



Speculations about the upcoming short legislative session in our state have been circulating, with a prevailing expectation that this session might indeed be brief. Legislative leaders aim to finalize adjustments to the biennium's budget by July 1st. As always, the budget is the time-keeper of session. Once it is passed, the session almost surely ends. The prospects of an expedited short session gained strength this week as one of the major lingering issues from the long session is unlikely to be addressed. Senate leader Berger, who led the charge for casino expansions in the long session, told a reporter this week that he will not champion the effort this year and doesn't know of anyone else who intends to, either. This issue previously held up budget negotiations between the House and Senate and drug the long session on for weeks.

There was also discussion of increased restrictions on abortion after the last measure was passed to reduce the state's ban from 20 weeks to 12 weeks. Given that it's an election year and that increased abortion restrictions have been widely unpopular in polls, it's unlikely to see any further restrictions passed in the short session. There does seem to be an appetite for possibly medical marijuana, further election legislation, CBD/Hemp regulation, and video lottery terminals (VLTs). Time could still run short for these issues, as well. "Some of that may need a little more runway than what we'll have," Berger said about VLTs last week.

With seemingly fewer collective priorities for the Republican-led legislature in the short session, there is a possibility that this session could be genuinely brief, a departure from North Carolina's typical legislative style. However, as history has shown, surprises are almost assured in our state's sessions.

#### ELECTION LAW CHANGES

Speaker Moore told reporters last week that he anticipates additional "election integrity" legislation in the short session, ahead of the November election. Moore named tightening of the state's voter ID laws, early voting laws, and possibly shortening the early voting period as initiatives that could be on the table this spring. The voter ID law, first passed in 2016 but just implemented last year by the State Supreme Court, allows a person to vote without a photo ID



#### NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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if they sign an affidavit to why they don't have an ID. "I think the affidavit where you can simply attest that you don't have it is silly," Moore said. "It's pointless. You ought to have an ID to vote. And, I think that we ought to make that abundantly clear." However, Senate leader Berger seemed less inclined to make any adjustments just yet. "I think we need to let it run its course and see what sorts of problems there are before we talk about tinkering too much more with it," Berger said. "I don't know that you're talking about a whole lot of folks, enough folks to make a difference in even a close election," Berger added. "We've got a law in place. Let's see where the problems are, if there are problems in an actual election, as opposed to us speculating as to what might happen."

As far as early voting goes, Speaker Moore suggests that "one week of early voting should be sufficient." This would be a reduction of over half of our early-voting period, which currently opens 20 days before the primary and runs for 17 days. Rep. Ted Davis filed House Bill 303, which would reduce early voting to nine days. It has not been heard in any committees, but could come into play in the short session. Berger staff did not immediately respond to reporters when asked about their position on early voting.

#### AG STEIN APPEALS DUKE ENERGY RATE INCREASE

Attorney General Josh Stein has challenged Duke Energy's proposed rate hike, asserting that the increase, if approved, would burden customers with an average monthly rise of \$20 or \$240 annually. Duke secured initial approval from the North Carolina Utilities Commission in December, a decision Stein has now appealed. "Every dollar matters for North Carolina families," Stein wrote in a statement. "Yet, Duke Energy's rate increase is too high. So, I'm asking the Court to side with North Carolina's ratepayers and to reject this rate increase." Duke Energy maintains that the increase is necessary for crucial grid investments and was approved through proper evaluation and public input. Stein's appeal alleges the Utilities Commission made numerous legal and bookkeeping errors in their decision to approve the rate hike. He also claims that the rate hike is partly due to the over \$1 million Duke Energy gave employees during the pandemic. Stein's appeal alleges that Duke Energy did not adequately monitor how those funds were spent, and is now essentially asking its customers to pick up the bill.

Stein's challenge to the rate hike also highlights ongoing disputes over regulatory fairness, as evidenced in recent legal actions involving the Utilities Commission and its treatment of solar companies and customers when approving rules that critics argue unfairly favor Duke Energy.

#### FELON VOTING TRIAL

A federal judge in North Carolina has scheduled an April trial for a lawsuit challenging the state's law against felon voting. US District Judge Loretta Biggs is set to conduct a bench trial to assess whether individuals with felony convictions, having completed their active prison sentences but not fulfilling additional requirements such as probation, parole, or post-release supervision, are eligible to participate in the upcoming November general election. The trial announcement followed a hearing where Magistrate Judge Joe Webster recommended dismissing the lawsuit as moot due to recent legislative changes included in Senate Bill 747. Under that bill, a felon can only be charged with a crime if he/she knew their voting rights had not been restored at the time of casting their ballot, also known as a scienter requirement. "Senate Bill's 747's addition of a scienter requirement sets the violative bar much higher, which substantially diminishes any prospective voter's perceived threat of prosecution and any resulting confusion," Webster wrote in his recommendation. "Under Senate Bill 747, a voter can only violate the felony disenfranchisement statute if he or she already knows they are ineligible to vote, intentionally

disregards the law, and casts a ballot.” Biggs has scheduled a hearing in this case for February 28th, with the trial starting as early as April 1st.

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