

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Mar 5, 2013
S.B. 186
PRINCIPAL CLERK

S

D

SENATE DRS35100-ST-25 (02/20)

Short Title: Notice Publication by Counties and Cities. (Public)

Sponsors: Senators Wade and Brock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW GOVERNING BOARDS OF COUNTIES AND CITIES TO GIVE
3 ELECTRONIC NOTICE.

4 The General Assembly of North Carolina enacts:

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

7 "§ 153A-52.2. Electronic notice.

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

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

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

- 20 (1) The notice is published on the Web site of the governing board no later than
21 the time that publication is required under the applicable statute or local act.
22 (2) The Web site contains, on its main or index page, links to all notices or a
23 link to another page with links to all notices.
24 (3) Notices and links to all notices on the Web site must be maintained on that
25 Web site for at least one year after publication.
26 (4) A copy of the notice must be filed in a notice book maintained separate and
27 apart from the ordinance book or minutes of the governing board. The notice
28 book shall be appropriately indexed and maintained for public inspection in
29 the office of the clerk or with some other person designated by the governing
30 board.
31 (5) A copy of the notice must be provided to each public library and clerk of
32 superior court located within the jurisdiction of the governing board. The
33 notice shall be available for inspection or copying for at least one year.
34 (6) A copy of the notice must be mailed or e-mailed to a person that has filed a
35 written request for notice with the clerk or secretary of the governing board
36 or with some other person designated by the governing board. The governing



* D R S 3 5 1 0 0 - S T - 2 5 *

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

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

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

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

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

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

- a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.
- b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.
- c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 1.(c) G.S. 153A-1(6) reads as rewritten:

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

- a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.
- b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.
- c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

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

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

- a. ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements.
- b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by that governing board.
- c. Insertion in a news publication circulated in the county, published at least once per week, and with an audited readership of at least 25,000 persons."

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

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

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

...

- (8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the 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 2.** S.L. 2003-81, S.L. 2003-161, S.L. 2007-86, and S.L. 2008-5 are
19 repealed, but any ordinance adopted under any of those acts shall remain valid until amended or
20 repealed under G.S. 153A-52.2. This act prevails over any local act relating to publication of
21 notice by a city or county.

22 **SECTION 3.** This act becomes effective October 1, 2013, and applies to notice
23 given on or after that date by a county or city.