



The Daily Bulletin: 2023-06-15

PUBLIC/HOUSE BILLS

H 600 (2023-2024) **REGULATORY REFORM ACT OF 2023**. Filed Apr 13 2023, *AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA*.

Senate committee substitute to the 4th edition makes the following changes.

Part I.

Section 6.

Amends GS 113-170.3(d) (record keeping requirement for certain fisheries) to change the reference to the type of thing recreationally harvested that triggers the reporting obligations from a marine or estuarine resource to a fish and includes harvests from inland fishing waters adjacent to joint fishing waters. Amends GS 113-170.3 further, effective December 1, 2025, which increases the penalty for violations to a warning ticket by now also allowing an inspector or protector to issue additional warning tickets for repeat violations of failure to follow the reporting requirements of GS 113-170.3(d) and (e).

Amends the penalty provisions, effective December 1, 2026, which increase violations to an infraction punishable by a \$35 fine as follows. Specifies that a person responsible for an infraction cannot be assessed court costs. Allows the Fisheries Director of the NC Division of Marine Fisheries (DMF) or the Executive Director of the Wildlife Resources Commission (WRC), as applicable, to revoke or refuse to issue a commercial or recreational fishing license for any individual guilty of an infraction for two consecutive years or upon failure to pay outstanding fines when required to do so. Expands the agency authorized to adopt rules to implement the act to include the WRC in addition to the DMF; makes conforming changes.

Section 7.

Deletes proposed amendments to GS 113-229 (permits to dredge or fill in or about estuarine waters or State owned lakes).

Section 7.2

Amends GS 143-215(c) (effluent standards or limitations) so that it now reads, except as required by section 402(o) of the federal Clean Water Act (33 U.S.C. § 221342(o)), or upon waiver by a permittee in the permittee's sole discretion, no numeric water-quality based effluent limitation for a pollutant will be included in a wastewater discharge permit unless a numeric water quality standard for the pollutant has been established by rule in compliance with the requirements of Article 2A of GS Chapter 150B. Specifies that this requirement does not apply to technology-based effluent permit limitations established by State or federal rule.

Section 8.5

Deletes provisions applying the APA's effective date provisions triggered when 10 or more written objections are received to the rule (GS 150B-21.3) to the temporary rules DEQ is required to adopt making the Shallow Draft Applicability Rule (15A NCAC 01T .0201) consistent with the act.

Section 10

Makes technical change to GS 113A-107(g).

Section 15.5

Requires that the Dwelling Wastewater Design Flow Rate Rule (15A NCAC 02T .0114) be implemented as follows. In determining the volume of sewage from dwelling units, specifies that the flow rate will be 75 gallons per day per bedroom. The minimum volume of sewage from each dwelling unit will be 75 gallons per day, and each additional bedroom shall increase the volume by 75 gallons per day. Authorizes DEQ to approve a flow rate lower than 75 gallons per day per bedroom on a

case-by-case basis at its discretion. Requires the Environmental Management Commission (EMC) to adopt rules to amend the Dwelling Wastewater Design Flow Rate Rule so that it is consistent with this provision. Applies the APA's effective date provisions triggered when 10 or more written objections are received to the rule (GS 150B-21.3). Sunsets this provision when the permanent rules become effective. Specifies that the provisions of the APA requiring review by the rules commission do not apply. Specifies that the section and rules adopted pursuant thereto apply to all dwelling units sewer system permits issued on or after August 31, 2023.

Section 16.

Further amends GS 130A-309.10 to specify that PV (photovoltaic) modules, or components thereof, not shipped for reuse, incapable of being recycled, and that do not meet the definition of *hazardous waste* (was, just or not recycled) must be properly disposed of by the means listed in the statute.

Part II.

Section 23.

Amends GS 162A-201(9) (pertaining to system development fees) to exempt a fee or charge paid by one local government unit to another local government unit for capacity in, or reserve capacity supplied by, capital improvements or facilities from the definition of *system development fee*.

