

May 15, 2008

**S 1631. ELECTRONIC VOTING FOR NONPROFITS.** Filed 5/15/08. *TO AUTHORIZE NONPROFIT CORPORATIONS TO ALLOW CERTAIN VOTES BY ELECTRONIC TRANSMISSION, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.*

Enacts new GS 55A-1-70 (electronic transactions) to authorize a corporation to agree to conduct a transaction by electronic means pursuant to its articles of incorporation, its bylaws, or a decision of its board of directors. Amends GS 55A-1-40 to add definitions of *electronic*, *electronic record*, and *electronic signature*. Amends GS 55A-1-41 (notice) to provide that electronic notice pursuant to an agreement is effective when it is sent. Authorizes a member to terminate an agreement for electronic notice. Amends GS 55A-7-04 (action by written consent) and GS 55A-8-21 (action without meeting) to permit electronic consent pursuant to an agreement. Amends GS 55A-7-08 (action by written ballot) to permit electronic ballots as long as the transaction includes information showing that the ballot was authorized by the member or the member's proxy. Makes technical and conforming changes to GS 55A-1-40, 55A-1-41, and 55A-7-24. Effective October 1, 2008.

**Intro. by Hartsell.**

GS 55A

July 14, 2008

**S 1631. ELECTRONIC VOTING/ OPEN MEETINGS (NEW).** Filed 5/15/08. House committee substitute deletes all provisions of the first edition and replaces it with *AN ACT TO CLARIFY HOW PUBLIC BODIES IN HYDE COUNTY MAY CONDUCT BUSINESS DURING MEETINGS INVOLVING SIMULTANEOUS COMMUNICATION.*

Under current law, each official meeting of a public body is open to the public and any person may attend that meeting. Article 33C of Chapter 143 governs meetings of public bodies. GS 143-318.10 provides definitions of *public body* and *official meeting*. Amends GS 143-318.10 to define *simultaneous communication* to mean any communication by conference telephone or other electronic means.

Amends GS 143-318.13 to provide that public bodies in Hyde County may conduct an official meeting with one or more members participating through simultaneous communication providing that the public body has previously adopted rules of procedure governing the conduct of those meetings. Specifies that the governance rules must address: (1) verification of the identity of the member or members participating through simultaneous communication, (2) the process of orderly deliberation by the public body, (3) the voting process, (4) the procedure for recording any votes, and (5) the means by which the public can listen to or watch the official meeting.

Permits a member of a public body participating from a remote location by simultaneous communication to be counted as present for purposes of establishing a quorum and provides that all votes by the member be counted as if the member were physically present at the meeting, providing that all of the listed specified requirements regarding notice, jurisdiction, and participation in the official meeting are met.

Requires that if a public body holds an official meeting by use of simultaneous communication, it must provide a location and means for members of the public to listen to the official meeting. Deletes the \$25 fee previously allowed to be charged to each listener.

Limits application of this act to Hyde County. Provides that nothing in this act is to be construed to affect the validity of the actions related to electronic meetings of any other public body.

Effective October 1, 2008, and provides that any vote taken by a public body in Hyde County before that date that included a member voting by simultaneous communication is ratified.

July 16, 2008

**S 1631. ELECTRONIC VOTING/OPEN MEETINGS.** Filed 5/15/08. House amendment makes the following changes to 2nd edition. Amends proposed GS 143-318.13(a)(5) to add that when a public body adopts rules to conduct official meetings with simultaneous communication it must address the means by which the public is offered the opportunity to participate from the remote location to the same extent as the public at the main location. Provides that this requirement does not apply in emergency meetings.

July 18, 2008

**SL 2008-111 (S 1631). ELECTRONIC VOTING/OPEN MEETINGS. AN ACT TO CLARIFY HOW PUBLIC BODIES IN HYDE COUNTY MAY CONDUCT BUSINESS DURING MEETINGS INVOLVING SIMULTANEOUS COMMUNICATION.** Summarized in *Daily Bulletin* 5/15/08, 7/14/08, and 7/16/08. Enacted July 17, 2008. Effective October 1, 2008.