

N.D.A.G. Letter to Olson (Nov. 10, 1992)

November 10, 1992

Mr. Lonnie W. Olson
Ramsey County State's Attorney
524 Fourth Avenue #16
Devils Lake, ND 58301

Dear Mr. Olson:

Thank you for your October 13, 1992, letter requesting an opinion regarding the meaning of the phrase, "principal editorial office" in N.D.C.C. § 46-06-02.

N.D.C.C. § 46-06-02 states the qualifications required to serve as an official newspaper. It provides:

46-06-02. Qualifications required of an official newspaper. A newspaper is qualified to serve as an official newspaper if it meets all the requirements of a legal newspaper set forth in section 46-05-01 and maintains its principal editorial office within the county in which it is a candidate for official newspaper.

(Emphasis supplied.) Thus, a newspaper is not qualified to serve as the official newspaper of a particular county unless its principal editorial office is maintained within that county.

Neither the legislative history nor North Dakota Supreme Court case law provides insight as to the meaning of the phrase "principal editorial office." Also, North Dakota statutes do not clarify or define the meaning of the phrase. Thus, it is appropriate that this phrase be understood in its ordinary sense. N.D.C.C. § 1-02-02.

Principal means "most important, consequential, or influential." Webster's Third New International Dictionary 1802 (1966). Based on the foregoing definition, a newspaper has only one principal editorial office. "Editorial" means "of or relating to an editor or his functions." Id. at 723. "Editor" is defined as "one who directs or supervises the expressive policies or the preparation of a publication." Id. at 723.

Based on the foregoing definitions, it is my opinion that a newspaper's principal editorial office is that most important place where decisions relating to the policies or publication of the newspaper are made. This conclusion is consistent with the Alabama case, Gulf Coast Media, Inc. v. Mobile Press Register, Inc., 470 So.2d 1211 (Ala. 1985) (The "principal editorial office" is that one main, primary, chief office where the major editorial functions occur for the entire newspaper and where the majority of the policy decisions are made). Whether a particular office is the principal editorial office of a newspaper is a question of fact upon which this office does not provide an opinion.

Sincerely,

Nicholas J. Spaeth

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