Section 25.1

Requires the Reinspections Rule (15A NCAC 18A .2661(h)) to be implemented as follows. Upon request of the permit holder, or his or her representative, specifies that a reinspection must be made. In the case of a food establishment that requests an inspection for the purpose of raising the alphabetical grade and that holds an unrevoked permit, the regulatory authority must make an unannounced inspection within five business days from the date of the request. Requires the Commission for Public Health (CPH) to adopt temporary and permanent rules to implement the section. Applies the APA's effective date provisions triggered when 10 or more written objections are received to the rule (GS 150B-21.3). Sunsets this provision when the permanent rules become effective. Specifies that the provisions of the APA requiring review by the rules commission do not apply.

Section 25.2

Requires that Frequency of Inspections for Risk Category IV Food Service Establishments Rule (10A NCAC 46 .0213(a)(1)) be implemented as follows. A local health department must provide food, lodging, and institutional sanitation and public swimming pools and spas services within the jurisdiction of the local health department. A local health department must establish, implement, and maintain written policies which must include the frequency of inspections of food, lodging, and institutional facilities and public swimming pools and spas. At minimum, a Risk Category IV Food Service Establishment must be inspected once during every four-month period per fiscal year. In addition, a Risk Category IV Food Service Establishment must undergo an educational visit once per fiscal year. The educational visit cannot result in the issuance of a new grade or grade card. During an educational visit, the local health department must review all of the following with the permit holder for the establishment: (1) any priority violations that occurred during the three previous inspections of the establishment; (2) the public health risk factors identified on the inspection form furnished by the local health department; and (3) if applicable, any required Hazard Analysis Critical Control Plan. Requires CPH to adopt temporary and permanent rules to implement the section. Applies the APA's effective date provisions triggered when 10 or more written objections are received to the rule (GS 150B-21.3). Sunsets this provision when the permanent rules become effective. Specifies that the provisions of the APA requiring review by the rules commission do not apply.

Section 25.3

Requires that the Calculation of Compliance Rule (15A NCAC 18A.2901(a)(5)) be implemented as follows. Specifies that the rate of compliance means the number of inspections and educational visits for food and lodging establishments conducted by the local health department during the previous State fiscal year divided by the number of inspections and educational visits mandated to be conducted by the local health department per State fiscal year pursuant to GS 130A-249 and 10A NCAC 46 .0213, not to exceed a value of 1. Requires CPH to adopt temporary and permanent rules to implement the section. Applies the APA's effective date provisions triggered when 10 or more written objections are received to the rule (GS 150B-21.3). Sunsets

this provision when the permanent rules become effective. Specifies that the provisions of the APA requiring review by the rules commission do not apply.

Section 26.5

Amends GS 90-414.4(e) (voluntary connection to the Health Information Exchange (HIE) network) to allow licensed chiropractors to connect to HIE network and to submit data voluntarily.

Part III.

Section 31.

Amends GS 14-309.15 (pertaining to raffles by nonprofit organizations) to increase the number of raffles that a nonprofit may hold from four to five per year.

Intro. by Riddell, Zenger, Brody, Chesser.

[STUDY, GS 14, GS 62, GS 90, GS 95, GS 110, GS 113, GS 113A, GS 130A, GS 131F, GS 136, GS 143, GS 143B, GS 153, GS 153A, GS 160A, GS 160D, GS 162A, GS 166A](#)

[Business and Commerce, Occupational Licensing, Development, Land Use and Housing, Building and Construction, Environment, Aquaculture and Fisheries, Environment/Natural Resources, Government, APA/Rule Making, State Agencies, Department of Agriculture and Consumer Services, Department of Environmental Quality \(formerly DENR\), Department of Health and Human Services, Department of Labor, Department of Public Safety, Department of Transportation, Local Government, Health and Human Services, Health, Health Care Facilities and Providers, Lottery and Gaming, Nonprofits](#)

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PUBLIC/SENATE BILLS

S 747 (2023-2024) [ELECTIONS LAW CHANGES](#). Filed Jun 1 2023, *AN ACT TO MAKE VARIOUS CHANGES REGARDING ELECTIONS LAW*.

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

No longer divides the act into Parts and makes organizational changes throughout by consolidating and moving sections of the act. Changes references from “State Board of Elections” to “State Board” throughout.

