

## Keep the Light on Public Notices in Virginia Newspapers

Virginians strongly support the principle of the public's right to know.

Virginians believe it is important to place public notices in newspapers.

Virginians would read public notices less frequently and with less trust if these appeared only on government websites.

These are the key results of a recent survey, examining the views of 500 adult Virginians about the principle of the public's right to know and the placement of public notices, conducted by DecideSmart for the Virginia Press Association (VPA).

The VPA, a longtime advocate for the public's right to know, commissioned the survey as an independent method of gauging Virginians' support of the public's right to know and their thoughts on the placement of public notices, which for more than 200 years have been published in newspapers.

A public notice is a formal announcement or warning that is legally required to be published as an advertisement in a paid-circulation newspaper. It helps citizens learn about plans and actions that will impact them and their community. Public notices may be published for a variety of reasons, including business and licensing matters, public meetings, zoning, requests for proposals, local government matters and elections.

By publishing notices in newspapers, government serves the public's right to know and maintains its own transparency. Newspapers are a reliable, accessible form of circulating public notices to the public and provide an archival record of government actions.

Since early September, the VPA has been conducting a campaign, "Keep the Light on Public Notices," to increase Virginians' awareness of public notices in newspapers.

Elected officials, however, have proposed taking public notices out of independent newspapers and posting them only on government websites, giving government control over what the public is allowed to know. Instead of reading notices in newspapers that are delivered on a regular schedule, citizens would have to search for notices on websites, a practice that would be even more difficult for those who lack computer access. The principles of the public's right to know and of government's accountability to its citizens would be threatened.

The survey results, outlined below, demonstrate that Virginians are overwhelmingly committed to the principle of their right to know, expect government to act transparently, trust newspapers more than government websites as sources of information and would read public notices much less often if they appeared only on government websites.

Virginians are very committed to the principle of the public's right to know what their government is doing and planning.

- 97% of the respondents in the survey said that the principle of the public's right to know what their government is doing and planning is either very important (79%) or somewhat important (18%).

- Only 3% of respondents reported that it is not so important (2%) or not important or not important at all (1%) to them.

- 94% of respondents said that keeping the citizenry informed of public notices/legal advertisements in newspapers is an important function of government agencies.

Del. Riley E. Ingram (R-Hopewell), chairman of the House Committee on Counties, Cities and Towns, said, "The survey results strongly confirm my experience that Virginians expect the activities of government to be conducted openly, fairly and transparently. Virginians clearly have a deep commitment to the fundamental principles of democratic governance. Newspapers, both daily and weekly, continue to have a prominent role in the maintenance of these principles throughout Virginia's communities."

Virginians would read public notices less frequently if these were placed only on government websites.

- 63% of respondents said that they would read public notices much less often (36%) or less often (27%) if these were placed only on government websites.

- Only 16% of respondents said that they would read public notices much more often (4%) or more often (12%) if these were placed only on government websites.

- 72% of respondents have not gone to a government website to read a public notice..

Removing public notices and legal advertisements from newspapers would reduce citizens' public access to the workings of their government and would penalize small business owners across Virginia who depend upon community newspapers for fair access to contracting opportunities.

"I see any move to put all legal notices solely online as yet another impediment to maintaining (and dealing with the consequences of) an informed citizenry," said Goochland County resident Linda Sasser. "I depend on the weekly Goochland Gazette for information regarding the Board of Supervisors, Planning Commission, and other local and state regulatory agencies, their hearings, the public response window and so forth. The information is sometimes difficult to locate, but it is there and available to clip, calendar, consider and respond to."

Virginians have more trust in public notices placed in newspapers than on government websites.

The survey asked respondents to rate the level of trust and credibility they had in public notices that appeared on government websites and those that appeared in newspapers.

- 52% of respondents gave public notices printed in newspapers one of the two highest ratings on the trust and credibility scale compared to 31% of respondents who gave public notices printed on government websites one of the two highest ratings on the same scale.

These results show that Virginians continue to understand that the newspapers serving their communities perform a very important role in providing independent verification and establishing a permanent record of the information that government provides citizens.

