

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 504  
PROPOSED COMMITTEE SUBSTITUTE H504-PCS10365-ST-49

Short Title: Local Electronic Notice.

(Local)

Sponsors:

Referred to:

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



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

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

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

16 **"§ 160A-81.2. Electronic notice.**

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

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

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

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

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

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

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

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

35 **"§ 163-33. Powers and duties of county boards of elections.**

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

39       ...

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

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

9 ...."

10 **SECTION 6.** This act applies only to the counties of Buncombe, Forsyth, Gaston,  
11 Mitchell, Moore, Perquimans, Stanly, Surry, and Watauga and any municipality located wholly  
12 within those counties, and to the City of Raleigh and the Town of Zebulon.

13 **SECTION 7.(a)** Effective October 1, 2016, Section 6 of this act reads as rewritten:

14 "SECTION 6. This act applies only to the counties of Buncombe, Forsyth, Gaston,  
15 Mitchell, Henderson, Perquimans, Stanly, Surry, and Watauga and any municipality located  
16 wholly within those counties, and to the City of Raleigh and the Town of Zebulon."

17 **SECTION 7.(b)** This section becomes effective October 1, 2016, and applies to  
18 notices given on or after that date by Henderson County or city located wholly within  
19 Henderson County.

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