Amends proposed changes to GS 163-22 and GS 163-33 to more specifically require that the State board and county boards of elections ensure that voted ballots, election results tapes, and executed ballot applications (was, elections records) be retained and preserved for the greater of 22 months after the election or as otherwise specified in federal law.

Further amends GS 163-47 by adding the requirement that county boards of elections ensure that the position of chief judge and judges of election be filled at the voting place for the duration of their duties on each primary and general and special election day.

Amends GS 163-82.6B as follows. Changes the statute’s caption. Requires that an individual who registers and votes at a one-stop voting site vote by provisional ballot unless (1) the address on the individual’s photo id matches the address on a copy of a HAVA document or (2) the individuals’ photo ID lacks an address and the individual provides a document from the institution that issued the photo ID showing the individual’s name and address and a copy of the HAVA document showing the same name and address (was, the person must vote by provisional ballot and the ballot is counted upon verification of the individual’s address or upon the person providing a copy of one of the listed documents showing the person’s name and address at the

county board of elections before the close of polls on election day). Sets out the following circumstances under which the provisional ballot must be counted: (1) before the close of business on the day of the canvass conducted by the county board of elections, the individual returns to the county board of elections and presents a required photo identification and a copy of a HAVA document or (2) before the close of business on the business day before the canvass conducted by the county board of elections, the individual returns to the county board of elections and presents a copy of any two different HAVA documents and the name and address on both documents are the same. Defines a *HAVA document* as including any of the following that show the voter's name and address: current utility bill, current bank statement, current government check, current paycheck, another government document showing the voter's name and address, or a document from the institution issuing the photo id showing the individual's name and address.

Amends GS 163-88.1 by making clarifying changes.

Amends GS 163-89 to allow an absentee ballot received by the county board of elections by 7:30 pm on the day of a statewide primary or general election or county bond election to be challenged beginning no earlier than noon and ending no later than 7:30 pm on the day of the primary or election. Also allows an absentee ballot to be challenged by the chief judge at the time of closing of the polls.

Amends GS 163-166.01 to specify that if the statutory poll closing time on election day is extended by court order in one or more counties (was, in one county), then the closing time is extended in all counties by an equal amount of time.

Amends GS 163-166.8 to require precinct officials to maintain a log of any individual who is not a near relative of the voter who goes into the voter booth to assist a voter in marking that voter's ballot (was, a log of any person rendering assistance to a voter). Makes conforming changes.

Amends GS 163-182.15 by amending the required annual report from the State Board to require the inclusion of any revisions made to any voter's voter history records other than routine updates following each election (was, revisions made to elections records after certification of elections).

Amends GS 163-227.6 by allowing precinct officials at each one-stop voting site other than the county board of elections office as follows: (1) allocates chief judges and judges in the same manner as allocated to each precinct in the county under GS 163-41, (2) allocates assistants in the same manner as allocated to each precinct in the county under GS 163-42, and (3) specifies that the provisions of GS 163-41.1 (prohibiting certain relatives from serving together) apply. Applies to elections held on or after January 1, 2024.

Amends GS 163-227.10 by returning the date by which electors must meet and vote on behalf of the State for President and Vice-President to the first Monday (was, Tuesday in the previous edition) after the second Wednesday in December next after their election. Requires each county board of elections and the State Board, at least once per primary or election (previously, no frequency was specified), to publish on its website or in any mailing to voters the date by which absentee ballots are available. Makes clarifying changes.

Further amends GS 163-229 by adding the requirement that the instruction sheets on how voters are to prepare absentee ballots and return them also include the means by which the voter's marked absentee ballot must be returned to the county board of elections and the date and time that the ballot must be received.

Amends GS 163-230.1 to require that county boards of elections and the State Board publish on its website or in any mailing to voters, at least once per primary or election (previously no frequency specified), the means by which the voter's marked absentee ballot must be returned and when it must be received by, in addition to the already required date by which a completed form requesting an absentee ballot must be received. Also considers timely an absentee ballot container-return envelope with a curable deficiency transmitted to the county board if cure documentation is received no later than the end of business on the business day before the canvass by the county board of elections (was, considered timely if cure documentation is received according to the requirements of GS 163-231(b)). Amends the requirements for the meeting at which the county board of elections passes upon applications for absentee ballots to require that the county board do so in a way that allows the public to observe the actual applications for absentee ballots (was, the ballots must be subject to public inspection).

