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Association of Community
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Publish is a monthly publication dedicated to covering the people, events and companies that are the community publishing industry.

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Publish is mailed free of charge to community publications all across North America. Other businesses may subscribe for \$20 annually.

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Cover Photo:
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COMING NEXT MONTH

The December *Publish* will take a look into what people and businesses are looking forward to in 2024. As always, we will also cover the people, information and issues that are influencing the community publishing industry.

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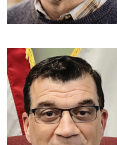
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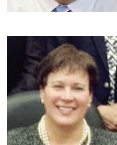


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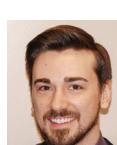
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2024 ACP Board of Directors AT-Large Director Election Results

Six nominees were presented to the ACP membership for the six ACP At-Large Board of Director positions whose 2-year terms commence on January 1, 2024. The official ballot request was sent via email to the designated contact person at each member publication on Tuesday, October 3, 2023 and reminder email was sent on Thursday, October 12, 2023. The election closed on Monday October 16, 2023 and the following 6 nominees were elected to the ACP Board of Directors for 2-year terms.

- ✓ **Shane Goodman** – Big Green Umbrella Media, Johnston, IA
- ✓ **Joe Nicastro** – New View Media Group, Budd Lake, NJ
- ✓ **Jane Quairol** – Kapp Advertising, Lebanon, PA
- ✓ **Cory Regnier** – Citizen Publishing, Windom MN
- ✓ **Carol Toomey** – Action Unlimited, Concord, MA
- ✓ **Rick Wamre** – Advocate Newspapers, Dallas, TX

STRATEGIC RECAP



BY MANUEL KARAM

For this month's column I thought I would share a summary of ACP's recent strategic planning session. In September, the full board and staff met with the aim of discussing the present and future of the organization and the industry. The main theme of our meetings continues to be how we can evolve both, while holding onto what we do best.

Here are some of the key takeaways:

- **MEMBERSHIP:** Members are the lifeblood of ACP, and the board feels there are a substantial number of publications out there who could benefit from joining our community. The Membership Team is actively identifying nonmembers and will soon be reaching out to spread the word about all ACP has to offer. We're also in the process of revamping the communitypublishers.com website with the aim of warmly welcoming new visitors and showcasing the advantages of joining.
- **REVENUE:** The traditional revenue from the ADS network has seen better days and there were a number of solutions offered to replace and supplement this income stream. There's no easy answer, but some of the ideas include regionalizing the network, giving more incentives for publishers to sell, and rolling out a digital network for both display ads and possibly inserts.
- **EXPENSES:** The board is committed to reducing expenses to ensure the longevity of ACP for many years to come. Based on a number of projects already in motion, we expect to be close to revenue neutral by mid-2025. With successful revenue initiatives this might happen sooner.
- **EVENTS:** Face-to-face events are invaluable for members looking to learn and grow their businesses. Starting in 2024, ACP will be hosting two conferences, one in the spring (a larger event similar to what we held this year), and a smaller, more targeted publisher's summit in the fall. The hope is that more conferences mean more opportunity to engage with members and vendors, and of course, provide networking opportunities and real ideas to improve our businesses more often.
- **TRAINING:** In addition to expanding live events, the board is looking at new course material for in-person and digital TLI classes. This includes publisher-focused content in traditionally less covered areas like distribution/circulation, accounting and budgeting, design, editorial, and of course digital.
- **PUBLISH MAGAZINE:** How are you receiving Publish Magazine? Do you prefer the printed copy? Or do you happily read the advanced digital edition? We'll be advertising and sending out information about how to choose your future distribution method. The goal is to find the most efficient means of getting the publication out to as many readers as possible. Keep an eye out for ads in Publish as well as emails from the association for next steps.

These are broad brush strokes and trust me there are plenty of specific to-do's! Thanks again to our board and staff for a terrific session and thank you members for helping us keep the organization strong and thriving. ■

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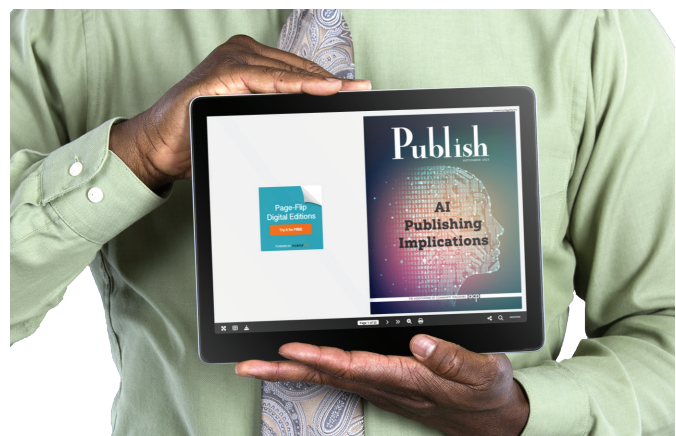
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BY DOUGLAS FRY

It won't surprise anyone if I told you I enjoy riding a bicycle. My mantra is "Pedaling is my Prozac."

Every morning I get up early and ride a local route I know well. Sometimes I try to go fast, push myself. Other times I just ride to clear my head and start the day out right. There is a side of me that wants to get better, be faster, and become more fit. Usually, I try to ignore that side of me and listen to my corpulent self resting on the couch.

Recently I have been riding with some people that take riding a bicycle very seriously. I thought I was fast enough for an old geezer but these guys hammer like they are trying to get away from the police.

On Memorial Day I joined a couple of these riders in what I thought would be a gentle ride through the beautiful, idyllic Tennessee countryside. One rider was a surgeon that is a few years younger than me. Thankfully, he looks older than I think I do. I knew the other rider and recalled he was my junior by several years. As we departed I thought they were trying to haze



THE ONE THING

TRAIN WITH YOUR FASTEST FRIENDS

the new guy by going super fast. Not so. They only got faster.

The only way I could keep up was by tucking in behind the rider ahead of me and taking advantage of his slipstream. That method cuts the effort needed to maintain a speed by around 30%. That's the upside. The downside is that I tend to fixate on trying to keep up and miss out on the beauty of the ride.

The only Tennessee countryside I saw was the back tire of the rider ahead of me. I was trying my hardest to keep up with them. Then we hit the hills. Apparently, no one ever told these guys a normal person slows down going up a hill. They were very kind to me and waited at the top of each hill for me

to catch up. However, they didn't wait long enough for me to catch my breath. As soon as I reached them they squirted off again.

We ended up going 65 miles. I was completely whipped. No, I was whooped. I wanted to never ride with them again. What little riding we did together that day was going down hill. Going down an incline is the only terrain where my size and weight actually work in my favor.

Stubbornly, I am not one to give up easily. I resolved to ride with them in the group ride every Saturday morning. I'd try to keep up with them and ride and train with these supermen of the bicycle. The more I rode with them the more stamina I gained. I still have to struggle to keep up with

them but I'm pretty sure progress is being made.

