

OPINION
55-88

November 22, 1955 (OPINION)

NEWSPAPERS

RE: Publication of Election Notices

This is in reply to your letter of November 16, 1955, requesting an interpretation of section 46-0501 of the North Dakota Revised Code of 1943 in relation to publication of notices of election as provided in section 21-0312.

According to your letter The Powers Lake Herold is published at Power Lake but the entire paper is printed in Stanley, North Dakota. This fact is stated on the date line of the paper as well as in the body of the paper below the official name.

Your question arises as a result of section 46-0501, subsection 2 of the North Dakota Revised Code of 1943, which reads as follows:

"Before any newspaper in this state shall be 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 county, city, or other municipality within this state, such newspaper must:

* * *

2. Have at least two pages of the newspaper actually printed at the place designated in the date line: * * *."

Section 21-0312 reads, in part, as follows:

"The auditor, clerk, secretary, or similarly acting officer, by whatever name designated, of the municipality shall give notice of election by causing a notice of election by causing a notice thereof to be published once each week for at least two weeks prior to the date thereof in the official newspaper of such municipality, if any, or if it has none, in any newspaper published therein, or if no newspaper is published therein, then by posting copies of such notice in five public places in the municipality. The date of such posting or first publication shall be at least fifteen days before the date of such election, exclusive of the day of such posting or first publication.* * *"

You will note that section 46-0501(2) does not require printing at the place of publication. This office has held that date lines of newspapers containing statements that the paper is published at one city and printed at another satisfy this requirement. Therefore, a date line stating that The Powers Lake Herold is published at Powers Lake, North Dakota, and that it is printed at Stanley, North Dakota, fulfills the requirement of this subsection. We are enclosing

herewith copies of letters by this office pertaining to similar questions dated June 17, 1950, and February 16, 1951.

It is our opinion that The Powers Lake Herold is qualified as a legal newspaper and, therefore, notice of an election to be held within the municipality pursuant to chapter 21-03 must be published in said newspaper to fully comply with the provisions of section 21-0312.

LESLIE R. BURGUM

Attorney General