Amends GS 163-231 to also allow for the acceptance of late absentee ballots when a court order has extended the closing time of the polls for every poll in the county. Makes additional clarifying, conforming, and technical changes.

Makes new GS 163-231(d) concerning county use of verification software to check signatures of voters on excused absentee ballots applicable to elections held on or after July 1, 2024, instead of when the act becomes law.

Makes new GS 163-231.1, requiring the use of a two-factor authentication process for executed absentee ballots returned by mail to a county board of elections, applicable to elections held on or after July 1, 2024, instead of when the act becomes law.

Amends GS 163-232.1 to require the county board of elections to prepare a list of all military overseas ballots returned to the county to be counted, which have been approved by the county board of elections, have not been included on the certified list, and have been received no later than 7:30 p.m. or the time provided in GS 163-231(b), on the day of the statewide primary or general election or county bond election (was, received by the county board of elections no later than three days after the election by 5:00 p.m.). Makes conforming changes.

Amends proposed new GS 163-232.2 as follows. Amends the information that county boards of elections must report to the State Board during each day of the one-stop early voting period to include: (1) number of mail-in absentee ballots (was, number of absentee ballots) spoiled because the voter voted in person at a one-stop voting site after requesting the mail-in absentee ballot and (2) number of outstanding mail-in absentee ballots (was, outstanding absentee ballots), specifying that this includes the total number of mail-in absentee ballots sent to date and the total number of mail-in absentee ballots received to date. Instead of requiring specified information on mail-in absentee ballots to be reported from the day after the day of the election through the day after the receipt deadline for absentee ballots, now requires the county board of election to report the information to the State Board on the day after the day of the election; amends the required information to specify that it pertains to mail-in ballots and specifies what is to be included in the number of outstanding mail-in absentee ballot calculation. Adds the requirement that these reports be completed in a manner specified by the State Board. Makes the statute applicable to elections held on or after January 1, 2024, instead of when the act becomes law.

Amends GS 163-234 as follows. Requires that only absentee ballots returned to the county board of elections in a properly executed container-return envelope and received according to GS 163-231(b) be counted. Requires absentee ballots received before election day to be counted on election day. Excludes from the absentee ballots that are to be counted on election day those that were received on election day and those received under GS 163-231(b)(2). Requires the county board of elections to meet after election day and before the date of canvass to determine whether the container-return envelopes for absentee ballots received on election day under GS 163-231(b) have been properly executed. Makes conforming changes.

Amends GS 163-274 to also make it a Class 1 misdemeanor for any person other than the State Board or county board of elections, on their employees, to affix or print a barcode on any absentee ballot required form. Makes a conforming deletion of Section 5.2, which added this same misdemeanor to GS 163-237. Makes additional clarifying changes. Amends GS 163-22 to require that the State Board report violations of the elections law to the State Bureau of Investigation (was, to the Attorney General or district attorney or prosecutor of the district). Amends GS 143B-919 to require the SBI to be included in any investigation involving the commission or attempted commission of a crime under GS Chapter 163 (was, SBI must investigate and prepare evidence for the commission or attempted commission of crimes under GS 163-275, which makes certain crimes related to elections felonies). Makes these changes, along with changes to GS 163-275, effective December 1, 2023.

Amends GS 163-275 by amending the Class I felony for voting by a person convicted of a crime that excludes the person from the right of suffrage, so that it applies to voting in any primary or election knowing the right of citizenship has not been restored (was, to knowingly vote in any primary or election without having been restored to the right of citizenship).

Amends GS 9-3 by making organizational and clarifying changes.

Amends GS 9-6.2 to require the clerk of superior court to report at least quarterly (was, quarterly) to the State Board, if a person is disqualified from jury duty because the person is not a US citizen. No longer requires the report to be made electronically. Provides that this communication is not a public record (was, records retained by the State board are public records except as prohibited by federal statute). Removes the requirement that the State Board retain the electronic records for four years and allowing destruction of the records when they are no longer public records.

