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## **Testimony of Monica Nieporte**

### *Ohio News Media Association*

### **House Bill 315 – Township Law Changes**

### **House Finance Committee**

Chairman Edwards, Vice Chair LaRe, Ranking Member Sweeney, and members of the Ohio House Finance Committee, thank you for the opportunity to provide comments on House Bill 315. My name is Monica Nieporte, and I am here today on behalf of the Ohio News Media Association.

House Bill 315 makes several changes to laws governing townships in Ohio. Many of these changes are technical in nature or reflect the evolving role of townships as important units of local government. ONMA has no concerns with the bulk of HB 315 and our opposition is limited only to provisions in the bill dealing with public notice.

HB 315 would effectively allow townships to bypass any notice publication requirements in traditional media outlets and instead permit townships to only post notices on their websites. This change runs contrary to the intent of public notice, which is to provide independent and reliable notice of governmental actions and meetings through a third-party. By allowing posting only on governmental websites, we are placing the burden of notice on citizens who must now comb through internet pages instead of keeping the burden on government to provide adequate and comprehensive notice.

Since 2011, Ohio's public notice laws have undergone several reforms aimed at increasing value for government advertisers and adapting to changes in the news media industry. These changes include all of the following—

- Enactment of R.C. 7.16, which allows any public notice with multiple required publications to be truncated or shortened after the first publication. For example, a sheriff's sale notice is required to run three times in a newspaper of general circulation; under this change, the second and third publications can be shortened significantly, thereby generating a savings for local government.

- Requirement that news media outlets include a digital publication of any public notice at no cost to the government advertiser. For more than a decade, Ohio's local governments have received free digital notices on news media websites in addition to print notices.
- Establishment of [www.publicnoticesohio.com](http://www.publicnoticesohio.com), an independent website maintained by ONMA at no cost to state or local governments that aggregates all public notices purchased in Ohio. This website creates a one-stop destination for all notices that can be searched by type of notice, newspaper, or local government entity. This website has existed for nearly a decade at no cost to government advertisers.
- In some instances, additional reforms have been made to public notice requirements for delinquent property tax lists, JEDD/JEDZ rate notifications, and other notices that have generated savings while still preserving the role of news media as a trusted source of information.

Taken collectively, local governments have received a significant boost in value and impact from public notice over the past decade without any additional cost. I want to stress that newspapers are statutorily required to offer government advertisers the lowest classified rate. This means that any county, township, city, or other local government entity receives the best deal on advertising cost. We view public notice as a service, not as a revenue stream. This is why we have worked proactively to make changes that increase that service while decreasing revenue.

In recent years, we have seen an alarming trend in other states of moving public notice away from news media and allowing governments to determine their own public notice standards. Further, for the first time in Ohio history, we saw language in last year's operating budget (HB 33) that moved municipal notices exclusively to government websites. ONMA lobbied to have this provision removed or vetoed as we believe it sets a bad precedent for future public notice changes. Those concerns were realized when HB 315 was introduced in November and included identical public notice language for townships.

Originally, the Ohio Senate added language giving cities and villages the option to post all notices on their websites. This language survived conference committee and the Governor's veto pen despite our best efforts. We are not opposed to digital notice; however we feel that the news media should continue to have some role in providing that notice. Under current law, we already provide a digital notice when a print notice is purchased. However, we are not able to offer any digital-only options. We are supportive of being able to offer our government advertisers the same options as non-government advertisers.

We understand that HB 315 includes numerous items that are important to townships and recognize that municipalities have already succeeded in reform their public notice requirements. However, this piecemeal approach to public notice is creating inconsistencies for taxpayers. We are supportive of a broad reform that would create more digital options for governments while preserving the role of news media. In fact, Indiana just became the first state to adopt a digital media notice law. This aligns with much of the work we have done over the past decade, including compromises we have agreed to in recent years.

Given that problematic public notice language originated for the first time in the budget last year, we feel the Finance Committee should take this opportunity to not only address concerns in HB 315 related to townships, but also to modify the municipal notice language enacted in HB 33. Our goal is to ensure consistency for all public notice requirements. We recommend the committee make the following changes—

- For all township and municipal notices, restore the requirement that an initial notice be published by a newspaper of general circulation.
- For the initial notice, allow news media outlets to offer a digital-only option that cannot exceed 75% of the cost of print publication.
- Allow cities, villages and townships the option to post subsequent notifications required after the first publication exclusively on their websites.

Taken together, these changes would preserve the role of news media in providing notice, allow for digital-only publication if a local government seeks it, and give governments the flexibility to move notices required after an initial notice onto their websites. This would dramatically reduce the cost of public notice while still allowing newspapers to provide this important public service. In short, everyone wins.

Thank you for your time and consideration of these changes and I would be happy to answer any questions.