. 2. This act is effective for taxable years beginning on or after January 1,
26 1989.