

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 357

Short Title: Gaston County Public Notices. (Local)

Sponsors: Representative Torbett.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 23, 2021

A BILL TO BE ENTITLED

AN ACT ALLOWING GASTON COUNTY TO PUBLISH PUBLIC NOTICES ELECTRONICALLY ON THE COUNTY-MAINTAINED WEBSITE 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 website of the governing board no later than the time that publication is required under the applicable statute or local act.

(2) The website 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 website shall be maintained on that website 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 emailed to any person who has filed a
2 written request for notice with the clerk or secretary of the governing board or
3 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 Gaston County and any municipality located wholly or
25 partly in that county."

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

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

29 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
30 advertisements in the county or counties in which the city is located.

31 b. Electronic notice, as provided in G.S. 153A-52, if an ordinance has
32 been adopted by the governing board."

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

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

36 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
37 advertisements in the county.

38 b. Electronic notice, as provided in G.S. 153A-52, if an ordinance has
39 been adopted by the governing board."

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

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

43 a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal
44 advertisements.

45 b. Electronic notice, as provided in G.S. 153A-52, if an ordinance has
46 been adopted by that governing board."

47 **SECTION 1.(e)** 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:

1 ...
2 (8) To provide for the issuance of all notices, advertisements, and publications
3 concerning elections required by law. If the election is on a State bond issue,
4 an amendment to the Constitution, or approval of an act submitted to the
5 voters of the State, the State Board of Elections shall reimburse the county
6 boards of elections for their reasonable additional costs in placing such
7 notices, advertisements, and publications. In addition, the county board of
8 elections shall give notice at least 20 days prior to the date on which the
9 registration books or records are closed that there will be a primary, general
10 or special election, the date on which it will be held, and the hours the voting
11 places will be open for voting in that election. The notice also shall describe
12 the nature and type of election, and the issues, if any, to be submitted to the
13 voters at that election. Notice shall be given by advertisement at least once
14 weekly during the 20-day period in a newspaper having general circulation in
15 the county and by posting a copy of the notice at the courthouse door. Notice
16 may additionally be made on a radio or television station or both, but such
17 notice shall be in addition to the newspaper and other required notice. This
18 subdivision shall not apply in the case of bond elections called under the
19 provisions of ~~Chapter 159~~, Chapter 159 of the General Statutes. The county
20 board may adopt a policy in accordance with G.S. 153A-52 to provide for
21 notices, advertisements, and publications to be given electronically."

22 **SECTION 1.(f)** This section applies only to Gaston County and any municipality
23 located wholly or partly in that county.

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

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

28 **"§ 1-602. Publication via county-maintained website.**

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

36 (1) The county maintains its own website, with sufficient staff to maintain that
37 website.

38 (2) The county has sufficient staff to complete affidavits as needed for all legal
39 notices as required by subsection (d) of this section.

40 (3) The county collects and remits fees as authorized in subsection (b) of this
41 section.

42 (4) The county provides notice that public notices may be published on the county
43 website, in a newspaper, or via both.

44 (b) Whenever a county has published a notice or any other paper, document, or legal
45 advertisement within the meaning of G.S. 1-597 and a county employee makes a written
46 statement under oath taken before any notary public or other officer or person authorized by law
47 to administer oaths stating that the county placed such notice, paper, document, or legal
48 advertisement upon its website, such sworn written statement shall be received in all courts in
49 this State as prima facie evidence that the county placed the notice, paper, document, or legal
50 advertisement upon its website for the stated period of time. When filed in the office of the clerk
51 of the superior court of that county, any such sworn statement shall be deemed to be a record of

1 the court, and such record or a copy thereof duly certified by the clerk shall be prima facie
2 evidence that the county placed the notice, paper, document, or legal advertisement upon its
3 website for the stated period of time. The county may charge fees for the administrative costs to
4 the county.

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

9 (d) Any newspaper that publishes public notices shall provide notice that public notices
10 may be published on the county website, in the newspaper, or via both.

11 (e) Nothing in this section requires a county to adopt an ordinance authorizing the county
12 to publish notices on a county-maintained website.

13 (f) This section applies to Gaston County only."

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

16 **SECTION 3.** This act applies to Gaston County only.

17 **SECTION 4.** This act is effective when it becomes law.