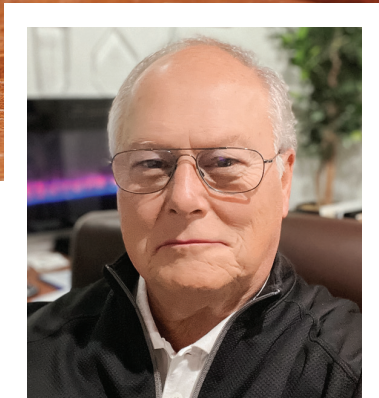
In our professional lives we tend to stick to the local routes we are familiar with and take it easy, not pushing ourselves. You know there are advertisers you can call on that are friendly and allow you to sit and talk. Sometimes you sell an ad but most of the time you are just taking it easy chatting with a congenial person. But by taking the easy, tried-and-true route we limit our ability to improve.

My recommendation to everyone, myself included, is to break out of the normal routine, take on a challenge, go on a sales call with someone much better than ourselves, ride with your faster friends. If we do we will improve and we'll be more able to do our jobs. ■

Photo Credit: Susan Leggett / shutterstock.com



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BY LOREN COLBURN

Legal notice is one of those issues that gets a different spin from almost everyone you talk to about it. Some say the cost is too expensive on taxpayers. Some say it protects the public's right to know on a number of fronts. Some say they don't really care because they never look at them anyway. Some say it is a cornerstone to holding public officials accountable. Some say it's just a money grab by print publications, just to mention a few of the different perspectives. So where does the truth lie (no pun intended)?

Here's my perspective, there is a degree of truth in most of the different perspectives. Public notices cost

money, they inform the public, they add accountability to the governmental process and papers profit from the revenues. But I also believe that significant changes to the public notification process will have substantial impact on each of these. Let's take a closer look at the whole cost issue first.

What public benefit comes without a cost? Public notices are no different. I also have gotten my share of disappointments when assuming that saving some money right now won't cost me more money in the long run. The promise of saving taxpayers money may make sense at first glance, but I would like to toss the red flag on this one for "further review". If it removes government accountability, could that potentially come with an addition-

al cost. According to the FBI, white collar crime is estimated to cost the U.S. more than \$300 billion annually now and I believe that number will increase if we remove a significant component of the accountability process. If you're thinking that our government officials are totally honest, so there is nothing to worry about, I would like you to consider the over 12,000 criminal corruption prosecutions taxpayers have had to fund over the last 20 years (and those are just the ones who got caught)! Both the cost of the increased corruption and the cost of the increased prosecutions will be added to the taxpayer's side of the ledger. That begs the question of net gain or loss?

Then let's examine the theory that letting government host their own

public notices on their own website (which just won approval in Ohio) will offer the same level of information access as the prior law? They are saying yes it does, but again a red challenge flag would be in order. Let's take myself for example, I live in the town of Clay, North Syracuse School District, County of Onondaga and State of New York. Does that mean I now have to monitor four different websites to get the same information I previously got in my local paper? Add in a village, water district, fire district, voting district and who knows what else, staying informed just became a full time job!

The other issue that relates to the accountability aspect of public notices is having them in a verifiable public records archive. Although record retention requirements vary by location, local libraries and community papers provide archived copies of papers that are frequently needed for

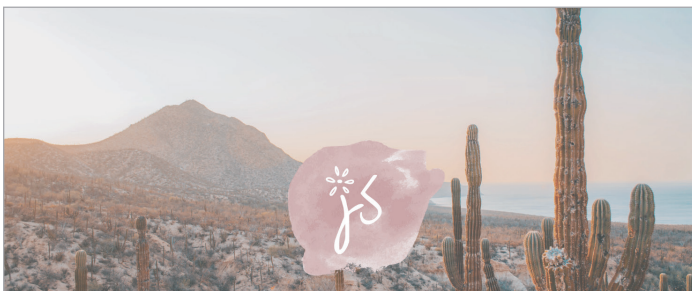
settling disputes related to the notification process and procedures. Government contracts, foreclosures, government actions, civic hearings and meetings all require public notice to invite the community to participate in the democratic process. Being able to verify or substantiate this process is a critical component of the accountability process. Web postings are not static like print products, there is no assurance that what appeared on a website at one moment in time was the same throughout a given period of time. The old "smoke and mirrors" scam gets a whole lot easier without a definitive and independent record keeper.

Experience tells me that making changes to any official notification process should be well planned out, carefully implemented and thoroughly examined by civic authorities. Getting buried in the 6,198 pages of the Ohio budget bill rather than face

the open discussion and evaluation of the elected officials responsible for determining the worthiness of the legal requirements already in place not only seems irresponsible, but almost sinister. That brings us back to the whole concept of civic accountability and oversight!

To be fair, I also need to point out the importance of publications making sure the rates for legal notices are fairly priced and that additional coverage through the internet is available as well. Times do change and we need to adapt to those changes to remain a viable community information link. Part of that responsibility also includes protecting our loyal readers from being kept uninformed (either intentionally or unintentionally) by the public servants they elect.

In support of providing valuable information connections within the communities we serve, I recommend "If it's free, buy it!" ■



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IS NEW YORK THE WILD WEST OF PUBLIC NOTICE?

BY STAFF OF PUBLIC NOTICE RESOURCE CENTER

The New York Times reported [in June]¹ on several incidents in which public officials revoked public notice contracts “in an effort to punish their hometown newspapers for aggressive coverage of local politics.” The story included two recent cases in New York state.

New York isn’t the only place where public officials sometimes seek to retaliate against those they perceive as enemies. But the state’s folkways and traditions, along with its arcane and antiquated public notice statutes, often result in the chaotic administration of the law.

The Times’ story focused primarily on Delaware County, N.Y., where officials punished a local newspaper based in the county seat of Delhi. After pulling its notices from *The Reporter* in favor of a newspaper with less than half its circulation, the county sent the paper a letter² alleging its articles “are written in an inflammatory manner” and include “editorial remarks ... made to put a negative light on the County government.”

“(T)he manner in which your paper reports county business was one of the reasons the Board of Supervisors opted to change the official county paper,” the county explained.

The First Amendment to the U.S. Constitution prohibits the government from retaliating against media outlets for expressing a viewpoint government officials disagree with. So in a sense Delaware County’s letter was an admission of guilt. Yet over 40 local officials, including the county attorney and the acting district attorney, affixed their signatures to it.

The Times also cited a case in Ulster County, where the local school

district in Ellenville, N.Y., canceled the *Shawangunk Journal*’s³ public-notice contract “after several years of gripes about its coverage.” When the contract came up for renewal in 2019, one of the school board members argued the *Journal* should be dropped⁴ because “it had been critical and negative toward the school district.” Although the board voted then to renew the contract, last summer it decided to move its notices to Alden Global Capital’s *Daily Freeman*, which is based 30 miles outside of Ellenville and “doesn’t regularly cover its school board meetings,” according to the *Journal*.

Diane Kennedy, president of New York News Publishers Association, says the events in Ellenville and Delaware County aren’t particularly unusual. “There’s a long tradition of public officials in New York using the threat of withdrawal of public notice advertising to punish newspapers for unfavorable coverage.”

