

**349.6 Determination of contest — evidence.**

1. The county auditor shall, on the direction of the board while it is in session, open the envelopes which have been deposited as provided under [section 349.5](#). The board may receive other evidence of circulation. In counties in which two newspapers are to be selected, the two 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 newspapers are to be selected, the three showing the largest number of such subscribers shall be selected except when such three newspapers are all published in the same city, in which case the two newspapers in such city having the largest lists of such subscribers and the newspaper having the next largest list of such subscribers and published outside such city, shall be selected as such official newspapers.

2. For purposes of [this section](#), in counties where there are more newspapers than the number required for official county newspapers, newspapers under common ownership published in the same city, and having approximately the same subscriber list or offered for sale in or delivered to the same geographic area, shall be treated as one newspaper. Each such newspaper under common ownership should be considered eligible for publishing public notices, but such newspapers shall be treated as one newspaper for payment purposes to allow for flexibility in notice publication schedules.

[C97, §441; SS15, §441; C24, 27, 31, 35, 39, §5402; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §349.6]

[86 Acts, ch 1013, §1](#); [2019 Acts, ch 24, §104](#); [2020 Acts, ch 1063, §185](#)

Subsection 1 amended