

Public Notice Advertising Q&A



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Public Notice Advertising in Indiana

Transparency in Government

- Open Meetings
- Open Records
- Public Notice Advertising

Public Notice Advertising in Indiana

Public Notice Advertising laws have been enacted by Indiana legislatures since statehood.

As a result there are general rules that apply to all notices. There also are specific rules that may apply to a single public notice requirement.



Public Notice Advertising in Indiana

Importance of public notices

What can I do to help demonstrate the importance of public notice advertising?

How to tap newspapers' power in influencing the public notice debate:

- *Do* tell readers about the importance of public notices and your role in publishing them. Run house ads and other material detailing how the information found in public notices impacts your community.

Constantly remind readers how important notices are to their rights as citizens and property owners.

What can I do to help demonstrate the importance of public notice advertising?

- *Do* make public notices easier to read and understand. Poorly written public notice statutes often result in notices nearly unintelligible to readers.

Respond by running summaries and explanations of the notices – “What is a summons notice, and why is it important?” Whenever possible, offer visual cues and graphics.

What can I do to help demonstrate the importance of public notice advertising?

- *Do* give public notices a prominent – and permanent – position in your newspaper.

By creating a regular, easy-to-find position for notices in your newspaper, you'll increase reader awareness of public notices and build understanding of the significance of public notices.

What can I do to help demonstrate the importance of public notice advertising?

- *Do* use public notice as a source of news stories. An otherwise innocent-looking notice about a rezoning proposal may provide information about a changing neighborhood.

A typical notice about a foreclosure or other credit-related action could be the beginning of an important story impacting one community or the whole county.

What can I do to help demonstrate the importance of public notice advertising?

- *Do* train all departments on the importance of public notices. Make sure they know how much public notice matters to the community – and to the future of your business.

It's not about revenue; it's about the job you do for your community.

What can I do to help demonstrate the importance of public notice advertising?

- *Do* let your customers know you're the public notice expert. Legal requirements attached to publishing notices – from publication schedules to affidavit procedures – can be nettlesome and confusing. Master them.

And let your customers – from the local city clerk to the attorney placing a probate notice – know they can be assured you'll take care of the details and get the job done right every time.

What can I do to help demonstrate the importance of public notice advertising?

- *Don't* treat public notice as just another classified advertising category. Placing notices deep in the classified section or, even worse, haphazardly in the newspaper tells readers that you don't think public notice is important. Your readers include lawmakers, and they will act accordingly.
- *Don't* assume your readers know you're the source for local public notices. If you don't tell them, they probably won't think your role as publisher of notices is significant.

What can I do to help demonstrate the importance of public notice advertising?

- *Don't* think that this is only about revenue for your newspaper. While revenues generated by public notices can be significant, that's not what's most important in this debate.

This is about providing vital information to your community and the role your newspaper plays in that process. Don't let "the revenue issue" keep you from communicating this principle to your local officials and legislators.



Public Notice advertising in Indiana



Public notice rates

How do I compute the charges for public notices?

In 1927 the state legislature imposed a cap on what newspapers can charge local and state government units for public notices.

A formula (involving squares, ems, picas and points) was imposed with the goal that the cost for a particular notice would be the same no matter which newspaper published it regardless of column width and point size used.

How do I compute the charges for public notices?

To determine the cost of a notice:

1. Determine the width of your public notice column in points. There are 12 points in a pica. There are six picas in an inch. There are 72 points in an inch.

How do I compute the charges for public notices?

2. Divide the number of points in your column width by the point size used to publish the notice.

Note: Indiana law requires notices that fall under the Public Notice Advertising Law (I.C. 5-3-1) to be published in at least 7 point type. This gives you the number of ems to a line.

3. Divide the ems to a line by 250. (This is the number of ems in a square.) This gives you the number of squares to a line.

How do I compute the charges for public notices?

4. Multiple the number of squares to a line by the price per square. This gives you the rate per line.

2012 price per square

- 1 insertion: \$ 5.85
- 2 insertions: \$ 8.74
- 3 insertions: \$11.67
- 4 insertions: \$14.59

How do I compute the charges for public notices?

5. *Count* the number of lines in the notice, and *multiply* this number *by the rate per line*.

You have computed the price of the notice.

How do I compute the charges for public notices?

- An additional charge of 50 percent is allowed for public notices that include rule or tabular work.
- The header can be only two lines. The header's point size can not be more than double the point size of the type used in the notice.
- Cost may not exceed the lowest classified advertising rate charged to other customers for the same space.

How do I compute the charges for public notices?

- Newspapers must provide proof of publication and claim for payment in duplicate on each public notice advertisement. For each additional proof of publication required by a public official, a charge of \$1 per copy is allowed.

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Internet rules for public notices

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If a newspaper has a website, it must post public notice advertisements that qualify for the state-set rate on the site the same day it is published.

The law states that newspapers cannot charge for Internet public notice postings.

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**Notices not under
the law's rate structure**

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Not every notice a newspaper receives is eligible for the state-mandated rate.

The rate applies only to notices where the ultimate responsibility for its payment lies with Indiana taxpayers.

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Common exceptions to the state-set rate:

- Notices from federal agencies
- Sheriff's sales (mortgage foreclosures)
- Notices of estate administration
- Many notices concerning zoning changes

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Pricing for these notices can be set by the newspaper.

Caveat: If newspaper prices aren't reasonable, state legislators will hear about the inequity.



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Notarization

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For billing purposes, the state Board of Accounts no longer requires a Publisher's Claim, Form 99P, to be notarized.

If the publication is required as part of a legal action, the newspaper can expect a request for notarization. This affirmation that the notice was published will be submitted to the court as proof of publication.

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Eligibility to carry public notices

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Public notices must be published in newspapers.

To be considered a newspaper, a publication must:

- Publish at least once a week.
- Publish at least three consecutive years in the same town or city.
- Possess a valid U.S. Postal Service Periodicals Mail Permit.
- Have at least 50 percent paid circulation.

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**Which government units
should publish notices
in your newspaper?**

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To determine its obligation, a government unit must identify how many newspapers are located within its boundary.

A newspaper's location is where the postal permit lists its point of entry into the mail stream.

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If there are two or more newspapers located within the government unit's boundary, it must publish public notices in at least two newspapers.

If there is only one newspaper located within the unit's boundary, publication in that newspaper is sufficient.

Public Notice Advertising in Indiana

If no newspaper is located within the government unit's boundary, the unit must publish in at least one newspaper that is located within its county and that circulates newspapers within the government unit's boundary.

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Frequency of publication

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Frequency of publication is generally controlled by IC 5-3-1-2.

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Sheriff's sale (mortgage foreclosure):

Published once a week for three weeks in one newspaper. First publication must be at least 30 days before the date of the sale.

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Budget notice of hearing:

Published once a week for two consecutive weeks. Sept. 2 is the deadline for the first publication.

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Financial reports:

Published once with various deadlines early in the year.

The exception is schools, which publish financial reports in the first half of August.

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School performance reports:

Published once between Jan. 1 and Jan. 31.

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Notice of administration:

Published once a week for two consecutive weeks in one newspaper.

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Request for bids:

Published two times with the publications at least a week apart. Second publication must be seven days before bids are due.

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Questions?

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