

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/14/23 H3/2/23

A Bill

HOUSE BILL 1399

5 By: Representatives Cavanaugh, Bentley, K. Brown, C. Cooper, Cozart, Eaves, C. Fite, Gramlich, Haak,
6 G. Hodges, Ladyman, Long, Lynch, McGrew, Milligan, Painter, Rye, Burkes
7 By: Senators Flippo, B. Davis, K. Hammer, Hester, M. McKee, C. Penzo, J. Petty
8

For An Act To Be Entitled

9
10 AN ACT TO AMEND THE LAW REGARDING PUBLICATION
11 REQUIREMENTS FOR COUNTIES AND MUNICIPALITIES; TO
12 AMEND THE LAW CONCERNING ELECTIONS; TO AMEND THE LAW
13 CONCERNING MUNICIPAL ORDINANCES; TO AMEND THE LAW
14 CONCERNING COUNTIES; TO AMEND THE LAW CONCERNING THE
15 POSTING OF LISTS OF TAX-DELINQUENT LAND REAL AND
16 PERSONAL PROPERTY; AND FOR OTHER PURPOSES.
17
18

Subtitle

19
20 TO AMEND THE LAW REGARDING PUBLICATION
21 REQUIREMENTS FOR COUNTIES AND
22 MUNICIPALITIES; TO AMEND THE LAW
23 CONCERNING ELECTIONS; AND TO AMEND THE
24 LAW CONCERNING TAX DELINQUENCY LISTS.
25
26

27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
28

29 *SECTION 1. Effective January 1, 2028, Arkansas Code § 7-5-*
30 *101(e)(2)(C), concerning the establishment and alteration of precinct*
31 *boundaries, polling sites, and vote centers, is amended to read as follows:*

32 *(C) Notice of a change made to a vote center location*
33 *shall be posted at the vote center location used in the last election, and*
34 *except for school elections and special elections, the notice shall be*
35 *published ~~in a newspaper of general circulation in the county~~ on a website as*
36 *defined in § 14-14-117 at least fifteen (15) days before the election.*



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SECTION 2. Effective January 1, 2028, Arkansas Code § 7-5-202(a)(1), concerning public notice of elections, is amended to read as follows:

(a)(1) It shall be the duty of the county board of election commissioners at least eight (8) days before the beginning of early voting for a preferential primary, general primary, general election, general runoff, school, or special election to give public notice ~~in a newspaper of general circulation in the county~~ by publication on a website as defined in § 14-14-117 of:

(A) The date of the election;

(B) The hours of voting on election day;

(C) The places and times for early voting;

(D) Polling sites for holding the elections in the county;

(E) The candidates and offices to be elected at that time;

(F) The time and location of the opening, processing, canvassing, and counting of ballots;

(G) The location where lists of appointed election officials, deputy county clerks, or additional deputies hired to conduct early voting can be found and the dates the lists are available; and

(H) Directions for filing a written objection to the service of an election official, deputy county clerk, or additional deputy.

SECTION 3. Effective January 1, 2028, Arkansas Code § 7-5-202(b)(1), concerning public notice of elections, is amended to read as follows:

(b)(1) At least five (5) days before a preferential primary, general primary, general election, general runoff, school election, or special election, a copy of the public notice may be posted at each polling site fixed for holding the election and shall be published ~~in a newspaper of general circulation in the county~~ on a website as defined in § 14-14-117.

SECTION 4. Effective January 1, 2028, Arkansas Code § 7-5-207(c)(2), concerning ballots, names included on ballots, and the draw for ballot position, is amended to read as follows:

(2) Notice of the public meeting shall be ~~given by publication in a newspaper of general circulation in the county~~ published on a website as defined in § 14-14-117 at least three (3) days before the drawing.

1
2 SECTION 5. Effective January 1, 2028, Arkansas Code § 7-5-509(a)(2),
3 concerning voting machines used for demonstration, is amended to read as
4 follows:

5 (2) Public notice of the times and places where voting machines
6 will be exhibited shall be given at least forty-eight (48) hours before the
7 first date of demonstration by publication ~~one (1) time in one (1) or more~~
8 ~~daily or weekly newspapers published in the town, city, or county using the~~
9 ~~machines if a newspaper is published in the town, city, or county~~ on a
10 website as defined in § 14-14-117.

