

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H

1

HOUSE BILL 864

Short Title: Tax Returns Uniformly Made Public Act/Funds. (Public)

Sponsors: Representatives Harrison, Fisher, and Meyer (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 21, 2017

1 A BILL TO BE ENTITLED
2 AN ACT REQUIRING A CANDIDATE FOR PRESIDENT OR VICE PRESIDENT OF THE
3 UNITED STATES TO FILE THE CANDIDATE'S FEDERAL INCOME TAX RETURN
4 BEFORE THE CANDIDATE'S NAME APPEARS ON THE GENERAL ELECTION
5 BALLOT AND APPROPRIATING FUNDS FOR THAT PURPOSE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 163-165.5(a)(3), as amended by Section 12 of S.L. 2017-3,
8 reads as rewritten:

9 "(a) Except as provided in this section, each official ballot shall contain all the following
10 elements:

11 ...

12 (3) The names of the candidates as they appear on their notice of candidacy filed
13 pursuant to G.S. 163-106 or G.S. 163-323, or on petition forms filed in
14 accordance with G.S. 163-122. No title, appendage, or appellation indicating
15 rank, status, or position shall be printed on the official ballot in connection
16 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
17 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
18 notice of candidacy or qualifying petition, but the nickname shall appear
19 according to standards adopted by the State Board of Elections. Those
20 standards shall allow the presentation of legitimate nicknames in ways that
21 do not mislead the voter or unduly advertise the candidacy. In the case of
22 candidates for presidential elector, the official ballot shall not contain the
23 names of the candidates for elector but instead shall contain the nominees for
24 President and Vice President who have complied with the requirements
25 under G.S. 163-209(a1), which the candidates for elector represent. The
26 State Board of Elections shall establish a review procedure that local boards
27 of elections shall follow to ensure that candidates' names appear on the
28 official ballot in accordance with this subdivision."

29 **SECTION 2.** G.S. 163-209 reads as rewritten:

30 **"§ 163-209. Names of presidential electors not printed on ballots; notification.**

31 (a) The names of candidates for electors of President and Vice-President nominated by
32 any political party recognized in this State under G.S. 163-96, or nominated under
33 G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his or
34 her name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122,
35 shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the



1 unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of
2 State no later than 12:00 noon on the first Friday in August. ~~In-Except as provided in subsection~~
3 (a1) of this section, in place of their names, there shall be printed on the ballot the names of the
4 candidates for President and Vice-President of each political party recognized in this State, and
5 the name of any candidate for President who has qualified to have his or her name printed on
6 the general election ballot under G.S. 163-122. A candidate for President who has qualified for
7 the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than
8 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a
9 candidate for Vice-President, whose name shall also be printed on the ballot. A vote for the
10 candidates named on the ballot shall be a vote for the electors of the party or unaffiliated
11 candidate by which those candidates were nominated and whose names have been filed with
12 the Secretary of State.

13 (a1) The name of a candidate for President or Vice-President shall appear on the general
14 election ballot only if no later than 50 days before the date of the general election the candidate
15 has filed with the State Board of Elections a copy of the candidate's federal income tax returns
16 for the 10 years preceding the year of the general election and provided written consent, in a
17 form prescribed by the State Board of Elections, for the public disclosure of the candidate's
18 federal income tax returns required by this subsection. The State Board of Elections shall make
19 the federal income tax returns submitted under this subsection publicly available on the State
20 Board of Elections Web site within seven days after the income tax returns have been filed.
21 However, before making the income tax returns publicly available, the State Board of
22 Elections, in consultation with the Secretary of the Department of Revenue, or the Secretary's
23 designee, shall redact any personal information or other information the Secretary or the
24 Secretary's designee determines shall be kept confidential by law. If a candidate for the office
25 of President or Vice-President does not timely file with the State Board of Elections the federal
26 income tax returns and written consent required by this subsection, the name of the candidate
27 shall not be printed on the official general election ballot.

28 (b) Upon receiving the filing of a name as a candidate for elector under this section, the
29 Secretary of State shall notify that candidate of the dual-office holding requirements of the
30 North Carolina Constitution and the General Statutes, including specifically that if a person
31 elected as elector holds another elective office at the time of taking the oath of office as elector,
32 that other office is vacated upon taking the oath of office."

33 **SECTION 3.** There is appropriated from the General Fund to the State Board of
34 Elections the sum of one hundred thousand dollars (\$100,000) for the 2017-2018 fiscal year
35 and the sum of one hundred thousand dollars (\$100,000) for the 2018-2019 fiscal year to
36 develop and maintain the information required under this act.

37 **SECTION 4.** Section 3 of this act becomes effective July 1, 2017. The remainder
38 of this act is effective when it becomes law and applies to elections held on or after that date.