That tradition goes back to at least the early 1960s, when Albany County was controlled by a Democratic machine that ruled the Capital District for about 60 years ending with the death of Mayor Erastus Corning 2nd in 1983. Shortly before he died during his 41st year in office, Corning told Albany native and Pulitzer Prize-winning author William Kennedy that longtime party boss Dan O’Connell made the decision to punish the local dailies by pulling their public notice ads sometime after the papers were consolidated under Hearst ownership. Corning’s admission was published in *O Albany!*⁵ — Kennedy’s history of the capital city.

New York has three separate statutes that largely define how public notice laws must be administered

at the local level. The General Construction law⁶ requires newspapers to have a “paid circulation” and a U.S. Postal Service periodical permit to publish notices. The other statutes define the powers of the legislative bodies that govern counties⁷ and towns⁸. Taken together, these laws are often confusing and inconsistent, in part because they were written in a previous era when newspapers frequently were partisan and many municipalities had several to choose from. For instance, the county law requires boards of supervisors to select two official newspapers “representing each of the two principal political parties into which the people of the state are divided” for some notices but not for others.

Albany County’s notices are currently published by Hearst’s daily, the *Times-Union*, and *The Evangelist*, a weekly newspaper that serves as the official publication of the Catholic Diocese of Albany. According to Stephanie Zebrowski, business manager of *The Evangelist*, the county has selected the publication to serve as an official newspaper every year for at least the past 20 years. Unlike many other states, newspapers associated with religion are qualified to publish notices under New York law.

Zebrowski says *The Evangelist* has a periodical permit and qualifies as a paid-circulation newspaper, even though the paper is mailed free of charge to the homes of local parish members. She says the subscription fees are subsidized by local parishes.

Newspapers that operate under a more conventional free-circulation model also serve as official newspapers in some counties in New York. For example, *Sun Community News*⁹, which distributes seven targeted

LEGAL NOTICE FEATURE

circulation newspapers throughout northeastern New York State and western Vermont in the Adirondack region, publishes notices for Essex, Clinton and Warren Counties.

Sun Community News President and Publisher Emeritus Dan Alexander says his papers were “grandfathered” under New York’s General Construction law. That law stipulates that publications “designated and publishing notice as an official newspaper” prior to 1940 qualify to publish notices as long as they continued to serve without interruption as an official newspaper until 1975. Alexander claims the predecessor papers to Sun Community News’ current brands meet that qualification.

“We have proposed legislative changes to the public notice laws to bring them up to date, but the legislature has failed to adjust to the changing times,” says Alexander. “With declining circulation in the newspaper

business, some municipalities have been forced to find creative ways to run notices in papers that reach their constituents, knowing they had no other available options.”

Alexander isn’t the first to suggest changes. In fact, a 1969 article in the Cornell Law Review¹⁰ recommended that the state legislature clean up the statutes and bring them up to date. “Present New York publication requirements reveal little consistency of approach and seem ill-designed to accomplish their purpose,” wrote the authors. “An examination of representative statutory provisions exposes current deficiencies and suggests the need for a simplified and uniform statutory structure.”

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Original Article: <https://www.pnrc.net/2023/07/11/is-new-york-the-wild-west-of-public-notice/>

¹ <https://www.nytimes.com/2023/06/18/business/newspapers-public-notices.html>

² <https://www.the-reporter.net/stories/the-reporter-will-not-be-deterred,94096>

³ <https://sbawangunkjournal.com/news/2022/07/07/ellenville-school-board-rejects-local-business/793WJK>

⁴ https://sbawangunkjournal.com/news/2019/07/05/shoot-the-messenger/782ybc?open=1&force_ignore_preferences=1

⁵ <https://www.goodreads.com/en/book/show/332675>

⁶ <https://www.nysenate.gov/legislation/laws/GCN/60>

⁷ <https://www.nysenate.gov/legislation/laws/CNT/214>

⁸ <https://www.nysenate.gov/legislation/laws/TWN/64>

⁹ <https://suncommunitynews.com/>

¹⁰ <https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=4610&context=clr>

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OHIO ENACTS LAW CURTAILING NEWSPAPER NOTICE

BY STAFF OF PUBLIC NOTICE RESOURCE CENTER

Earlier this month, we reported¹ that through the end of the summer there were no states that had approved legislation significantly altering their public notice laws. We were wrong.

Unbeknownst to most in the newspaper business, two months earlier Ohio Gov. Mike DeWine had signed into law measures buried within the legislature's 6,198-page budget bill² that will bring sweeping changes to the state's public notice regime. DeWine signed the bill less than a week after it passed both the GOP-dominated state House and Senate by wide margins on June 30.

Most importantly, Ohio HB-33 allows municipalities to publish many or most of their notices on their own websites and social media feeds or on the Ohio News Media Association's statewide public notice website, instead of publishing them in local newspapers or legal journals. The bill also reduces the number of newspaper ads required to be published by some municipalities and state agencies in connection with specific types of notices; allows Ohio's state environmental agency to publish all of its notices on its website instead of local newspapers and legal journals; and raises the spending threshold above which many or most government agencies are required to publish newspaper notices soliciting bids. It takes effect on Oct. 3.

[Read PNRC's analysis of Ohio HB-33 at: <https://www.pnrc.net/wp-content/uploads/2023/09/PNRC-Analysis.pdf>]

Perhaps most bizarrely, HB-33 extends the state's prohibition against newspapers charging a fee

for publishing notices on ONMA's statewide public notice website. (Ohio was one of the first states to pass a law requiring newspapers to publish their paid print notices free of charge on a state press association website. That law remains on the books³.) The proscription against compensation now includes situations in which "the notice or advertisement is not otherwise published in a newspaper or journal." Taken in tandem with the provision in HB-33 allowing municipalities to publish their notices on the ONMA website, it means the Ohio legislature passed a law that apparently requires the newspaper association to publish the state's public notice ads without compensation.

The absurdity and potential illegality of forcing a press association to provide free services to the state demonstrates the extent to which the legislature was flying blind when it passed the bill. In a Sept. 18 email, ONMA President and Executive Director Monica Nieporte told her members the association "was never consulted about the functionality or capabilities of www.publicnoticesohio.com prior to enactment of the changes." She also wrote the website wasn't presently capable of accepting ads directly from customers. Moreover, most of the public notice provisions jammed into the bill had never been introduced or debated by the legislature.

Sneaking controversial, non-germane provisions into a humongous spending bill at the last minute is an opaque tactic permitted by many legislatures. At present, it isn't clear when the public notice measures in

HB-33 were added to the bill or who knew about them. But as far as we can tell, not a single newspaper or media outlet in the state has yet to report on their impact on public notice laws despite the fact the bill was signed into law on July 4.

There is still a lot we don't know about the substance of the public notice provisions in HB-33 or about the process by which they were added to the bill. What is clear, however, is that Ohio is now the second state to pass a law allowing local governments to post a substantial portion of their notices on their own websites. While HB-33 is clearly less comprehensive than the bill passed last year by the Florida legislature, it contains fewer guardrails and hurdles before local governments can alter time-tested systems that provide their citizens with official notice.

With HB-33, the state of Ohio has jumped into the deep end with its eyes closed.

