

Public notice is intertwined with historic principles
of democracy, transparency and open government

Public Notice Resource Center's "Best Practices for Public Notice" guide

Legal Advertising in West Virginia

2018 EDITION

**A handbook
of practical
guidelines for
the handling
of legal
advertisements
and the state's
statutory
requirements**



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WEST VIRGINIA PRESS ASSOCIATION
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Legal Advertising in West Virginia

2018 EDITION

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Using this Handbook

In addition to providing practical guidelines for the handling of legal advertisements, this handbook lists the vast majority of the state's statutory requirements for legal advertising notices. These are arranged under topical headings to enable users to identify specific notices quickly.

This handbook is intended only as a convenient means of determining under what circumstances a legal advertisement must be published. Users should refer to the full text of the statute or statutes involved, as contained in the West Virginia Code as most recently amended.

The code can be found at <http://www.wvlegislature.gov/WVCODE/Code.cfm>

The list of legal advertising requirements is the result of a detailed examination of West Virginia statutory law as of April 2018.

Updates will be posted online

This handbook is also posted as a searchable Microsoft Word document on the association's website: wvpress.org. Corrections and updates will be made to the online document as they occur.

Our thanks

The association wishes to thank the staff of West Virginia Secretary of State Mac Warner, who provided invaluable guidance in planning this project as well as research into legal advertising requirements in West Virginia statutes.

Important Notice: Errors and Omissions

While diligent and extensive research went into the production of this handbook, the West Virginia Press Association does not guarantee that the list of legal advertisements contained herein includes all legal advertising requirements under state statutory law, regulations or court orders. Anyone detecting errors or omissions in this handbook is asked to immediately notify the

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Public notice: a pillar of democracy

(The following is from the Public Notice Resource Center’s “Best Practices for Public Notice” guide. It is reprinted with permission.)

The purpose of public notices is to prevent official actions from occurring in secret. Public notice is intertwined with historic principles of democracy, transparency and open government.

The entities expected to provide public notice do not always consider openness to be in their self-interest. That is why legislatures have consistently mandated that the method of publication is not controlled by the entities whose information is being distributed. Conflicts of interest can be avoided by ensuring that publication occurs independently of the government or public trustee in charge of the notice.

Newspapers are the natural and traditional publications for these notices. As newspapers’ own digital distribution is becoming more widespread, questions about the proper use of digital distribution must be addressed. Print distribution is the more practical and reliable method for archiving, reaching key audiences and producing evidence that can be used in court. Combining digital and print notice offers the public the best attributes of both methods.

Many entities are required by law to provide public notice. Virtually all levels of federal, state and local government face public notice responsibilities. So do some otherwise-private parties, such as those who hold or are disposing of private property belonging to others. All of them have one thing in common: they are discharging a responsibility of trust for the public.

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Legal Advertising, General

West Virginia law requires the publication of legal advertisements in more than 400 circumstances.

The general law covering the publication of legal advertising is found in state code section 59-3-1 et seq. Included in these provisions are sections that:

- Define which newspapers are “qualified” to publish legal advertisements.
- Limit the maximum amounts that may be charged for publication of legal advertisements.
- Define various terms and conditions of legal advertising.
- Specify remedies and penalties for violation of legal advertising laws.

Descriptions of specific legal ads are found in various sections of the code.

Information about specific newspapers

There are two primary sources of information about newspapers in West Virginia approved to publish legal advertisements:

1. The Secretary of State’s Office. Each newspaper qualified to publish legal advertisement is required to file an annual Affidavit of Circulation with the Secretary of State’s Office. The WVSOS maintains the official list and related data.
2. The West Virginia Press Association (304) 342-1011. The WVPA represents the newspapers and maintains a listing of publication days, rates, county locations, emails, telephone and FAX numbers, etc.

How to Publish Legal Ads

When a legal advertisement must be published

(While most legal advertisements that must be published are listed in this handbook, the list changes regularly)

1. Determine
 - (a) how many times it must be published,
 - (b) when and
 - (c) where.
2. Check the specific, complete statute involved, using the W.Va. Code.
3. Determine what newspaper or newspapers are in the publication area. Contact the newspaper(s) to arrange for publication.
4. Be aware that certain timelines relating to the publication of specific Legal Advertisements are set by law.

Also be aware that each newspaper has deadlines for receiving material to be published. Lengthy legal advertisements may require extra time for typesetting and composition. Allow adequate time to have your legal advertisement properly published.

Talk with Your Local Newspaper

Whether you regularly publish legal advertisements or do so only once or twice a year, the importance of communicating with your local newspaper cannot be over emphasized.

1. The form in which you deliver the Legal Ad copy to the newspaper is highly important.

2. Your local newspaper prefers to receive this ad copy in digital form — by email with text pasted into the email or attached in PDF form or other program is the best. Typewritten copy could delay publication.

3. Determine when the copy must be received.

Deadlines — Advance Planning Necessary

In all cases, those responsible for placing legal advertisements should check with the newspaper or newspapers that will be publishing the advertisements to determine deadlines – particularly when holidays or other special circumstances may affect publication schedules.

For all legal advertisements, there are two deadlines:

1. When the newspaper must have the advertisement in hand prior to first publication.

(Most newspapers have an absolute deadline of 72 hours prior to date of publication; however, the safest guideline is to deliver the material to the newspaper at least one week prior to desired publication date. Longer legal advertisements may require even more time for typesetting, proof-reading and correction.)

2. The last date the specific legal advertisement can appear.

Although the publication requirements may vary with each specific legal advertisement, generally the final publication must occur prior to the action involved.

If the legal advertisement is required to be published more than once, the schedule must be backed up accordingly.

An Example of a Timeline...

For purposes of illustration, let's say a Class III Legal Advertisement must be published in Hardy County, with the last publication date to be at least a week prior to Nov. 10, 2018 public hearing.

The only newspaper in Hardy County is the Moorefield Examiner, which publishes on Wednesday. Thus, to meet the one-week-prior requirement, the final publication must be in the Oct. 28 issue, since Nov. 4 issue would be only six days prior to the public hearing.

A "Class III" legal advertisement must be published "once a week for three successive weeks," according to the law.

Thus, the first publication date becomes Oct. 14.

Therefore, the ad copy should be delivered to the newspaper office preferably by Oct. 7 and absolutely no later than Oct. 12. (Note: Oct. 12 happens to fall on a holiday for many government offices, as do many other dates throughout the year. The governmental office, in this example, should plan to deliver the advertisement by Friday, Oct. 9.

Use caution and allow adequate time for legal advertising orders delivered by mail. An absolute mailing deadline — if no holidays are involved — is one week prior to publication. A safer mailing deadline is 10 days prior to publication.

Preparation of Legal Advertising Copy

Legal Ad Copy should be delivered to the newspaper in clearly readable form — digital. It is in the interest of all parties — those placing legal ads, newspapers and the public — that such advertisement be error free. All maps or other required illustrations should be of adequate reproduction quality — clearly and sharply defined lines and lettering.

Those who must frequently publish legal advertisements should explore the possibilities of more fully utilizing computerized systems to enhance the process:

- As cited above, copy may be e-mailed to most newspapers. Sending your Legal Advertisement via e-mail (in digital format as part of the body of the e-mail message or PDF) can save time and provide greater deadline flexibility.
- Particularly when long legal ads are involved, another option in many cases would be to provide the newspaper with the material on an external drive or other medium.

Legal advertisements requiring more than one-column publication, should clearly state the format request. Examples include the following:

- Two- or three-column layout
- In a box
- With a graphic or chart with columns.

Such requirements should be stated in advance with the receiving newspaper or newspapers.

Counting Words and Calculating Costs

Those who prepare legal advertisements using word-processing software should be aware that word counts generated by these programs are usually inaccurate.

Most newspapers charge for legal advertising space under the “set solid” provision of SC59-3, which accounts for any extra “white space.” The total space used is then converted to the equivalent number of words.

The most common method of counting words used by newspapers calls for the following to be counted as one word: any group of letters or numbers which is followed by a space, punctuation mark or “style” hyphen. (Any word separated into two syllables by line-ending hyphens could as one word.)

Maximum legal advertising rates are set by state law, according

Legal Ads Cited in Law

Legal advertisements have been cited in three separate cases heard by the State Supreme Court of Appeals:

- **Mountain Trucking Co. v. Daniels. 197 S.E. 2d 819**

The court reversed a Public Service Commission decision on a contract carrier permit; publication of a legal ad was cited as a requirement of the permit process.

- **Grady v. City of St. Albans. W.Va. 297 S.E. 2d 424.**

A zoning ordinance was held invalid because of failure to publish a required legal ad.

- **Dennison v. Jack. 304 S.E. 2d 300 (W.Va. 1983).**

Cites a properly published legal ad in connection with a trust deed sale.

Legal Ad Check List

(Consult the W.Va. Code and your local newspaper for answers.)

1. Section of W.Va. Code which requires the Legal Advertisement:

2. What is the class? (How many weeks must it run?):

3. What is the publication area?

4. What is the newspaper(s) in that area?

5. What day(s) of the week is the newspaper(s) published?

6. What is the last date on which the final publication of the legal ad described in item No. 1 can be published?

7. What is the deadline (date) for delivering the legal ad copy to the newspaper(s) to meet first publication requirements?

8. In what form (digital, typewritten, fax, etc.) will the legal ad copy be provided?

9. Who will receive the email and attached legal ad copy?

to the paid circulation of a newspaper. However, here are some points which apply to all newspapers:

- The “Class” of a legal advertisement determines how many weeks the legal ad must be published. A “Class I” runs once; a “Class II” runs two successive weeks, and so forth. If there is a “-O” after the Class, as in “Class II-O,” this means the legal ad must run in two newspapers of “opposite politics” in the publication area, unless other code requirements address the issue.

- For legal ads which must be published for more than one week, the rates are discounted. For the second and all subsequent publication of the same legal ad, the rate per week is 75 percent of the first publication cost. Example, if it costs \$100 to run a particular legal ad the first week, the additional cost for the second (and third, etc.) week would be \$75. Thus a Class III ad would cost \$250, in this case. (\$100 for first week, \$75 for second week, and \$75 for third week.)

Legal Ads Are Widely Read

West Virginia’s Constitution requires that the citizens be kept informed of certain aspects of government, particularly those functions involving the spending of public funds. This is the ultimate basis for laws that require the publication of legal advertisements in more than 400 situations.

Failure to publish a required legal can nullify official actions, elections, contracts and other important agreements, projects or arrangements. But beyond the constitutional and statutory aspects, legal advertisements are an important source of a wide range of vital information and are, therefore, well read.

A Public Notice Resource Center report in 2017 — according to readership studies conducted by the

Legal Advertising Insertion Order Form

TO (Name of Newspaper): _____

DATE of Insertion Order: _____

Name of Person/Government Unit Placing Legal Advertisement:

Name of Individual to Whom Invoice/Affidavit is to be Sent:

Email Address: _____

Mailing Address: _____

Telephone No. : _____

W.Va. Code Section Under Which Legal Ad Required: _____

Title or Description of Legal Ad: _____

Class (number of weeks ad is to run): _____

Required Date of First Publication: _____

Required Date of Final Publication: _____

Special Instructions: (Affidavit required, etc.): _____

Email address to email instructions and attached legal ad copy: _____

Affidavit of Insertion — Legals

This is to certify that the insertion for _____

(Advertiser Name)

titled _____ appeared in the

(Headline)

_____ on _____

(Paper Name, County)

(Run Date)

Cost Of Legal: _____

Advertising Representative: _____

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public: _____

Seal: _____

Text of Chapter 59, Article 3, as of July 1, 2018:

CHAPTER 59. FEES, ALLOWANCES AND COSTS; NEWSPAPERS; LEGAL ADVERTISEMENTS.

ARTICLE 3. NEWSPAPERS AND LEGAL ADVERTISEMENTS.

§59-3-1. Definitions and general provisions.

(a) As used in this article, elsewhere in this code or in any other provision of law:

(1) “Legal advertisement” means any notice, advertisement, statement, information or other matter required by law or court to be published.

(2) “Publication area” means the area or areas for which a legal advertisement is required by law or court to be made.

(3) “Once a week for two successive weeks” means two publications of a legal advertisement in a qualified newspaper occurring within a period of fourteen consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication.

(4) “Once a week for three successive weeks” means three publications of a legal advertisement in a qualified newspaper occurring within a period of twenty-one consecutive days with at least an interval of six full days within the period between the date of the first publication and the date of the second publication and with at least an interval of six full days within the period between the date of the second publication and the date of the third publication.

(5) “Publication date” means the date on which a qualified newspaper is first placed in circulation.

(6) “General circulation” means not only a newspaper meeting the other qualifications specified in subsection (b) of this section and circulated among and of interest to the general public in the area in which it circulates, but also a newspaper meeting said other qualifications, the actual circulation of which throughout the publication area is large enough to give basis for a reasonable belief that publication of a legal advertisement in the newspaper will give effective notice to the residents of the publication area.

(b) Wherever the term “qualified newspaper” or “qualified newspapers” is used in this article, or the term “newspaper” or “newspapers” is used elsewhere in this code or in any other provision of law in connection with a legal advertisement as herein defined in this section, the terms shall be taken to mean only a newspaper or newspapers, as the case may be, published (unless otherwise expressly provided) in the State of West Virginia and which meet the following qualifications:

(1) Any newspaper shall be of regular issue and must have a bona fide, general circulation in the publication area. A newspaper is considered to be of regular issue if it is published regularly, as frequently as once a week, for at least fifty weeks during the calendar year as prescribed by its mailing permit; and has been published for at least one year immediately preceding the date on which the legal advertisement is delivered to the newspaper for publication. A newspaper is considered to be of bona fide, general circulation in the publication area if it meets the definition of “general circulation” as defined in this section and is circulated to the general public at a definite price or consideration.

(2) Any newspaper shall bear a title or name, consist of not less than four pages without a cover, and be a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices.

(c) Notwithstanding any other provision of this code or law to the contrary, a qualified newspaper shall for all purposes be considered to be published where it is first placed in circulation.

§59-3-2. Classification of legal advertisements; designation of newspapers; frequency of publication; posting; manner of publishing.