11
12 SECTION 6. Effective January 1, 2028, Arkansas Code § 7-5-
13 515(c)(2)(A), concerning the preparation of voting machines for an election,
14 including logic and accuracy testing and public testing, is amended to read
15 as follows:

16 (A) The county board of election commissioners shall give
17 public notice of the time and place of the test at least forty-eight (48)
18 hours prior to the public test by publication ~~one (1) time in one (1) or more~~
19 ~~daily or weekly newspapers published in the town, city, or county using the~~
20 ~~machines if a newspaper is published in the town, city, or county~~ on a
21 website as defined in § 14-14-117;

22
23 SECTION 7. Effective January 1, 2028, Arkansas Code § 7-5-516 is
24 amended to read as follows:

25 7-5-516. Notice to candidates of preparation – Rules and statutes
26 unaffected.

27 Before the county board of election commissioners begins the
28 preparation of the machines for any election, it shall publish a notice ~~in a~~
29 ~~newspaper of general circulation in the county~~ on a website as defined in §
30 14-14-117 stating:

31 (1) The time and place the machines will be prepared for the
32 election; and

33 (2) A time at which one (1) representative of each candidate may
34 inspect to see that the machines are in proper condition for use in the
35 election.

36

1 SECTION 8. Effective January 1, 2028, Arkansas Code § 7-5-
2 611(b)(1), concerning preparation of electronic vote tabulating devices,
3 tests, and disposition of voting materials, is amended to read as follows:

4 (1) The county board of election commissioners shall provide
5 public notice of the time and place of the public test at least forty-eight
6 (48) hours prior thereto by publication ~~one (1) time in one (1) or more daily~~
7 ~~or weekly newspapers published in the town, city, or county using the~~
8 ~~devices, if a newspaper is published therein~~ on a website as defined in § 14-
9 14-117;

10
11 SECTION 9. Effective January 1, 2028, Arkansas Code § 7-7-305(b)(2),
12 concerning printing of ballots, their form, and the draw for ballot position,
13 is amended to read as follows:

14 (2) The county board of election commissioners shall give at
15 least ten (10) days' written notice of the time and place of the meeting to
16 the chairs of the county committees if the chairs are not members of the
17 county board of election commissioners, and at least three (3) days before
18 the meeting, shall publish notice of the time and place of holding the
19 meeting ~~in some newspaper of general circulation in the county~~ on a website
20 as defined in § 14-14-117.

21
22 SECTION 10. Effective January 1, 2028, Arkansas Code § 7-11-103(b),
23 concerning filling vacancies in state, federal, or district offices, is
24 amended to read as follows:

25 (b) The county board of election commissioners shall cause the
26 proclamation, ordinance, resolution, order, or other authorized document to
27 be published as soon as practicable ~~in a newspaper of general circulation in~~
28 ~~the county in which the special election is held~~ on a website as defined in §
29 14-14-117.

30
31 SECTION 11. Effective January 1, 2028, Arkansas Code § 7-11-104(b),
32 concerning filling vacancies in local offices, is amended to read as follows:

33 (b) The county board of election commissioners shall cause the
34 proclamation, ordinance, resolution, order, or other authorized document to
35 be published as soon as practicable ~~in a newspaper of general circulation in~~
36 ~~the county in which the special election is held~~ on a website as defined in §

1 14-14-117.

2
3 SECTION 12. Effective January 1, 2028, Arkansas Code § 7-11-202(b),
4 concerning calling special elections on state measures or questions, is
5 amended to read as follows:

6 (b) The county board of election commissioners shall publish the
7 document as soon as practicable ~~in a newspaper of general circulation in the~~
8 ~~county in which the special election is held~~ on a website as defined in § 14-
9 14-117.

10
11 SECTION 13. Effective January 1, 2028, Arkansas Code § 7-11-203(b),
12 concerning calling special elections on local measures or questions, is
13 amended to read as follows:

14 (b) The county board of election commissioners shall publish the
15 document as soon as practicable ~~in a newspaper of general circulation in the~~
16 ~~county in which the special election is held~~ on a website as defined in § 14-
17 14-117.

