



The Daily Bulletin: 2019-07-01

PUBLIC/HOUSE BILLS

H 329 (2019-2020) **RENEWABLE ENERGY AMENDS. (NEW)** Filed Mar 11 2019, *AN ACT TO (I) EXEMPT ELECTRIC VEHICLE CHARGING STATIONS FROM REGULATION AS PUBLIC UTILITIES, (II) REQUIRE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT RULES TO ESTABLISH A REGULATORY PROGRAM TO GOVERN THE MANAGEMENT OF END-OF-LIFE PHOTOVOLTAIC MODULES AND ENERGY STORAGE SYSTEM BATTERIES, AND DECOMMISSIONING OF UTILITY-SCALE SOLAR PROJECTS AND WIND ENERGY FACILITIES, AND REQUIRE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH A STAKEHOLDER PROCESS TO SUPPORT DEVELOPMENT OF THE RULES, AND (III) PROVIDE SMALL HYDROELECTRIC POWER FACILITIES CERTAIN TREATMENT SIMILAR TO THAT GIVEN TO SMALL POWER PRODUCERS THAT PRODUCE ENERGY FROM SWINE AND POULTRY WASTE.*

Senate amendment to the 2nd edition makes the following changes.

Further amends GS 62-3 to define *plug-in electric vehicle* to mean a four-wheeled motor vehicle that meets five criteria, including having a maximum speed capability of at least 65 miles per hour and draws electricity from a battery with a capacity of not less than four kilowatt hours and is capable of being recharged from an external source. Makes a conforming change to remove the statutory reference used to define the term previously in the description of *public utility* in proposed GS 62-3(23)n.

Requires the Department of Environmental Quality to consider, in the development of their rules regarding the regulatory program, whether or not manufacturer stewardship programs for the recycling of end-of-life photovoltaic modules and energy storage system batteries (was, those not otherwise addressed by utility-scale solar project decommissioning rules) should be established for applications other than utility-scale solar project installations.

Specifies that the exception for hydropower small power producers from limitations on capacity payments established in GS 62-156(b)(3), as amended, does not affect the applicability of GS 62-156(b)(3) as it related to any other small power producer.

Intro. by Szoka, Arp, Hanig, Warren.

UNCODIFIED, GS 62, GS 63

[View summary](#)

Environment, Energy, Government, State Agencies, Department of Environmental Quality (formerly DENR), Health and Human Services, Health, Public Health, Public Enterprises and Utilities, Transportation

H 761 (2019-2020) **CLARIFY WASTEWATER PERMITTING LIABILITY.** Filed Apr 15 2019, *AN ACT TO CLARIFY THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ITS AUTHORIZED AGENTS, AND LOCAL HEALTH DEPARTMENTS SHALL HAVE NO LIABILITY FOR WASTEWATER SYSTEMS FAILURES THAT ARE A DIRECT RESULT OF CERTAIN EVALUATIONS CONDUCTED BY LICENSED SOIL SCIENTISTS AND LICENSED GEOLOGISTS.*

Senate amendment to the 2nd edition makes the following changes.

Amends the proposed immunity provisions of GS 130A-335(a2). Establishes that the Department of Health and Human Services, its authorized agents, and local health departments are discharged and released from any liabilities, duties, and responsibilities imposed by statute or in common law from any claim arising out of or attributed to the soil conditions, site features, geologic conditions, or hydrogeologic conditions for which a signed written evaluation is submitted, upon its receipt from the soil scientist or licensed geologist (previously, provided immunity for wastewater system failures that are a direct result of evaluations conducted by a licensed soil scientist or licensed geologist).

Intro. by Yarborough, McElraft, Carney, Corbin.

GS 130A

PUBLIC/SENATE BILLS

S 315 (2019-2020) [NORTH CAROLINA FARM ACT OF 2019](#). Filed Mar 20 2019, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS OF THE STATE*.

House committee substitute to the 5th edition makes the following changes.

Amends the makeup of the Hemp Commission (Commission) set forth in GS 106-568.52, now requiring one of the two Governor-appointed members who is a full-time or Emeritus faculty member of a State land grant university who regularly works in the field of agricultural science or research to be appointed from NC A&T State University and reflect the spirit and relationship to the education and research for which the land grant program was established. Also now requires one of the two experienced farmer members appointed by the Commissioner of Agriculture to be a small farmer who is a historically underserved African-American farmer. Additionally, requires the member appointed by the Commissioner of Agriculture be recommended by the Small and Minority Farm Program (previously, required to be a professional agricultural consultant).

Amends proposed GS 106-568.55A, concerning bonding requirements for hemp handlers. Now limits the bonding requirements to hemp handlers who process hemp purchased from a cultivator. Additionally, exempts from the bonding requirements handlers who process only hemp grown by the handler. Makes identical changes to the bonding requirements set forth in proposed GS 106-568.64, effective July 1, 2021. Makes further clarifying changes to proposed GS 106-568.64.

Modifies proposed GS 106-658.58 to change the statutory numbering to GS 106-568.58.