(a) A Class I legal advertisement shall be published one time, a Class II legal advertisement shall be published once a week for two successive weeks and a Class III legal advertisement shall be published once a week for three successive weeks in a qualified newspaper published in the publication area; or if there is no qualified newspaper published in the publication area or if no qualified newspaper published in the publication area will publish the legal advertisement at the rates specified in section three of this article, the legal advertisement shall be published in a qualified newspaper published outside the publication area; or if no qualified newspaper is published outside the publication area or if no qualified newspaper published outside the publication area will publish the legal advertisement at the rates specified in section three of this article, the legal advertisement shall be posted in at least three public places in the publication area, one of which postings shall be in the county courthouse, at or near the front door of the county courthouse, if a county courthouse is located in the publication area and one of which postings shall be in the municipal office building or municipal office or offices, at or near the front door thereof, if the publication area is a municipality.

(b) A Class I-0 legal advertisement shall be published one time, a Class II-0 legal advertisement shall be published once a week for two successive weeks, and a Class III-0 legal advertisement shall be published once a week for three successive weeks, in two qualified newspapers of opposite politics published in the publication area; or if two qualified newspapers of opposite politics are not published in the publication area or if two qualified newspapers of opposite politics published in the publication area will not publish the legal advertisement at the rates specified in section three of this article, the legal advertisement shall be published in one qualified newspaper published in the publication area; or if there is no qualified newspaper published in the publication area or if no qualified newspaper published in the publication area will publish the legal advertisement at the rates specified in section three of this article, the legal advertisement shall be published in one qualified newspaper published outside the publication area; or if no qualified newspaper is published outside the publication area or if no qualified newspaper published outside the publication area will publish the legal advertisement at the rates specified in section three of this article, the legal advertisement shall be posted in at least three public places in the publication area, one of which postings shall be in the county courthouse, at or near the front door thereof, if a county courthouse is located in the publication area and one of which postings shall be in the municipal office building or municipal office or offices, at or near the front door thereof, if the publication area is a municipality.

(c) A legal advertisement may be published in a qualified newspaper published on any day of the week except Sunday.

(d) All legal advertisements shall be published together in continuous columns on one page of the newspaper publishing them under a general heading styled "Legal Advertisements"; unless the number or size of the legal advertisements requires the use of more than one page, in which event the legal advertisements shall be published as near as practicable in continuous columns on as many pages as necessary under the same heading as above required.

§59-3-3. Rates for legal advertisements; computation; filing affidavits with Secretary of State.

(a) The rates which a publisher or proprietor of a qualified newspaper in West Virginia may charge and receive for a single or first publication of any legal advertisement set solid depends on the bona fide circulation of the newspaper, as follows:

(1) Four cents per word if the qualified newspaper has a bona fide circulation of less than one thousand, except as provided in subdivision (1), subsection (a) of this section;

(2) Eight and one-half cents per word if the qualified newspaper has a bona fide circulation of one thousand to five thousand;

(3) Nine cents per word if the qualified newspaper has a bona fide circulation of more than five thousand but less than ten thousand;

(4) Ten cents per word if the qualified newspaper has a bona fide circulation of more than ten thousand and less than thirty thousand; or

(5) Eleven cents per word if the qualified newspaper has a bona fide circulation of thirty thousand or more: Provided, That on July 1, 2003 and on July 1, 2004 and on July 1, 2005 the allowable rate per word in each of the classifications of qualified newspapers with reference to circulation as set forth in this subsection shall, for each classification, increase 1¢ per word over the prior year's rate.

(b) In computing the number of words in a legal advertisement, not set solid, the basis is the size of type in which legal advertising is set by the qualified newspaper making the publication and shall be computed at the legal rate as though the matter were solid type, that is to say, on the basis of eighty-four words to the single column inch in six point type and fifty-four words to the single column inch in eight point type and any other size type in proportion.

(c) In determining the cost of a legal advertisement which is to appear more than once in the same qualified newspaper, the cost for the first publication shall be computed as specified in subsections (a) and (b) of this section and the cost of the second and each subsequent publication shall be seventy-five percent of the cost of the first publication computed as specified in subsections (a) and (b) of this section.

(d) The average bona fide circulation stated by each qualified newspaper in the statement filed by the newspaper with the United States post office department in October of each year shall control the rate of circulation classification of the qualified newspaper for the period commencing July 1, of each year until the last day of June of the following year. On or before November 1, of each year, the publisher or proprietor of each newspaper desiring to publish any legal advertisement during the ensuing one year time period commencing July 1, shall file with the Secretary of State an affidavit stating the average bona fide circulation of the newspaper during the preceding twelve month time period ending September 30, of each year and shall set forth sufficient facts in the affidavit to show whether the newspaper is a qualified newspaper. The average bona fide circulation stated in the affidavit by each qualified newspaper shall control the rate circulation classification for the ensuing twelve-month period commencing July 1, . Any qualified newspaper for which the required affidavit is not filed on or before March 1 of any calendar year shall be conclusively presumed to have for the ensuing twelve-month period commencing July 1, of such year a bona fide circulation of less than one thousand. At the time a publisher or proprietor of a qualified newspaper files an affidavit with the Secretary of State, as required by this subsection, the publisher or proprietor shall notify the clerk of the county commission and the board of Education of the county in which the qualified newspaper is published of the circulation classification of the qualified newspaper and of the applicable rate for publishing legal advertisements in the qualified newspaper during the ensuing twelve-month period commencing July 1, . If the qualified newspaper is published in a municipality, the publisher or proprietor shall at the same time also furnish the same notification to the clerk or recorder of the municipality.

(e) The rate charged for political advertising appearing in a newspaper at any time or times during the time period commencing thirty days prior to any primary or general election and ending the day following the election may not exceed one hundred five percent of the lowest commercial rate charged by the newspaper in which the political advertising appears.

(f) Nothing contained in this section prohibits qualified newspapers from charging less than the specified rates for any legal advertisement or from charging usual and customary rates for notarizing and producing additional copies of the affidavits and statements required in section four of this article.

§59-3-4. Proof of publication and posting.

(a) Any qualified newspaper publishing a legal advertisement incident to any type of judicial proceeding or any provision in a deed of trust or contract, or incident to any other case if required by the responsible party placing the legal advertisement for publication, shall make and furnish under oath an affidavit of publication of each legal advertisement published, showing the number of times it was published in the qualified newspaper, the dates of the publications and the cost of the publications. When posting of any legal advertisement is required in addition to publication of the legal advertisement in a qualified newspaper, the posting shall be done by the party responsible for causing the legal advertisement to be published. In any case where any legal advertisement is not required to be published in a qualified newspaper but is required to be posted, an affidavit of the type provided for in this section with respect to posting shall be made by the party who would have been responsible for causing the legal advertisement to be published in a qualified newspaper had it been required.

(b) The affidavit of the publisher or proprietor of a qualified newspaper required by this section, together with a copy of the legal advertisement as published, constitutes prima facie evidence that the legal advertisement was published or published and posted as stated in the affidavit.

§59-3-5. Mandamus to compel publication.

Any citizen, taxpayer, or the publisher or proprietor of any qualified newspaper entitled by law to have any legal advertisement published in his qualified newspaper, which any county court or tribunal created in lieu thereof, Board of Education, governing body of any municipal corporation, or public officer, shall fail or refuse to make, may have a writ of mandamus to compel such publication, if a qualified newspaper is willing to accept the legal advertisement for publication at the rates prescribed in section three of this article.

§59-3-6. Political advertisements.

In no case involving the publication of paid advertisements for candidates for political office shall the rate charged by any publisher or proprietor of any newspaper be more than the average rate received by him from private patrons for similar advertising composed of reading matter or photographs and requiring the same amount of space.

§59-3-7. Criminal and civil penalties.

(a) Any person who publishes a legal advertisement and who knowingly refused to file with the Secretary of State the affidavit for the fiscal year in which the legal advertisement was published, as required by the provisions of section three of this article, or to make and furnish the affidavit required by the provisions of section four of this article, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$100 nor more than \$1,000.

(b) Any person who shall knowingly file a false affidavit required by the provisions of this article shall be guilty of false swearing, and, upon conviction thereof, shall be punished as provided for that offense.

(c) Any qualified newspaper which shall knowingly charge any rates in excess of those specified in section three of this article, and any newspaper which shall knowingly charge any rates in excess of those specified in section six of this article, as the case may be, shall be liable to the person damaged thereby for treble damages.

§59-3-8. Construction of article; repeal; subsequent legislation.

This article is intended to standardize and make uniform certain areas of the law relating to newspapers, qualified newspapers, legal advertisements and publication of a newspaper or qualified newspaper, and to this end all other provisions in this code or elsewhere in law pertaining to such subjects shall be construed so as to conform to and be consistent with the pertinent provisions of this article. As to those provisions in this code or elsewhere in law which are so inconsistent with the provisions of this article as to preclude such construction, such other provisions, whether general or specific in character, are hereby repealed to the extent of such inconsistency. No subsequent legislation shall be held to supersede or modify the provisions of this article except to the extent that such legislation shall do so specifically and expressly. The provisions of this act shall not affect the publication and/or posting of any legal advertisements commenced, in process or completed prior to the effective date of this act.

§59-3-9. Severability.

If any provision of this act or the application thereof to any person or circumstances is held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect other provisions or applications of the act, and to this end, the provisions of this act are declared to be severable.

Sample Ballots and Lists of Candidates

State Code Section 3-5-10. Publication of sample ballots and lists of candidates

(a) The ballot commissioners of each county shall prepare a sample official primary ballot for each party and, as the case may be, for the nonpartisan candidates to be voted for at the primary election, according to the provisions of this article and articles four and four-a of this chapter, as appropriate to the voting system. If any ballot issue is to be voted on in the primary election, the ballot commissioners shall likewise prepare a sample official ballot for that issue according to the provisions of law authorizing the election.

(b) The facsimile sample ballot for each political party and for nonpartisan candidates or ballot issues shall be published as follows:

(1) For counties in which two or more qualified newspapers publish a daily newspaper, not more than twenty-six nor less than twenty days preceding the primary election, the ballot commissioners shall publish each sample official primary election ballot as a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation in compliance with the provisions of article three, chapter fifty-nine of this code;

(2) For counties having no more than one daily newspaper, or having only one or more qualified newspapers which publish weekly, not more than twenty-six nor less than twenty days preceding the primary election, the ballot commissioners shall publish the sample official primary election ballot as a Class I legal advertisement in the qualified newspaper within the county having the largest circulation in compliance with the provisions of article three, chapter fifty-nine of this code; and

(3) Each facsimile sample ballot shall be a photographic reproduction of the official sample ballot or ballot pages and shall be printed in a size no less than sixty-five percent of the actual size of the ballot, at the discretion of the ballot commissioners: Provided, That when the ballots for the precincts within the county contain different senatorial, delegate, magisterial or executive committee districts or when the ballots for precincts within a city contain different municipal wards, the facsimile shall be altered to include each of the various districts in the appropriate order. If, in order to accommodate the size of each ballot, the ballot or ballot pages must be divided onto more than one page, the arrangement and order shall be made to conform as nearly as possible to the arrangement of the ballot. The publisher of the newspaper shall submit a proof of the ballot and the arrangement to the ballot commissioners for approval prior to publication.

(c) The ballot commissioners of each county shall prepare, in the form and manner prescribed by the Secretary of State, an official list of offices and candidates for each office which will appear on the primary election ballot for each party and, as the case may be, for the nonpartisan candidates to be voted for at the primary election. All information which appears on the ballot, including instructions as to the number of candidates for whom votes may be cast for the office, any additional language which will appear on the ballot below the name of the office, any identifying information relating to the candidates, such as his or her residence and magisterial district or presidential preference, shall be included in the list in the same order in which it appears on the ballot. Following the names of all candidates, the list shall include the full title, text and voting positions of any issue to appear on the ballot.

(d) The official list of candidates and issues as provided in subsection (c) of this section shall be published as follows:

(1) For counties in which two or more qualified newspapers publish a daily newspaper, on the last day on which a newspaper is published immediately preceding the primary election, the ballot commissioners shall publish the official list of candidates and issues as a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation in compliance with the provisions of article three, chapter fifty-nine of this code;

(2) For counties having no more than one daily newspaper, or having only one or more qualified newspapers which publish weekly, on the last day on which a newspaper is published immediately preceding the primary election, the ballot commissioners shall publish the sample official list of nominees and issues as a Class I legal

advertisement in the qualified newspaper within the county having the largest circulation in compliance with the provisions of article three, chapter fifty-nine of this code;

(3) The publication of the official list of candidates for each party and for nonpartisan candidates shall be in single or double columns, as required to accommodate the type size requirements as follows: (A) The words "official list of candidates", the name of the county, the words "primary election", the date of the election, the name of the political party or the designation of nonpartisan candidates shall be printed in all capital letters and in bold type no smaller than fourteen point. The designation of the national, state, district or other tickets shall be printed in all capital letters in type no smaller than fourteen point; (B) the title of the office shall be printed in bold type no smaller than twelve point and any voting instructions or other language printed below the title shall be printed in bold type no smaller than ten point; and (C) the names of the candidates shall be printed in all capital letters in bold type no smaller than ten point and the residence information shall be printed in type no smaller than ten point; and

(4) When any ballot issue is to appear on the ballot, the title of that ballot shall be printed in all capital letters in bold type no smaller than fourteen point. The text of the ballot issue shall appear in no smaller than eight point type. The ballot commissioners may require the publication of the ballot issue under this subsection in the facsimile sample ballot format in lieu of the alternate format.

(e) Notwithstanding the provisions of subsections (c) and (d) of this section, beginning with the primary election to be held in the year two thousand, the ballot commissioners of any county may choose to publish a facsimile sample ballot for each political party and for nonpartisan candidates or ballot issues instead of the official list of offices and candidates for each office for purposes of the last publication required before any primary election.

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KEY:

Code section Class Brief description When published *Publication area* Who publishes

Legal Advertisements Indexed by Topic

ABANDONED PROPERTY

§36 8 12 **Class I** Notice of abandoned property to be sold at public sale under Uniform
Disposition of Unclaimed Property Act
At least three weeks before the sale
County where property is to be sold
State treasurer

§36 8 9 **Not specified** Notice of abandoned property paid or delivered to state treasurer
By Nov. 30 of the year after the property was paid or delivered
County of last known address of any person named in the notice
State treasurer

ABANDONED VEHICLES

§17 24A 4 **Class I** Notice to last known owner or lienholders of possession of abandoned
vehicle by state
Within 15 days after such motor vehicle was taken into custody.
County wherein such motor vehicle was taken into possession.
Enforcement agency

§17A 8 12 **Class I** Notice of sale of lawfully seized special mobile equipment that is left
unclaimed.
Prior to the sale
County in which such prosecution was initially instituted.
Law enforcement authority.

