

Wisconsin Newspapers & Public Notice



WISCONSIN
NEWSPAPER
ASSOCIATION

WNA Public Notice Workshop

Holiday Inn Convention Center

Stevens Point, Wis.

July 13, 2017



WISCONSIN
NEWSPAPER
ASSOCIATION

Table of Contents

Public Notice Discussion	Page 3
A Perspective on Saving Public Notices.....	Page 5
Ten Sales/Promotion Suggestions for the Upselling of Public Notice Advertising	Page 7

About the WNA

Created by and for Wisconsin's newspapers, the Wisconsin Newspaper Association exists to strengthen the newspaper industry, enhance public understanding of the role of newspapers, and protect basic freedoms of press, speech and the free flow of information.

Public Notice Discussion

Historical Overview

For more than a century, some of the most important laws ensuring transparency in American government have been those that require that all units of government publish their activities in newspapers. These publications are commonly referred to as “public” or “legal” notices. For the purpose of this discussion the notices will be referred to as “public” notices.

Generally, public notice laws in all states are essentially the same. The laws require units of government to publish their activities and the use of public tax dollars in public notices. Newspapers benefit by providing vital public information and by being paid for the public notice advertising space.

The newspaper publication of public notices provides a system of checks and balances on government reporting. Private sector publication of public sector reporting has worked effectively for the following reasons:

- Newspapers have traditionally been the most consumer-used source for government information;
- The public notice laws requiring newspaper publication have ensured that an independent third party acts as the conduit through which the government information is filtered, thereby preventing tampering;
- Newspaper publication has been economically appealing because the cost to government was minimal and the revenue to newspapers was important but not disproportionately high to other primary sources of revenue;
- The public notice laws are mandatory, thereby defusing any disputes as to whether units of government are required to fulfill their disclosure responsibilities;



Changing Times

Today, this system of checks and balances is in jeopardy. Many of the aforementioned conditions have changed. Historically, the newspaper industry has been powerful government lobby. The reason for its strength was simple. Newspapers were the most important medium of communication in their communities; they were an integral part of the community landscape; and, what the newspaper thought carried enormous cachet with local politicians. Against that backdrop, public officials typically listened to what newspapers had to say when it came to important pieces of legislation, such as, public notice legislation. Some of that cachet still exists, but it is gradually changing.

The change in the public’s attitude toward newspapers means that it is becoming increasingly difficult to fight off attacks to eliminate the publication of public notice by newspapers in favor of Internet publication. In addition, local government lobbyists are banding together in support of the elimination of newspaper publication.

It is a simple strategy of strength in numbers for public bodies. Public bodies realize that public notices are systemic in nature. If the publication of one public notice statute is altered successfully, the dominoes will likely fall accordingly for others. There are far more local government lobbyists than newspaper lobbyists and this is a problem for the newspaper industry. Newspaper management must counter this imbalance by actively lobbying government officials for the continued publication of public notices.

What Has Changed

■ **Newspapers are no longer the dominant medium they once were a few years ago.** Circulation has dropped precipitously, advertising revenues have fallen off, and new media have emerged to challenge the newspaper industry. Consequently, there have been challenges to the assertion that newspapers are the most viable source for publishing public notice.

These circumstances have been exacerbated by the turnover in newspaper ownership and management. Community newspapers have historically thrived in part because of local ownership and management that in many cases went back several generations. With each changing of the guard, the local newspaper loses a piece of its connection to the community.

The link between the newspaper publisher and government officials has been the glue that holds the public notice franchise together. The involvement of newspaper management in the lobbying process has been a major strength for newspapers and it is gradually being weakened. In the state legislature, this translates into a loss of clout on key lobbying initiatives.

■ **The Internet has made it easier and cheaper for consumers to get information.** Newspapers remain the most reliable and credible source for government news. Government officials, however, argue that it is time for them to use new technology to publish notices thereby eliminating the cost of newspaper publication.

■ **Much effort is being expended to embrace the Internet by newspapers today.** These efforts are exploring a myriad of ways to integrate the Internet into the entire newspaper repertoire of products, information and services. Despite these efforts, few newspapers currently post their public notices on their own website.

■ **Public notice revenue has become an increasingly important part of the newspaper's revenue stream.** Today, newspapers are perceived as being self-serving with regard to public notice rates. This perception has been exacerbated by the national recession. Many, if not all, units of government are hurting financially. Their ability to meet budgets and provide public services is increasingly being threatened. The cost of publishing public notices in this environment makes the notices an easy target for those who oppose newspaper publication.

■ **Newspapers have been the only source for publishing public notices for more than a century.** A mindset has evolved within the industry that public notices belong to newspapers – that they are “entitled” to the publishing rights to them. In today’s changing climate and challenging economy, this mentality has led to a resentment of the newspaper industry among government officials, as well as some state legislators. Rather than change their thinking about how public notices should be handled in today’s challenging economic environment, many in the newspaper industry opt for simply fighting off the ever growing number of attempts to eliminate the publication of the notices.

■ **In today’s world, with new competitors, economic pressures, and the rise of Internet usage, newspapers need to change their entire approach to publication of public notices.** Concepts such as sales, marketing, attractive packaging, creative pricing, and the treatment of government as a “customer” need to be examined with a fresh attitude.

Put succinctly, newspapers are no longer the only game in town. Newspapers are fighting to retain public notices. If the industry wants to win the fight it must consider new promotion, layout and design strategies for the publication of public notices.



What Needs To Be Done?

