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STATE OF NEW JERSEY

221st LEGISLATURE

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SYNOPSIS

Expands definition and qualifications of online newspaper for required public advertisements.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/14/2024)

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2

1 AN ACT concerning certain newspapers and publishing required
2 public notices online, and amending R.S.35:1-2.1 and R.S.35:1-
3 2.2.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. R.S.35:1-2.1 is amended to read as follows:

9 35:1-2.1. a. Whenever it is required to publish resolutions,
10 official proclamations, notices or advertising of any sort, kind or
11 character, including proposals for bids on public work and
12 otherwise, by this State or by any board or body constituted and
13 established for the performance of any State duty or by any State
14 official or office or commission, the newspaper or newspapers
15 selected for such publication must meet and satisfy the following
16 qualifications, namely: said newspaper or newspapers shall be
17 entirely printed in the English language, shall be printed and
18 published within the State of New Jersey, shall be a newspaper of
19 general paid circulation possessing an average news content of not
20 less than thirty-five per centum (35%), and shall have been
21 published continuously in the municipality where its publication
22 office is situate for not less than two years **[and shall have been**
23 **entered for two years as second-class mail matter under the postal**
24 **laws and regulations of the United States]** . In case a newspaper
25 cannot meet these qualifications, itself, but has acquired another
26 newspaper which meets these qualifications, the acquiring
27 newspaper shall be deemed to meet these qualifications if it is
28 published in the same municipality **[and entered in the same post**
29 **office]** as was the acquired newspaper. Continuous publication
30 within the meaning of this section shall not be deemed interrupted
31 by any involuntary suspension of publication for a period not
32 exceeding six months, resulting from loss, destruction, mechanical
33 or electrical failure of typesetting equipment or printing presses or
34 the unavailability, due to conditions beyond the control of the
35 publisher, of paper or other materials and supplies necessary for
36 operation, or resulting from a labor dispute with a recognized labor
37 union, and any newspaper so affected shall not be disqualified
38 hereunder in the event that publication is resumed within said
39 period of six months.

40 b. In case a newspaper meets the qualifications in subsection a.
41 of this section or has met these qualifications in the preceding two
42 years prior to the publication and is published in whole or in part
43 electronically through the Internet, the newspaper shall be deemed
44 to meet these qualifications. In order for State and local
45 government agencies, instrumentalities, departments, commissions,

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 or authorities to publish notices to the newspaper's website, the
2 newspaper shall meet the following qualifications:

3 (1) demonstrate a history of serving an audience which includes
4 the jurisdiction or area of interest the agency serves;

5 (2) provide an email newsletter to their readers, which shall
6 include the notices published in their newspaper; and

7 (3) provide an option to view the notice in Spanish and in one
8 additional prominent language spoken in the region the newspaper
9 serves.

10 (cf: P.L.1953, c.411, s.1)

11

12 2. R.S.35:1-2.2 is amended to read as follows:

13 35:1-2.2. a. Whenever, by law, it is required that there be
14 published by printing and publishing in a newspaper or newspapers,
15 ordinances, resolutions or notices or advertisements of any sort,
16 kind or character by any county, city or other municipality or
17 municipal corporation, or by any municipal board or official board,
18 or body, or office, or officials, or by any person or corporation,
19 such newspaper or newspapers must, in addition to any other
20 qualification now required by law, meet the following
21 qualifications, namely: said newspaper or newspapers shall be
22 entirely printed in the English language, shall be printed and
23 published within the State of New Jersey, shall be a newspaper of
24 general paid circulation possessing an average news content of not
25 less than 35%, and shall have been published continuously in the
26 municipality where its publication office is situate for not less than
27 2 years **【and shall have been entered for 2 years as second-class**
28 **mail matter under the postal laws and regulations of the United**
29 **States】** . In case a newspaper cannot meet these qualifications itself
30 but has acquired another newspaper which meets these
31 qualifications, the acquiring newspaper shall be deemed to meet
32 these qualifications if it is published in the same municipality **【and**
33 **entered in the same post office】** as was the acquired newspaper.
34 Continuous publication within the meaning of this section shall not
35 be deemed interrupted by any involuntary suspension of publication
36 for a period not exceeding 6 months resulting from loss,
37 destruction, mechanical or electrical failure of typesetting
38 equipment or printing presses or the unavailability, due to
39 conditions beyond the control **【or】** of the publisher, of paper or
40 other materials and supplies necessary for operation, or resulting
41 from a labor dispute with a recognized labor union, and any
42 newspaper so affected shall not be disqualified hereunder in the
43 event that publication is resumed within said period of 6 months.

44 For the purposes of this section and for the purpose of qualifying
45 for legal advertisements generally, any newspaper which for not
46 less than 2 years shall have been continuously printed in a building
47 located within two municipalities and which for not less than 2
48 years shall have continuously maintained its editorial and business

1 offices in said building shall be deemed to have been published
2 continuously in each of said municipalities during that period and
3 its publication office shall be deemed to have been situate in each
4 municipality during that period.

5 In the event any newspaper which shall have been qualified to
6 publish legal advertisements shall move its publication office to
7 any municipality in the same county or in an adjacent county in this
8 State and which shall otherwise continue to meet the qualifications
9 of this section, it shall be qualified to publish legal advertisements
10 which it was qualified to publish prior to moving said publication
11 office for a period of 2 years after the date of the moving of its
12 publication office or such period as said newspaper shall have the
13 highest paid circulation of any newspaper within the county or
14 municipality which shall use said newspaper for legal
15 advertisements.

16 b. In case a newspaper meets the qualifications in subsection a.
17 of this section or has met these qualifications in the preceding two
18 years prior to publication and is published in whole or in part
19 electronically through the Internet, the newspaper shall be deemed
20 to meet these qualifications. In order for State and local
21 government agencies, instrumentalities, departments, commissions,
22 or authorities to publish notices to the newspaper's website, the
23 newspaper shall meet the following qualifications:

24 (1) demonstrate a history of serving an audience which includes
25 the jurisdiction or area of interest the agency serves;

26 (2) provide an email newsletter to their readers, which shall
27 include the notices published in their newspaper; and

28 (3) provide an option to view the notice in Spanish and in one
29 additional prominent language spoken in the region the newspaper
30 serves.

31 (cf: P.L.1979, c.84, s.1)

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33 3. This act shall take effect immediately.

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STATEMENT

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38 This bill amends the definition of a newspaper and establishes
39 certain criteria for publications to qualify for the online publishing
40 of official notices and advertisements by State or local bodies.

41 The bill retains the requirements that the newspaper be entirely
42 printed in the English language, printed and published within the
43 State of New Jersey, be a newspaper of general paid circulation
44 possessing an average news content of not less than 35%, and have
45 been published continuously in the municipality where its
46 publication office is for not less than two years. The bill removes
47 the requirement that the newspaper be registered as a second class
48 mail matter with the postal service.

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1 This bill states that in order for State and local government
2 agencies to publish notices to a newspaper's website, the newspaper
3 will be required to meet the following qualifications:
4 (1) demonstrate a history of serving an audience which includes
5 the jurisdiction or area of interest the agency serves;
6 (2) provide an email newsletter to their readers, which shall
7 include the notices published in their newspaper; and
8 (3) provide an option to view the notice in Spanish and one
9 additional prominent language spoken in the region the newspaper
10 serves.