ADOPTIONS/MINORS

§48 22 701 **Class II** Notice of petition to appoint person to serve as next friend of child being
considered for adoption
Before appointment
County
County court or judge

§49 4 115 **Class II** Notice of petition by child over the age of 16 to be declared emancipated
Before court decision on petition
Not specified
Not specified

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§49 4 601	Class II	Notice of hearing on petition to court regarding abuse or neglect of a child when personal service of notice cannot be obtained <u>At least five days before preliminary hearing or 10 days before any other hearing</u> <i>County</i> Not specified			
§49 6 1	Class II	Notice of service of process in a court proceeding concerning an abused child when the parent(s) or custodian(s) cannot be found <u>Both publications must be made at least 10 days prior to such hearing date</u> <i>County wherein such child is located, and wherein such parents or guardians were last known to have resided</i> Petitioner			
§49 7 27	Class II	Notice of emancipation of a child over age 16 <u>Both publications must be made after the court declares such emancipation</u> <i>Not specified</i> Circuit Court			

AGRICULTURE

§19 18 2	Class I	Notice of sale by sheriff to highest bidder of unclaimed trespassing livestock <u>Prior to sale</u> <i>Not specified</i> Sheriff			
§19 4 9	Class I	Notice concerning meeting of cooperative agricultural association stockholders (if required by by-laws) <u>At least 10 days prior to the meeting</u> <i>County in which principle place of business of the association is located</i> Board of Directors of Association			

AIR QUALITY/POLLUTION

§22 5 11a	Class I	Notice of application to modify or expand stationary source of air pollution <u>At least 30 days prior to end of public comment period</u> <i>Newspaper of general circulation in county or counties where source exists</i> Applicant			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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AIRPORT

§29 2A 8	Class II	Notice of sale, lease, purchase, etc. of airport property by slate aeronautics commission (Publication requirements found in §8 28 7) <u>Both publications must be made prior to the sale, lease, purchase, etc.</u> <i>State or political subdivisions involved</i> State Aeronautics Commission			
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§8 28 7	Class II	Notice of intent to lease airport or grounds to others <u>Both publications must be made prior to the execution of lease.</u> <i>State or political subdivision(s) involved</i> Owner(s) of airport grounds.			
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§8 29 16	Class II-O	Publication of financial statement by regional airport authority <u>Publication must be made within 60 days after the end of the fiscal year</u> <i>Municipalities and counties involved</i> Regional airport authority			
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§8 29A 10	Class I-O	Notice of dissolution of airport authority <u>Prior to conveying property</u> <i>County in which airport is located</i> Airport authority			
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§8 29A 4	Class II-O	Publication of annual financial statement of county airport authority <u>Both publications must be made within 60 days after the end of the fiscal year</u> <i>County</i> County Airport Authority			
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ALCOHOLIC BEVERAGES

§60 3A 10	Class II-O	Notice of bidding for retail liquor license <u>Second publication more than 30 days before bid deadline</u> <i>Market zone where facility is located</i> Retail liquor licensing board			
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§60 4 10	Class I	Notice of intent to apply for license to manufacture, sell, etc., alcoholic beverages <u>Not more than 30 days nor less than 10 days before filing of formal application</u> <i>County in which applicant intends to do business</i> Applicant			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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ANIMALS/WILDLIFE

§19 9 15	Class I	Notice of general quarantine because of communicable disease among domestic animals <u>When quarantine ordered by Commissioner of Agriculture</u> <i>Quarantined area</i> Commissioner of Agriculture			
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§20 2 16	Class I	Notice that dog caught chasing deer is in possession of conservation officer <u>After the dog is taken into possession</u> <i>County</i> Director of the Department of Natural Resources			
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ANNEXATION

§8 6 2	Class II-O	Notice of election on proposed annexation <u>First publication must be made at least 14 days prior to the election date</u> <i>Municipality and additional territory to be annexed</i> Local governing body			
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§8 6 4a	Class I	Notice of public hearing on proposed annexation of contiguous or noncontiguous property outside an urban growth boundary <u>At least 15 days prior to hearing</u> <i>Not specified</i> Governing body			
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BANKING/FINANCE

§31 A 7 13	Class III-O	Notice by receiver to any depositors or creditors to present claims against the financial institution <u>Not specified</u> <i>County in which the principal office of the financial institution is located</i> Receiver			
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§31 A 7 3	Class I	Notice by conservator that bank affairs will be returned to its board of directors <u>Publication must be made prior to return of affairs to board of directors</u> <i>County in which the financial institution is located</i> Conservator			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§31 A4 12	Class II	Notice of intended public sale of bank stock of stockholder who refuses or neglects to pay assessment thereon <u>First publication must be made at least 10 days before the sale date</u> <i>County in which the banking institution is located</i> Board of directors of banking institution			

§31 A4 15	Class II	Notice that a banking institution exercised trust powers without complying with the code requirements <u>After determination that institution did not comply with the code requirements</u> <i>County in which such institution is located</i> Commissioner of Banking			
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BIDS/CONTRACTS

§16 13A 7	Class I	Notice seeking contract bids in public service district where cost is expected to exceed \$25,000 <u>Not less than 10 days before contract will be awarded</u> <i>County or counties where district is located</i> Public service board			
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§18 2 13g	Class II	Solicitation for proposals for insurance coverage for employees of state Board of Education 14 days prior to final date for submitting proposals <i>State</i> State Board of Education			
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§19 12A 5	Class II-O	Advertisement for bids on land to be leased by Farm Management Commission where annual lease is \$1,000 or more <u>Prior to auction</u> <i>County in which property is located</i> Agriculture Commissioner			
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§20 14 10	Class II	Notice seeking bids for purchases of commodities or services expected to exceed \$25,000 by Hatfield-McCoy Regional Recreational Authority <u>Prior to purchasing</u> <i>All participating counties</i> Authority executive director			
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§22C 1 6	Class II	Notice of solicitation of bids by Water Development Authority for services expected to cost more than \$2,000 Not specified <i>County where work will be performed or county affected</i>			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§4 7 7	Class II	Solicitation of bids for construction and furnishing of state legislative buildings when costs exceed \$2,000 <u>Both publications at least 14 days prior to deadline for bids</u> <i>Kanawha County</i> Legislative Building Commission			
§5 6 7	Class II	Notice of solicitation of bids for state construction exceeding \$10,000 <u>At least 14 days prior to final date for submission of such bids</u> <i>County in which any such contract is to be performed</i> State Building Commission			
§5A 3 10	Not specified	Notice of Purchasing Division's intent to solicit bids for commodities and/or printing in excess of \$25,000 <u>Not specified</u> <i>May be published in any advertising medium director deems advisable</i> Purchasing Division director			
§5G 1 3	Class II	Advertisement for bids for contracts for architectural or engineering services for projects in excess of \$250,000 <u>Prior to awarding contract</u> <i>Not specified</i> Director of agency seeking services			
§7 15 16	Class II	Notice of solicitation of sealed bids by emergency ambulance service authority for purchase above \$10,000 Second publication at least 14 days before bid deadline <i>Service area of authority</i> Emergency ambulance service authority			
§7 8 2a	Class II	Advertisement for bids for contract to feed prisoners <u>Not specified</u> <i>County where jail located</i> County commission			
§7 8 7	Class I	Notice of acceptance of sealed bids from physicians seeking to be physician for county jail <u>Not specified</u> <i>County</i> Circuit court			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 16 5	Not specified	Notice of acceptance of bids for contract in excess of \$25,000 for municipal public works <u>Not specified</u> <i>Not specified</i> Public works board			
§8 25 7	Class I-O	Notice of solicitation of bids by regional planning council for merchandise, material or supplies expected to exceed \$1,000 in cost <u>Not specified</u> <i>Region</i> Regional council			
<hr/> BOND ISSUE <hr/>					
§13 1 21	Class II	Advertisement of bonds for sale by sealed bids <u>First publication must be at least 14 days before date fixed for receiving bids</u> <i>Political division</i> Governing body of political subdivision			
§13 1 25	Class II	Publication of notice of approval or disapproval of bond issue by attorney general <u>As soon as practicable after attorney general makes his decision</u> <i>Political division</i> Attorney General			
§13 3 13	Class II	Appointment of substitute paying agent for bonds <u>Both publications must be made upon appointment</u> <i>County in which former paying agent had residence</i> Municipal bond commission			
§16 18 10d	Class I	Notice concerning public sale of bonds by urban renewal authority <u>Publication must be made at least 10 days prior to the public sale</u> <i>Area of operation</i> Authority			
§5D 1 5a	Class II	Notice of meeting of WV Public Energy Authority at which bond issue to be considered <u>Not specified</u> <i>Each county in which project is located</i> WV Public Energy Authority			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§5D 1 5b	Class II	Notice of public hearing before final consideration of bond issue by WV Public Energy Authority	<u>First publication 14 to 21 days before hearing</u>	<i>Each county in which project is located</i>	WV Public Energy Authority

BUILDING REPAIR, DEMOLITION

§8 12 16C	Class II	Notice of code enforcement agency's intent to enter unsafe/unfit dwelling for inspection or demolition when owner cannot be served process	<u>First publication at least 30 days prior to action; second publication at least 20 days prior</u>	<i>Not specified</i>	Agency
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BUSINESS IMPROVEMENT DISTRICT

§8 13A 15	Class I-O	Notice of public hearing on abolishing business improvement district	<u>At least 20 days prior to hearing</u>	<i>Not specified</i>	Governing body
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§8 13A 8	Class I-O	Notice of public hearing on creation of business improvement district	<u>At least 20 days prior to hearing</u>	<i>Not specified</i>	Governing body
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CEMETERIES

§35 5 2	Class II	Notice to lot owners concerning a meeting to consider sale of part of a cemetery	<u>Both publications must be made prior to meeting</u>	<i>County in which the cemetery is located</i>	Trustees or association
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§37 13 3	Class II	Notice of hearing concerning application to remove graves when there are unknown defendants, heirs, executors, etc.	<u>Both publications must be made prior to the hearing</u>	<i>County</i>	Applicant
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KEY:

Code section Class Brief description When published *Publication area* **Who publishes**

CHILD PORNOGRAPHY

§61 8C 11 **Class III** Notice of auction of seized property that had been used in filming of sexually explicit conduct of minors
Not specified
County where property was seized
Circuit court

§61 8C 9 **Class II** Notice of petition for forfeiture of property used in filming of sexually explicit conduct of minors (when owners cannot be identified)
Not specified
County where property was seized
Prosecutor

§61 8C 9 **Class II** Notice to potential claimants of petition for forfeiture of property used in filming of sexually explicit conduct of minors
At least 30 days before deadline for filing claims
County where property was seized
Prosecutor or law enforcement officer

CITIES/TOWNS

§16 13 16 **Class II-O** Notice of hearing concerning rates for use of sewage service in a municipality
First publication must be made at least 10 days prior to the hearing date
Municipality
Local governing body

§16 13 6 **Class II** Hearing on ordinance for construction, etc., of sewage works and issuance of bonds thereof by municipality
First publication must be made at least 10 days prior to hearing date
Municipality
Local governing body

§16 18 7 **Class II** Notice from urban renewal authority inviting proposals on redevelopment of area
Prior to consideration of any redevelopment contract proposal
Community
Authority

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§7 2 4	Class I	Notice of petition to court to change name of unincorporated town or district	<u>At least 30 days prior to decision on petition</u>	<i>Town, village or district</i>	Court
§8 1 5a	Class II	Notice of public hearing on intent to participate in Municipal Home Rule Pilot Program	<u>At least 30 days before hearing</u>	<i>Not specified</i>	Governing body
§8 11 4	Class I-O	Proposed ordinance to raise revenue for municipality	<u>At least 5 days before the meeting at which proposed ordinance is to be adopted</u>	<i>Municipality</i>	Local governing body
§8 12 16	Class II	Notice of code enforcement agency intent to enter unsafe property for purpose of demolition or correction	<u>First publication at least 30 days before planned action</u>	<i>Not specified</i>	Code enforcement agency
§8 12 17	Class I	Notice of hearing on proposed sale or lease of municipal public utility	<u>7 to 20 days before hearing</u>	<i>Newspaper published and of general circulation in municipality</i>	Local governing body
§8 12 18b	Class II	Notice of auction sale of municipal property other than public utility (all items over \$1,000 value)	<u>Both publications must be made prior to the sale</u>	<i>Municipality</i>	Local governing body
§8 12 18c	Class I	Notice of hearing on proposed lease of municipal property	<u>Prior to the hearing</u>	<i>Municipality</i>	Local governing body

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 13 13	Class II	Notice of hearing on ordinance on special charges for municipal services	<u>After enactment or substantial amendment of such ordinance</u>		
		<i>Municipality</i>			Local governing body
§8 16 18	Class I-O	Notice of hearing concerning rates and charges for services rendered by municipal public works	<u>Publication must be made at least 5 days before the hearing date</u>		
		<i>Each municipality involved</i>			Local governing body
§8 16 7	Class II	Notice of hearing on ordinance to construct, etc., municipal public works	<u>Publication must be made at least 5 days before the hearing</u>		
		<i>Each municipality involved</i>			Local governing body
§8 17 11	Class II	Notice to abutting property owners of apportionment of cost of improvements.	<u>Prior to hearing where the abutters may appear to mitigate the costs</u>		
		<i>Municipality</i>			Local governing body
§8 17 8	Class II	Notice to abutting property owners of apportionment of cost of improvements	<u>Both publications must be prior to hearing</u>		
		<i>Municipality</i>			Local governing body
§8 18 18	Class II	Notice of hearing for reassessment for void, irregular or omitted assessments	<u>Prior to hearing</u>		
		<i>Municipality</i>			Local governing body
§8 18 3	Class II	Notice to abutting property owners of hearing concerning ordinance, etc., to declare street or sewer improvements (if publication used instead of personal service)	<u>Both publications must be made before the hearing date</u>		
		<i>Municipality</i>			Local governing body

