

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1218
Select Committee on Government and Election Reform Committee Substitute
Adopted 5/8/07
House Committee Substitute Favorable 7/12/07
Fourth Edition Engrossed 7/26/07

Short Title: Candidate Felony Disclosure.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ALL CANDIDATES TO DISCLOSE FELONY
CONVICTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-106 is amended by adding a new subsection to read:

"(a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of candidacy under this section, the candidate shall file with the same office a statement answering the following question: "Have you ever been convicted of a felony?" The State Board of Elections shall adapt the notice of candidacy form to include the statement required by this subsection. The form shall make clear that a felony conviction need not be disclosed if the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of innocence or expungement. The form shall require a candidate who answers "yes" to the question to provide the name of the offense, the date of conviction, the date of the restoration of citizenship rights, and the county and state of conviction. The form shall require the candidate to swear or affirm that the statements on the form are true, correct, and complete to the best of the candidate's knowledge or belief. The form shall be available as a public record in the office of the board of elections where the candidate files notice of candidacy and shall contain an explanation that a prior felony conviction does not preclude holding elective office if the candidate's rights of citizenship have been restored. This subsection shall also apply to individuals who become candidates for election by the people under G.S. 163-114, 163-122, 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any other statute or local act. Those individuals shall complete the question at the time the documents are filed initiating their candidacy. The State Board of Elections shall adapt those documents to include the statement required by this subsection. If an individual does not complete the statement required by this

1 subsection, the board of elections accepting the filing shall notify the individual of the
2 omission, and the individual shall have 48 hours after notice to complete the statement.
3 If the individual does not complete the statement at the time of filing or within 48 hours
4 after the notice, the individual's filing is not complete, the individual's name shall not
5 appear on the ballot as a candidate, and votes for the individual shall not be counted. It
6 is a Class I felony to complete the form knowing that information as to felony
7 conviction or restoration of citizenship is untrue. This subsection shall not apply to
8 candidates required by G.S. 138A-22(d) to file Statements of Economic Interest."

9 **SECTION 2.** This act becomes effective January 1, 2008.