



**TESTIMONY ON
SUNSHINE LAW LEGAL ADVERTISING REQUIREMENTS**

Presented to the House Local Government Committee

By
Commissioner Daryl Miller, Bradford County

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Thank you for the opportunity to testify before the House Local Government Committee today. I am Daryl Miller, Bradford County commissioner and have been serving my county for 9 1/2 years. I am pleased to present on behalf of the County Commissioners Association of Pennsylvania today and share our support for increasing legal advertising options for counties.

The County Commissioners Association of Pennsylvania (CCAP) is a non-profit, non-partisan association representing the commonwealth's 67 counties and I appreciate the opportunity to offer remarks today in support of House Bill 955. This legislation would provide a menu of options for local governments to modernize advertising requirements and provide savings to local governments, while increasing options for notice availability to our communities.

Our Association has for many years advocated for legislation that would allow local governments the ability to electronically publish legal notices in lieu of newspaper advertisements as the sole option. Giving local government more options and flexibility can lead to better outcomes for notification timeliness and transparency in our communities, can have a broader reach and will save taxpayer money.

Transparency and Outreach

Not only can electronic advertising already reach a wider audience and over the coming years will continue to do so, but the availability of newspapers publishing for print circulation regularly is dwindling, making timely and widespread advertising increasingly challenging. By way of data, a 2016 State of the News Media report by the Pew Research Center showed that print circulation declined by nine percent from 2010 to 2015, while digital circulation increased by two percent. Providing options to counties allows us to make the best choices within our communities, thereby serving our interest in the broadest possible dissemination of our meeting, legal, and contracting notices. The Pew Center also found that as of early 2016, just two in ten adults often get news from print newspapers, falling from 27 percent in 2013. At the same time, 38 percent often get news online, and most of those who prefer to read their news now opt to get it online instead of in print (59 percent, compared with 26 percent of readers who opt for print).

Electronic advertising can also get word out more quickly. Many counties are no longer served by daily markets, and even at the Capitol, it can take as long as four days from sending notice to the print media to its publication. Electronic publication can be as quick as formatting the page on a website. Furthermore, electronic advertising offers features not available in the print media – some counties have available subscription to automatic e-mail or RSS notices when a notice page is updated, most county sites are searchable, and pages can be tagged to facilitate their detection by search engines so that individuals and corporations, within and even outside our jurisdiction, can discover notices on topics, meetings, or contracts of particular interest.

Even more, the last year has showed us all how important online operations are to the continued ability of local governments to continue to offer transparency and accountability to their constituents. Far from reducing public outreach and access, moving public meetings online, for instance, often increased the ability of individuals to participate. For example, Bradford County now has over 4,000 followers on Facebook, and in fact, many counties anticipate

keeping some form of online access available even after the COVID-19 pandemic. We also saw an increase in the number of residents going online to access services, file documents, pay fees and so on, all items that have now become a regular matter of course in our everyday lives.

To that end, counties were already using electronic communication, such as websites, email and social media, to reach their residents because they have found it to be an effective way to provide information and be transparent about county government. And after the last year, with so many Pennsylvanians working and being educated from home for at least some period of time and many government operations going digital, including the General Assembly, we would anticipate both the data in consumption of online news media and government communication with constituents to have risen sharply.

Cost-effectiveness

In addition to increasing transparency and outreach to our residents, the cost savings associated with electronic options for advertising helps us to be better stewards of our limited taxpayer dollars. County costs for the placement of legal ads continue to increase at a time when all levels of government are looking for the most effective ways to use limited resources. Bradford County currently spends about \$60,000 a year on advertisements.

Continuing to mandate legal notice publication in general circulation newspapers fails to recognize how technology has changed the way in which people receive their news and how counties have adapted and benefited from the use of technology. It also requires local governments to pay the associated costs of print advertisements, even if comparable or increased notification could be provided at lower cost. It has been noted that Pennsylvania's newspapers already fund a searchable, updated public notice database at no public expense. However, the only way for a notice to appear on this database is if a local government takes on the public expense of paying the advertising rates for print publication in the first place.

For these reasons, CCAP and the counties across the commonwealth believe that HB 955 provides an appropriate and customizable approach to meeting legal notice requirements in a way that also works for Pennsylvanians in 2021 and beyond. Counties should have the option to advertise in the way they feel is most responsive to their communities' preferences and needs. Furthermore, there is nothing in HB 955 that prohibits publication of advertisements in a general circulation newspaper nor requires exclusively online advertising and this is the kind of flexibility counties need to best serve their residents. Not only will this lower public costs and still achieve the intended government transparency purposes, but it, in fact, will likely make the information more readily accessible at the push of a button, 24 hours a day, seven days a week.

Thank you again for the opportunity to testify today and your consideration of these comments. I would be pleased to answer any questions you may have.