The newspaper industry needs a cohesive strategy to counter the increasing attacks on public notice publication. Specifically, short term and long term plans should be adopted to address the following:

- Integration of the Internet component into the existing statutory public notice publishing requirements;
- Ensure fair cost containment for government with regard to public notice rates;
- Change the mindset of the newspaper industry with regard to how they sell, promote and market public notices in their communities;
- Energize newspaper management to become more engaged in the marketing solutions needed to preserve public notice;
- Strengthen the role of newspaper management in the lobbying of public notice legislative issues;
- Change the appearance and usefulness of public notices so that they are more consumer-friendly, as well as meaningful to local government units.

A Perspective on Saving Public Notice

Overview

Newspapers need to change the way they think about public notices or they will lose them.

The newspaper industry must stop being passive recipients of public notice advertising and become pro-active in informing, changing, promoting, and marketing the information contained in the public notices.

Historically, the publication of public notices was a simple process. The law required that local governments publish notices in newspapers. Any attempt to alter that simple equation was crushed by press associations and publishers because newspapers had the political muscle to do it.

The reality is that all of this has changed.

Newspapers have lost much of their ability to sustain the lobbying network needed to protect public notice publication. Many local relationships no longer exist. We are perceived by the pundits – rightly or wrongly – as a struggling industry. The Internet and digital media are viewed as new viable alternatives to newspaper publication.

In addition to all this, newspapers find themselves, along with all businesses and public institutions, in the midst of a financial crisis that has made publishing public notices financially expendable.

Consequently, the net effect of these changes has been an all-out assault on public notices in newspapers that promises to get worse before it gets better. However, newspapers can stem the tide and preserve public notices in the short term, as well as set a course that could secure public notices in newspapers long term.



But, to do that will require a major transformation by newspapers in how they publish and promote public notice advertising.

The following are some suggestions for addressing the future of public notice publication:

■ **1. All newspapers must publish their notices on their own websites, in addition to publishing them on their printed pages.**

■ **2. The formats of public notices need to be revised so as to make them more readable and user-friendly.**

Public notice publications are often not easy to read. The current format for publishing public notices worked for decades. But in today's world, with increasing numbers of readers dictating how information is presented to them, newspapers no longer can give public notice formats a pass.

Newspapers can no longer use the excuse that it is up to government to change the formats because they are submitting the copy for publication. In the future, newspapers need to take more ownership of this process and partner with local governments to suggest ways to provide maximum exposure to public notices in both print and online. To avoid doing this will be akin to providing our government with the gasoline and matches to start the fire that will lead to the elimination of the publication of public notices.

■ **3. Newspapers need to launch a public relations and marketing campaign designed to add value to public notices beyond the responsibility of government to simply publish them.**

This strategy will no doubt be controversial and will require a major shift in thinking by newspapers about public notices overall. It is a complex subject, but here are some quick bullet points to be considered:

- Public notices publication is no longer an entitlement;
- Public notices need to be “sold” like any other newspaper product;
- Public notice customers (i.e. government officials) should be treated like other advertising customers;
- Public notices need to be enhanced visually, wherever possible, like any other advertisement;
- Public notices should be integrated into the whole newspaper product, including using the news pages to direct the reader to public notices where there are opportunities to do so;
- Public notices need to be promoted and designed to drive reader interest to them.

■ **4. Public notices in newspapers will not survive without a sea change in thinking by newspaper management.**

This will not be easy. Newspapers have enjoyed the privilege of publishing notices for more than a century without much opposition. This is a new era. Despite the formidable challenge that a change in mindset entails, a clear, aggressive and all-encompassing plan for a change in how newspapers manage public notice business must be put in place. Public notice publication will be preserved if a change is accomplished in how newspapers handle the business. No change will surely lead to the loss of public notices business.

Ten Sales/Promotion Suggestions

For the Upselling of Public Notice Advertising

■ **1. Sell public notice advertising like you would any other form of advertising in your newspaper.** Remember to service the account the same way that you would service any other major advertising account.

■ **2. Call on public officials/law firms – make placing public notice advertising easy for them.** Periodic on-site calls will provide sales staff with the opportunity to identify upcoming events, sponsorships or functions that are of interest to the public notice advertiser. (See numbers 4 & 5 below).

■ **3. Assign public notice advertising calls and sales to a specific individual(s).** It is important that the public notice advertiser have a connection to a person in ad sales.

■ **4. Upsell public officials on additional advertising ... identify sponsorships, events that the public official may want to advertise to the public.**

By way of example, food giveaway's, bike safety courses, child seat inspections, vaccinations, phone/electronic address/ USPS directory information for departments within the public officials office. Suggest that the public official consider distributing a monthly, quarterly or annual newsletter via newspaper insert.

■ **5. Upsell law firms on additional advertising ... identify sponsorships, events that the law firm may want to advertise to the public.**

By way of example, little league sponsorships, special event sponsorships, community support sponsorships, charitable sponsorships, congratulatory ads for school sporting events, students of the month etc.

■ **6. Suggest that public officials and law firms place their logo ... address ... contact information in all public notice advertising.** It will better promote the public official and provide better branding for the public official and the law firm.

■ **7. Remember that public notice advertising does not have to be published in the classified section of the newspaper.** Depending on the nature of the notice suggest that the content be published elsewhere in the newspaper ... promote better readership of notice in a display ad. Examples – public hearings, special meetings of units of local government and state agencies, food giveaways, vaccinations, candidate forums etc.

■ **8. Work with your editorial department to arrange for a story on an upcoming public event that is being noticed in that day/week's edition of the newspaper.**

■ **9. Work with editorial and production to have the public notices that appear in that day/week's edition of the newspaper indexed on the front page or wherever your newspaper provides content indexing.**

■ **10. Promote and link to the state press association's statewide public notice website in print and on your newspaper website.**

Place your public notice advertising on your newspaper's website. Always remind the public notice advertiser of the "value added" that comes with their ad appearing on the local and statewide websites. (See www.wnaneews.com for public notice website advertising toolkit)

