

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE BILL 287\*  
State and Local Government Committee Substitute Adopted 4/17/13  
Third Edition Engrossed 4/23/13  
House Committee Substitute Favorable 7/24/13  
Fifth Edition Engrossed 7/25/13  
Proposed Conference Committee Substitute S287-PCCS75386-ST-2

Short Title: Notice Publication - Certain Local Govs.

(Local)

Sponsors:

Referred to:

March 14, 2013

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE GOVERNING BOARDS OF GUILFORD AND MECKLENBURG COUNTIES, AND ALL THE MUNICIPALITIES LOCATED IN THOSE COUNTIES, TO GIVE PUBLIC NOTICES ELECTRONICALLY.

The General Assembly of North Carolina enacts:

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

**"§ 153A-52.2. Electronic notice.**

(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 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 selected class or classes of notice.

(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 under an 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 or index 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 must be maintained on that Web site for at least one year after publication.
- (4) A copy of the notice must 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



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1           the office of the clerk or with some other person designated by the governing  
2           board.

3           (5)   A copy of the notice must be mailed or e-mailed to a person that has filed a  
4           written request for notice with the clerk or secretary of the governing board  
5           or with some other person designated by the governing board. The governing  
6           board may require each person submitting a written request for notice to  
7           renew the request annually.

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

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

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

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

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

19           a.    ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to  
20           publish legal advertisements in the county or counties in which the  
21           city is located.

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

24           c.    Insertion in a news publication circulated in the city, published at  
25           least once per week, and with an audited readership of at least 25,000  
26           persons."

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

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

30           a.    ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to  
31           publish legal advertisements in the county.

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

34           c.    Insertion in a news publication circulated in the county, published at  
35           least once per week, and with an audited readership of at least 25,000  
36           persons."

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

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

40           a.    ~~insertion~~Insertion in a newspaper qualified under G.S. 1-597 to  
41           publish legal advertisements.

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

44           c.    Insertion in a news publication circulated in the county, published at  
45           least once per week, and with an audited readership of at least 25,000  
46           persons."

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

48          **"§ 163-33. Powers and duties of county boards of elections.**

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

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(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 boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159. The county board may adopt a policy under G.S. 160A-52.2 to provide for notices, advertisements, and publications to be given electronically.

...."

**SECTION 6.** This act applies only to the Counties of Guilford and Mecklenburg and to any municipality located wholly or partly within that county.

**SECTION 7.** This act becomes effective October 1, 2013, and applies to notices given on or after that date.