18
19 SECTION 14. Arkansas Code Title 14, Chapter 14, Subchapter 1, is
20 amended to add an additional section to read as follows:

21 14-14-117. Publication on website.

22 (a)(1) When authorized by law, a quorum court may designate by
23 ordinance that the county's publications be posted on a website described
24 under §25-1-126.

25 (2) When a county official submits a publication to a website
26 for posting under subdivision (a)(1) of this section, a website shall
27 generate a proof of publication that shall be delivered to the county
28 official.

29 (b)(1) A county publication shall remain on a website described under
30 § 25-1-126 for at least three (3) years from the date on which it is posted.

31 (2) However, a county ordinance or notice is not invalid for
32 failure to remain continuously posted on the website as required under
33 subdivision (b)(1) of this section.

34
35 SECTION 15. Effective January 1, 2025, Arkansas Code § 14-14-
36 905(b)(2), concerning adoption and amendment of ordinances generally, is

1 amended to read as follows:

2 (2) Amendment to Existing Ordinances. No county ordinance shall
3 be revised or amended, or the provisions thereof extended or conferred, by
4 reference to its title only, but ~~so much thereof as is~~ the portion of the
5 ordinance that is being revised, amended, extended, or conferred shall be
6 reenacted and published ~~at length~~ on a website as defined in § 14-14-117.

7

8 SECTION 16. Effective January 1, 2025, Arkansas Code § 14-14-
9 905(d)(1)(B), concerning adoption and amendment of ordinances generally, is
10 amended to read as follows:

11 (B) The ordinances or amendments shall then be published
12 by the county clerk ~~as prescribed by law~~ on a website as defined in § 14-14-
13 117.

14

15 SECTION 17. Effective January 1, 2028, Arkansas Code § 14-14-917(c),
16 concerning initiative and referendum elections, is amended to read as
17 follows:

18 (c) Notice of Election.

19 (1) Initiative Petitions. Upon certification of any initiative
20 or referendum petition measure submitted during the time limitations for a
21 regular election, the county clerk shall ~~give notice through publication by a~~
22 ~~two-time insertion, at not less than a seven-day interval, in a newspaper of~~
23 ~~general circulation in the county or as provided by law. Publication notice~~
24 ~~shall state~~ publish no later than five (5) days after certification, a notice
25 on a website as defined in § 14-14-117 stating that the measure will be
26 submitted to the electors for adoption or rejection at the next regular
27 election and shall include the full text, the ballot title, and the official
28 numeric designation of the measure.

29 (2) Referendum Petition. Upon certifying any referendum petition
30 prior to the time limitations of filing measures established for a regular
31 election, the county clerk shall ~~give notice through publication by a one-~~
32 ~~time insertion in a newspaper of general circulation in the county or as~~
33 ~~provided by law. Publication notice shall state~~ publish no later than five
34 (5) days after certification, a notice on a website as defined in § 14-14-117
35 stating that the measure will be submitted to the electors for adoption or
36 rejection at the next regular election or a special election when ordered by

1 the county court and shall include the full text, the ballot title, and the
2 official numeric designation of the measure.

3 (3) *Publication of Special Referendum Election Notice.* Upon
4 filing of a special election order by the county court, the county clerk
5 shall ~~give notice of the election through publication by a two-time~~
6 ~~insertion, at not less than a seven-day interval, in a newspaper of general~~
7 ~~circulation in the county or as provided by law. Publication shall state~~
8 publish no later than five (5) days after certification, a notice on a
9 website as defined in § 14-14-117 stating that the measure will be submitted
10 to the electors for adoption or rejection at a special election and shall
11 include the full text, the date of the election, the ballot title, and
12 official numeric designation of the measure.

13 (4) *Costs.* ~~The~~ Any cost of all publication to publish notices
14 required in this section shall be paid out of the county general fund.
15

16 SECTION 18. Effective January 1, 2025, Arkansas Code § 14-55-206(a),
17 concerning publishing or posting requirements by a municipality, is amended
18 to read as follows:

19 (a)(1)(A) All bylaws or ordinances of a general or permanent nature
20 and all those imposing any fine, penalty, or forfeiture shall be published:

21 (i) in some In a newspaper published in the
22 municipality; or

23 (ii) On a website as defined in § 14-55-209.