Deletes the previous changes to GS 163-82.14 and makes the following changes instead. Amends GS 163-82.14 (list maintenance of voter registration rolls) as follows. Changes the requirement that the State Board implement a program that makes a diligent effort not less than twice per year to remove ineligible voters and to update addresses and other necessary data in voter rolls to a requirement that the State Board and county boards of elections have this occur weekly, as follows. Requires the Department of Health and Human Services (DHHS) to provide the Executive Director of the Board (ED) the names of deceased persons who were residents of the State so that the ED may distribute this list to the county boards of election.

Requires the county boards to remove those persons weekly. Requires county boards of elections to remove a person identified as deceased by their near relative or estate representative within one week of receipt of signed statement (currently, no deadline to do so). Requires the ED to compile, at a minimum of once per week, a list of individuals against whom a final judgment of conviction of a felony within the State has been entered as well as those convictions of federal felonies and to report to each county board of elections the names of those individuals from that county appearing on this list each week. (Currently, the Board must report State felony convictions on the 15th of each month and federal felonies upon receipt of notice by a US Attorney.) Makes technical changes. Requires the State Board, within 30 days of receiving a communication under new GS 9-6.2 (reports of excusals from jury duty based on disqualification), to (1) review the voter information and citizenship status of each identified person; (2) distribute a report to each county board of elections of the persons identified who are registered to vote in that county, including specified information about the person (prohibits including a person's name in the report if it is determined that the person became a US citizen after the date of the person's jury disqualification); and (3) if a prospective juror voted before becoming a US citizen, give the SBI and the district attorney a copy of its investigation for prosecution under GS 163-278. Requires a county board of elections within 30 days of receiving such a report to give 30 days' written notice to the voter and remove the person from the registration records if the person makes no objection and provide notice of the removal; sets out the steps that must be taken if a person does submit an objection to the removal within 30 days of notice. Makes records related to these citizenship provisions public record and requires electronic records to be retained by the State Board and county boards for four years. Requires county boards of elections, at a minimum of once per week, to remove from their voter registration records the names of individuals who give confirmation of change of address for voting purposes (currently, county boards of election just need to have a systematic program, with no time requirements). Requires that following each congressional election, the county board of elections must send to each registered voter who has not voted or confirmed the voter's address by another means a confirmation mailing. (Currently, county boards of elections must send confirmation mailings to every registrant after every congressional election if it has not confirmed the address by another means.) Makes conforming, technical, and organizational changes. Makes changes effective July 1, 2024, instead of January 1, 2024.

Requires that in any notice given to a voter before an election on the requirement to show photo identification to vote in person, whether by mail or posted on a website, the State Board and a county board of elections must clearly and initially state in the notice, "Voters will now be asked to present a valid photo identification when voting in person. If you do not have a valid photo ID card, you may obtain one from your county board of elections prior to the election, through the end of the early voting period. If you do not have a valid photo ID card on election day, you may still vote and have your vote counted by signing an affidavit of reasonable impediment as to why you have not presented a valid photo ID."

Requires the Department of Information Technology to study and report to the NCGA, via delivery to the specified commission, by December 1, 2023, on the feasibility of replacing the statewide voter registration system, including the timetable for replacement and the possibility of establishing periodic communications, up to and including daily, between the State Board and the DHHS, Division of Vital Records; the Division of Motor Vehicles, Division of Prisons of the Department of Adult Corrections, and the Administrative Office of the Courts (AOC) for list maintenance and voter registration.

Deletes the provision requiring AOC to amend the Rules of Recordkeeping to include procedures to implement new GS 9-6.2 and that specified that nothing in the act is to be construed to exempt records held by the AOC.

Makes additional clarifying and technical changes.

Intro. by Hise, P. Newton, Daniel.

[GS 9, GS 143B, GS 163](#)

[View summary](#)

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

S 749 (2023-2024) [NO PARTISAN ADVANTAGE IN ELECTIONS](#). Filed Jun 12 2023, *AN ACT TO REVISE THE STRUCTURES OF THE NORTH CAROLINA STATE BOARD OF ELECTIONS AND COUNTY BOARDS OF ELECTIONS, TO REVISE THE EMERGENCY*

POWERS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS, AND TO MAKE VARIOUS CONFORMING CHANGES.

