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Government Relations Toolbox

Help defend paid public notices

By Al Cross

The financial pressures of the news industry have made journalists much more aware of the business side that supports our journalism. But some journalists need to know more about an important part of the business that also helps inform citizens and helps us find stories: public-notice advertising in newspapers. Paid public notice is under threat, and SPJ members and chapters need to help defend it.

You may know public notices as “legal ads,” because they are required by law, they can be part of court process, and classified sections often use “legal notices” as the heading. But public notices also include display ads and encompass a wide range of important information: government budgets, financial statements, audits, local ordinances, hearings, environmental permit applications, water-system reports, foreclosure sales and more.

Public notices are a necessary leg of the three-legged stool of open government, along with open-records and open-meetings laws. But local governments are lobbying state legislatures to eliminate or reduce newspaper publication of legal notices, arguing that it would be much cheaper for taxpayers if they’re published on government websites, and just as effective.

The second half of that argument is an assumption, and repeated research shows that it’s incorrect. Polls by the Donald W. Reynolds Journalism Institute at the University of Missouri have found that citizens are unlikely to surf government sites for public notices, while they do report reading them often in newspapers. Also, many Americans lack broadband or access to it, and Internet adoption appears to be leveling off, indicating that some Americans will never be online.

Public notices can provide tips for news stories and are a significant source of revenue for many newspapers, especially county-seat weeklies, so their reduction or elimination could lead to fewer jobs in journalism, and less journalism.

State newspaper associations are lobbying hard against efforts to reduce public notice. They have not always been successful, most notably in Ohio, where public notice was scaled back significantly in the 2011 legislature. Because the economic recovery is slow and stimulus dollars are gone, state and local governments will be under even more pressure to cut expenses, and public notice is likely to be an even greater target — especially for those public officials who don’t get along with their local papers.

Unfortunately, some journalists who cover this issue lack necessary knowledge. Mark Thomas of the Oklahoma Press Association reported last year, “I was stunned a couple of months ago when we were fighting off two legal-notice bills by the counties. I was interviewed many times by reporters. Not only were longtime reporters a bit ignorant of public notice and its role in the entire process, but the newbie reporters were completely clueless.

“One reporter (at least) called back to ask me if newspapers get paid for these notices and how that worked. That was when I was stunned and a little depressed about our future.

“The paper does get money, but this is different than learning about how the car business works because auto dealers advertise. These notices are an important part of the three-legged stool, to use your example. They love to crow about how much they know and defend open meetings and records, but are completely silent on knowing about public notices. In fact, when they learn the newspaper gets paid for the notices, they actually run the other way in disgust.”

SPJ members and chapters should make an effort to educate journalists about the issue of public notice. The recent Federal Communications Commission report on the future of local news recognized a governmental responsibility to support activities that encourage transparency and accountability, saying the federal government should consider steering some of its advertising to local news outlets to support their journalism.

In addition to educating journalists about the issue, SPJ chapters should consider joining newspapers in lobbying against elimination or reduction of public notices. We can help generate and shore up support for public notice, because our organization has no direct financial interest in such issues. This is a case where a business issue for newspapers is also a freedom of information issue for journalists, and we should be informed and involved.

For more information, contact me at al.cross@uky.edu or go to the Public Notice Resource Center website.