



SENATE BILL 181: Electronic Notice - Guilford County.

2017-2018 General Assembly

Committee:		Date:	November 20, 2017
Introduced by:		Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	S.L. 2017-210		

OVERVIEW: *S.L. 2017-210 does both of the following:*

- *Authorizes Guilford County, any municipality 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.*
- *Authorizes the Guilford County Board of Commissioners to adopt an ordinance allowing general legal notices to be published on the County web site in lieu of newspaper publication.*

This act became effective October 5, 2017, and applies notices published on or after December 1, 2017.

CURRENT LAW: North Carolina law requires various legal notices and advertisements to be published in a newspaper of general circulation in the area impacted by the legal notice. Examples include judicial sales under Article 29A of Chapter 1 of the General Statutes, administration of estates under Chapter 28A of the General Statutes, and execution sales under Article 29B of Chapter 1 of the General Statutes.

More specifically, the general statutes and sometimes local acts, require governing boards of counties and cities to publish notice or to advertise prior to taking certain actions. When publishing notices, the county or city does so by inserting the notice in a newspaper qualified under G.S. 1-597 in that county or city. 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 requiring 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.
- 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. Chapter 163.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

Senate Bill 181

Page 2

BILL ANALYSIS: S.L. 2017-210 does the following:

- Allows certain governing boards in Guilford County only to adopt an ordinance authorizing electronic publication of public notices and advertisements required to be published by that governing board. Such electronic notice could be in lieu of, or in addition to, newspaper publication. The ordinance may also control public notices and advertisements of any board appointed by the governing body such as the planning board, board of social services, and board of health. The governing boards that may adopt such an ordinance are:

- Guilford County Board of Commissioners
- Guilford County Board of Elections

Municipal governing board of any city or town wholly or partly within Guilford County (Archdale, Burlington, Gibsonville, Greensboro, High Point, Jamestown, Kernersville, Oak Ridge, Pleasant Garden, Sedalia, Stokesdale, Summerfield, and Whitsett.)

- Authorizes Guilford County to adopt an ordinance authorizing publication of any legal notice, for any private or governmental entity, on a website maintained by Guilford County in lieu of newspaper publication. The county is authorized to charge an administrative fee to do so.

EFFECTIVE DATE: The bill became effective October 5, 2017, and applies to notices published on or after December 1, 2017.

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).

Staff Attorney Erika Churchill substantially contributed to this summary.