



## MINNESOTA NEWSPAPER ASSOCIATION

### **WHY PUBLIC NOTICES SHOULD REMAIN IN NEWSPAPERS AND ON NEWSPAPER WEBSITES**

**The purpose of state and federal public notice requirements** is to publicize information about government actions, so its' citizens can make well informed decisions and be active participants in a democratic society. Government has an affirmative duty to provide this information so it is transparent and easily accessible.

**Newspaper print publication of local government public notices has been law since our state was formed, because that's where it is most likely to be seen.**

**Public notices are also already required to be posted on the internet; newspapers must post them on their websites at no additional cost to the print publication,** as a result of legislation initiated by the newspaper association over 12 years ago.

**Newspapers always keep their online public notices in front of paywalls, free to all viewers.**

**Public notices are also posted on a state of the art, central statewide website, MNpublicnotice.com,** hosted by the Association, complementing their wide and permanent distribution in printed newspapers and on newspaper websites. **It is accessible to the public at no cost.**

**Newspapers are alive and well in Minnesota, and print circulation has remained strong, bucking the national trend.** There are more than 330 newspapers in Minnesota. In 2016, MNA members **printed and distributed over 7,014,364 newspapers every week;** the Census Bureau reports that there are 2,354,034 Minnesota households.

**Visits to newspaper websites have skyrocketed, and many newspapers in outstate communities are getting well over 1M visits a month to their websites.** Visits to government websites are infinitesimal compared to newspaper readership in print and online.

**All publication requirements in Minnesota law have been proposed by the Legislature; none have been initiated by newspapers.**

**Newspapers support publication of public notices only if they are meaningful for the public.** Newspapers have taken the lead in proposing significant changes to improve and streamline public notice law over the last 35 years, including proposals that have repealed or reduced over 300 outdated and obsolete public notice statutes.

**Local governments have proposed legislation to permit their websites to be the only place where public notices appear. This proposal should be rejected for the following reasons:**

1. **Internet websites should not be the only venue for public notices, because they are not a reliable legal source of information.** Virtually all government, newspapers and businesses use a Website disclaimer informing all persons visiting the site that the information provided on the website cannot be relied on for legal purposes. Many government websites also experience significant hacking problems, access interference, and shutdowns.

2. **Public notice access should be expanded to other forums, not reduced.** The association has supported legislation requiring that public notices appear in additional places besides newspapers, but local government has opposed these proposals.
3. **Many senior and low income citizens do not have ready access to the internet, or prefer not to use it.** AARP, the American Association of Retired Persons, representing over 700,000 Minnesotans 50 and older, has historically taken a position opposing removal of public notices from print newspapers.
4. **Most local government websites are not prepared to be the only source for public notices.** Many sites are poorly organized, updated only intermittently, and are difficult to navigate.
5. **The money spent on most public notices in papers is a very small percent of the local government's budget; some notices cost nothing.** A school district testified at a Senate hearing in 2014 that their budget is more than \$230M; they spent \$6,000 on publishing notices. And Minnesota law (Minn.Stat.279.092) permits county government to charge a fee against delinquent properties to recoup the entire cost of their largest publication, the delinquent property tax list.
6. **Legislation to substitute government web posting for newspaper publication has never contained any standards or requirements on how government must post notices.** Without standards, there is no real incentive for them to do the job right, and no penalty for failure to print notices. Current law has extensive requirements for what newspapers must do in order to disseminate notices and how it must be done.
7. **Newspapers are the checks and balances to make certain that local government complies with publication requirements set by the Legislature.**
8. **There are legal consequences to local governments if they fail to properly publish certain notices.** Minnesota has hundreds of laws that require public notices to be published according to strict timelines and other conditions. If government websites go down, will citizens be able to challenge their actions for failure to properly meet statutory publication requirements? Will bond issues and zoning decisions be challenged? Will ordinances not take effect? Under current law, the newspaper usually assumes the liability when errors are made. If public notices only appear on government websites, the insurance trusts for local government will face increased risks of becoming liable for the publishing errors of their members.
9. **Public notices in newspapers are the permanent records of what a public body does as well as the notification of what it intends to do.** There is no archival history to government websites as there is with newspapers. Years from now, any citizen could go to a newspaper or historical society archive and read what the government did. The reliability of newspaper publication is so well established that courts accept the published contents as evidence in court, and require it for many court actions. In previous years, the state auditor and attorney general have expressed reservations about the potential loss of paper notices that courts want as independent verification.
10. **The internet is a transient form of communication that is rapidly being overtaken by mobile and social media communication.**
11. **Local governments know that newspapers get the message out best.** When they want to publicize any issue of concern, even when they are not required to publish, they don't post it on their website--- they go to their local newspaper. Notices appearing only on a government website would remove public notice from the mainstream of community information and would make it significantly less likely that they would be seen.

**The more the public knows about what elected officials do, the better off we all are. And the more open and accessible government information is, the stronger the trust in what our government does.**