24 (B) In municipalities in which no newspaper is published,
25 written or printed notice posted in five (5) of the most public places
26 designated by the governing body in an ordinance or minutes of the governing
27 body shall also be deemed a sufficient publication of any law or ordinance.

28 (2) It shall be deemed a sufficient defense to any suit or
29 prosecution of such fine, penalty, or forfeiture imposed by law or ordinance
30 to show that no notice was given as provided herein under this section.
31

32 SECTION 19. Arkansas Code Title 14, Chapter 55, Subchapter 2, is
33 amended to add an additional section to read as follows:

34 14-55-209. Publication on a website.

35 (a)(1) When authorized by law, a municipality may designate by
36 ordinance that the municipality's publications be posted on a website

1 described under § 25-1-126.

2 (2) When a municipal official submits a publication to a website
3 for posting under subdivision (a)(1) of this section, a website shall
4 generate a proof of publication that shall be delivered to the municipal
5 official.

6 (b)(1) A municipal publication shall remain on a website described
7 under § 25-1-126 for at least three (3) years from the date on which it is
8 posted.

9 (2) However, a municipal ordinance or notice is not invalid for
10 failure to remain continuously posted on a website as required under
11 subdivision (b)(1) of this section.

12
13 SECTION 20. Effective January 1, 2024, Arkansas Code § 14-59-116 is
14 amended to read as follows:

15 14-59-116. Annual publication of financial statement.

16 (a)(1)(A) The governing body of each municipality shall publish
17 annually a financial statement of the municipality, including receipts and
18 expenditures for the period and a statement of the indebtedness and financial
19 condition of the municipality.

20 (B) The financial statement shall be published:

21 (i) ~~one~~ One (1) time in a newspaper published in the
22 municipality; or

23 (ii) On a website as defined in § 14-55-209.

24 (2) ~~This~~ The financial statement shall be at least as detailed
25 as the minimum record of accounts as provided in this chapter.

26 (3) ~~This~~ The financial statement shall be published by April 1
27 of the following year.

28 (b) In municipalities in which no newspaper is published, posting the
29 financial statement ~~shall be posted~~ in two (2) of the most public places in
30 the municipality shall be considered sufficient publication.

31
32 SECTION 21. Arkansas Code Title 25, Chapter 1, Subchapter 1, is
33 amended to add an additional section to read as follows:

34 25-1-126. Publication.

35 (a) As used in this section:

36 (1) “Commercially reasonable rate” means the rate that is

1 charged to a commercial customer for the publication of an advertisement,
2 notice, or other publication; and

3 (2) "Website" means a site on the internet that:

4 (A) Is identifiable by a specific website address;

5 (B) Is accessible to the public at no cost; and

6 (C) Requires no information or login from the user.

7 (b) All advertisements, notices, and orders of publication other than
8 those under § 16-3-101, required or authorized to be published on a website
9 shall:

10 (1) Be published on a third party website not operated by a
11 government entity;

12 (2) Contain all information that the advertisement, notice, or
13 other publication would contain if published in a newspaper;

14 (3) Be published in a format provided by the website in a
15 substantially similar format as other similar advertisements, notices, and
16 publications; and

17 (4) Be published on a third party website approved by the
18 Legislative Council.

19 (c) The independent third party website shall charge a commercially
20 reasonable rate for the publication.

21 (d) The Legislative Council shall select an independent third party
22 website under this section and notify counties and municipalities of the
23 selection.

24 (e) The website operated by an independent third party shall:

25 (1) Agree to be subject to audit by Arkansas Legislative Audit;
26 and

27 (2)(A) Be administered and hosted by an independent third party.

28 (B) If the independent third party initially selected by
29 Legislative Council determines it shall no longer offer an independent third
30 party website for the publication of advertisements, notices, and orders, the
31 Legislative Council, or the Joint Budget Committee if the General Assembly
32 when in regular, fiscal, or extraordinary session, shall approve another
33 independent third party website for the publication of advertisements,
34 notices, or other publications required by this section.

35 (f) If Arkansas Legislative Audit determines the advertisements,
36 notices, and orders are not in compliance with this section or the

1 requirements for the publication are not met by the independent third party
2 website or the independent third party, the Legislative Council, or the Joint
3 Budge Committee if the General Assembly is in session, shall approve another
4 independent third party website for the publication of advertisements,
5 notices, or other publications required by this section.