Reprinted with permission from the Public Notice Resource Center. See the additional resources pages in this issue for additional reference materials provided by the PNRC or go to <https://www.pnrc.net>

Original Article: <https://www.pnrc.net/2023/09/25/ohio-enacts-law-curtailing-newspaper-notice/>

¹ <https://www.pnrc.net/2023/09/06/public-notice-picture-coming-into-focus/>

² <https://www.pnrc.net/wp-content/uploads/2023/09/Ohio-HB33.pdf>

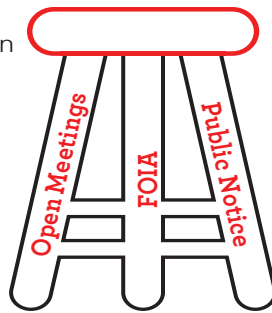
³ <https://codes.ohio.gov/ohio-revised-code/section-125.182>

These talking points were provided with permission from the Public Notice Resource Center and are available for download on the Public Notice Resource Center website at <https://www.pnrc.net/subscribers/american-tradition/>

Why Public Notice Should Remain in Newspapers

Along with open meeting and freedom of information laws, public notice is an essential element of the

three-legged stool
of government transparency



Newspapers remain the primary vehicle for public notice in **all 50 states**



This is not about “newspapers vs the internet”.
It’s newspapers and newspaper websites vs government websites

and newspaper websites have a much larger audience. Moving notice from newspapers to government websites would **reduce the presence of public notices on the internet**

Since the first U.S. Congress, public officials have understood that newspapers are the best medium to notify the public about official matters because they contain the **essential elements of public notice:**



Accessibility



Independence

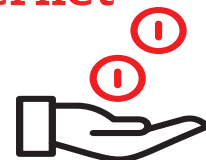


Verifiability



Archivability

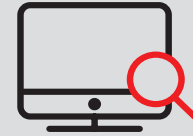
Publishing notices on the internet is neither cheap nor free





Newsprint is inherently superior to the internet for public notice because reading a newspaper is a serendipitous process.

We find things in newspapers we weren't expecting to see. On the internet, we search for specific information and ignore everything else.



Citizens continue to learn about vital civic matters from newspaper notices.

Documented examples of people taking action and alerting their community after reading a newspaper notice are reported on a regular basis. (See page 10)

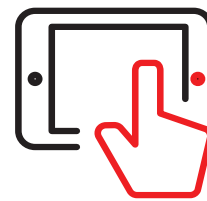
Verifying publication is difficult-to-impossible on the web.

That's why the courts subject digital evidence to far greater scrutiny than evidence published in newspapers



Significant numbers of people in rural areas still lack high-speed internet access.

Those who are older than 65 or who have lower incomes or lack high-school diplomas are also cut off from the internet in far higher numbers than the average.



Moreover, the real digital divide for public notice is growing

due to the massive migration to smartphones and other small-screen digital devices

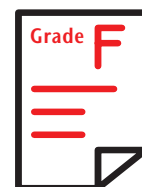


Requiring independent, third-party newspapers to ensure that public notices run in accordance with the law helps

prevent government officials from hiding information

they would prefer the public not to see

Governments aren't very good at publishing information on the internet. Unlike newspaper publishers, **public officials aren't compelled by the free market to operate effective websites.**



PUBLIC POLICY MATTERS 2024: WHAT COMMUNITY PUBLISHERS NEED TO KNOW

BY JIM HAIGH

Government happens to you, if you let it. And if you don't have a seat at the table, you're on the menu. This can often describe the situation faced by smaller rivals to historically dominant players in most industries when it comes to shaping public policy. Advancing the business interests of free community publishers is no exception. As an industry, we have achieved our share of success against overwhelming odds over the years, despite being outspent and outgunned by orders of magnitude. The threats and extraordinary opportunities already on the table for 2024 could truly be transformative in a media landscape evolving at unprecedented pace and scale.

Here is a public policy dive into the year ahead, with a focus on matters critical to publishers' revenue streams. Legal advertising has never been more up for grabs across the states, as the monopoly incumbent pay-to-read print newspapers face relentless challenges and mounting defeats. Government advertising for non-legal purposes, placed in media at the discretion of elected officials at all levels, has come into sharp focus as a prime opportunity to reinvest in small, local media outlets. In Congress, critical bipartisan momentum builds for tax policy prescriptions to hire and retain local journalists, and help small businesses advertise in their local media. And nonprofit institutions have been steadily boosting meaningful investment in sustaining local news, with a group of prominent players now forming a coalition that is pledging at least a half a billion dollars in funding starting in the new year.

LEGAL AND PUBLIC NOTICE ADVERTISING

The right to compete for "Legals" has always been a top policy priority for free community paper publishers. Over the years, we have achieved small but impactful changes in subset categories like bid notices, estate and bankruptcy notices, and announcements of liens, foreclosures and sheriff sales, in the vast tapestry of laws governing placement from municipal to the state level. Major victories creating completely level playing fields to compete have been rare, with recent success in Florida coming a decade after years-long process to win the same in Ohio.

Unfortunately, Ohio legislators just launched a stealth attack inserting language into their massive omnibus budget bill that will effectively gut most publishing requirements for print. This fresh disaster comes after Florida did the same, however much more publicly in process, repealing their exemplary modernization last year before it had a chance to provide better notice at a better price for taxpayers.

Government efforts to "modernize" delivery of vast categories of this essential civic information mandated for publication to the masses are perennial, but they went into overdrive during the pandemic. In the last completed legislative sessions, there were a whopping 273 different bills introduced across 41 states proposing changes large and small. Justifications being made are no longer focused mainly on costs, however. Real disruptions to government caused by disruptions to their mandated legal instruments — aka pay-to-read newspapers — were pervasive during the

pandemic. Public meetings, bond issues, resolutions, development plans and decisions of all manner and sort of open, functioning and transparent government were thrown into chaos when official notice was not published timely and as legally required, as newspapers' operations faltered. And this keeps happening again and again to local governments as newspapers fold or go digital.

We can expect more legislation in more states in 2024. There will be bills seeking to follow the radical new precedents established by Ohio and Florida, along with scores more seeking reforms at the edges, such as those enacted with less resistance and fanfare the last few years in the face of stark realities. A prime example is expanding the use of free community newspapers — and even local online-only news outlets — across the growing number of counties across more states where pay-to-read print newspapers no longer publish, as well as where shrinking circulation is too small to justify exclusive monopoly on this critical taxpayer funded advertising.

It is time to fully appreciate that every significant bill introduced in any state is an opportunity to engage with legislators, local governments, our readers and local businesses who can also be captive to legal advertising mandates and monopoly rates. In recent years, free community publishers — those both in print and online only — have been pushing the ball uphill, mostly by themselves, and making some real noise. Working more closely, with coordinated leadership, strategy and support, there is tremendous opportunity to seize on in 2024.

DISCRETIONARY GOVERNMENT ADVERTISING

Government at every level has a budget for advertising matters of public interest, and for which elected officials have considerable discretion over the media outlets they can choose for their purposes. Most ACP member publishers are likely already receiving at least a sliver from some municipalities, and even counties and states where they publish. In bigger cities like Philadelphia and Washington, D.C., small, diverse local publishers have banded together for years to collectively demand their fair share. And over the last few years, independent publishers in cities like Chicago and New York, have advanced even further, achieving public policy victories cementing their seat at the procurement table by way of executive orders, resolutions and ordinances mandating significant percentages of government advertising be placed in small local media.

