

§ 163-27.2. Criminal history record checks of current and prospective employees of the State Board and county directors of elections.

(a) As used in this section, the term "current or prospective employee" means any of the following:

- (1) A current or prospective permanent or temporary employee of the State Board or a current or prospective county director of elections.
- (2) An employee or agent of a current or prospective contractor with the State Board.
- (3) Any other individual otherwise engaged by the State Board who has or will have the capability to update, modify, or change elections systems or confidential elections or ethics data.

(b) A criminal history record check shall be required of all current or prospective permanent or temporary employees of the State Board and all current or prospective county directors of elections, which shall be conducted by the State Bureau of Investigation as provided in G.S. 143B-1209.49. G.S. 143B-1209.49(d). G.S. 143B-969 [G.S. 143B-1209.50]. A criminal history record check report received in accordance with G.S. 143B-969 [G.S. 143B-1209.50] is not a public record under Chapter 132 of the General Statutes.

(c) If the current or prospective employee's verified criminal history record check reveals one or more convictions, the conviction shall constitute just cause for not selecting the person for employment or for dismissing the person from current employment. The conviction shall not automatically prohibit employment.

(d) A prospective employee may be denied employment, or a current employee may be dismissed from employment, for refusal to consent to a criminal history record check or to submit fingerprints or to provide other identifying information required by the State or National Repositories of Criminal Histories. Any such refusal shall constitute just cause for the employment denial or the dismissal from employment.

(e) A conditional offer of employment or appointment may be extended pending the results of a criminal history record check authorized by this section.

(f) A county board of elections shall require a criminal history record check of all current or prospective employees of the county board of elections, as defined in G.S. 163-37.1(a)(1), who have or will have access to the statewide computerized voter registration system maintained under G.S. 163-82.11 and for any additional position or function as the State Board may designate. The county director of elections shall provide the criminal history record of all current or prospective employees of the county board of elections required by this subsection or in designated positions to the Executive Director and State Board.

(g) Neither appointment as a precinct official or assistant under Article 5 of this Chapter nor employment at an early voting location shall require a criminal history record check unless the official, assistant, or employee performs a function designated by the State Board pursuant to subsection (f) of this section. (2018-13, s. 1(c); 2018-146, s. 3.1(a), (b); 2023-134, s. 19F.4(jj); 2023-139, s. 4.3(a); 2023-140, s. 3.)