For additional information about the survey, please contact VPA Executive Director Ginger Stanley at 804-521-7575 [begin\\_of\\_the\\_skype\\_highlighting](#) 804-521-7575 [end\\_of\\_the\\_skype\\_highlighting](#), [gingers@vpa.net](mailto:gingers@vpa.net), or Bob Holsworth, Ph.D., of DecideSmart, 804-665-1180 [begin\\_of\\_the\\_skype\\_highlighting](#) 804-665-1180 [end\\_of\\_the\\_skype\\_highlighting](#), [bholsworth@decidesmart.com](mailto:bholsworth@decidesmart.com).

Methodology Statement: The results of the poll are based on landline telephone and cell phone interviews conducted October 27-November 1, 2011, of adult Virginians 18 years of age and over. Live interviewing and sampling was conducted by the Interviewing Service of America. The final number of completed surveys in the sample was 501 with a resulting margin of error of +/- 4.4%. The margin of error for the sub groups of registered and nonregistered voters is larger due to smaller sample sizes. In addition to sampling error, the other potential sources of error include non-response, question wording, and interviewer error. Percentages may not equal 100 due to rounding. The poll was designed utilizing questions that had previously appeared on other state-based surveys and analyzed by Bob Holsworth, Ph.D., of DecideSmart.

#### HOW YOU CAN GET INVOLVED:

Taking public notices out of community-based newspapers and posting them only on government websites would affect the majority of Virginians. That's why VPA commissioned an independent survey, to ascertain Virginians' thoughts and attitudes regarding the principles of the public's right to know and government transparency, because this movement is much more than merely a "VPA fight."

It's a movement on behalf of Virginia's citizens, to keep them informed of what their government is planning.

It's a movement that aims to keep government accountable to the people.

It's a movement that we invite the people of Virginia to join.

How can you participate? Write, speak, send and spread!

- \* You can write your legislators in the House of Delegates and Senate of Virginia, as well as Governor McDonnell, to offer support for public notices in newspapers. A sample letter is included below.

- \* You can speak before General Assembly committees during the legislative session, to tell legislators firsthand about the impact of public notices (or lack thereof) on their lives. Contact Ginger Stanley at [gingers@vpa.net](mailto:gingers@vpa.net) or 804-521-7575 `begin_of_the_skype_highlighting` 804-521-7575 `end_of_the_skype_highlighting`.

- \* You can write an account, if you prefer, and send it to VPA; the VPA legislative team will ensure it is seen and heard by legislators.

- \* You can help VPA spread the word in your community with talking points, facts and figures.

Here's a sample letter to elected officials that appeared in the September 25 edition of the Richmond Times-Dispatch:

Dear (legislator's name):

I am against government removing public notices from newspapers. Please do not support any bill to do so. I will be watching you. Keep the light on government transparency. I am a newspaper reader and want my information published there. Thank you.

Contact information for members of the General Assembly may be found on the Virginia Legislative Information System at <http://lis.virginia.gov>.

## QUESTIONS, ANSWERS AND TALKING POINTS

- Questions and Answers: <http://www.vpa.net/images/pdf/PublicNoticeQ&A.pdf>
- Talking Points: <http://www.vpa.net/images/pdf/PublicNoticeTalkingPoints.pdf>
- Dangers and Defenses: <http://www.vpa.net/images/pdf/PNDangersandDefenses.pdf>

## READ MORE ABOUT PUBLIC NOTICES!

- "Newspapers protect public's right to know," Richmond Times-Dispatch, 9/25/11:  
<http://www2.timesdispatch.com/news/commentary/2011/sep/25/tdcomm04-newspapers-protect-publics-right-to-know--ar-1332889/>
- "Print can provide permanent, public record," Richmond Times-Dispatch, 10/23/11:  
<http://www2.timesdispatch.com/news/commentary/2011/oct/23/tdcomm01-legal-notices-print-can-provide-permanent-ar-1401029/>
- "Poll: Public wants notices in newspapers," Richmond Times-Dispatch, 11/16/11:  
<http://www2.timesdispatch.com/news/rtd-opinion/2011/nov/20/tdopin01-public-notice-ar-1469715/>
- "Open Government: Public notice," Richmond Times-Dispatch, 11/20/11:  
<http://www2.timesdispatch.com/news/rtd-opinion/2011/nov/20/tdopin01-public-notice-ar-1469715/>

What happens when public notices aren't published in newspapers? Here's a firsthand account by Doug Harwood of the Rockbridge Advocate in Lexington:

The City of Lexington recently began to install back-flow prevention devices in the water lines going to all residences. The devices necessitate homeowners to install an overflow tank on their water heaters, unless they want their plumbing systems to burst.

