



Kochanek
law group
Focusing on Legislative Representation

LEGISLATIVE REPORT August 7, 2026

INTRODUCTION

The House and Senate have adjourned for the session and although they are scheduled to come back each month for a few days, there are no votes planned until after the election in November. Of course, the November and December dates are interesting. If the Republicans lose many seats, there is a lot of conjecture that they will try to further erode the Governor's power or vote other priorities into law while they still can and before the new members take their seats. Democrats hope to take away the veto proof majority in the Senate and whittle away at the Republican advantage in the House in a year that is expected to favor Democrats. We have only a few more months to see what happens!

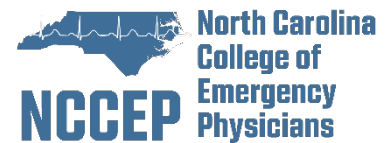
The end of session used to be an event! The chambers would typically be in session late into the night with bills moving back and forth for approval until all work was complete. There was a whole ceremony with the chamber doors being opened and both adjourning at the same time! Now with our never-ending sessions, it is pretty anti-climactic and they just go home with plans to come back. I miss actually ending session and knowing that no more mischief can be done for a while.

We now move full speed into the campaigning (although this does go on non-stop) time frame where invites to fundraisers, emails and calls are plentiful. If you do not know your legislator or the person running against them in November – this is the time to reach out! They want you to donate to their campaign, endorse them or help them with their campaign so this is the time to get to know them. Relationships made now are so important so when we need to reach out to that legislator, we already know them and can communicate.

We hope the rest of the summer is great and will be back in touch with any important political news!



NORTH CAROLINA COLLEGE OF EMERGENCY PHYSICIANS



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BILLS OF INTEREST

House Bill 1246, Safeguarding Elections Act. This bill was filed over the last few weeks of session and is the Democrat response to the variety of Republican election bills that were approved during the last few weeks of session. The bill will not receive a hearing but would make various changes to the State's election laws, including provisions regarding: state protections against federal interference with conduct of elections; voter protections against intimidation, threats, or coercion; election official and poll worker intimidation; early voting hours; disqualifying a public official who refuses to certify an election; prohibiting third-party forensic audits; preventing impediment/interference with election process; enacting the Voter Protection and Reliance Act; voter intimidation and uniform procedures for collection of complaints and training; codifying the 90-day protection rule regarding voter challenges and requiring voter notice of absentee ballot challenges; prohibiting the State board or a county board of elections from disclosing any information described pursuant to a request by the federal government or a federal agency or federal department without a court order or an arrest warrant signed by a judge; and canvassing requirements. **Introduced by Representatives Buansi, Dahle, F. Jackson, and Clark and referred to the House Rules Committee.**

BILL UPDATES

House Bill 268, Budget Technical Corrections II. This bill makes various technical, clarifying, and other changes to the State budget bill as follows:

- amends the statute governing time limitations for released time religious instruction to require a public school to authorize excused absences for at least one, but no more than four, hours of released time religious instruction per calendar week.
- changes the name from the "Rural Residency Medical Education and Training Fund" to "UNC System Health Care Access Fund," and requires the fund to be used for expenses for training, residency programs, and associated capital improvement projects and to develop and expand courses at constituent institutions of the University of North Carolina that lead to degrees in health care fields. The bill names the UNC System Health Care Access Fund as the recipient of the allocation from the University of North Carolina System Office for funds appropriated to the Board of Governors of the University of North Carolina for the 2023-25 fiscal biennium for the Rural Residency Medical Education and Training Fund and the bill allocates to the Fund \$4.9 million in recurring funds appropriated to the Board of Governors and \$4.5 million in nonrecurring funds budgeted from the Rural Health Care Stabilization fund for 2026-27. It also allocates \$9 million in recurring funds and \$9.5 million in nonrecurring funds appropriated to the Board of Governors for the 2026-27 fiscal year for Healthcare Workforce Programs Expansion.
- requires that, when developing the budget for each year of the 2027-29 biennium for the Department of Health and Human Services, the Office of State Budget and Management must collaborate with DHHS in adjusting the requirements and receipts for the items funded for SNAP improvements to avoid an increase in the net General Fund appropriation for these items.
- appropriates \$10 million for 2026-27 from the General Fund to OSBM for the Rural Health Care Stabilization Program.
- removes the requirement that the Department of Health and Human Services and the Department of Information Technology work with the Government Data Analytics Center and CJLEADS to implement real-time data availability for the Behavioral Health Statewide Central Availability Navigator (BH-SCAN) and give law enforcement access to BH-SCAN.
- provides that a specialty retailer of vapor products that holds a valid license is subject to the licensing requirements for other tobacco products license or vapor products license for the

same location. The bill also requires every manufacturer of vapor and consumable products sold for retail sale in NC to provide certification to the Secretary that the vapor or consumable product is commercially marketed and not subject to federal enforcement priority under a published FDA enforcement policy, as of July 1, 2026 (was, that the vapor or consumable product is otherwise marketed pursuant to a published FDA enforcement policy as of July 1, 2026). The bill also makes technical changes requiring manufacturers of vapor or consumable product sold for retail in NC to submit documentation substantiating compliance with changed federal requirements or standards (was, requirements) to the Secretary for a vapor or consumable product within 30 days of the mandated date of compliance. The bill also provides that (1) the SBI may request (was, direct) the appropriate law enforcement official to investigate an alleged violation of related to prohibited products from retail sale of consumable and vapor products and (2) noncompliant products identified for sale by a State or local law enforcement official may be subject to immediate seizure by the official and forfeiture and destruction by the seizing law enforcement agency (was, by the ALE Division) and permits the seizing agency (was, the ALE Division) to store and dispose of the seized products as appropriate.

