

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30021-LRf-5C

Short Title: Various County Public Notices. (Local)

Sponsors: Representatives Warren, Adams, ██████████ and Hanig (Primary Sponsors).

Referred to:

*James White 3.15.21*

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A BILL TO BE ENTITLED

AN ACT ALLOWING LOCAL GOVERNMENTS IN THE COUNTIES OF CABARRUS, CATAWBA, CURRITUCK, DAVIDSON, FORSYTH, HAYWOOD, JACKSON, MONTGOMERY, RICHMOND, ROCKINGHAM, ROWAN, RUTHERFORD, STANLY, AND SWAIN TO PUBLISH PUBLIC NOTICES ELECTRONICALLY ON THE COUNTY-MAINTAINED WEB SITE AND TO SET REASONABLE FEES TO COVER THE COST OF PROVIDING ELECTRONIC NOTICE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 153A-52 reads as rewritten:

"§ 153A-52. Conduct Electronic notice for notices required to be published by governing board; conduct of public hearing.

(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 electronically 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 clearly identified category of notices. The ordinance may set reasonable fees to cover the cost of providing electronic notice under this section.

(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 electronically under the 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 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 shall be maintained on that Web site for at least one year after publication and shall be searchable.
- (4) A copy of the notice shall 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 the office of the clerk or in the office of another individual who is an employee of the governing board, as designated in the ordinance adopted pursuant to this section.



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

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

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

12 (f) The board of commissioners may hold public hearings at any place within the county.  
13 The board may adopt reasonable rules governing the conduct of public hearings, including but  
14 not limited to rules (i) fixing the maximum time allotted to each speaker, (ii) providing for the  
15 designation of spokesmen for groups of persons supporting or opposing the same position, (iii)  
16 providing for the selection of delegates from groups of persons supporting or opposing the same  
17 positions when the number of persons wishing to attend the hearing exceeds the capacity of the  
18 hall, and (iv) providing for the maintenance of order and decorum in the conduct of the hearing.

19 The board may continue a public hearing without further advertisement. If a public hearing  
20 is set for a given date and a quorum of the board is not then present, the board shall continue the  
21 hearing without further advertisement until its next regular meeting.

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

24 (h) This section applies only to the counties of Cabarrus, Catawba, Currituck, Davidson,  
25 Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly,  
26 and Swain, and any municipality located wholly or partly in one of those counties."

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

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

- 30 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal  
31 advertisements in the county or counties in which the city is located.
- 32 b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has  
33 been adopted by the governing board."

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

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

- 37 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal  
38 advertisements in the county.
- 39 b. Electronic notice, as provided in G.S. 153A-52, if an ordinance has  
40 been adopted by the governing board."

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

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

- 44 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal  
45 advertisements.
- 46 b. Electronic notice, as provided in G.S. 153A-52, if an ordinance has  
47 been adopted by that governing board."

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

49 "§ 163-33. Powers and duties of county boards of elections.

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

- 4 ...
- 5 (8) To provide for the issuance of all notices, advertisements, and publications  
6 concerning elections required by law. If the election is on a State bond issue,  
7 an amendment to the Constitution, or approval of an act submitted to the  
8 voters of the State, the State Board of Elections shall reimburse the county  
9 boards of elections for their reasonable additional costs in placing such  
10 notices, advertisements, and publications. In addition, the county board of  
11 elections shall give notice at least 20 days prior to the date on which the  
12 registration books or records are closed that there will be a primary, general  
13 or special election, the date on which it will be held, and the hours the voting  
14 places will be open for voting in that election. The notice also shall describe  
15 the nature and type of election, and the issues, if any, to be submitted to the  
16 voters at that election. Notice shall be given by advertisement at least once  
17 weekly during the 20-day period in a newspaper having general circulation in  
18 the county and by posting a copy of the notice at the courthouse door. Notice  
19 may additionally be made on a radio or television station or both, but such  
20 notice shall be in addition to the newspaper and other required notice. This  
21 subdivision shall not apply in the case of bond elections called under the  
22 provisions of ~~Chapter 159~~. Chapter 159 of the General Statutes. The county  
23 board may adopt a policy in accordance with G.S. 153A-52 to provide for  
24 notices, advertisements, and publications to be given electronically."

25 SECTION 1.(f) This section applies only to the counties of Cabarrus, Catawba,  
26 Currituck, Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham,  
27 Rowan, Rutherford, Stanly, and Swain, and any municipality located wholly or partly in one of  
28 those counties.

29 SECTION 1.(g) This section is effective when it becomes law and applies to notices  
30 published on or after that date.

31 SECTION 2.(a) Article 50 of Chapter 1 of the General Statutes is amended by adding  
32 a new section to read:

33 **"§ 1-602. Publication via county-maintained Web site.**

34 (a) In lieu of publishing in a newspaper in accordance with this Article, publication of  
35 any notice permitted or required by law to be published in a newspaper may be accomplished by  
36 contracting with a county who has adopted an ordinance authorizing the county to publish such  
37 notice on the county-maintained Web site pursuant to this section. The board of commissioners  
38 may adopt an ordinance establishing the county Web site as a central location for publishing or  
39 advertising legal notices in accordance with this section, if the county complies with all of the  
40 following:

- 41 (1) The county maintains its own Web site, with sufficient staff to maintain that  
42 Web site.  
43 (2) The county has sufficient staff to complete affidavits as needed for all legal  
44 notices as required by subsection (d) of this section.  
45 (3) The county collects and remits fees as authorized in subsection (b) of this  
46 section.  
47 (4) The county provides notice that public notices may be published on the county  
48 Web site, in a newspaper, or via both.

49 (b) Whenever a county has published a notice or any other paper, document, or legal  
50 advertisement within the meaning of G.S. 1-597 and a county employee makes a written  
51 statement under oath taken before any notary public or other officer or person authorized by law

1 to administer oaths stating that the county placed such notice, paper, document, or legal  
2 advertisement upon its Web site, such sworn written statement shall be received in all courts in  
3 this State as prima facie evidence that the county placed the notice, paper, document, or legal  
4 advertisement upon its Web site for the stated period of time. When filed in the office of the clerk  
5 of the superior court of that county, any such sworn statement shall be deemed to be a record of  
6 the court and such record or a copy thereof duly certified by the clerk shall be prima facie  
7 evidence that the county placed the notice, paper, document, or legal advertisement upon its Web  
8 site for the stated period of time. The county may charge fees for the administrative costs to the  
9 county.

10 (c) Notwithstanding G.S. 1-595, when a statute or written instrument stipulates that an  
11 advertisement of a sale shall be made for any certain number of weeks, publication via the county  
12 Web site in accordance with this section for the number of weeks so indicated is a sufficient  
13 compliance with the requirement.

14 (d) Any newspaper that publishes public notices shall provide notice that public notices  
15 may be published on the county Web site, in the newspaper, or via both.

16 (e) Nothing in this section requires a county to adopt an ordinance authorizing the county  
17 to publish notices on a county-maintained Web site.

18 (f) This section applies to the counties of Cabarrus, Catawba, Currituck, Davidson,  
19 Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan, Rutherford, Stanly,  
20 and Swain only."

21 SECTION 2.(b) This section is effective when it becomes law and applies to notices  
22 published on or after that date.

23 SECTION 3. This act applies to the counties of Cabarrus, Catawba, Currituck,  
24 Davidson, Forsyth, Haywood, Jackson, Montgomery, Richmond, Rockingham, Rowan,  
25 Rutherford, Stanly, and Swain only.

26 SECTION 4. This act is effective when it becomes law.