There is now incredible potential for publishers to make huge gains increasing their share of this massive category of advertising, as attention from a diverse coalition of local media, public interest groups, journalism schools and even governments, themselves, are now scrutinizing existing media spends for equity, inclusion and efficacy. Groundbreaking studies are beginning to tally the size, scope and distribution of public advertising expenditures, and in short: there's a fortune — and today it goes primarily to big media and big tech. Until now, the vast bounty of taxpayer funded government advertising has been placed by force of habit and ease of placement by governments and their agencies.

But with data showing that states like New York place less than 3% of their budgets in small media with unique audiences, while big media continues to consolidate and stripmine community coverage, and digital ad fraud surpasses \$85 billion, policymakers and shapers are galvanizing meaningfully around formally redirecting large portions of this existing advertising back to truly

local news enterprises. National non-profit organizations are also lending invaluable support raising awareness, providing extensive research, best practices and model legislation. One such national alliance, Rebuilding Local News, spearheaded by the media veteran who lead the Federal Communications Commission inquiry and report on the Future of Media which our industry was involved with shaping, just released a robust and actionable policy toolkit to democratize government advertising back to truly local. The potential for ACP members is beyond extraordinary as critical forces are truly aligning in our favor, so much so that it would be professionally negligent not to engage in these efforts now underway for 2024.

FEDERAL LEGISLATION TO SUPPORT LOCAL MEDIA AND SMALL BUSINESS

While Congress is notorious for dysfunction on a good day, there are rare moments when bipartisan consensus legislation can actually grind through the sausage factory and into law. The optimal conditions for such happenings require stars aligning around agreed-to problems that are simultaneously local and universal, policy prescriptions that are bipartisan and not magnets for controversy, offer promise of meaningful impact back home with key constituencies — and have the full throated support and active, persistent championing of stakeholders most likely to benefit.

The bipartisan Community News and Small Business Support Act (H.R. 4756) introduced by Reps. Claudia Tenney, a Republican from upstate New York, and Suzan DelBene, a Democrat from Washington, is the unicorn of federal legislation that checks all the boxes described above. It is a simple, painstakingly crafted policy framework we had a voice in shaping that amends tax code to provide modest yet meaningful tax credits to legitimate, small local news enterprises to hire and retain staff dedicated to local news production — and tax credits to local small

businesses to advertise in the same truly local media.

This legislation, if enacted in current form as introduced, would provide a tremendous reinvestment of our existing tax obligations back into community publisher operations — while simultaneously stimulating our small business communities to advertise and grow in local, circular economy efforts. H.R. 4756 is starting to build momentum, gaining cosponsors and public attention — even as it competes with proposals favored and lobbied hard by big media that do little to nothing to help the majority of small media. If our publishing peers engage with collective voice, and educate our small business advertisers into the gathering grassroots movement in support of regenerating local news and shopping small, we really can make public policy into law that serves local news, commerce and community happen in 2024 and beyond.

Government will always just happen to us if we don't even try to make a difference. Not attempting to claim our seats at the table of public policy ensures that we'll continue to be on the menu for others. What you have just read if you made it this far is a snapshot of most promising public policy developments advancing our industry's collective interests happening largely without our direct engagement as we look ahead to 2024. Each of us has every reason to at least do our individual parts in bigger efforts to capture local advertising dollars. Public policy matters more than ever in 2024. ■

Jim Haigh is a community publishing veteran, successfully growing hometown weeklies, serving leadership roles in industry association boards of directors, and for years lead public policy and advocacy efforts for community publishers before local, state, regional and federal government. He is open to connecting on LinkedIn, and can be reached for serious inquiries about community publisher efforts to advance meaningful public policy at: jimhaigh@rcn.com

ADDITIONAL RESOURCES

PNRC – Reference PDF

Best Practices for Public Notice

By Public Notice Resource Center

This guide for publishers describes basic activities essential to publications keeping a strong position in providing public notices to their communities. The link is to a downloadable PDF file on the PNRC website.



PNRC – Reference Links

General Laws Regarding Public Notice – State by State LINKS

By Public Notice Resource Center

This one-source center for finding a link to the actual legislation related to public notice requirements in each state is a great resource. The PNRC also does a good job keeping these links up-to-date.



PNRC – Resource Page

Laws Governing Ordinances – By State

By Public Notice Resource Center

Many states have their own laws related to the enactment, recording and publication of ordinances and resolutions. Although not every state is not included, the PNRC has built a solid collection of information.



PNRC – Resource Page

Rate Laws – By State

By Public Notice Resource Center

Rate laws related to the amount that can be charged for public notices vary from state to state with some not having specific legislation. This listing offers information for related to if each state has a law and information on those that do.



PNRC – Resource Page

Web Posting Laws

By Public Notice Resource Center

Not all states have addressed the issue of web posting for public notices, but this list includes 19 that have and provides links and information on each of those state's approved laws.



ADDITIONAL RESOURCES

PNRC – Reference PDF

Public Notice: An American Tradition

By Public Notice Resource Center

This downloadable PDF of a 32 page pamphlet that covers the history, essential elements, types and reasons why public notices should continue to be carrier by newspapers.



New York Times – Article

How Local Officials Seek Revenge on Their Hometown Newspapers

By Emily Flitter

More information on the background and details of the ongoing issue between The Reporter in Delhi, NY and the Delaware County government.



New York Times – Article

Philanthropies Pledge \$500 Million to Address Crisis in Local News

By Katie Robertson

This article looks at the Press Forward initiative being offered the MacArthur Foundation. Press Forward is about using \$500 million to fund grants that support struggling local newsrooms.



PBS News Hour – Video

The connections between decline of local news and growing political division

By Judy Woodruff, Sarah Clune Hartman and Frank Carlson

This 11:28 video provides interesting details of the struggle small community papers are in to continue to provide local news in their community. It is part of a larger series presented by Judy Woodruff: America at a Crossroad.



Newest addition for your “Advertiser Help Page” Listings

iBrand Studio – Article

Which Colors You Should Avoid in Your Ads To Gain Success?

This informative read walks through how color can play a roll in print advertising and marketing. There are some great dos and don'ts to maximize opportunity for success.



A WALK DOWN MEMORY LANE

SUCCESS RELIES ON BUILDING COMMUNITY

BY FRED JACOBS

The success of my family's 80-year publishing business mirrors that of probably any newspaper that thrived during the turn-of-the-century Golden Age of Newspapers.

American soldiers came home to a proud nation following both World War I and World War II. Their communities embraced them and newspapers thrived amongst the country's longing to unite and to celebrate a shared gratitude and commitment to each other.

Though perspectives on dates vary, it's said that newspapers enjoyed a "Golden Age" through nearly the entire 1900s. Nearly every community had some form of newspaper publication; major cities had multiple daily newspapers. Some, including our neighboring Grand Rapids, even had morning and evening editions.

