

CHAPTER 97

OFFICIAL NEWSPAPERS

S. F. 145

AN ACT to amend, revise, and codify chapter seventeen (17) of title twelve (12) of the compiled code of Iowa, relating to official newspapers.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter seventeen (17) of title twelve (12) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

CHAPTER 17

OFFICIAL NEWSPAPERS

Section 1. Official newspapers - time of selection. The board of supervisors shall, at the January session each year, select the newspapers in which the official proceedings shall be published for the ensuing year.

Sec. 2. Source of selection. Such selection shall be from newspapers published, and having the largest number of bona fide yearly subscribers, within the county. When counties are divided into two (2) divisions for district court purposes, each division shall be regarded as a county.

Sec. 3. Number to be selected. The number of such newspapers to be selected shall be as follows:

1. In counties having a population of less than fifteen thousand (15,000), two (2) such newspapers, or one (1), if there be but one (1) published therein.

2. In all other counties, three (3) such newspapers, not more than two (2) of which shall be published in the same city or town.

Sec. 4. Application - contest. Any publisher who desires that his newspaper be so selected may make written application therefor to the board of supervisors at any time prior to the making of the selection. If more applications are filed than there are newspapers to be selected, a contest shall exist.

Sec. 5. Contest - verified statements. In case of a contest, each applicant shall deposit with the county auditor, in a sealed envelope, a statement, verified by him, showing the names of his bona fide yearly subscribers living within the county and the place at which each such subscriber receives such newspaper, and the manner of its delivery.

Sec. 6. Determination of contest. The county auditor shall, on the direction of the board while it is in session, open said envelopes. The board may receive

other evidence of circulation. In counties in which two (2) newspapers are to be selected, the two (2) newspapers showing the largest number of bona fide yearly subscribers living within the county shall be selected as such official newspapers. In counties in which three (3) newspapers are to be selected, the three (3) showing the largest number of such subscribers shall be selected except when such three (3) newspapers are all published in the same city or town, in which case the two (2) newspapers in such city or town having the largest lists of such subscribers and the newspaper having the next largest list of such subscribers and published outside such city or town shall be selected as such official newspapers.

Sec. 7. Tie lists. When newspapers are, by equality of circulation, equally entitled to such selection, the board shall, in the presence of the contestants, determine the question by lot.

Sec. 8. Fraudulent lists. No newspaper shall be selected as an official newspaper when it is made to appear that the verified list deposited by the applicant contains the names of persons who are not bona fide subscribers within the county and that such names were knowingly and wilfully entered on such list by the applicant, or at his instance, with intent to deceive the board.

Sec. 9. New date fixed if all rejected. If all certified statements are rejected under the provisions of the preceding section, the board shall fix a new date for the selection of official newspapers and nothing herein shall be construed to prevent the applicants so rejected from filing new certified statements.

Sec. 10. Appeal - bond for costs - notice. Any applicant may, within twenty (20) days after the selection of official newspapers, appeal to the district court from the decision of the board of supervisors as to the selection of any or all newspapers so selected by filing in the office of the county auditor a bond for costs, in a sum and with sureties to be approved by said auditor, and by serving upon each applicant, whose selection he desires to contest, and the county auditor, a notice of appeal.

Sec. 11. Transcript. The auditor shall forthwith file with the clerk of the district court a transcript of all the proceedings before the board, together with all papers filed in connection with said matter.

Sec. 12. Trial of appeal. Said appeal shall be for trial de novo as an equitable action without formal pleadings at the first term following the filing of such transcript.

Sec. 13. Publication pending contest. After the selection by the board of supervisors of official newspapers, no publisher shall receive pay for publishing official proceedings until the contest is finally determined, in so far as he is concerned.

Sec. 14. Division of compensation - by agreement. If in any county the publishers of two (2) or more newspapers, at least one (1) of which by reason of its location and circulation is entitled to be selected as a county official newspaper, have entered into an agreement to publish the official proceedings or have united in a request to have their publications selected for such purposes, and such agreement or request has been filed with the board of supervisors prior to the naming of the official newspapers, the board of supervisors shall designate each of them a county official newspaper, but the combined compensation of the newspapers so requesting or agreeing, added to that of the other official newspaper or newspapers, if any, shall not exceed the combined compensation allowed by law to two (2) official newspapers in counties having a population below fifteen thousand (15,000) or to three (3) official newspapers in counties having a population of fifteen thousand (15,000) or more.

Sec. 15. What to be published - auditor to furnish copy. There shall be published in each of said official newspapers at the expense of the county during the ensuing year:

1. The proceedings of the board of supervisors, including their proceedings as a canvassing board of the various elections as provided by law.
2. The schedule of bills allowed by said board.
3. The reports of the county treasurer, including a schedule of the receipts and expenditures of the county.
4. A synopsis of the expenditures of township trustees for road purposes as provided by law.

Sec. 16. Cost of official publication. The cost of official publications provided for in the preceding section shall not exceed thirty-three and one-third cents (33-1/3c) and each ten (10) lines of brier type or its equivalent for each insertion. Provided no such official publication shall be printed in type smaller than six-point.

Sec. 17. Designation of newspapers. The clerk of the district court, sheriff auditor, treasurer, and recorder shall designate the newspapers in which the notices pertaining to their respective offices shall be published and the board of supervisors shall designate the newspapers in which all other county notices and proceedings, not required to be published in the official county newspapers, shall be published.

Sec. 18. Publications to be in English. All notices, proceedings, and other matter whatsoever, required by law or ordinance to be published in a newspaper, shall be published only in the English language and in newspapers published wholly in the English language.

Sec. 19. Penalty. Any person who is in any manner a party to a violation of the preceding section shall be guilty of a misdemeanor.

Approved January 25, 1924.

#### CHAPTER 98

#### CHANGING NAMES OF VILLAGES

H. F. 148

AN ACT to amend, revise, and codify chapter twenty (20) of title twelve (12) of the compiled code of Iowa, relating to changing names of villages.

Be It Enacted by the General Assembly of the State of Iowa:

That chapter twenty (20), of title twelve (12) of the compiled Code of Iowa