

Senate Bill 1638: Newspapers of Record

(SB1638 becomes law on July 1, 2019)

Key Changes Affecting Local Newspapers

Following are the changes that affect local newspapers as a result of the passage of Senate Bill 1638:

Requirements to qualify as a newspaper of record/newspaper of general circulation

- **Does the newspaper have a periodicals (formerly second-class) postal permit?**

If so, the newspaper must:

- Have a list of paying subscribers
- Have been published for at least 50 of the preceding 52 weeks (this previously was “24 consecutive weeks”)
- Provide general news coverage of the area for which the notice is intended
- Be printed in the English language
- Make a copy of its Annual USPS Statement of Ownership (Form 3526) available for public inspection during regular business hours (this is the form that all papers with periodicals permits must publish in the paper every October).

- **If the newspaper does NOT have a periodicals permit**, as before, it must seek approval from the local circuit court to be a newspaper of record for that particular jurisdiction. When seeking such approval, the only major changes are that the newspaper must:

- Demonstrate that it provides local news coverage in the area where it is seeking to be certified
- File a copy of its most recent circulation audit, which must have been completed within the preceding 24 months and include a breakdown of circulation by Zip Code. Affidavits that are filed in subsequent years must also include a copy of the most recent circulation audit.

The newspaper must also meet the requirements of having been published for 50 of the preceding 52 weeks and being printed in the English language.

All newspapers that publish public notices must follow these additional requirements:

1. Group public notices under a heading (“Public Notices,” “Legal Notices,” etc.) that is in at least 24-point type.
2. Maintain a three-year print archive that is accessible to the public upon request.
3. Post the complete notice on the newspaper’s website (in front of any paywall)
4. Include a link to its public notice section on the newspaper’s website homepage
5. All public notices must be uploaded to the VPA public notice website