The Conference Committee report was approved by the House and the Senate, and the bill has been sent to the Governor for his signature.

House Bill 834, SBOE Administrative Changes, was amended in the Senate Elections Committee to make various changes to the State's election laws, including provisions to:

- extend the time a voter has to: (1) correct a voter registration form; (2) provide identification when ID numbers don't match; and (3) provide identification when they voted by provisional ballot since they did not have the requisite ID at the polls from 12 PM on the third business day after an election to 12 PM on the fifth business day after that election;
- provide that, if a provisional official ballot cast does not contain the voter's signature on the affidavit to verify the voter's identity and eligibility to vote, the county board must notify the voter by mail and by telephone or email (if provided by the voter) of the missing signature by close of the next business day following review of the ballot to provide the voter with an opportunity to cure the lack of signature;
- provide that initial counting of official ballots cast at the precinct on election day must be conducted according to three separate principles: (1) vote counting shall occur immediately after the polls close and continuously until completed; (2) vote counting shall be conducted with the participation of precinct officials of all political parties then present; and (3) any member of the public shall be allowed to witness the vote count;
- require any container-return envelope with a curable deficiency transmitted to the county board to be considered timely if the cure documentation is received by 12 PM on the fifth (was, third) business day after the election, and require the voter to be notified of curable deficiencies by the close of the next business day after the county board reviews the ballot;
- allow a visually impaired voter to submit the voter's absentee ballot through accessible absentee portal;
- provide that, for any challenge sustained for death of the voter, the challenged ballot must not be counted if the voter died between the time the challenged ballot was cast and 11:59 PM on the day before the election;
- provide that a person seeking review of a decision of the State Board of Elections may file a petition in the Superior Court of Wake County or the county where the person resides (was, only Wake County); and
- direct that for the time period that a Class C drivers license expiration date is extended in accordance with Section 18 of SL 2025-47 (imposing temporary moratorium on the expiration of certain Class C drivers licenses), Class C drivers licenses are deemed valid and unexpired for the purposes photo ID requirements for voting in person.

The amended bill was approved by the Senate Elections and Rules Committees and the full Senate. The House agreed to the changes made to the bill in the Senate and the bill has been sent to the Governor for his signature.

House Bill 958, Election Law Changes, was amended in the Senate Elections Committee and then on the Senate floor to:

- specify that any voter registration data received from other states under a data sharing agreement is not public record, amend the procedure for removing names of deceased persons from voter lists, require the county board, upon receiving names of deceased votes from federal agencies, to remove a person from its voter registration records within one week of receiving the list, and require the State Board of Elections to confirm that each county board has removed the names;
- remove the deadline and specified process for removing votes for which the State Board has received information on a non-eligible citizen appearing on the voter registration records from a federal database on or after January 1, 2026, for whom a challenge has not been entered.
- shorten early voting periods for a primary election, a second primary, or a runoff election conducted by county boards of elections to now begin not earlier than the second Monday before a primary election, a second primary, or a runoff election in which a voter seeks to vote and not later than 3 pm on the last Saturday before that primary or runoff, and specify that early voting on that last Saturday runs from 8 am to 3 pm. Currently, early voting for all elections begins no earlier than the third Thursday before an election in which a voter seeks to vote and not later than 3 pm on the last Saturday before that election, with early voting on that last Saturday to run from 8 am to 3 pm;
- allow the Governor to fix the early voting period for special elections and for special first primaries to fill vacancies in the US House of Representatives as long as the period is not more than 10 consecutive days and limit the early voting periods to 10 consecutive days for special municipal elections that are held at a different time than general State or county elections, primary elections, municipal general elections if the election is within the jurisdiction of the municipality only, or at the same time as any other election requiring all precincts in the county to be open;
- no longer refer to mail in absentee voting, just absentee voting, in municipal elections and limit early voting in such elections to 10 consecutive days;
- increase the threshold for exempting certain candidates from financial reporting from contribution of \$1,000 or less to \$5,000 or less (was, \$3,000 or less in previous edition);
- make the changes concerning the maintenance of eligible voter lists effective when the act becomes law instead of January 1, 2027; and
- allow ballots cast under Part 5 of Article 14A of GS Chapter 163 (early voting) to be challenged no later than 5:00 pm on the third (was, fifth) business day after the primary or general election or county bond election.