Amends the proposed changes to GS 90-87 which become effective either December 1, 2019, or 30 days after the effective date of the US Department of Agriculture's adopted regulations. Now defines *marijuana* to exclude hemp products or hemp extracts, and include smokable hemp, except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product (previously, excluded hemp, hemp products, hemp extracts and smokable hemp when the hemp is produced and used in compliance with the Article and rules of the Commission). Makes similar changes to the statute, effective July 1, 2021, to exclude hemp products or hemp extracts, and include smokable hemp except for hemp plants or parts of a hemp plant grown or handled by a licensee for processing or manufacturing into a legal hemp product. Also amends the proposed changes to GS 90-94, effective either December 1, 2019, or 30 days after the effective date of the US Department of Agriculture's adopted regulations, to remove tetrahydrocannabinols in hemp and smokable hemp from the proposed exclusions from tetrahydrocannabinols, classified as a Schedule VI controlled substance (previously, excluded tetrahydrocannabinols in hemp, hemp products, hemp extracts, or smokable hemp). Makes identical changes to the statute, effective July 1, 2021.

Amends the criminal penalties set forth in proposed GS 106-568.67, effective July 1, 2021, eliminating the Class 1 misdemeanor offense for knowingly or intentionally manufacturing, delivering, selling, or possessing smokable hemp. Makes identical changes to delete proposed GS 106-568.57(d), which was to become effective December 1, 2020.

Amends proposed GS 106-121(1a), excluding smokable hemp from the definition of the term *cannabinoid-related compounds* as used in Article 12 (regarding the Department of Agriculture and Consumer Services' regulation of food, drugs, and cosmetics). Sunsets the proposed changes to GS 106-121 on July 1, 2021. Enacts identical changes to the statute, effective July 1, 2021, except changes a statutory cross-reference to the definition of smokable hemp, as enacted.

Changes the effective date to Section 14, which amends GS 106-568.56 (civil penalties for manufacturing, delivering, selling, or possessing smokable hemp), requires quarterly meetings of specified entities to discuss best practices in the hemp industry, and requires the SBI to notify the specified Commission when the US DEA has adopted an approved immediate testing method for whether hemp is within the federally defined THC level. Makes these provisions effective December 1, 2019, rather than December 1, 2020.

Eliminates the directives regarding the Environmental Management Commission's implementation of 15A NCAC 02D .1806 (Control and prohibition of odorous emissions).

Further amends Section 10.24 of SL 2017-57 to sunset the NC Food Innovation Lab Committee (as renamed) on January 1, 2020 (previously, set to sunset on January 1, 2025).

Directs the ERC to study matters related to the decommissioning of utility-scale solar projects, including the need for performance bonding to ensure proper decommissioning and closure of existing or future-built solar facilities, the economic feasibility and availability of recycling solar panels, and a survey of other states' related regulatory requirements. Requires the ERC to report to the 2020 Regular Session of the 2019 General Assembly upon its convening. Defines *utility-scale solar project*, and includes the solar rays, accessory buildings, transmission facilities, and any other infrastructure necessary of the operation of the project in the term.

Directs the ERC to study DEQ's process for the development and adoption of general permits for animal waste management systems for swine, cattle, and poultry operations, including whether the general permitting process should comply with the APA. Identifies entities the ERC must seek input from, including representatives of farmers and environmental protection and natural resource conservation groups. Directs ERC to report to the 2020 Regular Session of the 2019 General Assembly upon its convening.

Intro. by B. Jackson, Sanderson, Johnson.

STUDY, GS 20, GS 62, GS 89C, GS 90, GS 99E, GS 105, GS 106, GS 120, GS 136, GS 139, GS 143, GS 153A, GS 160A

Agriculture, Business and Commerce, Consumer Protection, Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Land Use, Planning and Zoning, Property and Housing, Environment, Energy, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Natural and Cultural Resources (formerly Dept. of Cultural Resources), Department of Environmental Quality (formerly DENR), Office of State Auditor, Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities

[View summary](#)

S 682 (2019-2020) **IMPLEMENT CRIME VICTIM RIGHTS AMENDMENT**. Filed Jun 27 2019, *AN ACT TO IMPLEMENT THE CONSTITUTIONAL AMENDMENT TO PROVIDE BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS OF CRIME*.

Part I.

Makes the following changes to Articles 45, Fair Treatment for Certain Victims and Witnesses, and 46, Crime Victims' Rights Act, of GS Chapter 15A.

Amends GS 15A-824, which sets forth the defined terms for Article 45. No longer qualifies that the definitions apply unless the context clearly requires otherwise. Excludes from the definition of *crime* offenses against the person or a felony property crime covered by Article 46 of the Chapter or Article 20A of GS Chapter 7B, as enacted (previously, excluded felonies or serious misdemeanor in Article 46). Makes clarifying and technical changes.

Amends GS 15A-825, concerning the treatment due to victims and witnesses by law enforcement agencies, the prosecutorial system, the judicial system and the correctional system. To the extent reasonably possible and subject to available resources, requires that the victim or witness be provided a secure waiting area during court proceedings that does not place the victim or witness in close proximity to any defendants or the family of any defendant (was, to defendants and families or friends of defendants). No longer requires that family members of a homicide victim be offered all guarantees specified, as appropriate.