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 18 5	Class II	Notice to abutting property owners of assessment of costs and opportunity to oppose assessment at a meeting	<u>After completion of the work and before the meeting</u>	<i>Municipality</i>	Local governing body
§8 19 5	Class II	Notice of hearing on ordinance concerning issuance of revenue bonds for construction, etc., of waterworks project.	<u>First publication must be made at least 10 days prior to the meeting date</u>	<i>Municipality or county</i>	Governing body
§8 2 3	Class II	Notice of hearing on a petition to incorporate a municipality	<u>Both publications must be made prior to hearing</u>	<i>Territory sought to be incorporated</i>	Petitioners
§8 20 4	Class II	Notice of hearing on proposed ordinance concerning issuance of revenue bonds for constructing combined water works and sewage system	<u>First publication must be made at least 10 days prior to the hearing date</u>	<i>Municipality</i>	Local governing body
§8 27 10	Class II	Notice concerning public hearing on a plan by urban mass transportation authority to raise rates, fees, etc.	<u>Both publications must be made prior to the hearing date</u>	<i>Service area of the authority</i>	Urban mass transportation authority
§8 27 12	Class II	Hearing on tentative comprehensive urban mass transportation plan	<u>Both publications must be made at least 30 days prior to hearing date</u>	<i>Service area of the authority</i>	Urban mass transportation authority
§8 27 13	Class II	Hearing on resolution to acquire or construct an urban mass transportation system	<u>Both publications must be made at least 30 days prior to hearing date</u>	<i>Service area of the authority</i>	Urban mass transportation authority

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 27 23	Class I	Notice of solicitation of sealed bids for equipment, construction, etc. for transportation facilities by mass transportation authority (when expenditures will exceed \$10,000)			
		<u>Publication must be at least 14 days prior to the final date for submitting bids</u>			
		<i>Not specified</i>			
		Urban mass transportation authority			
§8 3 4	Class I	Notice of hearing on draft of a charter for newly incorporated city			
		<u>Publication must be made at least 10 days prior to the date set for the hearing</u>			
		<i>Incorporated territory</i>			
		County court			
§8 38 15	Class I-O	Notice of public hearing on intent to abolish an economic opportunity development district			
		<u>At least 20 days prior to hearing</u>			
		<i>Not specified</i>			
		Governing body			
§8 38 6	Class I-O	Notice of public hearing on intent to create an economic opportunity development district			
		<u>At least 20 days prior to hearing</u>			
		<i>Not specified</i>			
		Governing body			
§8 4 3	Class I	Notice of hearing on draft of a charter other than for newly incorporated city			
		<u>Publication must be made at least 10 days prior to the hearing date</u>			
		<i>City</i>			
		Local governing body			
§8 4 8	Class II-O	Notice of hearing on amendment of a city charter by ordinance if there be no public objection			
		<u>First publication must be made at least 30 days prior to the hearing date</u>			
		<i>City</i>			
		Local governing body			
§8 7 4	Class II-O	Notice of hearing on proposal to decrease municipal corporation limits by minor border adjustment			
		<u>First publication at least 14 days before hearing</u>			
		<i>Municipality</i>			
		County court			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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CIVIL SERVICE

§7 14B 21	Class II-O	Notice of plan by county commission of a county with a population of less than 25,000 to place correctional officers under civil service <u>Prior to placing the officers under civil service</u> <i>County</i> County commission			
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COMMON CARRIER

§24A 2 5	Class I	Notice of waiver of formal hearing if no protest is made concerning a certificate of convenience and necessity for any common carrier by motor vehicle <u>Publication must be made at least 10 days prior to such hearing</u> <i>Proposed area of operation</i> Public Service Commission			
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§24A 3 3	Class I	Notice of filing of application for permit to operate as a contract motor carrier, and advising waiver of hearing if no protest is made <u>Publication must be made at least 10 days prior to hearing date</u> <i>Area of operation</i> Public Service Commission			
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COMMUNITY ENHANCEMENT DISTRICT

§16 13E 5	Class II-O	Notice of meeting to consider creation of a community enhancement district in county or municipality <u>At least 30 days prior to meeting</u> <i>Not specified</i> Governing body			
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§16 13E 8	Class II-O	Notice to property owners of intended assessment to pay for a community enhancement district project <u>Prior to meeting at which parties may move to revise or correct proposed assessment</u> <i>Assessment district</i> Community enhancement board			
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KEY:

Code section **Class** **Brief description** When published *Publication area* **Who publishes**

CONSOLIDATED GOVERNMENTS

§7A 1 8 **Class II** Notice of election on proposed amendment to charter of a consolidated local government
Not specified
Newspaper of general circulation in affected areas
Governing body

§7A 4 2 **Class II** Notice of public hearing by charter review committee
Not specified
Newspaper of general circulation in the affected areas
Committee

§7A 5 2 **Class II** Notice of election on proposed charter for a consolidated government
At least 14 days prior to election
Newspaper of general circulation in the affected areas
Governing body of each affected municipality

§7A 6 2 **Class II** Notice of election on proposed consolidation of county governments
At least 14 days prior to election
Newspaper of general circulation in the affected area
Commission of each affected county

§7A 7 2 **Class II** Notice of election on a question of metro consolidation
At least 14 days prior to election
Newspaper of general circulation in the affected county
County commission

CONTRABAND

§60 6 21 **Class II** Publication of notice to unknown or non-resident defendants of proceeding concerning contraband and forfeited articles of property used in violation of liquor laws
Both publications must be made at least 10 days prior to such hearing
County
Clerk of such court

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§60A 7 705	Class II	Notice of right to file claim when petition for forfeiture of seized contraband property has been filed <u>Upon filing of petition</u> <i>County in which property seized and county in which petition was filed</i> Prosecuting attorney or law-enforcement officer			
§60A 7 705	Class II	Notice of petition for forfeiture of seized contraband property <u>Upon filing of petition</u> <i>County wherein property was located at time of seizure AND county in which petition is filed</i> Agency filing petition for forfeiture			
§60A 7 707	Class III	Notice of public auction of forfeited contraband property <u>Prior to auction</u> <i>County where auction to be held</i> Circuit court/law enforcement agency			

CORPORATION/BUSINESS

§56 3 28	Class II	Publication of service on a foreign corporation in the Supreme Court of Appeals when the required principals cannot be found in this state and such service is not otherwise provided for <u>Both publications must be made at least 10 days prior to the hearing date</u> <i>The order of publication shall designate the publication area.</i> Clerk of the Supreme Court of Appeals			
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COUNTIES

§1 3 1	Class II	Notice of application to Legislature to create new county <u>Not specified</u> <i>Each county from which any part of proposed county would be taken</i> Not specified			
§1 3 14	Class II	Proposal to change a county line <u>Both publications prior to application for a survey of the proposed change</u> <i>Each county from which any territory is to be taken</i> Party making proposal			
§7 1 1a	Class II	Notice of county commission's proposed adoption of a resolution seeking to reform, alter or modify county commission or county council <u>Prior to adoption of resolution</u> <i>One or more newspapers of general circulation throughout the county</i> County commission			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§7 1 3nn	Class II-O	Notice of election authorizing county commission to establish a program for transfer of development rights	<u>Not specified</u>	<i>County</i>	County commission
§7 1 3ss	Class II-O	Notice of county option election on allowing nonintoxicating beer, wine or alcoholic liquors to be sold, given or dispensed after 10 a.m. on Sundays	<u>Last publication must be within 14 days of election</u>	<i>County</i>	County commission
§7 22 15	Class I-O	Notice of public hearing on proposal to abolish an economic opportunity district in a county	<u>At least 20 days prior to hearing</u>	<i>Not specified</i>	County commission
§7 22 6	Class I-O	Notice of public hearing on proposal to create an economic opportunity development district in a county	<u>At least 20 days prior to hearing</u>	<i>Not specified</i>	County commission

COURTS

§34 2 2	Class II	Notice of suit to recover derelict property, etc.	<u>Both publications must be made following institution of the suit</u>	<i>County in which the seat of state government may be</i>	Court wherein such suit is filed
§56 8 13	Class II	Notice to a non-resident of reinstatement of a trial or other proceeding	<u>Both publications must be made at least 20 days prior to proceeding</u>	<i>County in which the action is pending</i>	Plaintiff
§56 8 9	(Set by order)	Notice of discontinuance of suit for failure to prosecute or pay court costs	<u>Following court's decision to discontinue such suit</u>	<i>In such newspaper as court may name</i>	Court making such order

KEY:

Code section **Class** **Brief description** When published *Publication area* **Who publishes**

DEED OF TRUST

§38 1 10 **Class II** Notice of intention to apply for appointment of a new trustee under a deed or trust, when present trustee fails to give required bond, if any of the required principals are not county residents
Both publications must be made 10 days prior to submitting application
County
Grantor, his assignee or any cestui que trust

§38 12 3 **Class II** Notice of intention to release a deed of trust by trustee when unnamed persons secured
Last publication must be made 10 days prior to date release to be executed
County in which such trust deed is recorded
Trustee

DRAINAGE DISTRICT

§19 21 13 **Class II-O** Notice describing lands outside drainage district assessed for benefits and damages of proposed improvements to drainage district
Both publications must be made following assessment's completion
County where such land lies
Clerk of the circuit court

§19 21 14 **Class II-O** Publication of notice of filing of appraiser's report - drainage district
Both publications must be made following the filing of report of the appraisers
Each county in the district
Clerk of the Circuit Court

§19 21 21 **Class III-O** Notice of pendency of suits to collect delinquent taxes owed to the drainage district
All publications must be prior to entry of judgment for sale of land or property
County where such suits may be pending
Board of supervisors

§19 21 32 **Class II** Notice to non-resident heirs, devisees, etc., of actions commenced under WV Code Section 19-21 concerning drainage district
Last publication must be made at least 15 days prior to the first day of the next regular or special term of the circuit court at which such petition is to be heard
Each county in which lands of the proposed district are situated
Clerk of the Circuit Court

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§19 21 34	Class II	Notice concerning petition to amend former decree incorporating drainage district	<u>Last publication must be made at least 15 days prior to the first day of the next regular or special term of the circuit court at which such petition is to be heard</u>	<i>Each county in which lands of the proposed district are situated</i>	Clerk of the Circuit Court
§19 21 4	Class II	Notice of application to form a drainage district	<u>Last publication must be made at least 15 days prior to the first day of the next regular or special term of the circuit court at which such petition is to be heard</u>	<i>Each county in which lands of the proposed district are situated</i>	Clerk of the Circuit Court
§19 21 40	Class II	Notice of election concerning consolidation of adjacent drainage districts	<u>Last publication must be made at least 10 days prior to election</u>	<i>Each county in which lands of the district are situated</i>	Clerk of the Circuit Court
§19 21 40	Class II	Notice concerning filing of petition in circuit court for consolidating drainage district	<u>Last publication must be made at least 10 days prior to the meeting date</u>	<i>Each county in which lands of the district are situated</i>	Clerk of the Circuit Court
§19 21 6	Class II	Notice of meeting concerning election of board of supervisors for new drainage district	<u>Last publication must be made at least 10 days prior to the meeting date</u>	<i>Each county in which lands of the district are situated</i>	Clerk of the Circuit Court
§19 21 7	Class II	Notice of annual meeting concerning election of supervisor for drainage district	<u>Last publication must be made at least 10 days prior to the meeting date</u>	<i>Each county in which lands of the district are situated</i>	Board of Supervisors

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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ELECTION

§11 8 17	Class II-O	Notice of special levy election <u>Publication must be made within 14 consecutive days next preceding the election date</u> <i>Territory in which the election is held</i> Local levying body			
§13 1 8	Class II-O	Notice of bond election <u>Publication must be made within 14 consecutive days next preceding the election date</u> <i>Political division in which the election is to be held</i> Governing body			
§16 12 9	Class II-O	Notice of election concerning sanitary district issuing revenue or tax obligation bonds <u>First publication must be made at least 20 days prior to election date</u> <i>Sanitary district</i> Board of trustees			
§18 5 4	Class I	Notice of public hearing concerning the county board of education's preliminary operating budget for the next fiscal year <u>Must be published prior to the hearing date</u> <i>County</i> County board of education			
§18 9 2	Class II-O	Notice of election concerning school levy <u>Both publications must be made within 14 consecutive days preceding the election date</u> <i>Territory in which the election is to be held</i> County board of education			
§18 9 2a	Class II-O	Notice of election within a political subdivision of a school district on special levy <u>Both publications must be made within 14 consecutive days preceding the election date</u> <i>Territory in which the election is to be held</i> County board of education			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§19 23 21	Class II-O	Notice of local option election concerning establishment of horse or dog racing track. <u>Both publications must be made within 14 consecutive days preceding the election date</u> <i>County</i> County commission			
§19 23 8a	Class II-O	Notice of local option election regarding horse or dog racing on Sundays <u>Within 21 consecutive days next preceding the election date</u> <i>County</i> County commission			
§19 23 8c	Class II-O	Local option election to permit dog racing <u>First notice must be within 21 days of election</u> <i>County in which racing is proposed</i> County commission			
§3 1 7	Class II-O	Proposal to change election precincts <u>Both publications must be made at least one month before such change</u> <i>County in which precincts located</i> County commission			
§3 10 1	Class I-O	Notice of election to fill vacancy in an elected office of state or county <u>Prior to election</u> <i>Each county eligible to vote in the election</i> Not specified			
§3 10 2	Class I-O	Notice of election to fill vacancy in office of governor <u>Prior to the election</u> <i>Each county of the state</i> Acting governor			
§3 10 3	Class I-O	Notice of election to fill a vacancy in office of judge of a common pleas intermediate, criminal or other inferior court <u>Prior to the election</u> <i>County in which the court is located</i> Governor			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§3 10 3	Class I-O	Notice of election to fill vacancies in state offices and U.S. senators	<u>Prior to the election</u>	<i>Each county of the state</i>	Governor
§3 10 3	Class I-O	Notice of election to fill circuit court judge vacancy	<u>Prior to the election</u>	<i>Each county in Judicial Circuit</i>	Governor
§3 10 4	Class I-O	Notice of election to fill vacancy in U.S. House of Representatives	<u>Prior to the election</u>	<i>Each county in the congressional district</i>	Governor
§3 10 5	Class I-O	Notice of election to fill vacancy in office of state senator	<u>Prior to the election</u>	<i>Each county in the senatorial district</i>	Governor
§3 10 6	Class I-O	Notice of election to fill vacancy in the office of circuit court clerk	<u>Prior to the election</u>	<i>County involved</i>	Circuit court or judge thereof in vacation
§3 10 7	Class II-O	Notice of election to fill a vacancy in the office of county commissioner or clerk of county commission	<u>Prior to the election</u>	<i>County involved</i>	County commission
§3 10 8	Class II-O	Notice of election to fill a vacancy in the office of prosecuting attorney, sheriff, assessor or surveyor	<u>Prior to the election</u>	<i>County involved</i>	County commission or president thereof in vacation
§3 11 3	Class I	Publication of a proposed amendment to the state constitution	<u>At least three months prior to election on proposed amendment</u>	<i>Every county in the state in which a newspaper is printed</i>	Secretary of state

