

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

SENATE BILL NO. 2324
(Senators Wardner, Andrist, Krauter)
(Representatives Froseth, N. Johnson)

AN ACT to amend and reenact sections 46-05-01, 46-06-01, 46-06-02, and 46-06-03 of the North Dakota Century Code, relating to qualifications of legal newspapers, official newspapers in counties where no newspaper is published, and placement of newspapers on the ballot; and to repeal section 46-05-02 of the North Dakota Century Code, relating to newspaper affidavits filed with county auditors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 46-05-01 of the North Dakota Century Code is amended and reenacted as follows:

46-05-01. Newspapers qualified to do legal printing - File copies with state historical society - Publishing notices in adjoining county. Before any newspaper in this state is qualified to publish any legal notice or any matter required by law to be printed or published in some newspaper in the state, or any public notice for any political subdivision within this state, the newspaper must:

1. Have been established in a regular and continuous circulation of at least one year, with a bona fide subscription list of at least one hundred fifty regular subscribers;
2. Be nonsectarian and printed ~~at least three-fourths~~ in English; and
3. Have been admitted to the United States mails and have complied with the requirements of the federal laws governing periodicals mailing privileges for at least one year.

~~In the county where no newspaper having the above prescribed qualifications is published, any newspaper at the county seat of that county is entitled to publish the legal notices even though it may not have been established one year.~~ The owner or publisher of each legal newspaper shall send to the state historical society, to the address designated by the director, ~~two copies~~ one copy of each issue of the newspaper. In a county in which no newspaper is published, any notice required by law to be published may be published in a newspaper published in an adjoining county and having a general circulation in the county.

SECTION 2. AMENDMENT. Section 46-06-01 of the North Dakota Century Code is amended and reenacted as follows:

46-06-01. Selection of official newspaper. At the general election starting with the year 1978 and every four years thereafter, in accordance with section 46-06-06, the qualified electors in each county shall select one newspaper in the county ~~which must~~, or if there is no newspaper published in the county, then a newspaper published in an adjoining county with general circulation in the first county, to be the official newspaper within such county.

SECTION 3. AMENDMENT. Section 46-06-02 of the North Dakota Century Code is amended and reenacted as follows:

46-06-02. Qualifications required of an official newspaper. A newspaper is qualified to serve as an official newspaper if it meets all the requirements of a legal newspaper set forth in section 46-05-01 and maintains its principal editorial office within the county in which it is a candidate for official newspaper. In a county in which no newspaper maintains its principal editorial office, a newspaper

published in an adjoining county with general circulation in the first county is qualified to serve as that county's official newspaper.

SECTION 4. AMENDMENT. Section 46-06-03 of the North Dakota Century Code is amended and reenacted as follows:

46-06-03. Application to place name on ballot at primary election. The county auditor shall place the name of a newspaper upon the primary election ballot if the newspaper is qualified to serve as the official newspaper within the county and if, not more than seventy days nor less than sixty days and before four p.m. of the sixtieth day prior to the primary election, an application asking that the name of the newspaper be placed upon the ballot to be voted upon for nomination as official newspaper of the county ~~is~~ and an affidavit indicating the newspaper meets all of the requirements of an official newspaper pursuant to sections 46-05-01 and 46-06-02 are filed with the county auditor by a person, partnership, corporation, or limited liability company owning or operating the newspaper. The county auditor shall endorse upon the application the name of the newspaper and the date upon which the application is filed.

SECTION 5. REPEAL. Section 46-05-02 of the North Dakota Century Code is repealed.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2324.

Senate Vote: Yeas 45 Nays 0 Absent 2

House Vote: Yeas 78 Nays 1 Absent 15

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State