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

Amends the act throughout to refer to the State Board instead of State Board of Elections. Makes organizational changes.

Part I.

Section 1.1.

Now specifies that the management functions of the State Board of Elections (Board) once it is transferred to the Department of the Secretary of State (Secretary) will not be performed under the direction and supervision of the Secretary. Changes effective date of transfer from January 1, 2025 to July 1, 2024.

Part II.

Section 2.1

Amends the method of appointment to the Board by the appointing authorities listing in GS 163-19(a) to specify that Board members are appointed upon the recommendation of those authorities (was, by those authorities). No longer specifies that NCGA appointments are to be made by an act of the NCGA. Makes clarifying changes. Amends GS 163-19(c) (vacancies to Board) to specify that the General Assembly will fill any vacancy on the Board upon the recommendation of the initial appointing authority (was, just filled by the initial appointing authority). Specifies that appointment process for vacancies in legislative appointments set forth in GS 120-122 does not apply to Board vacancies.

Changes provisions for appointment of a chair to the Board as follows. Changes the triggering date for appointment of chair if no chair is elected from failure to elect chair 30 days after appointment to failure to elect chair 30 days after new appointees take the prescribed oath or within 30 days of the occurrence of a vacancy in the office of the chair. Now specifies that the office of chair may be filled by legislative appointment in accordance with GS 120-121 as if the chair is a member of a board or commission (was, GS 96-15.3). Further specifies that if the vacancy occurs in an odd-numbered year, the appointment is made upon the recommendation of the President Pro Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made upon the recommendation of the Speaker of the House of Representatives.

Section 2.2.

Amends GS 163-20 (meetings of the Board, quorum and minutes) to change the number of applications from Board members that are needed to call a meeting from two members to three members. Increases the number of Board members needed to call a meeting in lieu of the chair from three to six members. Increases the number of members needed to request a meeting in a place other than Raleigh from four to five. Removes provisions requiring the Board to adjourn from day to day for no more than 3 days in the event that there is no quorum. Removes provision allowing for removal of Board member(s) who fail to attend such meetings if by the end of the three-day period, there is no quorum. Makes language gender neutral. Makes conforming changes to account for new numbers. Makes technical change.

Section 2.3.

Amends GS 163-22 (powers and duties of Board) to remove the Board's power to appoint, fill vacancies, and to remove members of the county board of elections (County Boards). Removes the Governor as an individual that the Board is required to make recommendations to about the conduct and administration of the primaries and elections in the State as it may deem advisable so that it only needs to make those recommendations to the General Assembly. Increases the number of Board members needed to make a written request for any County Board election materials from four to five. Makes technical, clarifying, and conforming changes to account for new limitations on the Executive Director under GS 163-27.

Section 2.4.

Makes organizational and technical changes to GS 163-25 (Board's authority to assist in litigation).

Section 2.5.

Changes provisions for appointment of a Executive Director under GS 163-27(b) as follows. Changes the triggering date for appointment of Executive Director if the position is not filled from failure to fill position 30 days after appointment to failure

to fill position 30 days after new appointees take the prescribed oath or within days of the occurrence of a vacancy in the office of the chair. Now specifies that the Executive Director may be filled by legislative appointment in accordance with GS 120-121 as if the Executive Director is a member of a board or commission (was, GS 96-15.3). Further specifies that if the vacancy occurs in an odd-numbered year, the appointment is made upon the recommendation of the President Pro Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made upon the recommendation of the Speaker of the House of Representatives.

Section 2.6.

Provides for initial appointments as follows. Specifies that the eight members of the Board appointed in accordance with GS 163-19, as amended by the act, will serve until May 1, 2025, and that these members will continue to be eligible to serve two full consecutive terms thereafter. Specifies that the chairs of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics may submit a list of names to the General Assembly in accordance with GS 163-19, as amended by this act. Upon appointment of the eight members of the Board in 2023, a chair of the Board of and an Executive Director will be appointed in accordance with the appointment provisions in the act.

Section 2.7.

Specifies that a criminal history record check for any prospective Executive Director appointed by the General Assembly in 2023 must be provided to the chair or chairs of the standing committee handling the legislation regarding the appointment and not to the Board or the Executive Director. Specifies that the criminal history record checks for any prospective Executive Director appointed by the General Assembly in 2023 are not public records.