Amends GS 15A-830, which sets forth the defined term for Article 46. Adds the terms *court proceeding*, *family member*, *felony property crime*, and *offense against the person*. Eliminates the term *next of kin* and makes conforming changes to eliminate any reference to the term. Amends the definition of *victim*, now defined to mean a person against whom there is probable cause to believe an offense against the person or a felony property crime has been committed (previously, specified certain felonies and misdemeanors). Defines *offense against the person* to mean an offense against or involving the person of the victim which constitutes a violation of Subchapter III (Offenses Against the Person) of GS Chapter 14; Subchapter VII

(Offenses Against Public Morality and Decency) of GS Chapter 14; Article 39 of GS Chapter 14 (Protection of Minors) ; GS Chapter 20 (Motor Vehicles) if the offense involves impairment of the defendant, or injury or death of the victim; a valid protective order under GS 50B-4.1; or Article 35 (Offense Against Public Peace) of GS Chapter 14 if the offense involves communicating a threat or stalking. Defines felony property crime to mean an act which constitutes a felony violation of either Subchapter IV (Offenses Against the Habitation or Other Buildings) or Subchapter V (Offenses Against Property) of GS Chapter 14. Adds new provisions to establish that a parent, guardian, or legal custodian can assert the victim's rights under Article 46 if the victim is a minor or is legally incapacitated. Provides that if the victim is deceased, a family member, in the order set forth in the definition, can assert the victim's rights under Article 46, provided that the guardian or legal custodian of a deceased minor has priority over a family member and the personal representative of the victim's estate must exercise any restitution right set forth in GS 15A-834. Defines *family member* to mean a spouse, child, parent, sibling, or grandparent of the victim; excludes the accused unless the charges are dismissed or the person is found not guilty. Establishes that any individual who, in the determination of the court, would not act in the best interests of the victim is not entitled to assert or exercise the victim's rights.

Enacts GS 15A-830.5 to mandate that a victim of a crime be treated with dignity and respect by the criminal justice system. Enumerate nine victims' rights, including (1) the right to reasonable, accurate and timely notice of court proceedings of the accused upon request, (2) the right to receive restitution, if ordered, in a reasonably timely manner, (3) the right to be given information about the crime, how the criminal justice system works, the rights of victims, and the availability of services for victims, (4) the right to receive information about the conviction or final disposition, and sentence of the accused, upon request, (5) the right to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence, upon request, and (6) the right to present the victim's views and concerns in writing to the Governor or agency considering any action that could result in the accused's release, prior to the action becoming effective. Prohibits the failure or inability of any person to provide a right or service under Article 46 from being used by a defendant in a criminal case, by an inmate, by any other accused, or by a victim or any family member of a victim as a ground for relief in any criminal or civil proceeding.

Amends GS 15A-831 to require an investigating law enforcement agency to provide a victim, within 72 hours of identification, with the specified information in writing, on a form created by the Conference of District Attorneys (previously, listed seven items and did not specify how the information is to be given). Adds to the existing specified information, (1) a list of each enumerated right of a victim, as enacted in GS 15A-830.5, and (2) information about any other rights afforded to victims by law. No longer requires law enforcement agencies to forward the victim's date of birth, social security number, race and sex to the district attorney's office within 72 hours after notification of the accused's arrest, instead only requiring the agency to forward the victim's name, address, and phone number or other contact information (currently, requires name, address, and phone number). Requires a victim electing to receive further notices on the status of the accused during the pretrial process to return the form given to the investigating law enforcement agency within 10 business days of receipt of the form. Adds a new requirement for the investigating law enforcement agency to promptly share the form with the district attorney's office.

Amends GS 15A-832, regarding the district attorney's office's responsibilities, to require the district attorney's office to explain the step generally taken by the office when prosecuting a crime (was, a felony case). Deems it the victim's responsibility to notify the office of any changes in the victim's contact information if the victim elects to receive notices. Specifies that the office's notices must be accurate and timely. Permits notification electronically or by phone with the victim's consent. No longer requires a court to make every effort to permit the fullest attendance possible by a victim witness in the proceedings. Requires the office to offer the victim the opportunity to reasonably confer, rather than consult, with the prosecution (rather than the prosecuting attorney). Establishes that the district attorney's office's responsibilities extend to the victim of an act of delinquency if the juvenile's case is transferred to superior court.

Amends GS 15A-832.1, regarding responsibilities of judicial officials, to require a judicial official issuing an arrest warrant for any misdemeanor offense against the person based on testimony or evidence from a complaining witness rather than from a law enforcement officer to (1) record previously specified information of the defendant and victim, and (2) deliver a copy of the warrant and victim's information to the superior court clerk's office by the close of the next business day. Requires judges, in any court proceeding under the Article, as now defined in GS 15A-830, to always ask whether the victim is present and wishes to be heard, to which the victim must reasonably be heard if the victim wishes, through an oral statement, submission of a written statement, or submission of an audio or video statement. Requires a judge notified by the clerk that a victim has filed a motion alleging violation of the rights of Article 46 to inquire as to compliance and timely dispose of the motion or set the motion for hearing. Adds a new requirement for the court to make every effort to provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

Enacts GS 15A-834.5 to establish that a victim or a victim's attorney can assert the rights afforded under Article 46. Allows assertion of victim rights by the prosecutor, upon request, or the parent, guardian, or legal guardian, or family members, as specified. Requires assertion by motion within the same criminal proceeding giving rise to the rights, with the right to counsel at the hearing, but no right to counsel provided by the State. Requires the victim to file a written complaint with the district attorney if the matter involves an allegation that the district attorney failed to comply with the victim's rights when obligated by law.