The city put notices in some water bills. But mostly, it relied on an Internet e-mail and texting alert system (Rockbridge Alert) and a notice on the city's web page to notify customers.

At least a dozen citizens are now reporting serious damage to their pipes and houses due to burst pipes caused by the backflow-prevention devices. None of them had any idea that they had to have the expansion tanks installed.

We're not talking dummies. Some of the victims are among the most literate and civic-minded folks in town.

The city did not take out ads in any of the three local papers warning residents.

From all I have heard, hardly anyone knew anything about it until the bursting pipes news was reported in the paper.

Now citizens are raising a fuss.

Surprise, surprise, most citizens do not regularly look at their governments' websites. Many citizens don't even know the sites exist.

But they all know about the papers.

(As for the alerts, there are so many that most of us simply ignore them, or have turned them off to save money -- the texts can rack up phone bills)

I hope that little incident will be useful. It just happened here.

Has a similar situation arisen in your community? If so, please let VPA know.

## DID YOU KNOW?

- Newspapers remain the most read, most reliable place to read and establish legal proof of public notices. More than 71% of U.S. adults, or nearly 166 million people, read a newspaper in print or online in the past week.

- A survey by the Pew Research Center found that while only 67% of survey respondents had visited a government website, 75% had visited news websites. More than half of the survey participants got their news from local papers or online news sites.

- A recent survey of news consumers by the Pew Research Center and the Knight Foundation reveals that newspapers and newspaper websites are the main source for topics including local government updates, zoning news and crime reports, although TV is the main source for weather, traffic and breaking news.

- According to the Public Notice Resource Center (PNRC), 56% of the U.S. adult population has never viewed a government website and less than 10% of the U.S. population views a government website on a daily basis.

- The Public Notice Resource Center notes there are four key elements to a valid public notice: "It should be executed by an entity outside the one mandated to provide notice, so proper checks and balances are in place. So it should be independent. It should be findable after it is issued so historians, archivists and even attorneys seeking proof for a lawsuit are able to obtain it. So it should be archivable. It should carry with it a document attesting to its validity, such as a newspaper affidavit. So it should be verifiable. And it should be easily available to all segments of the citizenry, so it should be accessible."

- How long have public notices been around? Early civilizations posted notices in public squares. When the first modern English language newspaper, the Oxford Gazette, was published in 1665, it became the medium of choice. Renamed the London Gazette, the paper carried notices from the royal court and government officials. Publishing notices in newspapers crossed the ocean to the American colonies. In 1789, the Acts of the First Session of the First Congress required the Secretary of State to publish all bills, orders, resolutions and congressional votes in at least three publicly available newspapers. (PNRC)

- In 2007, the U.S. District Court for the Eastern District of California found no authority supporting the proposition that due process requirements are satisfied when a newspaper notice simply invites readers to check websites for information regarding state seizures of their property instead of publishing the entire notice in the newspaper. The court went on to enjoin enforcement of California's Unclaimed Property Law until the state provided constitutionally adequate notice

to property holders whose property was at risk for escheatment to the state. Legislation restoring newspaper notice was passed later that year. (PNRC)

•How safe are government websites? In October 2007, hackers attacked a county government website in California and redirected users to a pornographic site. The incident caused the federal government to shut down all government websites in California for a period of time. In August 2010, the Commonwealth of Virginia had an Internet outage that lasted a week and affected multiple state agency websites. Hacking, cyberattacks, Internet outages and the like can happen to any website. Newspapers, however, provide a tangible paper record, even if their websites go down. Websites crash; newspapers don't.

#### RESOURCES FOR VPA MEMBERS:

[http://www.vpa.net/index.php/membership/article/keep\\_the\\_light\\_on\\_public\\_notices\\_resources\\_for\\_vpa\\_members/](http://www.vpa.net/index.php/membership/article/keep_the_light_on_public_notices_resources_for_vpa_members/)