

2002 WL 1380980 (Miss.A.G.)

Office of the Attorney General  
State of Mississippi

Opinion No. 2002-0301

May 31, 2002

Re: Newspaper/Legal Notices

Mr. Hez L. Hollingsworth

Dear Mr. Hollingsworth:

Attorney General Mike Moore has received your request for an official opinion from this office and has assigned it to me for research and reply. Your letter states:

This letter is written on behalf of the City of Morton. Morton is located in Scott County, Mississippi. For quite some time there was only one newspaper published in the County, the *Scott County Times*.

In 1998, a new paper began publishing in the County, the *Spirit of Morton*. As the City is aware that the Attorney General's office will not opine as to whether or not a paper factually meets the requirements of [Miss. Code Ann. Section 13-3-31 \(1992\)](#), you may assume that the *Spirit of Morton* is considered to be a qualified newspaper under said statute. Thus, there are two (2) newspapers qualified to publish notices for the City of Morton.

The City is aware of [Miss. Code Ann. Section 21-39-3 \(1972\)](#) which requires that bids be taken if more than one paper is qualified to publish notices. However, the *Spirit of Morton* is the only newspaper of the two with its principle business location in the City of Morton. The *Scott County Times* has no office in Morton and has its principle business location in Forest, Mississippi.

A reading of a previous opinion to the Honorable Frank D. Edens would indicate that preference in publishing legal notices for the City of Morton must be given to the *Spirit of Morton* as it is the only newspaper with its office physically located within the city limits of Morton.

Firstly, we must examine the laws regarding publishing legal notices in newspapers in Mississippi. [Section 13-3-31\(1\)\(a\) \(1999\)](#) states:

Whenever it is required by law that any summons, order, citation, advertisement or other legal notice shall be published in a newspaper in this state, it shall mean, in addition to any other requirements imposed by law, publication in some newspaper which:

- (a) Maintains a general circulation predominately to bona fide paying subscribers within the political subdivision within which publication of such legal notice is required.

[Section 21-39-3 \(1999\)](#) addresses the procedures necessary when there are multiple qualified newspapers within the municipality and provides:

In municipalities in which there is more than one newspaper qualified to publish legal notices, the governing authorities of such municipality shall enter into a contract for the publication of its proceedings, ordin-

ances, resolutions, and other notices required to be published only after inviting competitive bids from such newspapers. Such contracts shall be let to the lowest bidder among them for a period of not more than twelve months from the date of such contract . . .

As to whether the City of Morton must choose *Spirit of Morton* over *Scott County Times*, this office has previously opined that “as between qualified newspapers, a newspaper with a known office of publication within the municipality must be selected to publish the legal notices of that municipality.” MS AG Op., Edens (July 23, 1999).

\*2 Please note that the Attorney General's office does not make factual determinations as to whether a particular newspaper meets all of the requirements for a paper to publish legal notices. However, if the governing authorities find that there is only one qualified newspaper within the municipality, the municipality is not required to take bids from other newspapers.

Please contact this office if you have any further questions.

Sincerely,  
Mike Moore  
Attorney General

John B. Runnels  
Special Assistant Attorney General

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