

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 504

Short Title: Local Electronic Notice. (Local)

Sponsors: Representatives McGrady, Stam, Jackson, and Hardister (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Judiciary.

April 3, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, AND ALL
3 MUNICIPALITIES LOCATED WITHIN THOSE COUNTIES, TO GIVE ELECTRONIC
4 NOTICE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Article 4 of Chapter 153A of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 153A-52.2. Electronic notice.**

9 (a) Except as provided in this section, the governing board may adopt an ordinance
10 providing that any notice it is required by law to publish or advertise, whether under
11 G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general
12 law, or under any local act, may be published electronically as provided by this section in lieu
13 of or in addition to the required publication or advertisement. The ordinance may cover all
14 notices required to be published or advertised or a selected class or classes of notice.

15 (b) Upon adoption of an ordinance under subsection (a) of this section, the governing
16 board shall publish specific instructions as to how to access all notices published under an
17 ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper
18 having a general circulation for that jurisdiction as provided in G.S. 1-597.

19 (c) Any notice published under an ordinance adopted pursuant to subsection (a) of this
20 section shall comply with all of the following:

- 21 (1) The notice is published on the Web site of the governing board no later than
22 the time that publication is required under the applicable statute or local act.
23 (2) The Web site contains on its main or index page links to all notices or a link
24 to another page with links to all notices.
25 (3) Notices and links to all notices on the Web site must be maintained on that
26 Web site for at least one year after publication.
27 (4) A copy of the notice must be filed in a notice book maintained separate and
28 apart from the ordinance book or minutes of the governing board. The notice
29 book shall be appropriately indexed and maintained for public inspection in
30 the office of the clerk or with some other person designated by the governing
31 board.
32 (5) A copy of the notice must be mailed or e-mailed to a person that has filed a
33 written request for notice with the clerk or secretary of the governing board
34 or with some other person designated by the governing board. The governing



1 board may require each person submitting a written request for notice to
2 renew the request annually.

3 (d) Ordinances adopted pursuant to this section may not supersede any general law or
4 local act that requires notice by mail to certain persons or classes of persons or the posting of
5 signs on certain property.

6 (e) The ordinance adopted by the county may control notice given by any board
7 appointed by the governing board of the county, including the board of social services and
8 board of health.

9 (f) If a city does not maintain its own Web site, it may employ the notice option
10 provided by subsection (a) of this section by submitting a request to a county or counties in
11 which the city is located to post such notice in a prominent location on a Web site that is
12 maintained by the county or counties. Any city that elects to provide such notice shall make its
13 request to the county or counties at least 15 days prior to the date of the required notice.

14 (g) For purposes of this section, "governing body" means the body elected or appointed
15 as the board of county commissioners, city council, or county board of elections."

16 **SECTION 1.(b)** Article 5 of Chapter 160A of the General Statutes is amended by
17 adding a new section to read:

18 **"§ 160A-81.2. Electronic notice.**

19 A city may adopt an ordinance under G.S. 153A-52.2 to provide for electronic notice."

20 **SECTION 2.** G.S. 160A-1(7) reads as rewritten:

21 "(7) "Publish," "publication," and other forms of the verb "to publish" mean
22 insertion in a newspaper qualified under G.S. 1-597 to publish legal
23 advertisements in the county or counties in which the city is ~~located~~, located
24 or electronic notice as provided in G.S. 153A-52.2 if an ordinance has been
25 adopted by the governing board."

26 **SECTION 3.** G.S. 153A-1(6) reads as rewritten:

27 "(6) "Publish," "publication," and other forms of the verb "to publish" mean
28 insertion in a newspaper qualified under G.S. 1-597 to publish legal
29 advertisements in the ~~county~~ county or electronic notice as provided in
30 G.S. 153A-52.2 if an ordinance has been adopted by the governing board."

31 **SECTION 4.** G.S. 159-1(b)(5) reads as rewritten:

32 "(5) "Publish," "publication," and other forms of the word "publish" mean
33 insertion in a newspaper qualified under G.S. 1-597 to publish legal
34 ~~advertisements~~ advertisements or electronic notice as provided in
35 G.S. 153A-52.2 if an ordinance has been adopted by that governing board."

36 **SECTION 5.** G.S.163-33(8) reads as rewritten:

37 **"§ 163-33. Powers and duties of county boards of elections.**

38 The county boards of elections within their respective jurisdictions shall exercise all powers
39 granted to such boards in this Chapter, and they shall perform all the duties imposed upon them
40 by law, which shall include the following:

41 ...

42 (8) To provide for the issuance of all notices, advertisements, and publications
43 concerning elections required by law. If the election is on a State bond issue,
44 an amendment to the Constitution, or approval of an act submitted to the
45 voters of the State, the State Board of Elections shall reimburse the county
46 boards of elections for their reasonable additional costs in placing such
47 notices, advertisements, and publications. In addition, the county board of
48 elections shall give notice at least 20 days prior to the date on which the
49 registration books or records are closed that there will be a primary, general
50 or special election, the date on which it will be held, and the hours the voting
51 places will be open for voting in that election. The notice also shall describe

1 the nature and type of election, and the issues, if any, to be submitted to the
2 voters at that election. Notice shall be given by advertisement at least once
3 weekly during the 20-day period in a newspaper having general circulation
4 in the county and by posting a copy of the notice at the courthouse door.
5 Notice may additionally be made on a radio or television station or both, but
6 such notice shall be in addition to the newspaper and other required notice.
7 This subdivision shall not apply in the case of bond elections called under
8 the provisions of Chapter 159. The county board may adopt a policy under
9 G.S. 153A-52.2 to provide for notices, advertisements, and publications to
10 be given electronically.

11"

12 **SECTION 6.** This act applies only to the counties of Buncombe, Guilford,
13 Henderson, Mecklenburg, Mitchell, Perquimans, Stanly, Surry, and Wake and any municipality
14 located wholly or partly within those counties.

15 **SECTION 7.** Section 1 of S.L. 2003-161, S.L. 2007-86, and S.L. 2008-5 are
16 repealed, but any ordinance adopted under any of those acts shall remain valid until amended or
17 repealed under G.S. 160A-81.2. This act prevails over any local act relating to publication of
18 notice by a city or county.

19 **SECTION 8.** This act becomes effective October 1, 2013, and applies to notice
20 given on or after that date by a county or city.