

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40183-MM-57

Short Title: Public Meeting/Simultaneous Communication/W-S. (Local)

Sponsors: Representative Montgomery.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY HOW PUBLIC BODIES IN WINSTON-SALEM MAY CONDUCT  
3 BUSINESS DURING MEETINGS INVOLVING SIMULTANEOUS  
4 COMMUNICATION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 143-318.13 reads as rewritten:

7 "§ 143-318.13. **Electronic meetings; written ballots; acting by reference.**

8 (a) ~~Electronic Meetings. – If a public body holds an official meeting by use of conference~~  
9 ~~telephone or other electronic means, it shall provide a location and means whereby members of~~  
10 ~~the public may listen to the meeting and the notice of the meeting required by this Article shall~~  
11 ~~specify that location. A fee of up to twenty five dollars (\$25.00) may be charged each such~~  
12 ~~listener to defray in part the cost of providing the necessary location and equipment. A public~~  
13 ~~body may conduct official meetings, in whole or in part, with simultaneous communication, but~~  
14 ~~only in circumstances where a member of the public body is unable to physically attend the~~  
15 ~~official meeting due to a medical condition of the member or a medical condition of an immediate~~  
16 ~~family member.~~

17 (a1) Procedure. – Prior to conducting an official meeting with simultaneous  
18 communication under subsection (a) of this section, the public body shall adopt rules of  
19 procedure governing the conduct of such meetings that address at least all of the following:

- 20 (1) The verification of the identity of the member or members of the public body  
21 who are participating by simultaneous communication.  
22 (2) The process of orderly deliberation by the public body.  
23 (3) The process of voting by the public body.  
24 (4) The procedure for recording any votes taken in the minutes of the public body.  
25 (5) The means by which members of the public can listen or watch the official  
26 meeting. This requirement shall not apply in emergency meetings.

27 (a2) Quorum and Voting. – A member or members of the public body participating from  
28 a remote location by simultaneous communication shall be counted as present for quorum  
29 purposes, and all votes of members of a public body made during an official meeting with  
30 simultaneous communication shall be counted as if the member or members were physically  
31 present in the place of the official meeting provided all of the following apply to the official  
32 meeting:

- 33 (1) The official meeting was properly noticed under G.S. 143-318.12 and under  
34 any other requirement for notice applicable to the public body.  
35 (2) This subdivision shall not apply if the official meeting is an emergency  
36 meeting as defined in G.S. 143-318.12(b)(3).



- 1           (3)    The member or members of the public body participating from a remote  
2           location by simultaneous communication can hear what is said by the other  
3           members of the public body and by any individual addressing the public body.
- 4           (4)    The member or members of the public body participating from a remote  
5           location by simultaneous communication can be heard by the other members  
6           of the public body and any other individuals in attendance at the official  
7           meeting, or watching the meeting.
- 8           (5)    The vote of the member or members of the public body participating from a  
9           remote location by simultaneous communication is not by electronic mail.
- 10          (6)    If the chair or presiding officer of the public body is participating from a  
11          remote location by simultaneous communication, the vice-chair or mayor pro  
12          tempore or some other member of the public body who is physically present  
13          shall preside at the official meeting. The chair, mayor pro tempore, or  
14          presiding officer of the public body participating from a remote location by  
15          simultaneous communication shall retain the same voting rights he or she has  
16          when presiding.
- 17          (7)    The official meeting, or part of an official meeting with a member or members  
18          of the public body participating from a remote location by simultaneous  
19          communication, shall not include any of the following:
- 20            a.    A closed session, unless the closed session is held during an  
21            emergency meeting.
- 22            b.    A quasi-judicial proceeding.
- 23          (8)    No written ballots may be taken at the official meeting with a member or  
24          members of the public body participating from a remote location by  
25          simultaneous communication.
- 26          (9)    If the official meeting involves a member of the public body participating  
27          from a remote location by simultaneous communication by which the member  
28          cannot be physically seen by the public body, that member must comply with  
29          all of the following:
- 30            a.    The member identifies himself or herself when the roll is taken or the  
31            meeting is commenced.
- 32            b.    The member identifies himself or herself prior to participating in the  
33            deliberations during the official meeting.
- 34            c.    The member identifies himself or herself prior to voting.
- 35          (10) The member or members participating from a remote location by  
36          simultaneous communication shall be provided copies or access to copies of  
37          documents to be considered during the official meeting.
- 38          (a3) Participation by Public. – If a public body holds an official meeting by use of  
39          simultaneous communication, it shall provide a location and means whereby members of the  
40          public may listen to the official meeting and the notice of the official meeting required by this  
41          Article shall specify that location.
- 42          (b) Written Ballots. – Except as provided in this subsection or by joint resolution of the  
43          General Assembly, a public body may not vote by secret or written ballot. If a public body decides  
44          to vote by written ballot, each member of the body so voting shall sign his or her ballot; and the  
45          minutes of the public body shall show the vote of each member voting. The ballots shall be  
46          available for public inspection in the office of the clerk or secretary to the public body  
47          immediately following the meeting at which the vote took place and until the minutes of that  
48          official meeting are approved, at which time the ballots may be destroyed.
- 49          (c) Acting by Reference. – The members of a public body shall not deliberate, vote, or  
50          otherwise take action upon any matter by reference to a letter, number or other designation, or  
51          other secret device or method, with the intention of making it impossible for persons attending a

1 an official meeting of the public body to understand what is being deliberated, voted, or acted  
2 upon. However, this subsection does not prohibit a public body from deliberating, voting, or  
3 otherwise taking action by reference to an agenda, if copies of the agenda, sufficiently worded to  
4 enable the public to understand what is being deliberated, voted, or acted upon, are available for  
5 public inspection at the official meeting."

6 **SECTION 2.** G.S. 143-318.10(d) reads as rewritten:

7 "(d) "Official meeting" means a meeting, assembly, or gathering together at any time or  
8 place or the simultaneous communication ~~by conference telephone or other electronic means~~ of  
9 a majority of the members of a public body for the purpose of conducting hearings, participating  
10 in deliberations, or voting upon or otherwise transacting the public business within the  
11 jurisdiction, real or apparent, of the public body. However, a social meeting or other informal  
12 assembly or gathering together of the members of a public body does not constitute an official  
13 meeting unless called or held to evade the spirit and purposes of this Article."

14 **SECTION 3.** G.S. 143-318.10 is amended by adding a new subsection to read:

15 "(d1) "Simultaneous communication" means any communication by conference telephone  
16 or other electronic means."

17 **SECTION 3.1.** This act applies only to the City of Winston-Salem.

18 **SECTION 3.2.** Nothing in this act shall be construed to affect the validity of actions  
19 related to electronic meetings of any other public body.

20 **SECTION 4.** This act is effective June 1, 2019, and any vote taken by a public body  
21 that included a member voting by simultaneous communication by conference telephone or other  
22 electronic means before that date is ratified.