Amends GS 15A-836, regarding the responsibilities of the custodial agency of the defendant, to require the agency to notify the victim of the procedure for alleging failure of the custodial agency to notify the victim as required by the statute.

Repeals GS 15A-840 (No ground for relief; incorporated into new GS 15A-830.5) and GS 15A-841 (concerning incompetent victim's rights; incorporated into GS 15A-830, as amended).

Part II.

Enacts new Article 20, Rights of Victims of Delinquent Acts, in GS Chapter 7B, providing as follows.

Defines victim as a person against whom there is probable cause to believe a juvenile has committed an offense against the person or a felony property offense. Defines offense against the person as an offense committed by a juvenile against or involving the person of the victim that, if committed by an adult, would constitute a violation of one of the following: Subchapter III of GS Chapter 14 (Offenses Against the Person); Subchapter VII of GS Chapter 14 (Offenses Against Public Morality and Decency); Article 39 of GS Chapter 14 (Protection of Minors); GS Chapter 20 (Motor Vehicles) if the offense involves impairment of the defendant, or injury or death to the victim; a valid protective order under GS 50B-4.1; or Article 35 of GS Chapter 14 (Offenses Against the Public Peace) if the offense involves communicating a threat or stalking. Defines felony property offense as an offense that, if committed by an adult, would constitute a felony violation of GS Chapter 14 Subchapter IV (Offenses Against the Habitation and Other Buildings) or Subchapter V (Offenses Against Property).

Allows a parent, guardian, or legal custodian to assert the victim's rights under the Article when the victim is a minor or is legally incapacitated. Allows a family member to assert a deceased victim's rights, subject to the following (1) the guardian or legal custodian of a deceased minor has priority over a family member; and (2) the right to restitution in new GS 7B-2056 may only be exercised by the personal representative of the victim's estate. Prohibits an individual who would not act in the best interests of the victim from being entitled to assert or exercise the victim's rights.

Gives victims the following rights: (1) the right, upon request, to reasonable, accurate, and timely notice of court proceedings of the juvenile; (2) the right, upon request, to be present at court proceedings of the juvenile; (3) the right to be reasonably heard at court proceedings involving the plea, adjudication, disposition, or release of the juvenile; (4) the right to receive restitution in a reasonably timely manner, when ordered by the court; (5) the right to be given information about the offense, how the juvenile justice system works, the rights of victims, and the availability of services for victims; (6) the right, upon request, to receive information about the adjudication of the juvenile or disposition of the case; (7) the right, upon request, to receive notification of the escape or release of the juvenile; and (8) the right to reasonably confer with the prosecution. Prohibits using the failure or inability of a person to provide a right or service under the Article as a ground for relief in any criminal, juvenile, or civil proceeding.

Requires the district attorney's office to provide the victim with the seven types of information within 72 hours after the filing of a petition, including, the victim's rights under the Article, steps generally taken by the district attorney's office in cases involving juvenile offenses, and suggestions on what the victim should do if threatened or intimidated by the juvenile or someone acting on the juvenile's behalf. Requires the victim to indicate on a form whether the victim requests to receive notices of some, all, or none of the court proceedings included under this Article as well as whether the victim wishes to receive information about the adjudication and disposition of the case. Requires the district attorney's office to offer the victim the opportunity to reasonably confer with the prosecution to obtain the views of the victim about, at a minimum, dismissal, plea or negotiations, disposition, and any dispositional alternatives. Requires the district attorney's office to notify victims, who have indicated they wish to be notified, of the date, time, and place of court proceedings; sets out requirements for those notices. Requires, when practical, providing a secure waiting area during court proceedings that does not place the victim in close proximity to the juvenile or the juvenile's family. Requires the prosecutor, before the dispositional hearing, to notify the victim that the victim may request in writing to be notified (1) in advance of the juvenile's scheduled release date, if the juvenile is committed to the Division of Adult Correction and Juvenile Justice (Division) for placement in a youth development center, or (2) in the event that the juvenile escapes, if the juvenile is being held in secure custody or is committed

to the Division for placement in a youth development center. Requires the prosecutor, at the dispositional hearing, to submit to the court a form containing the victim's request for further notices and any necessary identifying information about the victim, if applicable. Sets out custody and confidentiality of the form. Requires the district attorney's office to provide the victim, when requested, with information about the adjudication and disposition of the juvenile; limits information that is to be included in that notice.

Requires the court to give the victim an opportunity to be reasonably heard. Provides that if an entire hearing has been closed to the victim by the court, the victim must have opportunity to be heard by the court regarding the right to be present, if the court has not previously provided this opportunity to the victim. Requires the court to make every effort to provide a secure waiting area during court proceedings that does not place the victim in close proximity to the defendant or the defendant's family.

