

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL 181*
State and Local Government Committee Substitute Adopted 4/25/17
House Committee Substitute Favorable 10/4/17

Short Title: Electronic Notice - Guilford County.

(Local)

Sponsors:

Referred to:

March 7, 2017

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A PILOT PROGRAM AUTHORIZING CERTAIN LOCAL GOVERNMENTS TO PUBLISH REQUIRED NOTICES ELECTRONICALLY AND TO AUTHORIZE GUILFORD COUNTY TO PUBLISH LEGAL NOTICES VIA THE COUNTY-MAINTAINED WEB SITE FOR A FEE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Part 3 of Article 4 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-52.2. Electronic notice for notices required to be published by the board.

(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 electronically 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 clearly identified category of notices.

(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 electronically under the 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 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 shall be maintained on that Web site for at least one year after publication and shall be searchable.
- (4) A copy of the notice shall 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 in the office of another individual who is an employee of the governing board, as designated in the ordinance adopted pursuant to this section.
- (5) A copy of the notice shall be mailed or e-mailed to any person who has filed a written request for notice with the clerk or secretary of the governing board



1 or with some other person designated by the governing board. The governing
 2 board may require each person submitting such a written request for notice
 3 to renew that request annually.

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

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

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

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

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

15 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
 16 advertisements in the county or counties in which the 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 **SECTION 1.(c)** G.S. 153A-1(6) reads as rewritten:

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

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

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

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

27 "(5) "Publish," "publication," and other forms of the word "publish" mean
 28 ~~insertion~~ any of the following:

29 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
 30 advertisements.

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

33 **SECTION 1.(e)** G.S. 163-33(8) reads as rewritten:

34 **"§ 163-33. Powers and duties of county boards of elections.**

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

38 ...
 39 (8) To provide for the issuance of all notices, advertisements, and publications
 40 concerning elections required by law. If the election is on a State bond issue,
 41 an amendment to the Constitution, or approval of an act submitted to the
 42 voters of the State, the State Board of Elections shall reimburse the county
 43 boards of elections for their reasonable additional costs in placing such
 44 notices, advertisements, and publications. In addition, the county board of
 45 elections shall give notice at least 20 days prior to the date on which the
 46 registration books or records are closed that there will be a primary, general
 47 or special election, the date on which it will be held, and the hours the voting
 48 places will be open for voting in that election. The notice also shall describe
 49 the nature and type of election, and the issues, if any, to be submitted to the
 50 voters at that election. Notice shall be given by advertisement at least once
 51 weekly during the 20-day period in a newspaper having general circulation

1 in the county and by posting a copy of the notice at the courthouse door.
2 Notice may additionally be made on a radio or television station or both, but
3 such notice shall be in addition to the newspaper and other required notice.
4 This subdivision shall not apply in the case of bond elections called under
5 the provisions of Chapter 159. The county board may adopt a policy in
6 accordance with G.S. 153A-52.2 to provide for notices, advertisements, and
7 publications to be given electronically."

8 **SECTION 1.(f)** This section applies only to Guilford County and any municipality
9 located wholly or partly in Guilford County.

10 **SECTION 1.(g)** This section becomes effective December 1, 2017, and applies to
11 notices published on or after that date.

12 **SECTION 2.(a)** Article 50 of Chapter 1 of the General Statutes is amended by
13 adding a new section to read:

14 **"§ 1-602. Publication via county-maintained Web site.**

15 (a) In lieu of publishing in a newspaper in accordance with this Article, publication of
16 any notice permitted or required by law to be published in a newspaper may be accomplished
17 by contracting with a county who has adopted an ordinance authorizing the county to publish
18 such notice on the county-maintained Web site pursuant to this section. The board of
19 commissioners may adopt an ordinance establishing the county Web site as a central location
20 for publishing or advertising legal notices in accordance with this section, if the county
21 complies with all of the following:

22 (1) The county maintains its own Web site, with sufficient staff to maintain that
23 Web site.

24 (2) The county has sufficient staff to complete affidavits as needed for all legal
25 notices as required by subsection (d) of this section.

26 (3) The county collects and remits fees as provided in subsections (b) and (c) of
27 this section.

28 (b) The county may charge fees for the administrative costs to the county as follows for
29 such publication:

30 (1) For foreclosures, except those initiated by that county, no more than four
31 hundred fifty dollars (\$450.00).

32 (2) For other notices, except those by the State or any other political subdivision
33 thereof, no more than one hundred dollars (\$100.00).

34 (3) For notices by the State or any other political subdivision thereof, other than
35 that county, no more than ten dollars (\$10.00).

36 (4) For notices by that county, no fee shall be charged.

37 (c) Whenever a county has published a notice or any other paper, document, or legal
38 advertisement within the meaning of G.S. 1-597 and a county employee makes a written
39 statement under oath taken before any notary public or other officer or person authorized by
40 law to administer oaths, stating that the county placed such notice, paper, document, or legal
41 advertisement upon its Web site, such sworn written statement shall be received in all courts in
42 this State as prima facie evidence that the county placed the notice, paper, document, or legal
43 advertisement upon its Web site for the stated period of time. When filed in the office of the
44 clerk of the superior court of that county, any such sworn statement shall be deemed to be a
45 record of the court and such record or a copy thereof duly certified by the clerk shall be prima
46 facie evidence that the county placed the notice, paper, document, or legal advertisement upon
47 its Web site for the stated period of time.

48 (d) Notwithstanding G.S. 1-595, when a statute or written instrument stipulates that an
49 advertisement of a sale shall be made for any certain number of weeks, publication via the
50 county Web site in accordance with this section for the number of weeks so indicated is a
51 sufficient compliance with the requirement.

- 1 (e) Nothing in this section requires a county to adopt an ordinance authorizing the
- 2 county to publish notices on a county-maintained Web site."
- 3 **SECTION 2.(b)** This section applies to Guilford County only.
- 4 **SECTION 2.(c)** This section becomes effective December 1, 2017, and applies to
- 5 notices published on or after that date.
- 6 **SECTION 3.** This act is effective when it becomes law.