Part III.

Section 3.1.

Amends GS 163-27.1 (emergency powers of the Board) to allow the Board to exercise such powers in an open meeting (was, by affirmative vote). Specifies that the Board does not have the authority to delegate its emergency authority to the Executive Director or any other person; makes conforming changes.

Section 3.5.

Deletes prior Section 3.5 setting forth appointment process to the Board in 2025.

Section 3.6.

Deletes prior Section 3.6 setting forth appointment process to the County Boards in 2025.

Part IV.

Section 4.1.

Amends GS 163-30 (pertaining to County Boards) so that the appointment authority reflects the same “upon recommendation by” language used in GS 163-119, discussed above. Removes language specifying that the appointing authority is required to give due consideration to the recommendations provided to them by the two leading political parties, but it is not required to follow those recommendations.

Changes the triggering date for appointment of a chair of a County Board from no election of a chair 15 days after the new members are appointed to no election of a chair 15 days after the first meeting in July. Now specifies that the County Board chair may be filled by legislative appointment in accordance with GS 120-121 as if the County Board chair is a member of a board or commission (was, GS 96-15.3). Further specifies that if the vacancy occurs in an odd-numbered year, the appointment is made upon the recommendation of the President Pro Tempore of the Senate. If the vacancy occurs in an even-numbered year, the appointment is made upon the recommendation of the Speaker of the House of Representatives. Specifies that appointment process for vacancies in County Boards set forth in GS 120-122 does not apply to County Board vacancies.

Section 4.2.

Amends GS 163-35 (director of elections to county board of elections, appointment, compensation, duties, and dismissal) as follows. Removes Board’s authority to fill vacancies and instead allows the county board of commissioners in that county to issue a letter of appointment. Amends the 7-prong list of disqualifiers that would prevent a person from serving as a director of

a County Board so that a person is disqualified if they have been removed at any time by not only the Board but also, alternatively, by another county (currently, just removal by Board). Makes conforming changes by deleting references to Executive Director of the Board. Now, authorizes the county board of commissioners to obtain a criminal background check if warranted. Deletes provisions allowing the County Board to recommend the director's salary, and instead just requires it be approved by the county board of commissioners. Makes technical, clarifying, and conforming changes.

Repeals GS 163-35.1 (termination and suspension of county director of elections).

Section 4.3.

Amends GS 163-27.2 (criminal history checks of current and prospective Board employees and County Board directors) and GS 163-37.1 (criminal history record checks of current and prospective employees of County Boards) to remove provisions providing a copy of those background checks to the Executive Director (GS 163-27.2) or the County Board (GS 163-37.1). Deletes provision requiring County Board to provide copy of employee background checks to Board and Executive Director. Changes statutory process governing the Board's criminal history check from GS 143B-968 (checks conducted by the Office of State Human Resources) to GS 143B-969 (criminal record checks for employees and contractors of the Board and county directors of elections). Changes statutory process governing County Board's criminal history check from GS 143B-969 to GS 143B-970 (background checks for employees of County Boards). Makes conforming changes to account for new statutory process. Deletes provisions requiring County Boards to require a criminal history check of all prospective or current employees or those who will have or do have access to the statewide computerized voter registration system. Deletes provision in GS 163-27.2 barring a precinct official or assistance at a one-stop early voting location from requiring a criminal history check unless that person performs a function designated by the Board.

Amends GS 143B-969 as follows. Changes the definition of current or prospective employee to mean a current or prospective permanent or temporary employee of the Board, other than the Executive Director (currently, all Board employees, no exemption for Executive Director, and also includes county directors of elections, both current and prospective). Now authorizes the Department of Public Safety (DPS) to provide to the chair or chairs of the of the standing committee handling the legislation regarding the appointment of the Executive Director the criminal history record check report regarding any prospective appointee for the position of Executive Director. Requires those individuals to keep that information confidential. Makes conforming changes.

Amends GS 143B-970 to authorize DPS to provide to the board of county commissioners the criminal history record check of any prospective appointee for the position of county director of elections. Requires county commissioners to keep the information confidential. Specifies that once a letter of appointment issued by the board of county commissioners, the criminal history report on the appointed county director of elections will be forwarded to the county board of elections, the Board, and the Executive Director of the Board.