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§3 11 6	Class I-O	Publication of result of election on amendment to state constitution	<u>On 25th day after election or as soon as possible thereafter</u>	<i>In two newspapers printed at the seat of government</i>	Secretary of state
§3 3 2a	Class II-O	Notice of intention to designate early voting locations in a county	<u>At least 30 days prior to designation</u>	<i>County</i>	County commission
§3 4A 13	Class I-O	Notice of inspection of vote recording devices prior to an election	<u>At least 3 days prior to the date set for inspection</u>	<i>County involved</i>	Clerk of the county commission
§3 4A 26	Class I-O	Notice of testing of automatic tabulating equipment before election	<u>No less than 2 days nor more than two weeks prior to test</u>	<i>County involved</i>	Clerk of the county commission
§3 4A 3	Class II-O	Notice of county commission meeting to vote on adoption of electronic voting systems	<u>Before the meeting</u>	<i>County involved</i>	County commission
§3 4A 4	Class I-O	Notice of order terminating use of electronic voting system	<u>First publication not less than twenty days after the entry of such order</u>	<i>County involved</i>	County commission
§3 4A 4	Class II-O	Notice of public meeting on termination of electronic voting system	<u>Before the meeting</u>	<i>County involved</i>	County commission

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§3 5 10	Class I-O or Class I	Publication of sample primary election ballot (facsimile of ballot). In counties with one or more daily newspapers the Class is I-0; in all other counties, this is a Class I, to appear in the newspaper with the largest circulation. <u>Not more than 26 nor less than 20 days prior to primary election</u> <i>County</i> County ballot commissioner			
§3 5 10	Class I-O or Class I	Publication of official list of candidates and issues in primary election. (In counties with one or more daily newspapers the Class is I-0; in all other counties, this is a Class I, to appear in the newspaper with the largest circulation.) <u>The last issue published prior to the primary election.</u> <i>County</i> County ballot commissioner (may choose to publish facsimile of ballot a second time instead of list)			
§3 5 21	Class II-O	Notice of magisterial district mass party conventions <u>No more than 15 days nor less than 5 days prior to convention</u> <i>County</i> Party's county executive committee			
§3 6 3	Class I-O or Class I	Publication of sample general election ballot (facsimile of ballot). In counties with one or more daily newspapers the Class is I-0; in all other counties, this is a Class I, to appear in the newspaper with the largest circulation. <u>Not more than 26 nor less than 20 days prior to primary election</u> <i>County</i> County ballot commissioner			
§3 6 3	Class I-O or Class I	Publication of official list of candidates and issues in the general election. (In counties with one or more daily newspapers the Class is I-0; in all other counties, this is a Class I, to appear in the newspaper with the largest circulation.) <u>The last issue published prior to the general election</u> <i>County</i> County ballot commissioner (may choose to publish facsimile of ballot a second time instead of list)			
§47 20 26	Class II-O	Notice of local option election on whether bingo games should be allowed in a county <u>Within 14 days prior to election</u> <i>County</i> County commission			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§47 21 24	Class II-O	Notice of local option election on charitable raffles	<u>Within 14 days prior to election</u>	<i>County</i>	County commission
§50 1 6	Class II-O	Notice concerning election to fill vacancy in office of magistrate	<u>Both publications must be made prior to election</u>	<i>County involved</i>	Chief judge of the circuit court
§60 5 4	Class II-O	Notice of local option election on whether alcoholic liquors are to be sold in that area	<u>Both publications must be made within 14 days preceding the election</u>	<i>Area in which the election is to be held</i>	County court or local governing body
§7 2 3	Class I-O	Notice of election on question of relocation of a county seat	<u>First publication at least 10 days before the election and the second on the last day each newspaper is published prior to election</u>	<i>County</i>	County court
§7 20 7	Class II	Notice of election to ratify fee levied to fund capital improvements	<u>Prior to election</u>	<i>County where levy imposed</i>	County commission
§8 13 13	Class II	Hearing on ordinance on special charges for municipal services	<u>After enactment or substantial amendment of such ordinance</u>	<i>Municipality</i>	Local governing body
§8 2 5	Class II-O	Notice of special election on incorporation of a municipality	<u>Prior to election</u>	<i>Territory sought to be incorporated</i>	County court
§8 3 6	Class II-O	Notice of election on proposed charter of newly incorporated city	<u>First publication must be at least 30 days prior to election</u>	<i>Incorporated territory</i>	County court

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 4 2	Class II-O	Notice of election for drafting a charter and electing a charter board in a city other than a newly incorporated city	<u>First publication must be made at least 30 days prior to the election date</u>	<i>City</i>	Local governing body
§8 4 4	Class II-O	Notice of election on proposed charter other than for a newly incorporated city	<u>First publication must not be made less than 30 days prior to the election</u>	<i>City</i>	Local governing body
§8 4 7	Class II-O	Notice of election on amendment of a city charter	<u>First publication must be made at least 30 days prior to election</u>	<i>City</i>	Local governing body
§8 5 14	Class I-O or Class I	Municipal general election ballot (facsimile of ballot)	<u>If no qualified newspaper is within municipality, publication in a qualified newspaper outside publication area is required. In counties with one or more daily newspapers, class is I-0. In all others, Class I.</u>	<i>Municipality</i>	Municipal executive committee unless otherwise provided by law, charter or ordinance
§8 5 14	Class I-O or Class I	Municipal primary election ballot (official list or facsimile; ballot commissioners choose)	<u>Last issue prior to primary. If no qualified newspaper is within municipality, publication in a qualified newspaper outside publication area is required. In counties with one or more daily newspapers, class is I-0. In all others, Class I.</u>	<i>Municipality</i>	Municipal executive committee unless otherwise provided by law, charter or ordinance
§8 5 14	Class I-O or Class I	Municipal primary election ballot (facsimile of ballot)	<u>Publish 26 to 20 days prior to primary. If no qualified newspaper is within municipality, publication in a qualified newspaper outside publication area is required. In counties with one or more daily newspapers, class is I-0. In all others, Class I.</u>	<i>Municipality</i>	Municipal executive committee unless otherwise provided by law, charter or ordinance

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 5 14	Class I-O or Class I	Municipal general election ballot (official list or facsimile of ballot; ballot commissioners choose) <u>If no qualified newspaper is within municipality, publication in a qualified newspaper outside publication area is required. In counties with one or more daily newspapers, class is I-0. In all others, Class I.</u> <i>Municipality</i> Municipal executive committee unless otherwise provided by law, charter or ordinance			
§8 5 3	Class II-O	Notice of first election of city officers after incorporation <u>First publication within 14 consecutive days next preceding the election date</u> <i>Town or village</i> Election commissioners			
§8 7 2	Class II-O	Notice of election to decrease corporation limits <u>First publication must be made at least 14 days prior to election date</u> <i>Municipality</i> Local governing body			
§7 20 12	Class II	Notice of election on creation, modification or elimination of countywide service fee <u>Prior to election</u> <i>County</i> County commission			

ELECTRICITY

§24 2 11a	Class II	Notice of filing of application to construct a high-voltage transmission line and requests for public protests <u>Both publications must be made upon filing of the application</u> <i>Each county in which any portion of the line is to be constructed</i> Applicant			
§24 2 11c	Class I	Notice of an application to Public Service Commission for a siting certificate for electrical generating facility or modification thereof <u>Allowing 30 days for public comment before commission makes decision on waiving formal hearing</u> <i>County or counties where facility is to be located, and newspaper in Kanawha County</i> Applicant			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§24 2 1l	Class I	Notice of filing of application to modernize coal-fired boiler at electrical generating plant <u>Upon filing of application</u> <i>Each county in which service is provided by the electrical utility</i> Applicant			
§24 2 4e	Class I	Notice of application to Public Service Commission for special financing for environmental improvements at electric generating plants or for subsequent rate adjustments <u>Allowing 30 days for public comment before commission makes decision on waiving formal hearing</u> <i>Each county in which the environmental control activities are to be undertaken and each county in which the utility provides service</i> Public service district			
§24 2 4f	Class I	Notice of electrical utility's application to Public Service Commission for increase in consumer rate relief charges <u>On the day rate adjustment is filed with commission</u> <i>Newspaper of general circulation published each weekday in Kanawha County</i> Applicant			
§8 19 1	Class I	Application by municipality or county to acquire, construct or operate an electrical power plant <u>60 days prior to filing application</u> <i>Municipality or county</i> Governing body			

EMERGENCY TELEPHONE SYSTEM

§24 6 6	Not specified	Notice of meeting of county commission to adopt enhanced emergency services phone system. (Statute requires advertisement in newspaper of general circulation in county, but does not specify that it be published as legal advertisement.) <u>At least 30 but not more than 60 days prior to meeting</u> <i>County (Note: 24 6 1a applies these procedures to municipalities as well as counties.)</i> County commission			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
<hr/>					
ESTATES/DEATH					
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§36 2 12a	Class III	Notice to non-resident or unknown parties who have an interest or some future interest in the disposition of a summary proceeding concerning an estate subject			
		<u>All publications must be made at least 10 days prior to hearing</u>			
		<i>County in which the property or the greater part of the property is located</i>			
		Plaintiff			
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§36 2 4	Class II	Notice to non-resident or unknown parties who have an interest in the disposition of an estate subjected to some future interest. Publication requirements in WV Rules of Civil Procedure Rule 4(e) (2)			
		<u>First publication must be at least 30 days before the hearing date.</u>			
		<i>County wherein such action is pending</i>			
		Plaintiff			
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§41 5 5	Class II	Order of publication concerning a proceeding for the probate of a will in solemn form against nonresidents and unknown persons. Publication requirements in WV Rules of Civil Procedure Rule 4(e)(2)			
		<u>Each named and unknown defendant must appear and defend within one month after the first publication date</u>			
		<i>County wherein such action is pending</i>			
		Petitioner			
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§44 1 14a	Class II	Notice of planned administration of an estate			
		Within 30 days after filing of appraisalment			
		<i>Newspaper of general circulation in county</i>			
		County clerk			
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§44 3A 1	Class II-O	Notice of hearing concerning county commission's proposal to adopt an optional short-form settlement of wills and estates			
		<u>Both publications must be made prior to the hearing</u>			
		<i>County</i>			
		County commission			
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§44 3A 19	Class I-O	Notice of proposed settlement of estate to creditors, beneficiaries by fiduciary supervisor			
		<u>Publication must be made on the first Monday of the next month after the proposed settlement is adopted</u>			
		<i>County</i>			
		Fiduciary supervisor			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§44 3A 4	Class II	Monthly notice by fiduciary supervisor of claims filed against or settlements of estates <u>Both publications must be made within the month and provide a 60-day period after which the fiduciary supervisor may act upon the estate</u> <i>County</i> Fiduciary supervisor			
§44 4 9	Class II	Monthly list of fiduciaries' accounts before the fiduciary commissioner for settlements <u>First publication must be made on the first Monday of the month or on some following day of the same week; both publications must be prior to settlement</u> <i>County</i> Fiduciary supervisor			
§44 8 8	Class II	Notice to creditors, etc., directing them to present claims, etc., in a suit to subject decedent's real estate to pay his debts by commissioner in chancery <u>Both publications must be made prior to the date fixed in the notice for presenting claims, in a newspaper the court shall designate</u> <i>County where action pending</i> Commissioner in chancery			
§44 9 10	Class II	Notice by commissioner in chancery to creditors of supposed decedent when presumption of death is properly established, advising creditors to present claims <u>Both publications must be made prior to the date fixed in the notice for presenting claims in a newspaper that the court shall designate</u> <i>County in which the act is pending</i> Commissioner in chancery			
§44 9 3	Class II	Notice of application for letters testamentary or of administration on estate, of a person who is presumed dead <u>Last publication must be made at least two weeks prior to hearing on application</u> <i>County</i> County court or clerk			
§44 9 9	Class II	Notice of institution of suit to settle estate of a person presumed dead <u>First publication must be made at least three months but not more than six months before date fixed in notice when person presumed decedent must appear</u> <i>County in which suit is brought. (When practicable, such notice shall also be published once a week for two successive weeks in a newspaper published at or near the place where such supposed decedent was last known to reside beyond this state</i> Personal representative			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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EXPUNGEMENT OF RECORD

§5 1 16a	Class I	Notice of hearing on petition to expunge criminal record of person granted full and unconditional pardon <u>Prior to hearing</u> <i>County where petition is filed</i> Petitioner			
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FINANCIAL STATEMENT

§16 13 18a	Class I	Annual financial statement of sanitary board <u>As soon as practicable after the close of the fiscal year</u> <i>Sanitary district</i> Sanitary board			
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§18 9 3a	Class I-O	Financial statement of county board of education <u>Must be made within 90 days after the beginning of each fiscal year</u> <i>County</i> County board of education			
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§7 12 12	Class I	County and municipal development authority's annual report and financial statement <u>Publication must be made within 60 days after the end of the fiscal year</u> <i>County</i> County development authority			
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§7 17 17	Class I	Annual financial statement of county fire board <u>Within 60 days after end of fiscal year</u> <i>County</i> County fire board			
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§7 5 16	Class I-O	County financial statement <u>Publication must be made by Oct. 15</u> <i>County</i> County commission			
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§7 9 10	Class I	Financial accounts and reports of joint county and city workhouses <u>Publication must be made after the accounts are closed and balanced, and reports are sent to city and county</u> <i>County</i> County commissions and city councils			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8 13 23	Class I	(Optional) Annual financial statement of a town or village with population of less than 2,000	<u>Within 90 days after the beginning of the new fiscal year</u>	<i>Town or village</i>	Local governing body
§8 13 23	Class I	Annual financial statement of a city with population in excess of 2,000	<u>Within 90 days after the beginning of the new fiscal year</u>	<i>City</i>	Local governing body
§8 33 8	Class II-O	Annual financial statement by building commission	<u>Both publications must be made within 60 days after the end of the fiscal year</u>	<i>Each county in which the commission's facilities are located</i>	Building commission

