

Tenn. Op. Atty. Gen. No. 05-149, 2005 WL 2755413 (Tenn.A.G.)

Office of the Attorney General
State of Tennessee

Opinion No. 05-149

September 29, 2005

Newspaper of General Circulation

The Honorable Joe Armstrong
State Representative

QUESTION

Whether the *Knoxville News-Sentinel* is a newspaper of general circulation for the purposes of legal advertising in the following counties: Anderson, Blount, Campbell, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Jefferson, Loudon, McMinn, Monroe, Morgan, Roane, Scott, Sevier and Union.

OPINION

Based on the information available, it is our opinion that the *Knoxville News-Sentinel* qualifies as a “newspaper of general circulation” and/or “newspaper” in the listed counties for the purposes of publication of statutorily required notices.

ANALYSIS

With the exception of a definition in the Election Code, [Tenn. Code Ann. § § 2-1-101](#), *et seq.*, the terms “newspaper” and “newspaper of general circulation” are not defined in state statutes that require publication of official notices in a “newspaper” or “newspaper of general circulation.” Op. Tenn. Att’y Gen. 00-160 (October 17, 2000). The Election Code, however, does define the term “newspaper of general circulation” and lists the requirements for meeting that definition. The publication must bear a title or name, be regularly issued at least as frequently as once a week for a definite price, and have a second-class mailing privilege. It must be not less than four pages, be published continuously during the immediately preceding one-year period, and be published for the dissemination of news of general interest. Finally, it must be circulated generally in the political subdivision in which it is published and in which notice is to be given. [Tenn. Code Ann. § 2-1-104\(a\)\(13\)](#).

With respect to the statutes in which the terms “newspaper” or “newspaper of general circulation” are not defined, three criteria have been established in order for a publication to satisfy the requirements of those various statutes. Op. Tenn. Att’y Gen. 04-064 (April 15, 2004); Op. Tenn. Att’y Gen. 00-160 (October 17, 2000). First, the publication should be available in all parts of the county. Second, it should be published at least weekly. Third, it should contain news of general interest to the public. Op. Tenn. Att’y Gen. 04-064 (April 15, 2004); Op. Tenn. Att’y Gen. 93-19 (March 11, 1993).

These criteria are supported by the case of *Cook v. McCullough*, 1989 WL 155926 (Tenn. App. December 29, 1989); *p.t.a. denied* (1990). In that case, the Court of Appeals determined that *The Nashville Record* was a newspaper for purposes of Tenn. Code Ann. § 67-5-2502. The Court stated:

The Nashville Record is a “newspaper” in the sense of the applicable statute. It is published weekly. It is intended for circulation among the general public. It contains matters of general interest. It is in the form of a newspaper.

*2 *Cook v. McCullough*, 1989 WL 155926 at 7.

We used the Sunday, August 28, 2005, issue (“issue” or “the paper”) as our example. Based on this issue, this Office notes that the *Knoxville News-Sentinel* is in a newspaper format, is published in Knoxville and is issued daily, at a single copy price of fifty cents (50¢) for the weekday edition and two dollars (\$2.00) for the Sunday edition. The issue does not state the publication's founding date. Through another source, however, we have learned that the newspaper was founded in the 1920's. [FN1]

The *Knoxville News-Sentinel* contains several types of information. The issue's front page noted that it contained the following sections: “Business, Crosswords, Editorials, Go, Ina Hughs, Life & Arts, Local, Movies, Obituaries, Sam Venable, Sports, Tom Humphrey.” The paper's headlines included “Ainge to Start in Season Opener,” “The Real Deal/New Orleans/Katrina” and “Old Timers” (NASCAR). Looking through the issue, we saw that it had local, state, national and world news. The issue also included display advertisements and classified advertisements. The paper contained, then, matters of interest to the general public.

Information on page 2 of the issue shows that the *Knoxville News-Sentinel* is distributed to some subscribers by mail, “periodical postage paid,” a rate that this Office has previously determined is the equivalent of a second-class postage rate. Op. Tenn. Att'y Gen. 04-011 (February 3, 2004). It is also distributed by home delivery and is available for single-copy purchase in newspaper racks and in stores. In addition to Knox County, the paper is distributed for purchase in eighteen (18) east Tennessee counties. Information provided to this Office represents that the *Knoxville News-Sentinel* is available in the following counties: Anderson (207), Blount (237), Campbell (75), Claiborne (38), Cocke (107), Cumberland (80), Grainger (33), Greene (45), Hamblen (83), Jefferson (59), Loudon (97), McMinn (66), Monroe (51), Morgan (32), Roane (71), Scott (30), Sevier (434) and Union (31). The numbers in parentheses are the number of rack/store locations in that county. Thus, the newspaper is intended for circulation among the general public in these counties.

Based on information you provided and on information gleaned from the August 28, 2005, issue and other sources, this Office has determined that the *Knoxville News-Sentinel* meets the general and statutory definitions of “newspaper” and/or “newspaper of general circulation” for purposes of publication of official notices in the listed counties surrounding Knox County.

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[FN1]. See [http:// www.scripps.com/corporateoverview/businesses/newspaper/knox.shtml](http://www.scripps.com/corporateoverview/businesses/newspaper/knox.shtml). This source states

that the *Knoxville-News Sentinel* resulted from the *The Knoxville News* (established in 1921) absorbing *The Sentinel*, which was first published in 1886.

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