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Times Have Changed: Give Townships a Choice for Providing Public Notices

An Op-Ed

by David M. Sanko

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As newspapers across the commonwealth print less, increase prices for public notices, and even cease operations, Pennsylvania law still requires municipalities to keep the public informed of meetings, bid opportunities, proposed ordinances, and more through the placement of legal advertisements in “newspapers of general circulation.”

The question now becomes what is a newspaper of general circulation? Circulation of newspapers is less than half of what it was just 40 years ago, despite continued population growth. Plus, some newspapers simply aren’t circulating.

The recent strike by union employees at the Pittsburgh *Post-Gazette* impacting delivery of newspapers throughout southwestern Pennsylvania, a cyberattack on a newspaper in Lancaster County that prevented timely publishing, and the shuttering of the Titusville *Herald* in rural Crawford County, are just the most recent challenges faced by Pennsylvania municipalities forced to conduct their legal advertising through print newspapers. And that doesn’t even count the supply chain and staffing challenges or equipment failures.

In these settings, communities are faced with an impossible choice: Break the law by using alternative methods of non-newspaper advertising or break the law by not meeting at all because they can’t find viable advertising options!

It’s an unnecessary headache for municipal officials. The Pennsylvania State Association of Township Supervisors (PSATS) has long supported legal advertising reform as a priority for our membership. PSATS supports any proposal for legal advertising that

would improve access to legal notices while reducing costs to taxpayers and their local governments. Harrisburg should once again consider legislation giving municipalities the flexibility to determine which options will best provide information to their residents, businesses, and potential vendors while promoting competition and transparency.

The trends are clear.

A survey by the Pew Research Center found that estimated weekday newspaper circulation in the U.S. in 2020 was less than 25 million, down from more than 56 million in 2000 and 62 million in 1980. Recent studies show that those figures continue to drop as people increasingly look to online sources for news, information, and even obituaries.

The General Assembly acknowledged that the print/digital landscape had changed when it enacted legislation requiring municipalities to post meeting agendas on their websites if they have one. Additional advertising options are warranted for municipalities equipped with the ability to reach a wider audience. These options include advertising on township websites and in less expensive, widely disseminated community newspapers to ensure that residents and taxpayers continue to have ready access to information about their local governments.

Municipalities could choose to place notices in existing print newspapers, especially in areas where internet access prevents even local news outlets from having their own website, but they should not be tasked with sustaining print advertising revenue by mandate. While we wholeheartedly support a free press as defined by the Founding Fathers, the world has changed and many newspapers publish much less frequently, or not at all, which requires municipalities to advertise in weekly newspapers, and that requires more lead time for public notices.

Residents look for news about their township where you'd expect: on the township's website, social media pages, and in newsletters. This is where residents go for information about community events, police service, trash and recycling service, road construction projects, meeting dates and times, and more. Although not required by law, many local governments post public notices on their websites because they are open and accessible. Keeping that level of transparency in local government is not solely reliant on print newspapers, nor should it be.

One-size-fits-all solutions are not effective and rarely work in a state as large and diverse as Pennsylvania. Townships need the flexibility to determine the most effective public notice method. This menu of options is superior to the outdated mandate to use legal advertisements in a print newspaper of general circulation.

PSATS supports government transparency and a well-informed public. But it also supports the modification of Pennsylvania's legal advertising laws to reflect the public's changing news-gathering practices.

Many townships have increased virtual access to, and participation in, public meetings. Websites have been expanded to provide even more information, which has increased public engagement and participation.

Giving local governments the 21st-century option to publish notices where they can be most accessible to constituents is not only common sense, it's also the right thing to do.

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