Sets out notification requirements by the Division at least 45 days before releasing a juvenile to post-release supervision. Requires the Division to give the victim an opportunity to be reasonably heard and consider the victim's views when determining whether a juvenile is ready for release and during the post-release supervision planning conference process. Sets out notification requirements when the victim has asked to be notified of the juvenile's escape.

Gives the victim a right to receive restitution when ordered by the court under GS 7A-2506(4) (up to \$500, payable within a 12-month period to any person who has suffered loss or damage as a result of the offense committed by the juvenile) or GS 7B-2506(22) (require restitution of more than \$500 full or partial, payable within a 12-month period to any person who has suffered loss or damage as a result of an offense committed by the juvenile).

Provides that nothing under the Article provides grounds for a victim to examine or obtain confidential juvenile records. Prohibits identifying the juvenile by name in the notice or information provided to the victim, requiring the use of first and last initials. Specifies that the Article does not create a claim for damages against the State, any county or municipality or any State or county agencies, instrumentalities, officers, or employees.

Allows a victim or a victim's attorney to assert the rights provided in the Article. Also allows the following to assert the victim's rights: (1) the prosecutor, upon request of the victim; (2) if the victim is a minor or is legally incapacitated, a parent, guardian, or legal custodian; or (3) if the victim is deceased, a family member. Sets out the procedure by which a victim may assert their rights provided under the Article. Provides that if the matter involves an allegation that the district attorney failed to comply with the rights of a victim when obligated to do so by law, the victim must first file a written complaint with the district attorney to give the district attorney with jurisdiction over the criminal action an opportunity to resolve the issue stated in the written complaint in a timely manner.

Makes conforming changes to GS 7B-2514, GS 7B-3000, GS 7B-3111, and GS 7B-3102. Makes a conforming repeal of GS 7B-2513(j).

Part III.

Requires the Conference of District Attorneys and the Administrative Office of the Courts, by July 31, 2019, to develop and disseminate the forms required by the act.

Parts I and II of the act apply to offenses committed on or after August 31, 2019.

Intro. by Daniel, J. Davis, Britt.

[GS 7B, GS 15A](#)

[View summary](#)

[Courts/Judiciary, Court System, Criminal Justice, Corrections \(Sentencing/Probation\), Criminal Law and Procedure](#)

S683 (2019-2020) [COMBAT ABSENTEE BALLOT FRAUD](#). Filed Jun 28 2019, *AN ACT TO AMEND THE LAWS GOVERNING MAIL-IN ABSENTEE BALLOTS AND TO RESTORE THE LAST SATURDAY OF EARLY ONE-STOP VOTING*.

Amends GS 163A-1306 to establish separate requirements for county boards of elections records regarding early one-stop absentee ballots voted, distinct from records regarding mail-in absentee ballot requests. Directs the State Board of Elections

(State Board) to approve an official register in which each county board must record (1) the name of the voter for whom application and ballots are being requested, (2) the number assigned to the voter's application when issued, (3) the precinct in which the voter is registered, (4) the date the voter voted early one-stop, (5) the voter's party affiliation, and (6) any additional information and official action required by law. Makes the official records for early-one stop absentee ballots constitute a public record and requires that it be open to inspection by any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time good and sufficient reason is assigned for its inspection. Allows the State Board to provide the official registers to be kept in electronic data processing equipment. With regard to mail-in absentee ballot requests, deems the official record confidential and not public record until the opening of the voting place, at which time the official register constitutes public record (currently, the register of absentee requests, applications, and ballots issued constitutes public record, open for inspection within 60 days before and 30 days after an election or any other time as described). Eliminates the requirement for the register to have daily printed copies and supplements. Makes further technical and conforming changes.

Amends GS 163A-1313 to require any copies of any photo identification associated with absentee ballot requests, or returned applications and ballots, not public record. Makes technical changes.

Amends GS 163A-871 to also deem confidential and not public record full or partial Social Security numbers; dates of birth; identity of the public agency where the individual registered, any email addresses submitted under Article 17, Qualifying to Vote, or Part 2, Uniform Military and Overseas Voters Act, Article 21 (previously, did not include Article 17); and drivers license numbers that may be generated by the voter, the State Board, or a county board in the mail-in absentee ballot process (previously, did not include identifiers generated by the voter; previously, applied to such information generated in the voter registration process).

Amends GS 163A-1308, as amended, which provides for the procedure for completing absentee ballot request forms. Eliminates the absentee ballot request form. Instead, requires a qualified voter eligible to vote by absentee ballot under existing law (GS 163A-1295(a)), or that voter's near relative or verifiable legal guardian, to request in writing an application for absentee ballots so that the county board receives the request no later than 5:00 p.m. on the Tuesday before the election (identical to the same time period for completing request forms). Requires the written request to be signed by the voter, the voter's near relative, or the voter's verifiable legal guardian. Requires county boards to use existing procedures to record requests, applications, and ballots issued. Maintains requirements for county boards to mail the official ballot, a container-return envelope, and an instruction sheet. Concerning absentee ballots for voters unable to go to the voting place in person on election day due to sickness or other physical disability, requires the voter or the voter's near relative or verifiable legal guardian to make the same written request in person for absentee ballots to the county board no later than 5:00 p.m. on the day before the election. Now requires the county board to enter specified information into the register regarding these absentee requests, applications, and ballots issued, and requires the county board to personally deliver to the requester the official ballot, a container-return envelope, and an instruction sheet in a single-package (previously, permitted personal delivery to the voter or the voter's near relative or verifiable legal guardian). Makes conforming changes.

