

Kentucky Revised Statutes¹

Effective July 15, 2020

424.145 **Alternative** Internet and newspaper publication procedures for local governments. (See LRC Note)

- (1) As used in this section:
- (a) "Local government" means:
1. Any urban-county government;
 2. Any consolidated local government;
 3. Any charter county;
 4. Any unified local government; and
 5. In any county containing a population of eighty thousand (80,000) or more based upon the most recent federal decennial census, the county itself or any:
 - a. City within the county;
 - b. Special district within the county;
 - c. School district within the county; or
 - d. Special purpose governmental entity within the county; and
- (b) "Notice Web site" means an Internet Web site that is maintained by a local government or a third party under contract with the local government, which contains links to the legal advertisements or notices electronically published by the local government.
- (2) Local governments may satisfy the requirements of this chapter or any other provision of law requiring the publication of an advertisement in a newspaper by following the alternative procedures established in this section.

If a local government chooses to use an alternative internet notice, it must also submit an advertisement in the newspaper.

The ad is smaller and runs fewer times than a "regular" notice.

(3) In lieu of newspaper publication, a local government may post the required advertisement online on a notice Web site operated by the local government that is accessible to the public at all times in accordance with subsections (4) to (9) of this section. Publication of an advertisement shall be deemed to have occurred on the date the advertisement is posted on the local government's notice Web site.

(4) In conjunction with an alternative Internet posting, the local government shall publish a newspaper advertisement one (1) time providing notice that the public may view the full advertisement on the notice Web site. The newspaper advertisement shall:

(a) Be not more than six (6) column inches and meet the technical requirements of KRS 424.160(1);

(b) Be published within ten (10) days of the alternative posting on the notice Web site when the purpose of the posting is to inform the public of a completed act, including those acts specified in KRS 424.130(1)(a), or within three (3) days of the posting when the purpose of the posting is to inform the public of the right to take a certain action, including the events specified in

¹ Annotations and graphics added by Toni Henneman, Montana Legislative Services Division, for the Local Government Interim Committee meeting March 15-16, 2022.

KRS 424.130(1)(b) and (d);

- (c) Inform the public of the subject matter of the alternative posting, inform the public of its right to inspect any documents associated with the Internet posting by contacting the local government, and provide a mailing and a physical address where a copy of the document may be obtained and the Web address if the document is available online; and
- (d) Provide the full Uniform Resource Locator (URL) of the notice Web site address and the full Uniform Resource Locator (URL) of the address where the full advertisement may be directly viewed along with a telephone number for the local government.

(5) In addition to specific legal requirements applicable to a particular type of advertisement:

- (a) The contents of each alternative Internet posting shall meet the minimum requirements of KRS 424.140; and
- (b) The local government shall make the alternative Internet posting in accordance with the times and periods established by KRS 424.130, and shall actively maintain the alternative Internet posting on its public Web site:

- 1. Until the deadline passes or the event occurs if the substance of the advertisement is intended to advise the public of a time to take action or the occurrence of a future event;
- 2. For at least ninety (90) days if the substance of the advertisement is to inform the public of an action taken by the local government, such as the enactment of an ordinance; or
- 3. For one (1) year or until updated or replaced with a more recent version if the substance of the advertisement is intended to inform the public about the financial status of the local government, such as annual audits or the budget.

Timeline requirement of notice

(6) The local government shall display access to any and all alternative Internet postings made pursuant to this section prominently on the homepage or first page of the notice Web site. The section of the notice Web site containing any postings and the actual advertisement shall be made in a manner where the public can readily and with minimal effort identify the location of and easily retrieve the advertisements.

Must publish on home page

(7) The local government shall provide a conspicuous statement on its notice Web site that individuals who have difficulty in accessing the contents of posted advertisements may contact the local government for information regarding alternative methods of accessing advertisements, which shall include the telephone number of the local government.

Accessibility considerations

(8) As proof of an alternative Internet posting to satisfy any newspaper publication requirement, the local government shall memorialize the posting by capturing the posting in electronic or paper format and shall complete an affidavit signed by the person responsible for causing publications under KRS 424.150, stating that the local government satisfied the publication requirement by alternative Internet posting. The affidavit shall specify the active dates of the notice Web site posting, the specific statutory requirements being satisfied by the alternative Internet posting, and the notice Web site address where the alternative posting was located, including the full Uniform Resource Locator (URL) used for the posting. The local government shall retain the captured posting and the affidavit by

Security and validity of internet notice

the person responsible for publication for a period of three (3) years. Together, the captured posting and the affidavit shall constitute prima facie evidence that the posting was made and occurred as stated within the affidavit.

- (9) The failure to cause the newspaper advertisement required in subsection (4) of this section shall not void the action of the local government or negate the enforceability of the matter advertised by alternative Internet posting. Any person who violates the requirements of subsection (4) of this section shall be subject to the penalties provided in KRS 424.990.

If a newspaper fails to run the ad, the local government still meets its obligations.

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History: Created 2020 Ky. Acts ch. 87, sec. 1, effective July 15, 2020.

Legislative Research Commission Note (7/15/2020). 2020 Ky. Acts ch. 91, sec. 73, which was effective April 15, 2020, stated the following:

"Publishing Requirements: Notwithstanding KRS 83A.060, 91A.040, and Chapter 424, a county containing a population of more than 90,000 or any city within a county containing a population of more than 90,000, as determined by the 2010 United States Census, may publish enacted ordinances, audits, and bid solicitations by posting the full ordinance, the full audit report including the auditor's opinion letter, or the bid solicitation on an Internet Web site maintained by the county or city government for a period of at least one (1) year. If a county or city publishes ordinances, audits, or bid solicitations on an Internet Web site, the county or city shall also publish an advertisement, in a newspaper qualified in accordance with KRS 424.120, with a description of the ordinances, audits, or bid solicitations published on the Internet Web site, including the Uniform Resource Locator (URL) where the documents can be viewed. Any advertisement required to be published in a newspaper under KRS Chapter 424 shall contain the following statement at the end of the advertisement:

"This advertisement was paid for by [insert the name of the governmental body required to advertise in a newspaper] using taxpayer dollars in the amount of \$[insert the amount paid for the advertisement]."