6
7 SECTION 22. Effective January 1, 2026, Arkansas Code § 26-36-203 is
8 amended to read as follows:

9 26-36-203. Publication of delinquent personal property tax list.

10 (a)(1)~~(A)~~ No later than December 1 ~~in~~ of each year, the county
11 collector shall prepare a list of delinquent personal property taxes ~~and~~
12 ~~deliver a copy of the list to a legal newspaper of the county.~~

13 ~~(B)(i) Within seven (7) days thereafter, the newspaper~~
14 ~~shall publish the list.~~

15 ~~(ii) The newspaper shall publish the list in at~~
16 ~~least seven-point type.~~

17 ~~(C) If the newspaper regularly publishes a total market~~
18 ~~coverage edition or supplement publication that has wider circulation within~~
19 ~~the county or district, the newspaper may publish the list in that edition or~~
20 ~~publication.~~

21 (2) ~~If there is no newspaper in the county or district, the~~
22 ~~publication shall be in the nearest newspaper having a general circulation in~~
23 ~~the county or district for which the list is being published~~ The list shall
24 be published on a website as defined in § 14-14-117.

25 (b) ~~The publication shall show, besides the name of the taxpayer, the~~
26 ~~taxpayer's school district and the total amount of taxes delinquent,~~
27 ~~including penalties. The publication shall be in substance as follows:~~

28 ~~The personal Tax Books of County reflect the following list of~~
29 ~~personal property to be delinquent for nonpayment of taxes for the year~~

30 ~~.....~~

Name	School District No. -	Amount Due
.....
(ACRON, R. J.	C-11\$21.35)
(B & B MFG. CO. ..	S-1\$167.06)

35 ~~STATE OF ARKANSAS~~

36 ~~COUNTY OF~~

1 ~~I,, Collector of Revenue within and for County in~~
 2 ~~the State of Arkansas, do hereby certify that the personal tax books of~~
 3 ~~..... County reflect the foregoing list of personal property to be~~
 4 ~~delinquent for nonpayment of taxes for the year Witness my hand~~
 5 ~~this day of, 20~~
 6 ~~COLLECTOR FOR County, Arkansas~~
 7 ~~....."~~

8 ~~(c)(1) The newspaper publishing this list shall receive as publication~~
 9 ~~cost the sum of one dollar and twenty five cents (\$1.25) per name, per~~
 10 ~~insertion, which sum, together with fifty cents (50¢) per name for the county~~
 11 ~~collector preparing and furnishing the list, shall be charged to the~~
 12 ~~delinquent taxpayer and shall be paid by the county collector from any moneys~~
 13 ~~in the county collector's possession derived from payment of personal~~
 14 ~~property taxes.~~

15 ~~(2) The receipt for the payment, verified by the certificate of~~
 16 ~~the county clerk as to its correctness, shall entitle the county collector to~~
 17 ~~a credit for the amount so paid.~~

18 ~~(d) This section shall be cumulative to all existing laws relative to~~
 19 ~~the collection of personal property taxes The list shall include:~~

- 20 ~~(1) The name of the taxpayer;~~
- 21 ~~(2) The taxpayer's school district; and~~
- 22 ~~(3) The total amount of delinquent taxes plus penalties.~~

23
 24 SECTION 23. Effective January 1, 2027, Arkansas Code § 26-37-102(a),
 25 concerning the publication of notice by a county collector, is amended to
 26 read as follows:

27 (a) The county collector in each county shall, not less than thirty
 28 (30) days nor more than forty (40) days prior to the certification of the
 29 land, publish ~~in a newspaper of general circulation in the county~~ on a
 30 website as defined in § 14-14-117:

- 31 (1) A list of real property not previously redeemed;
- 32 (2) The names of the owners of record;
- 33 (3) The amount of the taxes, penalties, interest, and costs
 34 necessary to be paid to redeem the property;
- 35 (4) The date upon which such period of redemption expires; and
- 36 (5) Notice that unless the property is redeemed prior to the

1 expiration of the period of redemption, the lands will be forfeited to the
2 state.