FIRE FEE

§7 17 12	Class II	Notice of adoption of fire service fee	<u>Not specified</u>	<i>County</i>	County commission
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FOREST/WOODLANDS

§20 3 19	Class II	Notice of establishment of a control zone where forest land is infected or diseased	<u>After establishment of the control zone</u>	<i>Each county in the area in which the control zone is established</i>	Director of the Department of Natural Resources
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FRANCHISE

§8 31 1	Class II	Notice of application to a municipality or county commission for a franchise	<u>At least 30 days prior to time the application is to be acted upon</u>	<i>Municipality or county</i>	Applicant
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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FUEL EMERGENCY

§5 1 26	Class I	Notice that county clerk has received a copy of rules and regulations concerning a statewide fuel emergency <u>As soon as the county clerk receives such rules or regulations</u> <i>County</i> County court			
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GAMBLING/LOTTERY

§29 22A 8	Class II-O	Notice of local option election on whether to allow video lottery at racetrack <u>Last publication must be within 14 days prior to election</u> <i>County where track is located</i> County commission			
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§29 22B	Class II-O	Notice seeking bids for video lottery permits <u>Second publication must be more than 60 days before bid deadline</u> <i>Not specified</i> Lottery Commission			
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§29 22B	Class II	Notice of public hearing on proposed video lottery location <u>Prior to hearing</u> <i>Not specified</i> Lottery Commission			
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§29 22B	Class II	Notice of petition for forfeiture of seized property related to illegal video gambling <u>When petition is filed with court</u> <i>County wherein property was located at time of seizure and county wherein petition for forfeiture is filed</i> Petitioning agency			
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§29 22B	Class II	Notice to potential claimants of seized property related to illegal video gambling <u>First publication must allow 30 days before deadline for filing claim</u> <i>County wherein property was located at time of seizure and county wherein petition for forfeiture is filed</i> Prosecuting attorney or law-enforcement officer			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§29 22B	Class III	Notice of auction of seized property related to illegal video gambling	<u>Not specified</u>		
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<i>County where auction will be held</i>					
Circuit court					
<hr/>					
§29 22C 7	Class II-O	Notice of local option election on whether to allow table games at racetrack	<u>Last publication must be at least 30 days before election</u>		
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<i>County where election is to be held</i>					
County commission					
<hr/>					
§29 25 7	Class II-O	Notice of local option election on whether to allow proposed gaming facility	<u>Last publication must be within 14 days prior to election</u>		
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<i>County where facility is proposed</i>					
County commission					

HEALTH CARE FACILITIES/HOSPITALS

§16 29A 5	Class II	Advertisement for bids for contract over \$3,000 by WV Hospital Finance Authority	<u>Before awarding of contract</u>		
<hr/>					
<i>County in which work is to be performed</i>					
Authority					
<hr/>					
§16 5B 16	Class III	Notice of intent to close a licensed health care facility or hospital	<u>First publication at least three weeks prior to closure</u>		
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<i>All qualified newspapers of general circulation where facility is located</i>					
Facility administrators					

HIGHER EDUCATION/RESEARCH

§18b 12 10	Class II	Notice of transfer of property to or from corporation created by state institution of higher learning for research or economic development purposes	<u>At least 20 days prior to transfer</u>		
<hr/>					
<i>Not specified</i>					
Institution board of governors or the corporation					

KEY:

Code section Class Brief description When published *Publication area* **Who publishes**

HIGHWAYS/STREETS/ROADS

§17 10 8 **Class II** Advertisement for letting of contract by county for construction or renovation of bridges or roads or purchase of supplies
Both publications within 14 consecutive days preceding date when contract will be let
County
County court

§17 10 9 **Class II** Notice of bids received for contract on county road, bridge work or maintenance, supplies and equipment
Immediately after opening of bids received as per 17 10 8
County
County court

§17 2A 19a **Class I-O** Solicitation of bids by highway department to lease airspace over a public right-of-way
Publication must be made at least 20 days prior to the final date for submitting bids
County in which the airspace is located
Commissioner of Division of Highways

§17 4 19 **Class II** Notice by highways commissioner soliciting bids on construction, repair, etc., of roads and bridges, or for supplies, when cost is \$3,000 or more
Both publications must be made prior to bid deadline
County or city in which road lies (Also in one daily newspaper in Charleston and other journals, etc., as desired)
Commissioner of Division of Highways

§17C 17A **Class I** Notice of public hearing on application to designate or decertify coal haulage road, highway or bridge
Prior to hearing
Not specified
Applicant

§7 1 3a **Class I** Notice of hearing on petition for construction, etc., of streets, sewers, etc. by county commission
Prior to the hearing
County
Petitioners

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§7 1 3H	Class I	Notice of county commission hearing on application to close unused roads, streets, etc. <u>Publication must be made at least 15 days before such hearing</u> <i>County</i> Applicant			
§7 27 5	Class II	Notice of public hearing(s) on proposed county road construction project plan <u>Prior to hearing(s)</u> <i>Not specified</i> County commission			
§8 12 5	Class I	Notice of hearing on application for a permit to build any building, passageway, etc., that overhangs or crosses the airspace of a public street, alley, etc. <u>Prior to hearing</u> <i>Municipality</i> Governing body			

HORSE/DOG RACING

§19 23 13	Class I	Notice concerning outstanding and unredeemed horse and dog racing pari-mutuel tickets <u>Publication must be made within 15 days following receipt of unclaimed money by commission from licensee</u> <i>County where race was held and county where televised racing day wagering was conducted</i> West Virginia Racing Commission			
§19 23 19	Class II	Notice of tentative approval of application to construct a horse or dog racing track where pari-mutuel betting will occur <u>First publication must be made 60 days before date specified in notice on which construction permit will be granted unless a petition for a local option election is filed</u> <i>County in which an integral part of such proposed race track is established.</i> West Virginia Racing Commission			
§19 23 8b	Class II	Notice of tentative approval of application for horse or dog racing after 6 p.m. Sunday <u>60 days before approval becomes final unless a petition for a local option election is filed</u> <i>County in which track is located</i> West Virginia Racing Commission			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
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INSURANCE

§18 11 5d	Not specified	Notice soliciting bids for group insurance, etc., for WVU employees <u>Published at least twice in a newspaper of statewide circulation, at least two weeks before the final date for submitted proposals</u> <i>State</i> Board of Governors			
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§33 20B 4	Class II	Notice of public hearing on proposed rate increase for malpractice insurance when increase exceeds 10 percent <u>15 days prior to hearing</u> <i>Every county in state</i> Insurance commissioner			
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§33-20-5	Class I	Notice of hearing concerning insurance rate or form filing that may affect public <u>Not less than 30 days nor more than 60 days before the hearing</u> <i>Every county in state</i> Commissioner of Finance			
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INVESTMENT

§32 2 202	Class I	Notice of application of new investment advisor doing business in West Virginia <u>Before the investment advisor begins conducting business</u> <i>Area(s) specified by the commissioner</i> Applicant			
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§51 6 14	Class II	Notice of circuit court's intention to apply unclaimed funds to any loss, etc., of investments by the general receiver and release receiver's liability thereof. <u>Last publication must be made at least one year prior to entry of the order by the court</u> <i>County involved</i> Clerk of the Circuit Court			
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LAW ENFORCEMENT

§6 3 1	Class II	Notice of sheriff's petition for appointment of a local conservator of the peace <u>At least 5 days prior to when county commission will act on recommendation</u> <i>County</i> County court			
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KEY:

Code section	Class	Brief description	When published	Publication area	Who publishes
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LEASES

§37 6 24	Class II	Publication of certificate of re-entry of leased property <u>After the written act of re-entry has been recorded and the certificate issued by the clerk of the county commission</u> <i>County</i> Party having made the re-entry or for whom it was made			
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LIENS/CREDIT

§38 1 4	Class II	Notice of intended sale of property to satisfy a vendor's or trust deed lien when value over \$200 <u>All publications must be made prior to the sale</u> <i>County where the property is located</i> Trustee			
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§38 13 5	Class II	Notice by trustee to creditors concerning a general assignment for the benefit of creditors and a call for presentation of claims <u>Within 10 days after filing of the schedule of the debtor's creditors, assets, etc.</u> <i>County in which the assignment, conveyance or transfer was recorded</i> Trustee			
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§38 13 9	Class II	Notice of intended sale of insolvent person's property when the value is \$500 or more for the benefit of creditors, unless such notice is waived by creditors <u>Both publications must be made at least 10 days prior to the sale</u> <i>County</i> Trustee			
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§38 2 15	Class II	Notice of mechanic's lien where owner is a nonresident or notice is returned not found <u>First publication must be made within the time provided in the article for the filing of notice</u> <i>County</i> Party claiming lien			
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§38 3 11	Class II	Notice to lienholders of action to enforce judgment lien on real estate <u>Both publications must be made prior to decree</u> <i>County</i> Court			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§56 7 3	Class II	Notice of taking of an account, etc., by a commissioner appointed by the court, when personal service cannot be rendered			
		<u>Both publications must be made prior to the taking of the account, etc.</u>			
		<i>County</i>			
		Party at whose instance publication was made.			

LOST RECORDS

§39 3 11	Class II	Notice of time and place for taking of testimony concerning information about burned, lost or destroyed records, books, etc., relating to the title or boundaries of land			
		<u>Both publications must be made prior to the commencement of taking testimony</u>			
		<i>County</i>			
		Clerk of the county commission			

MAINTENANCE ASSOCIATION

§7 12A 3	Class I	Notice of hearing on petition to establish a maintenance association			
		<u>Prior to hearing</u>			
		<i>County</i>			
		Petitioner			

MILITARY

§15 1B 9	Class I	Names of person dishonorably discharged by the National Guard			
		<u>Publication must be made at time of discharge</u>			
		<i>County in which such discharged person resides</i>			
		Adjutant general			

NAME CHANGE

§48 25 101	Class I	Notice of petition to circuit court for a name change			
		<u>After petition filed, at least 10 days before hearing on petition</u>			
		<i>County</i>			
		Petitioner			

KEY:

Code section Class Brief description When published *Publication area* **Who publishes**

OIL/COAL/GAS/TIMBER

§20 1 7	Class II	<p>Notice soliciting sealed bids for sale of state-owned timber worth more than \$5,000</p> <p><u>Prior to the final date for submitting bids</u></p> <p><i>Each county in which the timber is located</i></p> <p>Director of the Department of Natural Resources</p>
§20 5 22	Class I-O	<p>Notice of intended application for oil or gas well work permit within state forest</p> <p><u>At least 60 days prior to submitting application with Department of Environmental Protection</u></p> <p><i>Not specified</i></p> <p>Applicant</p>
§22 11 22a	Class II	<p>Notice of draft order for civil administrative penalty for violation of coal mining permit</p> <p><u>Must allow a 30-day public comment period before order is finalized</u></p> <p><i>Largest-circulation newspaper in county where violation occurred</i></p> <p>Secretary of the Department of Environmental Protection</p>
§22 11A 5	Class I	<p>Notice of application for carbon dioxide sequestration permit</p> <p><u>At time of application filing</u></p> <p><i>Newspaper of general circulation in each county of proposed operation</i></p> <p>Applicant</p>
§22 21 16	Class II	<p>Notice of hearing on application for permit for a coalbed methane well</p> <p><u>At least 30 days prior to hearing</u></p> <p><i>County or counties where well would be located</i></p> <p>Applicant</p>
§22 21 9	Class II	<p>Notice of application for permit for a coalbed methane well</p> <p><u>First publication no more than 10 days after filing of application</u></p> <p><i>County where well would be located</i></p> <p>Applicant</p>
§22 3 23	Class not specified	<p>Notice of surface mine permittee's intent to seek release of bond or deposit.</p> <p><u>At least once a week for four successive weeks; final publication must be at least 30 days before deadline for written protests</u></p> <p><i>Newspaper of general circulation in county of mining operation</i></p> <p>Permittee</p>

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§22 3 9	Class not specified	Notice of application for surface mining permit			
		<u>At least once a week for four successive weeks; final publication must be at least 30 days before deadline for written protests</u>			
		<i>Newspaper of general circulation in county of proposed mining operation</i>			
		Applicant			
§22 6 9	Class II	Notice of application for permit for oil or gas well work			
		<u>At least 10 days prior to filing application</u>			
		<i>County where well located</i>			
		Applicant			
§22 6A 10	Class II	Notice of intent to apply for permit for a horizontal gas well			
		<u>First publication at least 10 days prior to filing application</u>			
		<i>County in which well is located or proposed</i>			
		Applicant			
§22 6B 5	Class II	Notice by oil or gas horizontal well developer that final reclamation is commencing on affected lands			
		<u>Not specified</u>			
		<i>County where well is located or to be located</i>			
		Developer			
§22 7 5	Class II	Notice by oil or gas well developer that final reclamation is commencing on affected lands			
		<u>Not specified</u>			
		<i>County where well is located or to be located</i>			
		Developer			
§22 8 7	Class II	Notice of intent to seek duplicate for lost receipt, certificate, accepted order or other voucher for oil in pipeline or tank			
		<u>Prior to issuance of duplicate</u>			
		<i>County where such duplicate is to be issued</i>			
		Owner			
§22 9 2	Class II	Notice of application to create underground gas storage reservoir			
		<u>Once DEP is notified of application to Federal Energy Regulatory Committee</u>			
		<i>County or counties where facility would be located</i>			
		Secretary of the Department of Environmental Protection			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§24 2 1k	Class I	Notice of application to Public Service Commission for improvement to facilities of natural gas utility	<u>Upon filing of application</u>	<i>Each county in which service is provided by utility</i>	Applicant
§55 12A 5	Class III	Notice of lease or conveyance of mineral interests owned by missing or unknown owners	<u>Immediately upon filing petition</u>	<i>County or counties in which lease land is located</i>	Petitioner
§61 3 52	Class II	Notice of criminal action against person or persons alleged to have unlawfully entered lands of another and cut down, injured, removed or destroyed timber without permission of owner	<u>Not specified</u>	<i>County in which land is located</i>	County prosecutor
§22C 8 9	Class II	Notice of intent to apply for permit to establish a drilling unit with Shallow Gas Well Review Board	<u>Prior to filing application</u>	<i>County or counties where unit will be located</i>	Applicant
§22C 9 5	Class II	Notice of hearing on permit application to the Oil and Gas Conservation Commission	<u>No fewer than 20 days before hearing</u>	<i>County or counties wherein any land which may be affected by such order is situated</i>	Commission