Amends GS 163A-1309, making conforming changes to eliminate provisions relating to the State Board's request form for absentee ballots. Instead, enacts the following new requirements. Requires written requests for an absentee ballot to be written entirely by the requester personally, or on a form generated by the county board, and signed by the requester and submitted together with the required identification. Requires each request to include any form of valid identification as described in GS 163A-1145.1(a) or an affidavit as described in GS 163A-1145.1(d) (exceptions for religious objection, reasonable impediment, or natural disaster). Limits issuance of the request form by a county board to the voter seeking to vote by absentee ballot or the voter's near relative or verifiable legal guardian authorized to make a request for the voter. Provides that, if a requester is unable to complete a written request due to disability or illiteracy, the requester can receive assistance in writing the request from an individual of that requester's choice. Requires the State Board to adopt rules to implement and enforce the provisions.

Directs the State Board to prepare and disseminate to the county boards and post on its website an instruction sheet for voters regarding the process to request a mail-in absentee ballot, no later than December 1, 2019, in English and any other languages the State Board deems appropriate. Requires periodic updates to the instruction sheet to reflect any changes in relevant law.

Amends GS 163A-1317 increasing the following criminal offenses regarding absentee ballots from a Class 2 misdemeanor to a Class 1 misdemeanor: making false statements under oath, making false statements not under oath for the purpose of obtaining or voting any official ballot, witnessing an absentee ballot of a nonrelative by a candidate, and any other willful noncompliance with absentee ballot laws. Makes attempting to vote by fraudulently signing the name of a regularly qualified voter a Class G

felony rather than a Class I felony. Adds the following new offenses. Makes it a Class 2 misdemeanor to sell or attempt to sell, or purchase or agree to purchase, completed applications and ballots. Makes it a Class G felony to intentionally fail to deliver or intentionally destroy completed written requests, completed applications for absentee ballots, or voted absentee ballots. Makes it a Class G felony for any person other than the voter or the voter's near relative or verifiable legal guardian to make copies or otherwise retain the request for absentee ballots, completed applications for absentee ballots, or any identifying information, as specified, disclosed in a request or application. Makes it a Class 2 misdemeanor to compensate another or to accept compensation based on the number of returned written requests for absentee ballots under GS 163A-1309, as amended. Applies to offenses committed on or after December 1, 2019.

Amends GS 163A-1300 to modify the one-stop voting period. Now sets the period to be no earlier than the third Thursday before an election and no later than 1:00 p.m. on the last Saturday before the election (was, no earlier than the third Wednesday before an election, and no later than 7:00 p.m. on the last Friday before the election). Adds an explicit requirement for county boards to conduct one-stop voting on the last Saturday before the election from 8:00 a.m. until 1:00 p.m., and permits a county board to continue until 5:00 p.m. on that day.

Amends GS 163A-1303(c)(4), which provides that if a county board must open one-stop sites on Saturdays during the one-stop period, the county must have all one-stop sites open for the same number of hours throughout the county on those Saturdays, to except the last Saturday before the election from the requirement.

Intro. by Daniel, McKissick, Hise.

[GS 163A](#)

[View summary](#)

[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Elections, State Agencies, State Board of Elections, Local Government](#)

S683 (2019-2020) [COMBAT ABSENTEE BALLOT FRAUD](#). Filed Jun 28 2019, *AN ACT TO AMEND THE LAWS GOVERNING MAIL-IN ABSENTEE BALLOTS AND TO RESTORE THE LAST SATURDAY OF EARLY ONE-STOP VOTING*.

Senate committee substitute to the 1st edition makes the following changes.

Further amends GS 163A-1306 to require the State Board of Elections (State Board) or county board of elections to inform the voter of the status of that voter's request for mail-in absentee ballots upon inquiry by the voter or the voter's near relative or verifiable legal guardian.

Further amends GS 163A-1308 regarding issuance of absentee ballots to specify that the county board is to promptly issue and transmit applications and absentee ballots to the voter upon receipt of a request from the voter, or the near relative or the verifiable guardian of that voter.

Modifies the proposed changes to GS 163A-1309 regarding the method of requesting absentee ballots. No longer permits an option to request using a form generated by the county board. Adds that the completed request must be returned to the county board by the voter only, or the near relative or the verifiable legal guardian of that voter, so requesting the absentee ballot.