Like many men of the day, my father, Mel Jacobs, left his small restaurant business in the 1940s to join the defense industry at machine company E.W. Bliss in Hastings, MI before assisting the Eaton Corp. in Battle Creek to draw up time and motion plans for more productive machine placement and output. Drawing on his early publishing days when he had printed an advertising bulletin for local businesses in Hastings, Mel was led to print a German language newspaper for World War II prisoners of war being held at Ft. Custer in Battle Creek. He also published another paper for American GIs in training there.

After the war, Mel realized the vital work of newspapers in building community and, after purchasing the *Hastings Reminder* from the Swift family whose heir was killed in the war action, he and my mother, Alice, built a small garage beside the family



home in downtown Hastings and put the entire family to work.

The Reminder was the area's first "shopper" publication and, over the years, it became one of the most successful community papers in the nation. It was honored 12 consecutive years by Circulation Verification Council with the Gold Standard Award as one of the top 1 percent in the nation for receivership and readership. *The Hastings Banner* entered the Michigan Journalism 'Hall of Fame' by winning the Wade H. McCree Jr. Award for the Advancement of Justice with our coverage of "Family faces crisis under insurance reforms." These with numerous other acknowledgements have given us the satisfaction of knowing that our community news coverage is important to our readers.

The Jacobs children – Joyce, John, Steve, and I – quickly found our place in the business in those early days and developed a lifelong love for the publishing industry. When our parents purchased the *Community Ad-Visor* in Marshall in 1969, John

served as publisher for over 40 years. Joyce stepped into a similar position when the company purchased a small paper in Battle Creek that it was instrumental in starting. In 1976, when the original owners decided to sell, we stepped in and positioned the *Shopper News* as a perfect geographic location between our Hastings and Marshall operations. All followed the successful "community newspaper" format with strong advertising carrying the opportunity to also carry positive community news.

With its publishing success, the company acknowledged the need for more space. In 1969, after 24 years of publishing from the home garage, the company moved production to a farm north of town and established an office in a downtown Hastings storefront. Eight years later, we combined all operations at the farm location just north of the city and officially christened ourselves with the present J-Ad Graphics name.

As we grew, so did the publishing industry. Thanks to a 17-unit Mercury Press and its state-of-the-art

A WALK DOWN MEMORY LANE

platemaking system, J-Ad Graphics is now the printing home of over 40 different publications including its own fleet of newspapers that reach 140,000 households each week. The company also provides custom printing, publishing, and graphic design services for both print and digital media.

My dad understood newspapers and, in those first years, had to do it all. He'd sell the ads, set the pages, and print the paper. Most papers at that time were printed hot metal or mimeograph but Dad, with his flair for design, didn't want to face the awful problem of making an engraving for every cut in the ad, so he wanted to go offset. That was a new concept in printing, laying out the pages and shooting them graphically from which you could make plates to print.

Our mom, who was a full-time beauty operator, could see that Dad had great skills in production, but selling ads took too much of his time. She gave up her beauty business to take over advertising sales. If you knew Alice, you would know that she could sell ice to the Eskimos – she had a real knack for sales and together Mel and Alice built our future.

A rising tide lifts all boats, as the saying goes, and our success in helping retailers, non-profits, and our communities flourish quickly established our weekly publications at the center of our readers' hometowns.

Though our "shopper" publications added a number of community-related stories each week, our dad always had a keen eye for the "hard news" publication in our town, the *Hastings Banner*. In 1981, that newspaper was



Over the last two months, Carla Remney has fielded the same question quite often: "Is the library open yet?" Remney didn't blame people for asking — as the director, she was just as eager to reopen the Acornville Township Library. The small community library was closed to the public for quite a period due to a burst pipe that caused significant flooding and water damage. Last week, the library was back in business. The Reminders visited the library to chat about the efforts to rebuild it and how to get a little help from members of the community.

added to our fleet and we began to sink our teeth into the legal and hard news of the community.

Dad's basic newspapering principle — whether it be an advertising publication or a hard news publication — was that if we could sell a home, car, or a local service from the pages of our papers each week, we could also have an impact on the community and community events. Over the years, that became a tough line to walk. In fact, it took several years to determine how the *Reminder* and the *Banner* would survive in the marketplace. Many experts at the time thought we should combine them into one paper. We never did and we're glad that we didn't, though it's been an interesting and sometimes amusing ride.

“The world, including the newspaper industry, has changed and J-Ad Graphics like the publications it mirrored in the Golden Age of Newspapers is fighting to survive. We're doing it by staying true to the principles on which we were founded — family, devoted employees, and a community that's devoted to us.

My feelings back then had always been that a hard news publication should carry an opinion column, something I provide each week now. While working for my father, though, my attempts to do so were always met by his quiet and persistent demeanor that we should not write columns that might create local controversy. I continued to write columns and hand them to my father. He would read them, maybe make a comment or two, and then file them in his desk drawer. He told me that I didn't realize the impact my words might have on a person or a community.

After our dad passed away in 1995 and I was going through his desk, I found a folder of all those columns I had submitted to him. It was marked, "Dangerous Material."

Perspectives today have certainly changed. Today we're bombarded with far more dangerous material coming from social media and a culture of narcissistic indulgence that's eroding traditional cultural values.

The world, including the newspaper industry, has changed and J-Ad Graphics like the publications it mirrored in the Golden Age of Newspapers is fighting to survive. We're doing it by staying true to the principles on which we were founded — family, devoted employees, and a community that's devoted to us.

We're now in our third generation of leadership. Though my brother Steve passed away in 2013 and Joyce and John have retired, my three children, Jennifer, Carrie and Jon are now learning and helping me guide the business by the same principles on which Mel and Alice Jacobs stood.

We embrace the challenges and encourage every publisher in these buffeting winds to rely on community — communities which we help build. ■

Fred Jacobs is president and CEO of J-Ad Graphics, Inc. in Hastings, Michigan

RISING STAR



GET YOUNG PROFESSIONALS EXCITED ABOUT THIS INDUSTRY!

The ACP Rising Stars program is designed to honor individuals under the age of 36 who are emerging leaders in the community publication industry. This annual program will recognize up to 7 individuals who represent the best of our up-and-coming industry professionals. These individuals exemplify good character, leadership, and professionalism not only at work, but in the communities they serve.

NOMINEE QUALIFICATIONS

These individuals should show the promise of and a commitment to impacting their publication and the industry in a positive manner through professional achievement. Nominees must also show they not only perform their jobs to a high standard, but they also have a commitment to furthering their knowledge and abilities. Nominees must actively work in the free paper industry for a member or associate member of ACP and are required to have been employed for more than a year. Nominees must not be 36 prior to December 31, 2023.



RECOGNITION PROGRAM

Award recipients will be recognized in Publish Magazine, the official publication of ACP.

An awards presentation program will be conducted during the next national in-person conference celebrating the participants and their contributions to the program. All of the individuals participating are awarded free room, registration, meal plan, specialized training

sessions and up to \$500 in travel reimbursements to the next in-person conference.

