



# SENATE BILL 181: Electronic Notice - Guilford County.

2017-2018 General Assembly

**Committee:** House Finance  
**Introduced by:**  
**Analysis of:** Third Edition

**Date:** October 4, 2017  
**Prepared by:** Billy R. Godwin  
Staff Attorney

**OVERVIEW:** *S181 would authorize Guilford County, municipalities located wholly or partly therein, and the Guilford County Board of Elections to adopt an ordinance authorizing electronic publication of public notices and advertisements on their local government web sites in lieu of or in addition to newspaper publication. It would also authorize Guilford County to adopt an ordinance allowing legal notices to be placed on the County web site in lieu of newspaper publication.*

**CURRENT LAW:** Governing boards of counties and cities are required by statute, and sometimes local act, to publish notice or advertise prior to taking certain actions. Local boards of elections are statutorily required to publish certain notices prior to elections in newspapers of general circulation of the county. Some of the items that require notice or advertisement are:

- Various public hearings statutorily required prior to the county or city taking action or adopting certain ordinances, such as zoning ordinances. Often, the statute requiring the public hearing will specify how notice of the public hearing is to be given, usually publication in a newspaper of general circulation within a specified timeframe of the public hearing.
- Budget ordinance. Chapter 159.
- Sale and disposition of property. Article 12 of Chapter 160A.
- Purchase and contract bids. Article 8 of Chapter 143.
- Changes in form of government. Article 4 of Chapter 153A and Article 5 of Chapter 160A.
- Assessments. Article 9 of Chapter 153A and Article 10 of Chapter 160A.
- Boundary disputes. Article 1 of Chapter 153A.
- Development agreements. Article 18 of Chapter 153A and Article 19 of Chapter 160A.
- Dates of primary, general and special elections, and hours the voting places that will be open for those elections.

When publishing notices, the county or city is to do that by inserting the notice in a newspaper qualified under G.S. 1-597 in that county or city. Additionally, North Carolina law also requires various other legal notices and advertisements to be published in a newspaper particularly under the judicial sales procedure of Article 29A of Chapter 1 of the General Statutes or the execution sales procedure of Article 29B of Chapter 1 of the General Statutes.

**BILL ANALYSIS:** S181 would:

- Add new section G.S. 153A-52.2 to Part 3 of Article 4 of Chapter 153A that allows Guilford County its Cities and Guilford County Board of Elections to adopt an ordinance authorizing electronic publication of public notices and advertisements on the governing board’s web site. Such electronic notice would be in lieu of or in addition to newspaper publication. The

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

# Senate Bill 181

Page 2

ordinance may also cover public notices and advertisements of any board appointed by the governing body such as the planning boards, board of social services, and board of health.

- Amend G.S. 163-33 to allow the Guilford County Board of Elections to adopt an ordinance authorizing election notices and advertisements to be published on its web site.
- Add new Section 1-602 to Article 50 of Chapter 1 (newspaper publication) that allows Guilford County to adopt an ordinance authorizing publication of any legal notice on the county website in lieu of newspaper publication and authorize the county to charge and administrative fee to do so.

**EFFECTIVE DATE:** The bill becomes effective December 1, 2017 and applies to notices published on or after that date.

**BACKGROUND:** The following local governments are permitted to use electronic notice for public hearings: **Cabarrus** County (S.L. 2003-81), City of **Raleigh** and Town of **Lake Waccamaw** (S.L. 2003-161), Towns of **Apex**, **Garner**, and **Knightdale** (S.L. 2007-86), and Town of **Cary** (S.L. 2008-5).