

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 287*
State and Local Government Committee Substitute Adopted 4/17/13

Short Title: Notice Publication by Some Local Govs. (Local)

Sponsors:

Referred to:

March 14, 2013

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

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 153A of the General Statutes is amended by adding a new
7 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 as provided by this section in lieu of or in
13 addition to the required publication or advertisement. The ordinance may cover all notices
14 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
24 link 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
35 board may require each person submitting a written request for notice to
36 renew the request annually.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 "**§ 163-33. Powers and duties of county boards of elections.**

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

45 ...

46 (8) To provide for the issuance of all notices, advertisements, and publications
47 concerning elections required by law. If the election is on a State bond issue,
48 an amendment to the Constitution, or approval of an act submitted to the
49 voters of the State, the State Board of Elections shall reimburse the county
50 boards of elections for their reasonable additional costs in placing such
51 notices, advertisements, and publications. In addition, the county board of

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

15"

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

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

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

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