ONGOING OPPORTUNITY

The ACP Rising Stars program does not end with the recognition program. Rising Stars will be asked to assist the various initiatives of the association on an ongoing basis for up to three years. ACP recognizes that we have much to learn from these talented young people and desires to use their skills to help us lead the free paper industry. In return for participation in regularly scheduled conference calls and for volunteering some time to assist with ACP initiatives, ACP will provide additional leadership development opportunities and the opportunity to attend future conferences for even more training. ■

The nomination deadline is December 15, 2023 and the nomination form is available at: <https://www.communitypublishers.com/rising-stars>

DON'T FORGET YOUR HIDDEN REVENUE



KARA IVISON

Of course we all want to know some big secret behind hidden revenues and how we can achieve them, personally or for your business. To be fair, I don't have that answer. My 'hidden revenue' here isn't actually hidden or a revenue.

I would argue gaining followers, the number of people watching your videos, and simply being present is just as important as finding a secret hidden revenue stream. My boss just reminded me of this quote from Woody Allen, "showing up is 80% of life." And I could not agree more.

Now, showing up can take many forms. My world revolves around digital at our company, so I see the importance of creating an online presence between your website, ads, and social media to know what's effective and what's not. For example, we're analyzing our hometown stories on a monthly basis to see what themes people are and aren't engaging with, as trends appear we tailor our content to articles people constantly want to engage with. Not only does driving traffic to your website provide insights into audience preferences, but it also translates into more pageviews, more banner ad impressions, the more revenue to your pocket.

However, let's not underestimate the importance of simply being present, as the saying says. Building connections to the community, being a household name, and being there holds just as much significance. In the case of our Home Magazine, we do everything we can to get our brand and faces out there—from hosting & sponsoring events to utilizing social media to even hand delivering our magazines. We are constantly working towards just showing up. Our commitment to 'showing up' may not fill our pockets but connecting to our advertisers and readers holds a different kind of appreciation—one that we might even consider a form of hidden revenue in itself. ■

Membership has its benefits - benefits you need!

EDUCATIONAL PROGRAMS
TLI CLASSES
PROFESSIONAL CERTIFICATIONS

REVENUE IDEA SHARING
IDEA EXCHANGES
OPEN PUBLISHER DISCUSSIONS

CIRCULATION AUDITS FROM CVC
BI-ANNUAL CIRCULATION AUDITS

INDUSTRYWIDE NETWORKING
VIRTUAL AND IN-PERSON EVENTS

acp
Association of Community Publishers
AND MUCH MORE JOIN TODAY!

Association of Community Publishers - 877-203-2327

The Leadership Institute (TLI) is a structured, industry specific sales and management training program sponsored by the Association of Community Publishers.



**OVER THE LAST
16 YEARS**

Over 2,500

INDUSTRY PROFESSIONALS
HAVE PARTICIPATED

140

CERTIFIED ADVERTISING
EXECUTIVE CERTIFICATIONS
AWARDED BY ACP

To learn more about taking advantage of TLI classes, the new-hire training sequence or Power Sales University through ACP, contact the ACP office at 877-203-2327.

““ There’s lot of randomness in the decisions people make.

— Daniel Kahneman

BY JIM BUSCH

My first selling job was a part-time gig pitching Knapp shoes while I was still in college. The *“How to Make a Fortune Selling Shoes”* booklet that came in my starter kit showed me how to demonstrate the superior features of Knapp shoes. I didn’t get rich selling shoes but it did help me make ends meet. For the next several decades, the sales training I received looked a lot like my shoe training—*“Let me tell you why my product is the best thing since sliced bread and why you’d be an idiot not to buy it from me.”* As I advanced in my career, my training began to tie benefits to those features—*“Here’s why my product is super great and how I think it will make your life so much better, so are you ready to buy or what?”* Amazingly, I didn’t close 100% of my prospects using these techniques. Of course, like all struggling salespeople, I blamed my territory—my sales approach would’ve been highly successful on the planet Vulcan. On Vulcan, all buying decisions would be based on pure logic—*“This product’s features meet all of our requirements so the rational choice is to purchase it.”* Human customers are much more like Captain Kirk than Mr. Spock. They base their decisions on emotions rather than on logic. This is the reason why customers tell us “Let me think about it” even after we’ve addressed all their concerns and answered all their questions. In recent years, behavioral scientists have used new technologies to study the human decision-making process. Functional Magnetic Resonance Imaging (fMRI) studies allow them to see which sections of the brain are engaged when a subject makes a decision. These studies found that when making a decision, the parts of the brain associated with emotions rather, than logic are fully engaged. What this means is, that salespeople need to dig much deeper to make a sale. Rather than focusing on our products, we need to talk to prospects about how they *“feel”* about advertising and our products. We need to understand their preexisting biases on these subjects. Salespeople would be well advised to read Daniel Kahneman’s *Thinking Fast and Slow* and Jonah Lehrer’s *How We Decide* to understand this process. These two books are very helpful in understanding what’s going on in our client’s very random brains. ■

MULTI-TASKING = MULTI-RISKING



BY JOHN FOUST
RALEIGH, NC

Joseph was talking to me about something he feels is important to the ad staff he manages. “These days, there’s a lot of talk about multi-tasking,” he said. “But according to what I’ve read on the subject, there’s no such thing. We can shift back and forth between tasks, but doing two tasks at once would be like putting a stick-shift car in first gear and second gear at the same time. It can’t be done.

“Sadly, multi-tasking is seen as a desirable skill,” Joseph explained. “I know a lot of people who claim it’s one of their greatest strengths. Some job descriptions even list it as a requirement. They just don’t understand that multi-tasking is an unrealistic cliché.”

Psychologists agree that a human being is not capable of doing two tasks at the same time. Sure, we can do two things that don’t compete for our focus (like carrying on a conversation while walking), but we can’t *concentrate* on more than one thing at a time. When we think we are multi-tasking, we are actually task-switching – moving quickly from one thing to another. Think of it as a fast shift between first and second gear.

“I think of multi-tasking as multi-risking,” Joseph said. “We’ve all seen YouTube videos of people walking into telephone poles and falling into fountains while they’re looking at their phones. And of course, we know that texting and driving is a lethal combination. Talking on the phone while driving is distracting

enough, but texting is stupid. It’s as dangerous as drunk driving.

“In the business world, trying to do two things at once might not put your life in danger, but it can cause mistakes. For example, if you try to write an email and talk on the phone at the same time, you’ll risk miscommunicating something to both parties. You can give one or the other your undivided attention, but not both. Even if you don’t make a mistake, it can be frustrating to the person on the other end to hear your keyboard clicking in the background.

“Trying to multi-task can also damage relationships,” he said. “I remember going to a luncheon which featured several presenters. The manager of one of the speakers was there to support her staff member, but spent the entire time looking down at her phone. Her seat was at the head table, right next to the lectern, so everyone in the audience could see that she wasn’t paying attention. A few days later, I ran into the speaker, and he told me that his manager’s actions showed that she obviously didn’t care about what he was saying, even though he was talking about the company where they both worked. Not surprisingly, a few months later he left to take another job.”

Joseph is right about multi-risking. When someone tries to concentrate on two important things at the same time, it creates a risk that is not worth taking. ■

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John Foust has conducted training programs for thousands of newspaper advertising professionals. Many ad departments are using his training videos to save time and get quick results from in-house training. E-mail for information: john@johnfoust.com

“Psychologists agree that a human being is not capable of doing two tasks at the same time. Sure, we can do two things that don’t compete for our focus (like carrying on a conversation while walking), but we can’t concentrate on more than one thing at a time.

