

§ 143B-1209.50. Criminal record checks for employees and contractors of the State Board of Elections and county directors of elections.

(a) As used in this section, the term:

(1) "Current or prospective employee" means any of the following:

- a. A current or prospective permanent or temporary employee of the State Board, other than the Executive Director.
- b. A current or prospective contractor with the State Board.
- c. An employee or agent of a current or prospective contractor with the State Board.
- d. 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.

(2) "State Board" means the State Board of Elections.

(b) The State Bureau of Investigation may provide to the Executive Director of the State Board a current or prospective employee's criminal history from the State and National Repositories of Criminal Histories. The Department of Public Safety [State Bureau] may provide the criminal history record check report regarding any prospective appointee for the position of Executive Director to the chair of the State Board in accordance with G.S. 163-27(a) or to the chair or chairs of each standing committee handling the legislation regarding the appointment of the Executive Director in accordance with G.S. 163-27(b). The Executive Director shall provide to the Bureau, along with the request, the fingerprints of the current or prospective employee, a form signed by the current or prospective employee consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Bureau. The fingerprints of the current or prospective employee shall be used for a search of the State's criminal history record file, and the Bureau shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(c) The Bureau may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

(d) Except for criminal history reports on prospective appointees for the position of Executive Director pursuant to subsection (b) of this section, the criminal history report shall be provided to the Executive Director of the State Board, who shall keep all information obtained pursuant to this section confidential to the State Board. The criminal history reports on prospective appointees for the position of Executive Director shall be kept confidential by the recipient under subsection (b) of this section. A criminal history report obtained as provided in this section is not a public record under Chapter 132 of the General Statutes. (2018-13, s. 1(a); 2018-146, s. 6.1; recodified from N.C. Gen. Stat. 143B-969 by 2023-134, s. 19F.4(i), (j); 2023-139, s. 4.3(c).)