



Introduction

Good morning, Chairman Caltagirone, Chairman Marsico, and members of the Judiciary Committee. My name is Martin Till, and I am the Chairman of the Pennsylvania Newspaper Association's Government Affairs Committee. I am also CEO, President and Publisher of Easton Publishing (Penn Jersey Advance), which publishes *The Express-Times* in Easton, four weekly newspapers and a number of specialty products. The company also owns three Internet sites, including pennlive.com and lehighvalleylive.com.

The Express-Times is a 50,000 circulation daily newspaper. It publishes three zoned editions (Bethlehem, Easton and New Jersey) and delivers to Lehigh and Northampton counties in Pennsylvania, Warren and Hunterdon counties in New Jersey.

Our company also publishes free publications/shoppers, including *The Us*, 20,000 circulation (mailed and store-stacked), *Mainstreet Marketplace*, 45,000 circulation (carrier delivered), *Exposed*, and *Homesource*.

Despite the fact that we own free publications, I am here today to explain why bills that would put public notices in shoppers or on government-run websites would be bad for Pennsylvania citizens, and to urge you to oppose these bills.

HB677 would allow government agencies to put public notices in "community papers of mass dissemination." These are printed publications that contain advertising and sometimes press releases. They are free to the public and can be mailed, thrown in driveways, or placed on street corners to be picked up. Our company owns these types of publications – and they are not right for public notices.

HB 795 (and SB419) would authorize government agencies to post public notices on government-run or contracted websites instead of newspapers. While Internet notice can and should supplement public notices published in newspapers, it cannot supplant it in today's society. There are still too many without Internet access, and there are still too many issues regarding accuracy, archiving, and permanency of Internet "records."

Public notices must remain in newspapers of general circulation

- **Bills that would put public notices in shoppers or on government-run websites would promote government secrecy and undermine the public's ability to hold government accountable for its actions.**
- **In order to be effective, public notices must have 4 elements:**
 - o **They must be disseminated to a broad range of people**
 - o **They must be published in a medium independent of the government**
 - o **They must be verifiable, so that citizens can satisfy themselves that proper notice was properly given; and**
 - o **They must be archived, so that they can be retrieved and verified in the future.**
- **Newspapers satisfy all of these elements. Neither shoppers nor Internet advertising alone can do so.**
- **Newspapers still provide the broadest, most consistent and documentable, dissemination**
 - Under current law, public notices are required for many projects undertaken by both private and public entities. Among other things, public notices:
 - Let citizens know when public meetings will be held;
 - Let businesses know about requests for proposals and the opportunity to bid on business;
 - Let citizens know that legislation is being considered that might affect them; and
 - Let people know that property is for sale as sheriffs' sales.
 - It is critical that public notices reach as wide an audience as possible and that interested members of the public know where to find them.
 - Shoppers may claim high circulation numbers, but they are, for the most part, unsolicited mail. They are often ignored or thrown away. They may be mailed, left in driveways, or stacked on street corners. What do you do with the shopper that is left in your driveway?
 - In contrast, newspapers are widely available to both individuals and businesses. They are delivered to homes and businesses, mailed, available in newsboxes and retail outlets, schools, libraries, and other public forums. Newspapers are also frequently read online at no cost to the public.

- In fact, despite the near constant “bad news” about newspapers, newspaper readership is strong. More Americans read printed newspapers than watch the Super Bowl. A 2008 National Newspaper Association survey showed that 86% of adults read a newspaper every week, 99% of readers read local news, and 59% of readers never read local news online. Newspapers and their Web sites reach a larger audience than ever before.
- People who pay for subscriptions to newspapers are also more likely to read them.
- Newspaper circulation is also verified by independent audit agencies, including the Audit Bureau of Circulation and the Certified Audit of Circulations. Shoppers are not subject to the same standards, and there is no way to verify actual readers. The mere fact that a shopper is mailed to 100,000 homes or prints 100,000 copies for distribution in restaurants and on street corners gives no information about how many people are actually reading it.
- On the issue of moving all public notices to the Internet, there are real access problems. U.S. Census Bureau studies showed that in 2007, 30% of Pennsylvania residents lacked internet access. That figure was even higher for the elderly, for low-income residents, and for those with less education. Similarly, the Census Bureau indicated that 40% of the residents in Pennsylvania’s major urban centers lack internet access.
- Placing a notice on a government-run website is tantamount to shielding it from public view, as web traffic to local government websites is very low. Web traffic calculator websites confirm that the number of persons viewing newspaper websites dwarfs many municipal websites by at least ten times.
- Finally, newspapers are already publishing Internet notices. Pennsylvania newspapers have been uploading public notices – **at no cost to government agencies** - onto the Internet, at www.MyPublicNotices.com, since 1999. Over 90 Pennsylvania newspapers participate in My Public Notices, covering 80% of the state geographically (limited somewhat by broadband/Internet limitations in some areas).
- Putting public notices in shoppers or on a myriad of government Websites is tantamount to “hiding” information. It would favor individuals or businesses that are “in the know” and would open

government bidding and other actions to abuse and charges of cronyism. Controversial actions could easily be hidden in the pages of a pennysaver or a newly created government website.

- **Newspaper notices are independent of government**
- Government-controlled notice programs, such as that proposed in HB795 and SB419, are fundamentally flawed. They are not independent of the political forces that run them, making them vulnerable to claims of cronyism and worse.
- Allowing government agencies to control and post Internet notices would eliminate any independent verification and would expand government in a costly and inefficient manner.
- **Newspapers notices are verifiable and archived**
- Newspapers provide an independent, third-party verification that notices were published in accordance with the law. Neither shoppers nor Internet advertising alone can do the same.
- When a notice runs, a newspaper provides an affidavit. If someone has to prove in court that the proper due process was afforded, that affidavit and the witness behind it help the courts review the record. Tampering with this is risking due process. Even if a website could print a form, is the webmaster going to come to court and testify about it?
- Libraries and newspapers maintain bound volumes or microfilmed copies of editions for historical reference and verification. Shoppers are not designed for this purpose, and have no shelf life or historical value.
- Internet websites are vulnerable to manipulation, loss of content and technological change. As a result, they cannot easily provide a reliable, enduring record.

Conclusion

Public notices in newspapers are part of the three-legged stool of government accountability. Open records laws guarantee the public's right to review past and present government actions. Open meetings laws guarantee the public's right to witness and participate in current government discussions and decisions. And public notices guarantee the public's right to be notified before government takes action that will affect their property, taxes, or other parts of their lives.

Last year, the Pennsylvania legislature took a significant step forward and confirmed its commitment to open government with the passage of Act 3, which overhauled the state's open records law. This session, you are moving a bill that would strengthen the open meetings law by increasing penalties for violations. For all of the reasons I have

discussed, it would be a very large step in the wrong direction – and away from government openness and accountability – to take public notices out of newspapers of general circulation, to “hide” them in pennysavers, shoppers, or a myriad of government-run Websites.

Are newspapers a business? Yes. Do they receive money for publishing public notices? Of course. But the benefit of having an independent, verifiable, archived, community-based repository of meeting notices, zoning changes, and lists of unclaimed property (among others) cannot be overstated. Newspapers, more than perhaps any other business, serve the public interest by informing the public about government activities and spending. They accomplish this by pushing for greater access to government, fighting for public records, covering local meetings and court proceedings, and by publishing public notices in their pages. Public notices belong in newspapers.

Thank you for your time and consideration this morning, and I am happy to take any questions you may have.