Graphic Hooks

By Ellen Hanrahan

hanrahan.ln@att.net © 11/2023

Here we are, finishing the candy from Halloween and already we start with the craft fairs, cookie sales and all those other holiday events. These two ads ran years ago and have been modified only to fit this page. They ran as a 2 column by 5 inch ad in our paper. Same event, but what a difference a year makes. Putting in lots of artwork is not always a good idea. Organization and a single focal point make a big difference in the looks of these ads, plus, the “readability” level is greatly increased.

Ad A has not only the tree branch on the side but also cookie shapes at the upper right and lower bottom portion—too much art (and also too different in technique). The ad would be better and less distracting if those cookie shapes were eliminated (as you can see)—let the tree branch grab your attention. Simplify. **Ad B** uses a traditional holly leaf on the side. The star calls your attention to the text where all the information lines up, so it doesn't “bounce” all over the place—keep similar information together.

In the headline *Holiday Arts & Craft Show and Bake Sale*, we have five type size changes in **Ad A** alone. The text does not flow as one thought. Plus, the word “show” is on a separate line. It should read as *Arts & Crafts Show*—just one thought. Breaking up the text too much doesn't help to unify the idea. It only adds to the “visual clutter.”

There are now two type size changes in the headline of **Ad B**. “Holiday,” “and Bake Sale!,” and date/time are the same point size as well (although I changed “and” to an ampersand for unity).

The heading is now more cohesive and readability is improved, plus it has a more “crafty” visual feel. It also helps to keep most of the text aligned to help direct the reader to the appropriate information.

Another problem in **Ad A** is putting the name of the event sponsor in the black band at the bottom of the ad. It gets lost and there is the potential that an ad that runs below it may be in reverse. (Advertisers do love those reverse ads!) Anyway, the name will be lost due to the proximity of the ad below and the stark contrast is a bit too strong and separates the info from the body copy.

In **Ad B**, we moved the event sponsor to a slightly more prominent location. And with the information more organized in this ad, we were able to add a thicker border to help all the information stand out. You do not need to fill all the available space within the ad boundaries.

Typefaces used in **Ad A** are from the Times family and typefaces used in **Ad B** are *Hot Salsa* and *Kukulkan* from *Sudtipos Type* sudtipos.com

A lot more holiday ads... I'll demonstrate more flexible “holiday fill” options next month. By the way, now that Type 1 fonts are not supported by Adobe, I have more work to do when I “update” some of the older ads that I have done!

Vector Art

I love vector art! Some of these icons were from a group of ornamental graphics from a few years ago, but talk about multi-tasking, oh my! These would be perfect to use as a “fill.” The border has got to go, but the shapes are simple and easily recognizable, so are great for small ads and small spaces.

See the variations of use these vectors can provide.

In 2008 I used these art elements for a promotional piece as they were originally configured and let them be the “headers” for the categories and promotions that we were doing. They were simple, attention-getting and at a larger size effective in organizing and breaking up the text areas. (Wow! That was 15-years ago, and while pricing... and delivery... have changed, I believe that the flyer would still be viable!)



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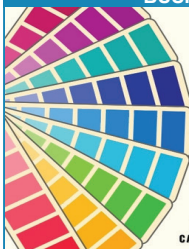


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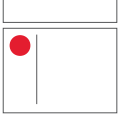
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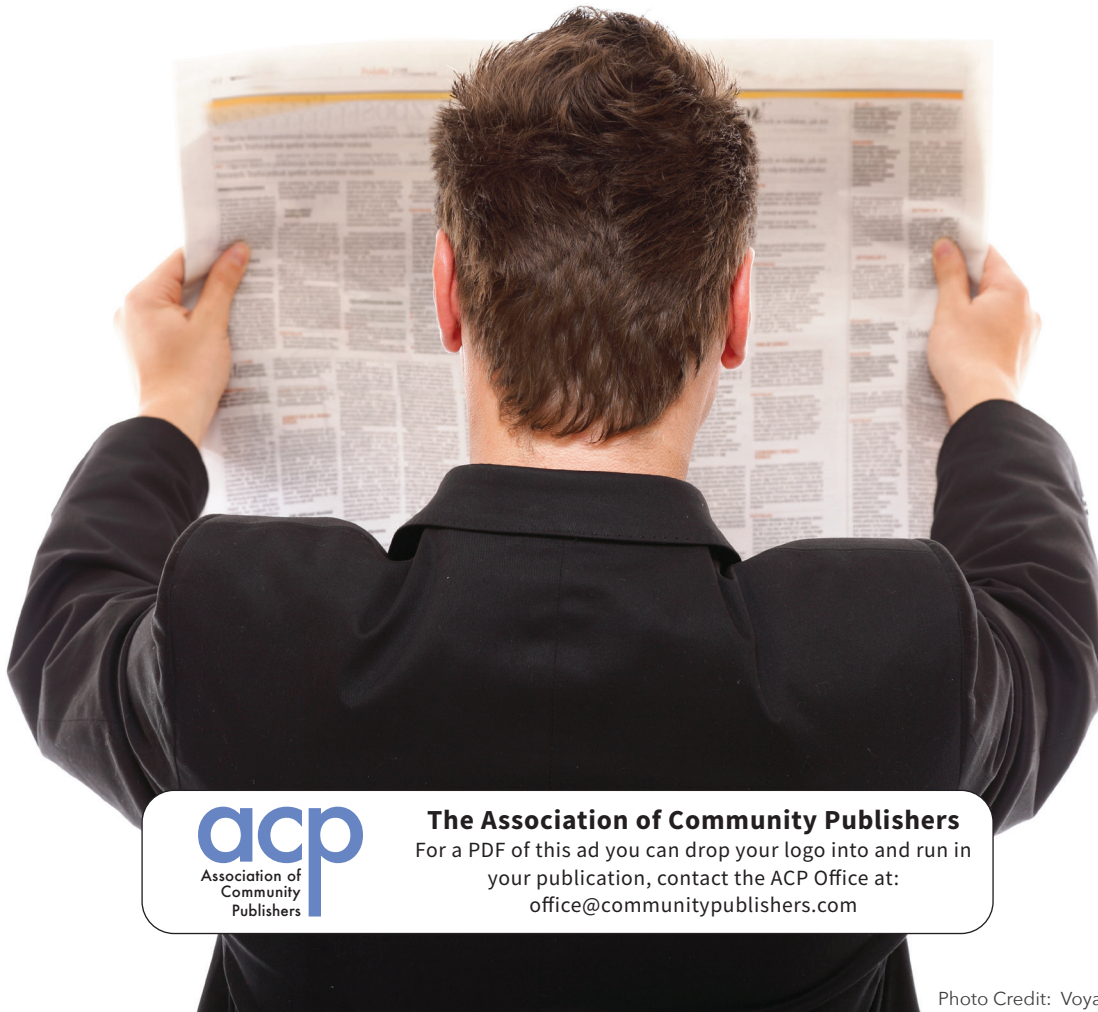
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