3
4 SECTION 24. Effective January 1, 2027, Arkansas Code § 26-37-107 is
5 amended to read as follows:

6 26-37-107. Publication of delinquent list.

7 (a)(1)(A) The county collectors of this state shall ~~cause the list of~~
8 publish the list of delinquent lands in their respective counties to be
9 ~~prepared and a copy of the list to be delivered to a legal newspaper of the~~
10 ~~county by no later than December 1 of each year~~ on a website as defined in §
11 14-14-117.

12 ~~(B)(i) Within seven (7) days thereafter, the newspaper~~
13 ~~shall publish the list.~~

14 ~~(ii) The newspaper shall publish the list in at~~
15 ~~least seven point type.~~

16 ~~(C) If the newspaper regularly publishes a total market~~
17 ~~coverage edition or supplement publication that has wider circulation within~~
18 ~~the county or district, the newspaper may publish the list in that edition or~~
19 ~~publication.~~

20 (2) ~~If there is no newspaper in the county or district, the~~
21 ~~publication shall be in the nearest newspaper having a general circulation in~~
22 ~~the county or district for which the list is being published.~~

23 (3) The list of delinquent lands shall contain at least the name
24 of the owner and the legal description of the property as was recorded on the
25 tax book.

26 (b) ~~The publication shall be in substance as follows: The Real Estate~~
27 ~~Tax Books of County reflect the following list of real property~~
28 ~~to be delinquent for nonpayment of taxes for the year (The~~
29 ~~amount included in the "Tax, Penalty and Cost" column may not include all~~
30 ~~penalties and costs and will not include interest and special improvement~~
31 ~~assessments that may be due at the time of payment.)~~

32 NAME OF LEGAL _____ BASE OWNER DESCRIPTION _____ DELINQUENCY

33 NOTICE IS HEREBY GIVEN THAT said several tracts, lots or parts of lots will
34 be held as delinquent for a one year period from this date and then certified
35 to the State of Arkansas, Commissioner of State Lands, for collection or to
36 be sold, unless the delinquent taxes, penalties, and costs are paid before

1 ~~the end of the one year period.~~

2 ~~(Date of Notice) Collector County.”~~

3 ~~(e)(1) The legal fee for each required publication of delinquent real~~
4 ~~property tax lists shall be one dollar and fifty cents (\$1.50) per tract per~~
5 ~~insertion.~~

6 ~~(2) The (b)(1) A fee incurred for publication of the list shall~~
7 ~~be added as costs of forfeiture and shall be paid by the county collector~~
8 ~~from any moneys in the county collector’s possession derived from the payment~~
9 ~~of real property taxes.~~

10 ~~(3)(2) The receipts for the payment, verified by the certificate~~
11 ~~of the county clerk as to its correctness, shall entitle the county collector~~
12 ~~to a credit for the amount so paid.~~

13 ~~(d)(c) The requirements of this section do not apply to delinquent~~
14 ~~taxes on mineral interests, which shall comply with the requirements stated~~
15 ~~in § 26-36-213.~~

16
17 SECTION 25. Effective January 1, 2025, Arkansas Code § 26-77-104 is
18 amended to read as follows:

19 26-77-104. Publication of licensing ordinance.

20 Any ordinance passed under the provisions of this chapter, before
21 becoming effective, shall be published ~~one (1) time in a newspaper of bona~~
22 ~~fide circulation in the city or town~~ using the process described under § 14-
23 55-206. The publication shall not be later than one (1) week after the
24 passage of the ordinance.

25
26 SECTION 26. DO NOT CODIFY. Temporary language.

27 (a) A county or municipality that publishes notices under the sections
28 amended by this act in a newspaper and passes an ordinance to publish notices
29 on a website, shall publish a notice in its current newspaper monthly for a
30 period of one year.

31 (b) A notice required under subsection (a) of this section shall:

32 (1) Be no larger than two (2) columns wide by two (2) inches
33 long;

34 (2) Not exceed thirty dollars (\$30) per monthly notice;

35 (3) Contain the website address where the county or
36 municipality’s public notice may be found;

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(4) Contain the address of the county or municipal office where notice may be requested; and
(5) State where the statement of payment required under § 14-14-116 or § 14-55-208 may be found.

/s/Cavanaugh