

#### **424.120 Qualifications of newspapers.**

- (1) Except as provided in subsections (2) and (4) of this section, if an advertisement for a publication area is required by law to be published in a newspaper, the publication shall be made in a newspaper that meets the following requirements:
  - (a) It shall be published in the publication area. A newspaper shall be deemed to be published in the area if it maintains its principal office in the area for the purpose of gathering news and soliciting advertisements and other general business of newspaper publications, and has a periodicals class mailing permit issued for that office. A newspaper published outside of Kentucky shall not be eligible to carry advertisements for any county or publication area within the county, other than for the city in which its main office is located, if there is a newspaper published in the county that has a substantial general circulation throughout the county and that otherwise meets the requirements of this section;
  - (b) It shall be of regular issue and have a bona fide circulation in the publication area. A newspaper shall be deemed to be of regular issue if it is published at least once a week, for at least fifty (50) weeks during the calendar year as prescribed by its mailing permit, and has been so published in the area for the immediately preceding two (2) year period. A newspaper meeting all the criteria to be of regular issue, except publication in the area for the immediately preceding two (2) year period, shall be deemed to be of regular issue if it is the only qualified paper in the county. A newspaper shall be deemed to be of bona fide circulation in the publication area if it is circulated generally in the area, and maintains a definite price or consideration not less than fifty percent (50%) of its published price, and is paid for by not less than fifty percent (50%) of those to whom distribution is made;
  - (c) It shall bear a title or name, consist of not less than four (4) pages without a cover, and be of a type to which the general public resorts for passing events of a political, religious, commercial, and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements, and other notices. The news content shall be at least twenty-five percent (25%) of the total column space in more than one-half (1/2) of its issues during any twelve (12) month period;
  - (d) If, in a publication area there is more than one (1) newspaper which meets the above requirements, the newspaper having the largest bona fide paid circulation as shown by the average number of paid copies of each issue as shown in its published statement of ownership as filed on October 1 for the publication area shall be the newspaper where advertisements required by law to be published shall be carried; and
  - (e) For the purposes of KRS Chapter 424, publishing shall be considered as the total recurring processes of producing the newspaper, embracing all of the included contents of reading matter, illustrations, and advertising enumerated in paragraphs (a) to (d) of this subsection. A newspaper shall not be excluded from qualifying for the purposes of legal publications as provided in this chapter if its printing or reproduction processes take place outside the

publication area.

- (2) (a) If, in the case of a publication area smaller than the county in which it is located, there is no newspaper published in the area, the publication shall be made in a newspaper published in the county that is qualified under this section to publish advertisements for the county. If the qualified newspaper publishes a zoned edition which is distributed to regular subscribers within the publication area, any advertisement required by law to be published in the publication area may be published in the zoned edition distributed in that area.
- (b) If, in any county there is no newspaper meeting the requirements of this section for publishing advertisements for that county, any advertisements required to be published for the county or for any publication area within the county shall be published in a newspaper of the largest bona fide circulation in that county published in and qualified to publish advertisements for an adjoining county in Kentucky. This subsection is intended to supersede any statute that provides or contemplates that newspaper publication may be dispensed with if there is no newspaper printed or published or of general circulation in the particular publication area.
- (3) If a publication area consists of a district, other than a city, which extends into more than one (1) county, the part of the district in each county shall be considered to be a separate publication area for the purposes of this section, and an advertisement for each separate publication area shall be published in a newspaper qualified under this section to publish advertisements for the area.
- (4) If an advertisement for a publication area is required by law to be published in a newspaper, the publication may, alternatively, be made in a digital newspaper that:
  - (a) Maintains an active news gathering office in the publication area;
  - (b) Has been actively publishing for at least one (1) year, and is updated on at least a weekly basis;
  - (c) Has as its primary purpose reporting on matters of import to the public, and contains regular reporting regarding local and community issues in the publication area;
  - (d) Is easily accessible to the public through common Internet search engines or other Internet search means;
  - (e) Contains conspicuous links or headings on its landing page that direct members of the public to public notices; and
  - (f) Distributes, or has ownership interest in another entity that distributes, newspapers printed in Kentucky, and is capable of circulating printed newspapers throughout the publication area.

For purposes of satisfying publication requirements of this chapter, an advertisement is deemed to be published on the date that it is posted on the website of the digital newspaper. Any other statute requiring newspaper publication that contains requirements related to the physical dimensions, typesetting, font, or other aspects particular to a printed newspaper are not applicable where the advertisement is made in a digital newspaper that qualifies under this subsection.

**Effective:** June 29, 2023

**History:** Amended 2023 Ky. Acts ch. 27, sec. 2, effective June 29, 2023. -- Amended 2006 Ky. Acts ch. 8, sec. 3, effective July 12, 2006. -- Amended 1992 Ky. Acts ch. 9, sec. 2, effective July 14, 1992. -- Amended 1984 Ky. Acts ch. 201, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 180, sec. 1, effective July 15, 1982; and ch. 430, sec. 3, effective July 15, 1982. -- Amended 1960 Ky. Acts ch. 168, sec. 1. -- Created 1958 Ky. Acts ch. 42, sec. 2.