The amended bill was approved by the Senate Elections and Rules Committees and the full Senate. The House agreed to the changes made to the bill in the Senate and the bill has been sent to the Governor for his signature.

Senate Bill 445, Regulatory Reform Act of 2026. This bill was amended in the negotiations between the House and the Senate to amend current law to allow persons to operate all-terrain vehicles even if the manufacturer age requirement is not met, if:

- they are at least eight years old;
- they participate in or have completed the specified safety course;
- it has been determined by a course instructor that they can safely operate an all-terrain vehicle that complies with the Age Restriction Warning label and that the vehicle to be operated is appropriate for the person;

- the person meets requirements related to brake reach, leg length, grip reach, and handlebar control; and
- they operate the all-terrain vehicle while supervised by the safety course instructor while participating in the course, or after the course, under supervision of a person age 18 or older.

The all-terrain vehicle safety certification issued to a person under age 16 may include a written rider-fit determination by the course instruction identifying the appropriate type or size of vehicle for the person. This bill also was amended to include a provision entitled the “Voluntary Portable Benefits Plan Act.” This section authorizes any person or business, including an internet or application-based company, to contribute funds to a portable benefit account for an independent contractor. The section also defines a portable benefit plan as one that is administered by a third-party benefit plan provider, is chosen by the independent contractor and assigned to a beneficiary rather than to a hiring party, and funds benefits allowable under law. **The conference report was adopted by the Senate and House and has been sent to the Governor for his signature.**

LEGISLATION ENACTED

Senate Joint Resolution 1091, Adjournment Resolution. This resolution:

- provides that when the House of Representatives and the Senate adjourn on Thursday, August 6, 2026, they stand adjourned to reconvene on:
 - Monday, August 31, 2026, at 12:00 noon thorough Wednesday, September 2, 2026;
 - Monday, September 28, 2026, at 12:00 noon through Wednesday, September 30, 2026;
 - Monday, October 26, 2026, at 12:00 noon through Wednesday, October 28, 2026;
 - Monday, November 16, 2026, at 12:00 noon through Thursday, November 19, 2026; and
 - Monday, November 30, 2026, at 12:00 noon through Friday, December 18, 2026, at which time they stand adjourned sine die;
- limits what can be considered during each of these sessions to:
 - bills returned by the Governor with his objections solely for the purpose of considering overriding of the veto upon reconsideration of the bill;
 - bills containing only the following:
 - the selection, appointment, or confirmation as required by law, including the filling of vacancies of positions for which the appointees NCGA upon recommendation of the Speaker of the House of Representatives, President of the Senate, President Pro Tempore of the Senate, or a minority leader of a chamber;
 - actions on gubernatorial nominations or appointments;
 - actions related to litigation challenging the legality of legislative enactments;
 - matters relating to election laws, including bills concerning the districts for Congressional, State House, State Senate, judicial, municipal, county, and other elected officials;
 - impeachment pursuant to Article IV of the NC Constitution or GS Chapter 123;
 - proposals for amendments to the State Constitution, statutory, conforming, and transitional changes to implement such bills, or both;
 - simple resolutions addressing organizational matters of each respective house;
 - adoption of conference reports for bills for which conferees had been appointed by both houses on or before Thursday, August 6, 2026;
 - bills returned on or before Thursday, August 6, 2026, to the house in which the bill originated for concurrence; and
 - a joint resolution further adjourning the 2025 Regular Session, amending a joint resolution adjourning the 2025 Regular Session, or adjourning the 2025 Regular Session, sine die; and

- allows the Speaker of the House or the President Pro Tempore of the Senate to authorize committees or subcommittees to meet during the interims between sessions to: (1) review matters related to the state budget for 2025-27; (2) prepare reports, including revised budgets for 2025-27; or (3) consider any other matters they deem appropriate.

Effective: August 6, 2026.

Senate Bill 1092, Appointments Bill. This legislation appoints persons to various public offices upon the recommendations of the president Pro Tempore of the Senate and the Speaker of the House of Representatives and makes corrections to previous appointments as follows:

- Jack E. Bailey of Durham County is reappointed to the UNC Health Care System Board of Directors for a term beginning November 1, 2026, and expiring October 31, 2030. Darrell Frye of Randolph County is appointed to the UNC Health Care System Board of Directors for a term expiring October 31, 2028, to fill the unexpired term of Robert Barnhill. Dr. Sankar N. Adusumilli of Wake County is appointed to the University of North Carolina Health Care System Board of Directors for a term beginning November 1, 2026, and expiring October 31, 2030.
- Commissioner Kate McCullough of Mecklenburg County is reappointed to the License to Give Trust Fund Commission for a term expiring December 31, 2027. Andrew C. Munn of Wake County, Julia Jackson-Newson of Guilford County, Ingrid Schunder of Forsyth County, and Michael Labor of Forsyth County are appointed to the License to Give Trust Fund Commission for terms beginning January 1, 2027, and expiring December 31, 2028.

Effective: August 6, 2026.

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