

Why keep Public Notice in newspapers?

Vote NO on HB 2533

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1. Publication vs. Internet Notice. For more than 100 years, Arizona newspapers have been publishing public notices. Public notice laws were created to notify the public of government actions that may affect their interests or rights. Communities have come to rely on local newspapers for this information and, more importantly, the information is available to individuals who may not be searching for it so they also have adequate notice of government actions. Despite declining circulation in some markets, 86% of adults read America's Community Newspapers each week – and local newspapers continue to be the primary source of local news by a margin of more than 5–1 over the Internet.

2. Newspapers are on the Internet and post notices via their websites. Arizona newspapers upload their notices to the Arizona Newspaper Association's website on a weekly basis and post them onto their own websites. The Arizona Newspaper Association's website, free to the public, is a comprehensive, organized and searchable compendium of public notices. The site allows users to enter a list of words and be notified by e-mail when a corporate notice or any other public notice is posted that uses those words. For a demonstration, go to www.publicnoticeads.com and open "Arizona."

3. No cost to state or public. These sites are free to the public because they are supported by paid public notice advertising in Arizona's newspapers. Fourteen other state press associations are already emulating the Arizona Newspaper Association site, which was the first of its kind in the nation. This site is the very example of what many officials support – using private enterprise instead of public dollars to provide a demonstrably valuable public service.

4. Rural Arizona. Not everyone has access to the Internet. In rural Arizona, personal access is particularly difficult. And even the ANA website cannot offer what a published listing offers – a spreadsheet, in effect, of the latest corporate filings indexed, identified and permanent, a copy delivered to you.

For instance, the publisher of *Nogales International* spoke to an older Nogales couple of good financial standing who was Internet savvy and mentioned they would never choose the Internet over the physical newspaper. It is important to keep in mind while some may have access to the Internet it is not their preferred method of finding public notices. Plus, some rural communities do not have Internet access.

5. Ease of use. The usefulness of the newspaper-published presentation is underlined by the fact that all of the Arizona newspapers that carry public notices have paid subscribers who choose to have the newspapers deliver the notices. Obviously they find them useful. Corporate and other public notices are the purest kind of news, telling the reader exactly who proposes to do what kind of business in the community, with no slant or editorial content. And the price is nominal – pocket change at any newsstand.

People understand print and online newspaper layouts, they know how to find things because they are familiar with them, and they have been around them for a long time now. Government websites are hard to navigate and are outdated making it hard to find things, in most cases it's because they lack a Webmaster, which can be very expensive.

6. Historically open, third-party verification. Arizona is a state that prides itself on openness. Closing the door on disseminating this information would jeopardize the open and transparent government processes upon which Arizonans rely. During a time in which transparency is being demanded by the public, given the current economic situations throughout the state and country, it is important to trust this information with a third-party provider. A third-party provider is not biased, provides verification of the publication and has safeguards in place to provide the information at a later date if requested. Staffs provide affidavits verifying the information was printed correctly and keep bound editions of the newspapers for easy reference. We don't want to be in a position where governments are released from the obligation to notify the public of what they are doing before a decision is made. They should be required to post it on a medium that is independent of government. Publication by newspaper is also about the preservation of an evidentiary record. A printed page can't be

manipulated.

7. Notifying the community. Newspapers effectively “push” the Public Notices out to the public. If notices are only on government websites, it requires citizens to look for what they need to know. Publishing a public notice in a community newspaper enables citizens to be aware of and understand what is happening in their neighborhood, city or town. That is the reason notices must be published in the county of principal place of business. It prevents the notices being hidden in a distant paper or a massive database. Government files are just that – files. Putting a corporate document in an electronic database is not public notice. Publishing in a newspaper, bringing the matter directly to the attention of the community, is public notice.

A recent study (Oct 2011) done by the National Newspaper Association shows that citizens do read Public Notices. Of those polled, 83% read public notices (from very often to occasionally). It also shows that of those polled, 80% felt that governments should be required to publish public notices in newspapers.

8. Keeping costs down. Newspapers take the responsibility for public notices very seriously. We know these notices are vital, and they are treated with care and respect. To keep costs down for the client and for ourselves, the notices are set tight and held to strict space requirements. We index the notices, separate them by type, and organize them to make sure first publications are clearly identified, to help our readers use them. If the notices were uploaded on a government Web site, taxpayers would incur the additional expense. The notices cannot be uploaded without cities and towns spending money to expand their payrolls to hire workers to post the notices, prepare verification standards and to retool their Web sites to make them easier for the public to find. If the municipal websites are to be the new carriers of this legally vital information, that will require many cities to upgrade their Web sites to meet a uniform standard, to ensure continued operation, to ensure their security from hacking, and to ensure that the archived information from past public notices remains accessible and secure as sites change to take advantage of new technology. All of this would cut into the envisioned cost savings substantially.

If legal notices are posted in local government websites, local governments should know that setting up, maintaining and updating web pages has costs associated with it as well.

9. How communities connect. By providing community newspapers with revenue to operate, public-notice requirements enable production of a greater variety of information in addition to the notices themselves. There is news, of course, but also movie listings, “my-turn” editorial features and general community notices, for example, of road closings or local emergencies. Local newspapers connect communities and foster healthy public debate. By helping newspapers exist, notices help make this vital communication possible. And of course they sustain the jobs the newspapers provide, which also go beyond the newspapers – to the printing facilities, the United States Postal Service, the couriers and messengers, etc.

10. What it means to Arizona newspapers. The idea of ending public notices and putting them on government websites instead is the classic penny-wise, pound-foolish position. It reduces the placement and storage of legal public notices to the mere reproduction of words, but it is much more than that. It is about the preservation of an evidentiary record. Viewed from the standpoint of the end-user of such ads, the printing of them is a far more cost-effective method of assuring the integrity of this evidentiary record than installing the safeguards that would be required if government were to be trusted with this job itself.

Remember, since 1998 a statewide, comprehensive database of public notices has been in existence and can be found at www.publicnoticeads.com

In addition, Arizona newspapers publish public notices in print and place them online at no additional cost.

Common Public Notice Misconceptions:

1) Sometimes newspapers publish in a city other than the one impacted by the notice.

It is already defined in Arizona Statue that the notice must be printed in the most local newspaper of general circulation to the entity the notice addresses. If there is no newspaper in a city or town, the notice must be published in the adjoining city or town. If no newspaper is there, it must be published in the county. It is the responsibility of the Governmental entity to place the notice in the most local newspaper.

2) The costs for these notices are very high.

The annual cost to place public notice in newspapers is less than 1 half of one percent (.0005%) of a city's total budget.

3) This is nothing more than a subsidy to newspapers

Placing advertising in newspapers is part of the cost of a city doing business much like the cost to pave our highways and pay policemen.

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