

## **CHAPTER 46-06 OFFICIAL NEWSPAPER**

### **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, 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.

### **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.

### **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, before four p.m. of the sixty-fourth 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 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.

### **46-06-04. Where name of newspaper placed on ballot.**

The county auditor shall place the names of all newspapers to be voted upon for nomination as official newspaper of the county at the bottom of the ballot upon which appear the names of the candidates for county offices. The names of the newspapers must be rotated as is required for the names of candidates on the primary election ballot.

### **46-06-05. Names of two papers receiving highest number of votes to be placed on general election ballot.**

The county auditor shall place the names of the two newspapers receiving the highest number of votes at the primary election on the general election ballot upon which appear the names of candidates for county offices. The names must appear in the same place and in the same manner as on the primary election ballot.

### **46-06-06. Newspaper receiving highest number of votes elected - Canvass.**

The newspaper receiving the highest number of votes at the general election must be declared elected. The county auditor, upon the canvass and return of the vote by the county canvassing board, shall issue a certificate of election to such newspaper, and it shall become the official newspaper beginning on the first Monday in January following the election, and shall act as the official newspaper for a period of four years and until a successor is chosen and takes office. The canvass of the votes for the official newspaper must be made by the county canvassing board at the time other election returns are canvassed.

### **46-06-07. Bond of official newspaper.**

Repealed by S.L. 1987, ch. 551, § 1.

**46-06-08. Vacancy - How filled.**

If a newspaper elected as the official newspaper suspends publication or ceases to possess the qualifications prescribed in section 46-06-02, a vacancy must be deemed to exist. The board of county commissioners at once shall designate another newspaper having the required qualifications to act as the official newspaper of the county until a successor is elected and takes office.

**46-06-09. Publications required to be made in official newspaper.**

There must be published in the official newspaper:

1. All official proceedings of the board of county commissioners of the county in which it is elected.
2. All notices and publications which are required by law to be published by any county officer.
3. All publications of every nature which are required to be published within the county in which the newspaper is elected by any elective or appointive state officer.

**46-06-10. When publication null and void.**

A legal publication of any kind or character described in section 46-06-09 which is not published in the duly elected official newspaper is null and void.