PERFORMING ARTS/ROYALTIES

§47 2A 3	Class II-O	Notice of royalty or fee for public performance of nondramatic musical or similar works	<u>Each year</u>	<i>The state. (Statute specifies that publication be in a qualified newspaper with a circulation of 40,000 or more; filing appropriate documents with Secretary of State appears to be an alternative to publication)</i>	Copyright holder or performing arts society
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KEY:

Code section Class Brief description When published *Publication area* **Who publishes**

PRISONS/JAILS

§31 20 5 **Class II-O** Notice of public hearing on regional jail site
At least two weeks before hearing
Each county which may be included in a region for the purposes of a regional jail
Regional jail authority

§31 20 5a **Class II** Advertisement for bids by regional jail authority
Prior to awarding contract for services or materials exceeding \$2,000
County or counties in which work is to be affected by contract
Authority

PROPERTY ASSESSMENT

§11 1A 16 **Class I-O** Notice by assessor that information on new property assessments is available to any person interested
Publication must be made forthwith after the assessor receives the property appraisals
County
Assessor

§11 3 24 **Class II** Notice of annual meeting of county commission to review and evaluate the assessment made by the assessor, to be held no later than Feb. 1
Both publications must be made prior to the meeting date
County
Clerk of the county commission

§11 3 24 **Class I** Notice of increase in assessment by board of equalization and review on property owner not found and having no mailing address
Publication must be made at least 5 days prior to the increase, not including Saturdays, Sundays and holidays
County
County commission

§11 3 24 **Class II-O** Notice of intention to increase entire valuation in any one district by a general increase
Publication must be made at least 5 days prior to the increase, not including Saturdays, Sundays and holidays
County
County commission

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§11 3 2A	Class II-O	Notice of a general increase of entire valuation in district(s) <u>Both publications must be made after the assessor has increased the valuations</u> <i>County</i> Assessor			

§11 8 6e	Class II-O	Notice of public hearing by county or municipality when property appraisal would increase regular tax revenues by 1% or more <u>Last publication at least 7 days prior to hearing. Note: a larger display ad is also required, and there are other notice options.</u> <i>County</i> County commission			
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PROPERTY SALE

§14 1 13	Class III-O	Notice of resale of real estate for which note given at previous sale <u>All publications must be prior to sale date</u> <i>County</i> Officer making the levy			
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§14 1 28	Class III-O	Notice of sale of claim due state from sheriff or other officers <u>Within 21 days preceding the sale date</u> <i>County</i> Sheriff			
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§14 1 8	Class III-O	Notice of sale of real estate for debt due to the state <u>All publications must be prior to the sale date</u> <i>County</i> Officer making the levy			
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§35 1 10	Class II	Notice of sale, etc., of property owned by religious organization (if publication is desired). Notice may instead be read to congregation <u>Before any conveyance, liens, etc. shall be executed</u> <i>County where the land is located</i> Church or religious organization administrators			
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§35 2 7	Class II	Notice of sale, etc. of property owned by labor unions or similar associations (if publication is desired). Notification may instead be read at general meeting <u>Before any conveyance, lien, etc., shall be executed</u> <i>County where land is situated</i> Labor union or association administrators			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§38 4 20	Class II-O	Notice of sale of personal property under writ of fieri facias or venditioni exponas when the property's value is \$500 or more <u>Both publications must be made prior to the sale</u> <i>County</i> Sheriff or other officer			
§38 5 8	Class II	Notice of intended sale of real estate conveyed to an officer under a proceeding in aid of execution <u>Both publications must be made at least 30 days prior to the sale</u> <i>County</i> Officer			
§44 11 2	Class II	Notice of proposed transfers of securities on nonresident decedents <u>Both publications must be made prior to transfer</u> <i>County in which are kept the books upon which the transfer is proposed to be made</i> Foreign executor or administrator of decedent			
§46 7 210	Not specified	Notice by warehouseman of sale of goods to enforce lien <u>First publication must be made at least 15 days prior to sale, but more than 10 days after persons with claim to the goods have been notified</u> <i>Newspaper of general circulation where sale will be held</i> Warehouseman			
§54 2 18	Class II	Notice to condemners of a hearing to determine disposition of money paid for condemned lands if publication is preferred <u>Both publications must be made ordering defendants to appear within one month of the date of the first publication. Publication requirements found in 56 3 24</u> <i>County in which the order is made or directed</i> Circuit Court			
§55 12 2	Class III	Notice of court decree of public sale of real estate where the value is \$500 or more, or when the value is less than \$500 if the court so orders <u>All publications prior to the sale date</u> <i>County where the real estate is located</i> Commissioner or person authorized to make the sale			
§7 3 3	Class II	Notice of sale of county property, if the value is \$1,000 or more <u>Both publications prior to the sale</u> <i>County</i> County commission			

KEY:

Code section Class Brief description When published *Publication area* **Who publishes**

PROPERTY TRANSFER

§44 11 5 **Class II** Notice of application to authorize transfer of property or money of a nonresident infant, insane person, or cestui que trust to out of state guardian, trustee, etc.
Both publications must be made prior to entry of order authorizing removal
County in which the petition is filed
Not specified

§44 11 7 **Class II** Notice of application to authorize the transfer of an estate in the hands of a resident trustee to nonresident beneficiaries, trustees, etc.
Prior to entry of order authorizing delivery of estate to nonresident trustee, etc.
County in which the petition is filed
Not specified

§44 11 8a **Class II** Notice of petition for removal of property of resident infant, incompetent or insane person
Prior to removal of property
County in which petition is filed
Guardian or committee

§54 2 3 **Class II** Notice of application to condemn and take real estate where the owner(s) or some of them are unknown or are nonresidents
Both publications must be made at least 10 days prior to the hearing date
County
Applicant

§8 32 2 **Class II-O** Notice of hearing on transfer of real property to city or county for purposes of conveying to area development authority
60 days prior to hearing
City or county
Governing body holding title to land

PROTECTIVE ORDER

§48 27 311 **Class I** Notice of service of protective order in domestic relations case
After attempt at personal service fails
County in which respondent last resided
Petitioner

KEY:

Code section Class Brief description When published *Publication area* **Who publishes**

PUBLIC DEVELOPMENT

§16 13 23a	Class II-O	Hearing concerning ordinance fixing rates to finance building, etc., of sewage system by municipal corporation <u>First publication must be made at least 10 days prior to hearing date</u> <i>Municipality</i> Local governing body
§16 18 6	Class II	Notice of hearing on urban renewal authority redevelopment plan <u>Second publication must be made at least 10 days prior to hearing date</u> <i>Community</i> Governing body of community
§17 16A	Class I	Notice of public hearing on proposed development of projects under parkways authority <u>20 days prior to hearing</u> <i>County in which project is located</i> Parkways Authority
§24 2 11	Class I	Notice of waiver of formal hearing concerning a certificate of public convenience and necessity for construction, etc., of facilities, etc., to provide a public service <u>Publication must give 30-day protest time before waiver of hearing</u> <i>Proposed area of operation</i> Public Service Commission
§24 2 11	Class I	Notice of county commission consideration of proposed increase in rates, fees or charges by public service district <u>Prior to meeting</u> <i>Not specified</i> County commission
§24 2 11	Class I	Notice of proposed hearing by government body on water or sewer utility's intent to pursue a project not in the ordinary conduct of its business, and project's expected effect on rates <u>Before hearing</u> <i>Each county that the utility provides service</i> Utility

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§7 11B 7	Class II	Notice of public hearing on proposed development or redevelopment district in a county or municipality <u>Prior to hearing</u> <i>Not specified</i> County commission or municipal governing body			
7 11B 8	Class II	Notice of hearing on project plan for development or redevelopment district in a county or municipality <u>Prior to hearing</u> <i>Not specified</i> County commission or municipal governing body			
§7 11B 9	Class II	Notice of hearing on amendment to project plan for development or redevelopment district in a county or municipality <u>Prior to hearing</u> <i>Not specified</i> County commission or municipal governing body			

PUBLIC LANDS

§20 5 15	Class II	Notice of public hearing on proposed contract to operate a facility within the state parks and public recreational system <u>First publication at least 20 days before hearing</u> <i>Not specified</i> Director of Division of Natural Resources			
§5A 11 5	Class II	Notice of hearing on proposed sale, lease, exchange or transfer of land or minerals title to which is vested in the Public Land Corporation <u>Hearing must be held 14 to 21 days after first publication</u> <i>County or counties where property is situated</i> Public Land Corporation			
§7 11 2a	Class I	Notice of hearing on lease of property owned by parks and recreation commission for establishing firefighting school <u>Prior to the hearing</u> <i>County where commission located</i> Commission			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§7 11 2a	Class II	Notice of hearing on public sale of land owned by county parks, recreation commissions <u>Both publications prior to sale</u> <i>County where commission located</i> Commission			

PUBLIC SERVICE DISTRICT

§16 13A 2	Class I	Notice of hearing concerning formation of a public service district <u>At least 10 days prior to hearing date</u> <i>Each city, incorporated town or municipal corporation if available in each county in which any territory in the proposed public service district is located</i> Clerk of the county commission			
§16 13A 7	Class I	Advertisement by public service district board for bids for construction work or purchase of equipment exceeding \$25,000 <u>At least 10 days prior to making contract</u> <i>Each county in district</i> District board			

PUBLIC UTILITY

§24 2 4a	Class II	Notice by utility of proposed rate change affecting more than 20 members of the public <u>Prior to changing rates</u> <i>Community where the majority of the resident members of the public affected by the change reside or where non-residents have their principal place of business within this state</i> Public utility			
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QUARRY OPERATIONS

§22 4 5	Class III	Notice of application for permit to operate quarry with underground operations that disturb less than five acres. <u>Prior to obtaining permit</u> <i>County or counties in which quarry is located</i> Applicant			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§22 4 6	Class III	Notice of filing of completed application for a quarry permit <u>Upon determination by director of the Division of Environmental Protection that application is complete</u> <i>County or counties in which any portion of the proposed permit area is located</i> Applicant			

§22 4 9	Class I	Notice of application to renew permit to operate a quarry <u>Prior to obtaining renewal</u> <i>County or counties in which quarry is located</i> Permittee			
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RAILROAD

§31 2 15	Class II	Notice of meeting of stockholders of railroad company following the sale thereof <u>Both publications prior to the meeting</u> <i>Each county in the state wherein such corporation may do business</i> Directors and officers of the corporation			
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RESORT AREA DISTRICTS

§7 25 11	Class II	Notice of meeting to elect initial board members for new resort area district <u>At least 30 days before meeting</u> <i>Resort area district</i> Petitioners who sought creation of the district			
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§7 25 12	Class II	Notice of adoption of resort service fee <u>After adoption of fee</u> <i>Resort area district</i> District board			
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§7 25 15	Class II	Notice of meeting to vote on assessment for project within district <u>At least 30 days before meeting</u> <i>Resort area district</i> District board			
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§7 25 17	Class II	Notice to property owners of resort district assessment and opportunity to seek revision or correction of assessment at meeting of board <u>Before deadline for revisions</u> <i>Resort area district</i> District board			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§7 25 6	Class II	Notice of meeting to consider formation of a resort area district	<u>At least 60 days prior to meeting</u>	<i>County</i>	Governing body

RIGHT OF WAY/EMINENT DOMAIN

§7 12 7a	Class II	Notice of a public hearing on necessity of act of eminent domain	<u>Both publications must be made prior to the hearing</u>	<i>County</i>	County court
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SANITARY DISTRICT

§16 12 1	Class II	Notice of hearing on a petition to create a sanitary district	<u>First publication must be made at least 20 days prior to the hearing date</u>	<i>Area of the proposed sanitary district</i>	County court
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§16 12 1	Class II-O	Notice of election concerning formation of a sanitary district	<u>Both publications must be made at least 20 days before the election</u>	<i>Area of the proposed sanitary district</i>	County court
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§16 12 11	Class II	Notice of soliciting sealed bids for sanitary district work exceeding \$25,000	<u>Last publication at least 10 days prior to final date for submitting bids</u>	<i>Sanitary district</i>	Board of trustees
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§16 12 13	Class II	Notice of hearing concerning petition to enlarge sanitary district	<u>First publication must be made at least 20 days prior to hearing.</u> <u>Note: Publication requirements in 16-12-1</u>	<i>Area of proposed enlarged sanitary district</i>	County court
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§16 12 13	Class II-O	Notice of election concerning plan to enlarge sanitary district	<u>Both publications must be made at least 20 days prior to election.</u> <u>Note: Publication requirements in 16-12-1</u>	<i>Area of the proposed enlarged sanitary district</i>	County court
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§16 12 14	Class II	Notice of hearing on disconnection of territory from sanitary district <u>First publication at least 20 days prior to hearing. Note: requirements in 16-12-1</u> <i>Sanitary district</i> County court			
§16 12 14	Class II-O	Notice of election concerning disconnection of territory from sanitary district <u>Both publications must be made at least 20 days prior to election date.</u> <u>Note: Publication requirements in 16-12-1</u> <i>Sanitary district</i> County court			
§16 12 4	Class II	Notice of sanitary district ordinances imposing any penalties or making appropriations <u>Both publications must be made within one month of passage of ordinance</u> <i>Sanitary district</i> Board of trustees			

SCHOOL CLOSING, CONSOLIDATION

§18 5 13a	Class III	Notice of public hearing on proposed school closing or consolidation <u>For the three weeks prior to hearing</u> <i>County</i> Board of education			
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SERVICE OF PROCESS