Enacts GS 163A-1317(d)(5), making it a Class F felony to commit, attempt to commit, or conspire to commit a crime identified in GS 163A-865(b) (certain misdemeanors involving acceptance of voter registration application forms), GS 163A-1298(a) (certain felonies regarding absentee voting), GS 163A-1388 (certain misdemeanors involving campaigns), GS 163A-1389 (certain felonies involving campaigns), or this statute, GS 163A-1317 (certain misdemeanors and felonies involving absentee ballots), with the intent to unlawfully influence or interfere with a primary or election, or to otherwise unlawfully gain. Makes technical correction to proposed GS 163A-1317(d1) to remove reference to an absentee request form (terminology eliminated by the act).

Changes the effective date of the proposed changes to GS 163A-1300 and GS 163A-1303, regarding one-stop voting, from January 1, 2020, to August 1, 2019.

Intro. by Daniel, McKissick, Hise.

[GS 163A](#)

[View summary](#)[Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Government, Elections, State Agencies, State Board of Elections, Local Government](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 18: ALLOW ABSENTEE BALLOTS/FIRE DISTRICT ELECTION.*Senate: Reptd Fav**Senate: Re-ref Com On Rules and Operations of the Senate***H 99: TRANSFER ALE.***Senate: Conf Com Appointed***H 106: INMATE HEALTH CARE & 340B PROGRAM. (NEW)***Senate: Withdrawn From Cal**Senate: Placed On Cal For 07/02/2019***H 107: PED OVERSIGHT/EPP CHANGES.***Senate: Reptd Fav***H 108: PED/SAFEKEEPER HEALTH CARE COST RECOV. PRACT.***Senate: Withdrawn From Cal**Senate: Placed On Cal For 07/02/2019***H 138: DAMAGE JAIL & PRISON FIRE SPRINKLER/PENALTY.***Senate: Withdrawn From Cal**Senate: Placed On Cal For 07/02/2019***H 156: SWAIN COUNTY SETTLEMENT TRUST FUND. (NEW)***Senate: Reptd Fav***H 198: HUMAN TRAFFICKING COMMISSION RECOMMENDATIONS.-AB***Senate: Withdrawn From Cal**Senate: Placed On Cal For 07/02/2019***H 206: DOT LEGISLATIVE CHANGES.-AB***Senate: Reptd Fav***H 211: VARIOUS DMV CHANGES.-AB***Senate: Reptd Fav***H 217: DIT CHANGES.-AB***Senate: Reptd Fav***H 220: INSURANCE TECHNICAL CHANGES.-AB***Senate: Reptd Fav**Senate: Withdrawn From Cal**Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate*

H 224: ASSAULT W/ FIREARM ON LEO/INCREASE PUNISHMENT.

House: Pres. To Gov. 7/1/2019

H 226: 2019 AOC LEGISLATIVE CHANGES.-AB

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 235: Utilities Comm'n Tech. and Add'l Changes.-AB (NEW).

Senate: Reptd Fav

H 243: STATE HUMAN RESOURCES ACT AMENDMENTS.-AB

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 257: MOTORCYCLES/FACE MASKS.

House: Pres. To Gov. 7/1/2019

H 264: GSC TECHNICAL CORRECTIONS 2019.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 268: AMEND ON-SITE WASTEWATER LAWS. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 283: CONNER'S LAW.

Senate: Reptd Fav

H 323: ASSESS COSTS OF LOCAL LEO CRIME LAB ANALYSIS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 329: RENEWABLE ENERGY AMENDS. (NEW)

Senate: Amend Adopted AI

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Engrossed

H 337: CHANGE SALVAGE VEHICLE TRANSFER REQUIREMENTS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 362: 15-POINT SCALE FOR SCHOOL PERFORMANCE GRADES.

Senate: Reptd Fav

H 402: UNC CAPITAL PROJECTS.

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 449: SPECIAL REGISTRATION PLATES.

Senate: Withdrawn From Com

Senate: Re-ref to Finance. If fav, re-ref to Rules and Operations of the Senate

H 469: VARIOUS FAMILY LAW CHANGES. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 492: SIMPLIFY BUILDER INVENTORY EXCLUSION.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 546: PROHIBIT COUNTERFEIT/NONFUNCTIONAL AIRBAGS.

Senate: Reptd Fav

H 590: AMEND ADMINISTRATIVE PROCEDURE LAWS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 597: WILDLIFE RESOURCES COMMISSION AMENDS.

House: Withdrawn From Cal

House: Placed On Cal For 07/10/2019

H 628: 2019 BANKING & MORTGAGE CORRECTIONS & CHANGES.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 629: LAW-ENFORCEMENT MUTUAL AID.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 630: PROTECTIVE SERVICES/ALARM SYSTEMS LAW CHANGES. (NEW)

House: Placed On Cal For 07/08/2019

H 633: STRENGTHEN CRIMINAL GANG LAWS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 645: REVISIONS TO OUTDOOR ADVERTISING LAWS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 668: VARIOUS HIGHER EDUCATION CHANGES.

Senate: Reptd Fav

H 675: 2019 BUILDING CODE REGULATORY REFORM.

Senate: Reptd Fav

H 724: TRUTH IN CALLER ID ACT.

Senate: Reptd Fav

H 735: ADOPT RULES INCORPORATING 2017 FOOD CODE.

Senate: Reptd Fav

H 755: TRAVEL INSURANCE AMENDMENTS.