Section 4.4.

Provides for initial appointment terms to County Boards as follows. Specifies that the four members initially appointed under the act will serve until June 1, 2027. Specifies that chairs of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics may submit a list of names to the General Assembly in accordance with the act. Upon appointment of the four members of County Boards in accordance with the act in 2024, specifies that the county director of elections will be appointed in accordance with the act.

Section 4.5.

Makes Part 4 effective June 1, 2024, and specifies that appointments shall be made accordingly.

Part V.

Section 5.2.

Makes technical and conforming changes to GS 163-182.13 (new elections) to reflect increased membership on the State Board.

Section 5.5.

Amends GS 163-258.30 (regulations of the Board) as follows. Deletes language requiring the Board to make recommendations about military and overseas voting to the Governor so that the Board just makes these recommendations to the General

Assembly.

Intro. by Daniel, P. Newton, Hise.

GS 163

[View summary](#)

**Government, Elections, General Assembly, State Agencies,
Secretary of State, State Board of Elections, State
Government, Executive, Local Government**

ACTIONS ON BILLS

PUBLIC BILLS

H 6: UNIFORMED HEROES VOTING ACT.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 130: ENERGY CHOICE/SOLAR DECOMMISSIONING RQMTS. (NEW)

House: Pres. To Gov. 6/15/2023

H 140: CIVILIAN TRAFFIC INVESTIGATORS. (NEW)

House: Ratified

H 186: DIV. OF JUVENILE JUSTICE MODS.-AB

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 192: 2023 WILDLIFE RESOURCES CHANGES.-AB

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/21/2023

H 344: MENTAL HEALTH LIC. FAIR PRACTICE STDS. (NEW)

House: Ref To Com On Rules, Calendar, and Operations of the House

H 364: 2023 UNC SELF-LIQUIDATING CAPITAL PROJECTS.

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 600: REGULATORY REFORM ACT OF 2023.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

H 603: TEMPORARY EVENT VENUES.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

H 608: SAFETY REQUIREMENTS FOR ELEVATORS.

House: Cal Pursuant 36(b)

House: Placed On Cal For 06/21/2023

H 611: MODIFY TRAINING/STANDARDS COMMISSIONS POWER.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

H 681: INTERSTATE MED. LIC. COMPACT/MIL. LICENSURE.

House: Regular Message Sent To Senate

Senate: Regular Message Received From House

Senate: Passed 1st Reading

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

S 22: RENAME OUTDOOR HERITAGE ADVISORY COUNCIL.

Senate: Pres. To Gov. 6/15/2023

S 58: PROTECT CRITICAL INFRASTRUCTURE.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

Senate: Ratified

Senate: Pres. To Gov. 6/15/2023

S 240: PERMIT CHOICE/CERTAIN AIRPORT AUTHORITIES.

Senate: Ratified

S 327: GSC ASSIGNMENTS OF ERROR.

Senate: Ratified

S 382: DENTAL PRACTICE ACT CHANGES.

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

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

S 673: WATER AND WASTEWATER REGULATORY RELIEF ACT.

Senate: Ratified

S 747: ELECTIONS LAW CHANGES.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

S 749: NO PARTISAN ADVANTAGE IN ELECTIONS.

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Re-ref Com On Rules and Operations of the Senate

S 752: HONOR STAN BINGHAM, FORMER MEMBER.

Senate: Adopted

S 753: HONOR JERRY TILLMAN. FORMER STATE SENATOR.

Senate: Passed 1st Reading

Senate: Placed On Cal For 06/21/2023

LOCAL BILLS

S 126: CITY OF ASHEVILLE/PARKING METER PROCEEDS.

House: Regular Message Sent To Senate

Senate: Regular Message Received For Concurrence in H Com Sub

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

S 179: EXTEND SUNSET/BUNCOMBE/CC PROJECT/SPENCER MTN. (NEW)

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

S 265: INCREASE MUNICIPAL ELECTION PARTICIPATION ACT.

Senate: Concurred In H Com Sub

Senate: Ordered Enrolled

Senate: Ratified

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