

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 287*
State and Local Government Committee Substitute Adopted 4/17/13
Third Edition Engrossed 4/23/13

Short Title: Notice Publication by Some Local Govs.

(Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO ALLOW GOVERNING BOARDS OF CERTAIN COUNTIES, ALL THE MUNICIPALITIES LOCATED WHOLLY IN THOSE COUNTIES, AND CERTAIN MUNICIPALITIES TO GIVE ELECTRONIC NOTICE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-52.2. Electronic notice.

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

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

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

- (1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.
- (2) The Web site contains, on its main or index page, links to all notices or a link to another page with links to all notices.
- (3) Notices and links to all notices on the Web site must be maintained on that Web site for at least one year after publication.
- (4) A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board.
- (5) A copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board 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) For purposes of this section, "governing body" means the body elected or appointed
10 as the board of county commissioners, city council, or county board of elections."

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

12 "(7) "Publish," "publication," and other forms of the verb "to publish" mean any
13 of the following:

14 a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to
15 publish legal advertisements in the county or counties in which the
16 city is located.

17 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has
18 been adopted by the governing board.

19 c. Insertion in a news publication circulated in the city, published at
20 least once per week, and with an audited readership of at least 25,000
21 persons."

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

23 "(6) "Publish," "publication," and other forms of the verb "to publish" mean any
24 of the following:

25 a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to
26 publish legal advertisements in the county.

27 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has
28 been adopted by the governing board.

29 c. Insertion in a news publication circulated in the county, published at
30 least once per week, and with an audited readership of at least 25,000
31 persons."

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

33 "(5) "Publish," "publication," and other forms of the word "publish" mean any of
34 the following:

35 a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to
36 publish legal advertisements.

37 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has
38 been adopted by that governing board.

39 c. Insertion in a news publication circulated in the county, published at
40 least once per week, and with an audited readership of at least 25,000
41 persons."

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

43 **"§ 163-33. Powers and duties of county boards of elections.**

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

47 ...

48 (8) To provide for the issuance of all notices, advertisements, and publications
49 concerning elections required by law. If the election is on a State bond issue,
50 an amendment to the Constitution, or approval of an act submitted to the
51 voters of the State, the State Board of Elections shall reimburse the county

1 boards of elections for their reasonable additional costs in placing such
2 notices, advertisements, and publications. In addition, the county board of
3 elections shall give notice at least 20 days prior to the date on which the
4 registration books or records are closed that there will be a primary, general
5 or special election, the date on which it will be held, and the hours the voting
6 places will be open for voting in that election. The notice also shall describe
7 the nature and type of election, and the issues, if any, to be submitted to the
8 voters at that election. Notice shall be given by advertisement at least once
9 weekly during the 20-day period in a newspaper having general circulation
10 in the county and by posting a copy of the notice at the courthouse door.
11 Notice may additionally be made on a radio or television station or both, but
12 such notice shall be in addition to the newspaper and other required notice.
13 This subdivision shall not apply in the case of bond elections called under
14 the provisions of Chapter 159. The county board may adopt a policy under
15 G.S. 160A-52.2 to provide for notices, advertisements, and publications to
16 be given electronically.

17"

18 **SECTION 6.** This act applies only to the Counties of Burke, Graham, Guilford,
19 Haywood, Jackson, Macon, Mecklenburg, Swain, Union, and Wake and any municipality
20 located wholly within those counties; to the City of High Point; and to the Town of Morrisville.

21 **SECTION 6.5.** Notwithstanding Section 6 of this act, this act shall not apply to the
22 Town of Rolesville.

23 **SECTION 7.** Section 2 of S.L. 2007-86, as amended by S.L. 2008-5, reads as
24 rewritten:

25 "**SECTION 2.** This act applies only to the ~~Towns of Apex, Cary, Garner, and Knightdale.~~
26 Town of Cary."

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