Senate: Reptd Fav

H 758: MSD EXPANSION AND GOVERNANCE/DACS STUDY. (NEW)

Senate: Passed 2nd Reading

H 760: EXPAND LOSS PREVENTION INVESTIGATIONS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 761: CLARIFY WASTEWATER PERMITTING LIABILITY.

Senate: Amend Adopted A1

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 777: VARIOUS RETIREMENT CHNGS/WASTEWATER REFORM. (NEW)

Senate: Reptd Fav

H 880: LANDLORD/TENANT CHANGES.

Senate: Withdrawn From Com

Senate: Re-ref to Judiciary. If fav, re-ref to Rules and Operations of the Senate

H 922: ENHANCE INSURANCE COVERAGE/EDUC. BUILDINGS. (NEW)

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 966: 2019 APPROPRIATIONS ACT.

House: Cal Pursuant Rule 44.2

House: Placed On Cal For 07/08/2019

H 1019: CONFIRM FLOYD MCKISSICK/UTILITIES COMMISSION.

House: Placed On Cal For 07/08/2019

S 29: MOVE OVER LAW/INCREASE PENALTIES/AMBER LIGHTS. (NEW)

House: Placed On Cal For 07/08/2019

S 191: OUT-OF-STATE LAW ENFORCEMENT/2020 REP CONVTN.

Senate: Pres. To Gov. 7/1/2019

S 220: REMOVAL OF POLITICAL SIGNS BY CITIZENS.

Senate: Pres. To Gov. 7/1/2019

S 311: MESSAGE BOARD MEMBERSHIP.

Senate: Pres. To Gov. 7/1/2019

S 315: NORTH CAROLINA FARM ACT OF 2019.

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

S 344: ALLOW COMMON AREA ENTERTAINMENT ABC PERMIT.

Senate: Reptd Fav

S 355: LAND-USE REGULATORY CHANGES.

Senate: Pres. To Gov. 7/1/2019

S 378: LOCAL ECONOMIC DEVELOPMENT MODIFICATIONS.

Senate: Pres. To Gov. 7/1/2019

S 394: CHANGES TO ESTATES & TRUSTS STATUTES.

Senate: Pres. To Gov. 7/1/2019

S 399: REHIRE HIGH-NEED TEACHERS.

Senate: Pres. To Gov. 7/1/2019

S 462: MODIFICATIONS TO NC APPRAISAL BOARD.

Senate: Reptd Fav

S 500: MODIFY ADVANCED MATH COURSE ENROLLMENT.

Senate: Pres. To Gov. 7/1/2019

S 525: TEXTILE HIST. SITE/OPERATE SE NC MUSEUM (NEW).

Senate: Pres. To Gov. 7/1/2019

S 535: CONSERVATION CORPS CLARIFICATION.

House: Placed On Cal For 07/08/2019

S 553: REGULATORY REFORM ACT OF 2019.

House: Placed On Cal For 07/08/2019

S 594: REGISTER OF DEEDS UPDATES.

Senate: Pres. To Gov. 7/1/2019

S 681: RURAL HEALTH CARE STABILIZATION ACT.

Senate: Reptd Fav

S 683: COMBAT ABSENTEE BALLOT FRAUD.

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

Senate: Withdrawn From Com

Senate: Re-ref to Redistricting and Elections. If fav, re-ref to Rules and Operations of the Senate

LOCAL BILLS

H 4: CLAREMONT DEANNEXATION.

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 52: WRIGHTSVILLE BEACH LOCAL ACT AMENDMENT.

Senate: Reptd Fav

H 80: ROANOKE RAPIDS LAKE/UNATTENDED EQUIP. (NEW)

Senate: Reptd Fav

H 98: MACON/CLAY/NO RIGHT-OF-WAY SPOTLIGHTING.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 134: FILLING VACANCY/ON SLOW COUNTY BOARD OF COMM.

Senate: Reptd Fav

H 170: VARIOUS SATELLITE ANNEXATIONS. (NEW)

Senate: Passed 3rd Reading

H 187: AMEND TOWN OF ELON CHARTER/PARKING ORDINANCES.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 204: TOWN OF BEAUFORT/ANNEXATION. (NEW)

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 237: BRUNSWICK COUNTY ZONING PROCEDURE CHANGES.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 239: PITT COUNTY ANIMAL CONTROL RECORDS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 285: CITY OF SANFORD/TOWN OF BEAUFORT VOL ANNEX. (NEW)

Senate: Passed 3rd Reading

H 324: CLEVELAND/CALDWELL COUNTIES HUNTING OMNIBUS. (NEW)

Senate: Withdrawn From Com

Senate: Re-ref to State and Local Government. If fav, re-ref to Rules and Operations of the Senate

H 349: WILKES COUNTY FIRE TAX-PROCEDURE.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 368: BERMUDA RUN/SPEED RESTRICTIONS.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 07/02/2019

H 489: LINCOLN-TON-LINCOLN COUNTY AIRPORT AUTHORITY.

Senate: Reptd Fav

S 267: BUNCOMBE 1/4 CENT SALES TAX USE RESTRICTION.

Senate: Reptd Fav

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