



# Affidavit of Circulation & Qualification

## For Qualified Legal Newspapers in the State of West Virginia

### Filing Deadlines for FY 2023: October 1 – November 1, 2022

W. Va. Code §59-3-3(d) requires each newspaper desiring to publish any legal advertisement in West Virginia to submit an affidavit of bona fide circulation with the Secretary of State's Office.

#### SECTION 1: INFORMATION ON THE AFFIANT AND PUBLICATION

NOTE: A parent organization filing on behalf of multiple newspapers must submit one affidavit for each newspaper separately.

1. Name of the Newspaper: \_\_\_\_\_
2. State of West Virginia, County of: \_\_\_\_\_
3. Party Affiliation of the Newspaper: \_\_\_\_\_
4. Name of Person Completing Affidavit: \_\_\_\_\_
5. Title of Person: \_\_\_\_\_
6. Name of Parent Organization (if applicable): \_\_\_\_\_
7. Address of Parent Organization (if applicable): \_\_\_\_\_

#### SECTION 2: CIRCULATION AND LOCATION OF THE PUBLICATION

NOTE: Per W. Va. § 59-3-1(c), a qualified newspaper is considered to be published where it is first placed in circulation. Pursuant to CSR § 153-173.1.1.5.a, the phrase "first placed in circulation" means the city and county in which the newspaper has a physical office location, and which is designated on the postal permit issued by the U.S. Postal Service.

1. Physical office location (must match known office of publication on U.S. Postal Service filings):  
\_\_\_\_\_
2. Average paid circulation of the newspaper: \_\_\_\_\_  
NOTE: Per W. Va. §59-3-3(d), the average bona fide circulation stated by each qualified newspaper in the statement filed 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.
3. The newspaper has been in circulation within the publication area for \_\_\_\_\_ years and \_\_\_\_\_ months.

4. Frequency of publication (daily or weekly) \_\_\_\_\_. If weekly, circle the day(s) of publication below:  
NOTE: Per W. Va. § 59-3-2(c), legal advertisements may be published in a qualified newspaper published on any day of the week except Sunday.

**SUN**

**MON**

**TUE**

**WED**

**TH**

**FRI**

**SAT**

5. The newspaper is published weekly for at least fifty (50) weeks during the calendar year in the publication area (select one): [ ] YES [ ] NO

**SECTION 3: QUALIFICATIONS OF A NEWSPAPER**

W.Va. Code §59-3-1 *et seq.* sets forth statutory requirements for qualified newspaper including the applicant newspaper shall bear a title or name, consist of not less than four pages without a cover, and be resorted to by the general public for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices.

I certify and attest that the publication for which I am applying satisfies all statutory requirements to be a qualified newspaper (select one): [ ] YES [ ] NO

**SECTION 4: REQUIRED NOTIFICATION OF COUNTY AND MUNICIPAL GOVERNMENT BODIES**

W. Va. Code §59-3-3(d) provides that at the time a publisher or proprietor of a qualified newspaper files an affidavit with the Secretary of State, the publisher or proprietor shall notify the public bodies listed below of (1) the circulation classification of the qualified newspaper, and (2) the applicable rate for publishing legal advertisements in the qualified newspaper during the ensuing twelve-month period commencing on July 1. Those public bodies are:

- 1. The clerk of the county commission of the county in which the qualified newspaper is published;
- 2. The board of education of the county in which the qualified newspaper is published; and
- 3. The clerk or recorder of the municipality if the qualified newspaper is published in a municipality.

By filing this Affidavit, I understand my legal obligation to notify the required public bodies as required by W. Va. Code §59-3-3(d) (select one): [ ] YES [ ] NO

**SECTION 5: INCOMPLETE AFFIDAVITS AND AMENDMENTS**

Be advised that all questions in sections 1-4 must be answered accurately. Incomplete or inaccurate Affidavits will be rejected. A qualified newspaper’s party affiliation can only be amended during the application period. Amendments to party affiliation cannot be made effective during a fiscal year.

\_\_\_\_\_  
Authorized Official

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

My commission expires \_\_\_\_\_

**THIS AFFIDAVIT MUST BE FILED WITH THE SECRETARY OF STATE BY NO LATER THAN NOVEMBER 1, 2022 AND MUST BE ACCOMPANIED BY A COPY OF THE STATEMENT OF OWNERSHIP, MANAGEMENT, AND CIRCULATION FILED WITH THE UNITED STATES POST OFFICE IN THE CURRENT CALENDAR YEAR.**

West Virginia Secretary of State  
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