§38 7 15	Not specified	Service of process of intended garnishment of defendant's effects by plaintiff (optional method) <u>Not specified</u> <i>Not specified</i> Plaintiff			
§53 2 5	Class II	Service of process on defendants in aquo warranto proceeding. <u>Both publications must be made ordering defendants to appear within one month of date of the first publication. Publication requirements in 56 3 24</u> <i>County in which the order is made or directed</i> Plaintiff or his attorney			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§55 4 8	Class II	Notice to unknown or nonresident defendant of service of declaration to re enter property that is claimed by plaintiff to be his own <u>Both publications must be made ordering defendants to appear within one month of the date of the first publication. Publication requirements in §56 3 24</u> <i>County in which the order is made or directed</i> Circuit court			
§56 2 2	Class III	Service of notice to any nonresident of the state, where such service is not otherwise provided for <u>All publications must be made prior to the event that such notice concerns</u> <i>County in which such suit is pending</i> Not specified			
§56 3 24	Class II	Publication of service on a foreign corporation generally when the required principals cannot be found in the state and where such service is not otherwise provided for <u>Publication must be made ordering defendants to appear within one month after date of first publication</u> <i>County in which the order is made or directed</i> Plaintiff or his attorney. The newspaper shall be designated by the party directing such order or his attorney; if no paper is designated, then in such paper as the court may direct, or if the court makes no direction, then as clerk of court prescribes			

SOIL CONSERVATION

§19 21A 14	Class II	Notice of election on proposed discontinuance of a soil conservation district <u>Not specified. Notice requirements in 19 21A 3</u> <i>County or counties</i> State Soil Conservation Committee			
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STREAMS/DAMS

§19 17 2	Class II	Notice of application to establish river or stream as lawful fence and establish ownership of stock thus enclosed <u>After acceptance of application and prior to order establishing such a fence</u> <i>County</i> Applicant			
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§19 17 2	Class II	Notice of application concerning amendment or annulment order establishing river or stream as a fence	<u>After acceptance of application: prior to annulling or amending previous order</u>	<i>County</i>	Applicant
§22 13 9	Class III-O	Notice of public hearing on application to modify stream	<u>At least 15 days before hearing</u>	<i>County or counties in which proposed modification is to be made</i>	Applicant
§22 14 7	Class I	Notice of application to place, construct, enlarge, alter, repair, remove or abandon dam	<u>Upon approval by DEP secretary of the sufficiency of the application</u>	<i>County in which dam is or will be located</i>	Applicant
§31 3 2	Class I	Notice concerning boomage commission's report on rate charges	<u>Publication must be made within 10 days after the report has been agreed upon</u>	<i>Each county interested in such boom</i>	Boomage Commission
§31 3 2	Class II	Notice of unpaid boom tolls on unclaimed timber and intent to make application to magistrate to sell such timber	<u>Both publications must be made prior to the application for sale</u>	<i>Each county in which such boom or booms are located</i>	Director and officers of boom corporation
§34 1 1	Class II	Notice of finding of an estray boat or vessel adrift	<u>Both publications must be made two weeks after posting of public notice</u>	<i>County where property found</i>	Finder, with owner paying publication costs when property is claimed
§54 2 3	Class II	Notice to unknown or nonresident riparian landowners of intention to take water from a stream, tributary, etc.	<u>Both publications must be made at least 10 days prior to the hearing date</u>	<i>County</i>	Applicant

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
SURPLUS PROPERTY					
§18B 5 7	Not specified	Notice of intention to sell or otherwise dispose of obsolete equipment, surplus supplies, etc., by higher education commission, council or governing board <u>“Adequate prior notice to the public” required.</u> <i>Not specified</i> Commission, council or governing board			
§5A 3 45	Class II	Notice of sale of surplus state property <u>Prior to public auction</u> <i>County in which sale is to be held</i> State agency for surplus property			
TAXES					
§11 10 13c	Class II	Notice of sale of property seized for taxes <u>Last publication not less than 5 days before sale</u> <i>County where seizure is made or where property is located</i> Tax commissioner			
§11 19 7A	Class I	Notice of sale of soft drink syrups seized by state for nonpayment of taxes <u>Publication must be made at least 5 days prior to the sale</u> <i>County wherein such seizure was made and the county wherein the sale is to take place</i> Tax commissioner			
§11 1B 5	Class I-O	Notice that appraisal has been completed of all property subject to ad valorem taxation <u>Immediately upon receipt of notice from tax commissioner</u> <i>County</i> Sheriff			
§11 22 2	Class I	Notice of intention to increase county excise tax on title transfers of real property <u>30-60 days prior to increase</u> <i>County</i> County commission			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§11 8 10	Class II-O	Levy estimate by county commission annually made between March 7 and March 28 <u>Forthwith following the preparation of the levy estimate. Publication requirements in 11 8 32</u> <i>Area of the taxing unit</i> Clerk of county commission			
§11 8 12	Class II-O	Levy estimate by county board of education annually made March 7 and March 28 <u>Forthwith following preparation of the levy estimate. Publication requirements in 11 8 32</u> <i>Area of the taxing unit</i> Board of education			
§11 8 14	Class II-O	Levy estimate by municipality annually made March 7 and March 28 <u>Forthwith following the preparation of the levy estimate</u> <i>Area of the taxing unit</i> Recording officer			
§11 8 23	Class II-O	Notice of proposed levy when existing levy insufficient to meet debts Last notice at least 14 days prior to election. <u>Publication requirements in 11 8 32</u> <i>Area of the taxing unit</i> Governing body			
§11 8 23	Class II-O	Statement showing levies are not sufficient to meet requirements of existing contractual indebtedness prior to tax limitation amendment and proposal of new levy <u>Forthwith following preparation of the statement</u> <i>Area of the taxing unit</i> Recording officer			
§11 8 6g	Class II-O	Notice of public hearing when revenue from special levy would increase 4% or more in upcoming year. (Must also be published as a larger ad outside other legal notices.) Class IV town has option of posting <u>At least 7 days prior to hearing</u> <i>County or municipality</i> Governing body			
§11A 1 8	Class II	Notice of time and place for payment of taxes, when publication (in addition to posting) is so ordered by county commission <u>Within 14 days consecutive days next preceding the 15th day of July or January</u> <i>County</i> Sheriff			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§11A 2 10a	Class II-O	Notice stating that taxes assessed for previous year are delinquent <u>First publication must be on or after April 1 of each year with second publication following in due course</u> <i>County</i> Sheriff			
§11A 2 13	Class I-O	List of delinquent real and personal property taxes <u>At least two weeks before county commission session where they will be presented for examination (and a copy shall be posted at front door of the courthouse)</u> <i>County</i> Sheriff			
§11A 3 13	Class II-O	List of property sold for taxes <u>Within one month of completing sale of property for taxes</u> <i>County</i> Sheriff			
§11A 3 2	Class III-O	Second list of delinquent lands and notices of forthcoming sale of such lands <u>Publication must occur prior to the sale date fixed in the notice</u> <i>County</i> Sheriff			
§11A 3 22	Class III-O	Alternative means of notice to redeem real estate sold for taxes <u>As soon as clerk has prepared notice, if address of recipient is not known</u> <i>County</i> State auditor			
§11A 3 3	Class I	Notice of deadline for filing lien against taxable property <u>Each year, prior to July 1</u> <i>County</i> Sheriff			
§11A 3 46	Class III-O	Notice of public auction of tax delinquent real estate <u>All three publications must be prior to the auction</u> <i>County</i> Deputy commissioner			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§11A 3 55	Class III-O	Alternative means of notice to redeem real estate sold for taxes	<u>Following sale</u>	<i>County</i>	Deputy commissioner
§14 1 28	Class III-O	Notice of sale of claim due state from sheriff or other officers	<u>Within 21 consecutive days next preceding the sale</u>	<i>County</i>	Sheriff
§19 21 21	Class III-O	Notice of pendency of suits to collect delinquent taxes owed to drainage district	<u>All publications must be prior to entry of judgment for sale of land or property</u>	<i>County where such suits may be pending</i>	Board of supervisors
§8 13 24	Class II-O	Notice of intent to publish list of delinquent business and occupation taxes	<u>At least 30 days before publication</u>	<i>Municipality</i>	Governing body
§8 13 26	Class I-O	List of delinquent business and occupation taxes	<u>Not specified</u>	<i>Newspaper or other media</i>	Governing body

TRANSPORTATION PROJECT

§17 28 5	Class II-O	Notice of election to establish user fees for county transportation facility or project	<u>Prior to election</u>	<i>County</i>	County commission
§17-27-16	Class II	Notice soliciting bids for construction contracts in excess of \$25,000 for a public-private transportation project	<u>Prior to date when bids will be opened</u>	<i>County or municipality where project is located. Notice must also be published in Charleston newspaper</i>	Division of Highways

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§17-28-9	Class II	Notice soliciting bids for construction contracts in excess of \$25,000 for a public transportation project	<u>Prior to date when bids will be opened</u>	<i>County or municipality where project is located. Notice must also be published in Charleston newspaper</i>	Sponsoring governmental entity

WASTE-HAZARDOUS

§22 18 10	Class I-O	Notice of intent to issue permit for facility for the treatment, storage or disposal of hazardous waste	<u>Before issuing permit</u>	<i>Newspaper of general circulation in county where real estate or greater portion thereof is situated</i>	Director of Division of Natural Resources, or other permit issuing authority
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§20 5K 3	Class II	Notice of intent to locate a commercial infectious medical waste facility	<u>After filing pre-siting notice</u>	<i>County or counties where facility will be located</i>	County commission(s)
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§22C 6 3	Class II	Notice of intent to locate a commercial hazardous waste facility. Note: If a local option election on approving the facility is called, additional publication of sample ballots and/or official list of issues required	<u>After filing pre-siting notice</u>	<i>County or counties involved</i>	County commission(s)
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WASTE-SOLID

§22 15 13	Class II	Notice of intent to apply for permit to establish a commercial solid waste facility	<u>Prior to filing application</u>	<i>In qualified newspaper serving the county where the proposed site is to be located</i>	Applicant
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§22C 3 6	Class II	Notice of letting of bids for contracts in excess of \$2,000 by state Solid Waste Management Board	<u>Not specified</u>	<i>County where work is to be performed or which is affected by contract</i>	Board
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KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§22C 4A 3	Class II	Notice of proposed conversion of Class B solid waste treatment facility to Class A	<u>Within 21 days following receipt of certificate of need from the Public Service Commission</u>		<i>Qualified newspaper of general circulation in the county</i> County commission
§22C 4A 4	Class II	Notice of proposed increase in maximum allowable monthly tonnage of Class A solid waste treatment facility	<u>Within 21 days following receipt of certificate of need from the Public Service Commission</u>		<i>Qualified newspaper of general circulation in the county</i> County commission

WATER/WASTE WATER/FLOOD RELIEF

§16 13a 18A	Class I	Notice of public hearing on sale or lease of water, sewer or gas system by public service district	<u>7 to 20 days before hearing</u>		<i>County or counties involved</i> Public service district
§16 13B 10	Class II-O	Notice to property owners of project cost and assessment related to construction of water, wastewater or flood relief project	<u>Both publications prior to start of construction</u>		<i>Assessment district</i> Governing body
§16 13B 5	Class II-O	Notice of public meeting on proposed creation of assessment district for construction of water, wastewater or flood relief project	<u>Both publications at least 30 days prior to meeting</u>		<i>County or municipality involved</i> Governing body
§16 13B 6	Class II-O	Notice of election on proposed creation of assessment district for construction of water, wastewater or flood relief project	<u>Both publications prior to election</u>		<i>Assessment district</i> Governing body

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§16 13B 9	Class II-O	Notice of construction of water, wastewater or flood relief project and call for sealed bids <u>Second publication at least 10 days prior to date for submission of bids</u> <i>Assessment district</i> Governing body			

ZONING/PLANNING

§8 25 4	Class I-O	Notice of governor's plan for boundaries of regional planning-development authorities <u>At least 60 days prior to plan's certification of boundaries with secretary of state</u> <i>Proposed region</i> Governor			
§8 26 3	Class I	Notice of audit of financial report of interstate regional planning commission <u>Publication must be made within 30 days after the end of the fiscal year</u> <i>Each municipality and county which financially supported commission</i> Regional planning commission			
§8A 3 6	Class I	Notice of public hearing by planning commission on proposed new or amended comprehensive plan <u>At least 30 days prior to hearing</u> <i>Area covered by the comprehensive plan</i> Planning commission			
§8A 3 7	Class I	Notice of public hearing by governing body on proposed new or amended comprehensive plan <u>At least 15 days prior to hearing</u> <i>Area covered by the comprehensive plan</i> Governing body			
§8A 4 3	Class I	Notice of public hearing on proposed subdivision and land development ordinance <u>At least 30 days before hearing</u> <i>Newspaper of general circulation</i> Governing body			
§8A 7 13	Class II-O	Notice of election on replacing a nontraditional zoning ordinance with a traditional zoning ordinance <u>Prior to election</u> <i>Local newspaper of general circulation in area affected</i> Governing body			

KEY:

Code section	Class	Brief description	<u>When published</u>	<i>Publication area</i>	Who publishes
§8A 7 5	Class II	Notice of hearing on proposal to enact a zoning ordinance <u>Prior to hearing</u> <i>Local newspaper of general circulation in area affected</i> Governing body			
§8A 7 7	Class II-O	Notice of election on proposed zoning ordinance <u>Prior to election</u> <i>Local newspaper of general circulation in area affected</i> Governing body			
§8A 7 8	Class II-O	Notice of proposed amendment to county zoning ordinance <u>At least 30 days prior to enactment by governing body or election on the amendment</u> <i>Local newspaper of general circulation in area affected</i> Governing body			
§8A 7 8a	Class II-O	Notice of election on proposed amendment to county zoning ordinance <u>Prior to election</u> <i>Not specified</i> County commission			
§8A 7 9	Class I	Notice of hearing on petition to amend zoning ordinance <u>At least 15 days prior to hearing</u> <i>Not specified</i> Planning commission or governing body			
§8A 8 11	Class I	Notice of hearing on zoning appeal <u>At least 15 days prior to hearing</u> <i>Area covered by the appeal</i> Board of zoning appeals			
§8A 9 2	Class III-O	Notice of petition for court review of decision or order of a planning commission, board of subdivision and land development appeals, or board of zoning appeals <u>Not specified</u> <i>County or counties wherein the affected premises are located.</i> Petitioner			