

Senate Bill 186

By: Senators Heath of the 31st, Albers of the 56th, Beach of the 21st, Unterman of the 45th, Jeffares of the 17th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions applicable to counties, municipal corporations, and other governmental
3 entities, so as provide for electronic publication of certain public notices; to provide for
4 procedures, conditions, and limitations; to provide for related matters; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
9 provisions applicable to counties, municipal corporations, and other governmental entities,
10 is amended by adding a new Code section to read as follows:

11 "36-80-24.

12 (a)(1) Except as provided in this Code section, the governing authority of any county or
13 municipality is authorized to adopt an ordinance providing that any notice it is required
14 by law to publish or advertise may be published electronically as provided by this Code
15 section in lieu of or in addition to the required publication or advertisement. The
16 ordinance may cover all notices required to be published or advertised or a selected class
17 or classes of notice.

18 (2) Each constitutional county officer shall be authorized, but not required, to participate
19 in such electronic publication upon the filing of written notification with the county
20 governing authority. Following receipt of such notice, the county governing authority
21 shall, in a timely manner, include in such ordinance appropriate provisions for the
22 participation of such constitutional county officer.

23 (b) Upon initial adoption of an ordinance under subsection (a) of this Code section, such
24 governing authority shall publish specific instructions as to how to access all electronic
25 notices published under such ordinance at least once a month for 12 months in a newspaper
26 having a general circulation for that jurisdiction. Thereafter, such instructions shall be
27 published in such newspaper once each year.

28 (c) Any electronic notice published under an ordinance adopted pursuant to subsection (a)
29 of this Code section shall comply with all of the following:

30 (1) An electronic notice shall be published on the official website of such governing
31 authority no later than the time that publication is required under the applicable law;

32 (2) The official website shall contain, on its main or index page, links to all electronic
33 notices or a link to another page with links to all electronic notices;

34 (3) Electronic notices and links to all electronic notices on the official website shall be
35 maintained on such site for at least one year after publication;

36 (4) A copy of such electronic notice shall be filed in a notice book maintained separately
37 and apart from the ordinance book or minutes of the governing authority, and such book
38 shall be appropriately indexed and maintained for public inspection in the office of the
39 clerk or with some other person designated by the governing authority;

40 (5) A copy of such electronic notice shall be provided to each public library and clerk
41 of superior court located within the jurisdiction of the governing authority. Such
42 electronic notice shall be available for inspection or copying for at least one year;

43 (6) A copy of such electronic notice shall be mailed or e-mailed to a person who has filed
44 a written request for electronic notice with the clerk of the governing authority or with
45 some other person designated by the governing authority. The governing authority may
46 require each person submitting a written request for notice to renew the request annually.
47 Instructions for such written requests shall be included in each notice publication required
48 under subsection (b) of this Code section; and

49 (7) Such electronic notice shall comply with the same time schedule and content
50 requirements as otherwise required by law for publication in a newspaper.

51 (d) An ordinance adopted pursuant to this Code section shall not supersede any provision
52 of law that requires notice by mail to certain persons or classes of persons or the posting
53 of signs on certain property.

54 (e) An ordinance adopted by a county or municipality may control notice given by any
55 board appointed by the governing board of the county or municipality."

56 **SECTION 2.**

57 All laws and parts of laws in conflict with this Act are repealed.