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Testimony of Monica Nieporte and John Karlovec

Ohio News Media Association

House Bill 315 – Township Law Changes

Senate Local Government Committee

Chairwoman O'Brien, Vice Chair Gavarone, Ranking Member DeMora, and members of the Ohio Senate Local Government 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. I am joined by John Karlovec, the publisher of Geauga County Maple Leaf, Chesterland News, Kirtland Chronicle and Middlefield Post.

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.

I want to provide you with a brief history of changes to Ohio's public notice laws over the past decade. Since 2011, 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. This effectively means that any public notice that is mandated by law to appear more than once can be shortened after the first publication.
- Requirement that news media outlets include a digital publication of any public notice at no cost to the government advertiser. For the past decade, Ohio's local governments have received free digital notices on news media websites in addition to print notices.
- Establishment of 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.

www.publicnoticesohio.com is operated and maintained by the Ohio News Media Association. Since 2014, more than 1.5 million public notices have been uploaded to the site from Ohio newspapers and legal journals. The notices remain archived indefinitely and are searchable by keyword and location. The upload to the statewide database costs the advertiser nothing as it is included along with a digital ad on the newspaper website, with the purchase of a print ad. If government entities advertise in print or digital with Ohio newspapers, these ads can continue to be uploaded to the database. There is no public facing portal to submit content, ads are uploaded by automated feed from the more than 130 newspapers in Ohio that publish public notices for government advertisers, courts and attorneys and public utility companies.

For the past four years, there have been more than one million pageviews per year on the site by tens of thousands of users. In addition, our individual newspaper websites get far more users than government websites in those same communities. Having an aggregated, searchable archive is a benefit not only to citizens but to businesses who use public notices to track bids, property sales and other transactions. If public notices are no longer aggregated because they are appearing elsewhere instead of in newspapers or on their websites, Ohio citizens and businesses will have to first determine where the notice was published, locate it on that entity's website and continually and randomly check back for updates or new notices. This could involve having to routinely check dozens of individual township and municipal websites in addition to individual county, state and other governmental departments' websites and then places the burden on the citizen to find the notice in a timely way rather on the government to notice the citizens by putting the information in a newspaper or on a newspaper website that carries news about their entire community each day.

Last year, for the first time in Ohio history, we saw language in the 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.

In closing, please know that ONMA has always been willing to work with lawmakers, local government groups, and other interested parties to address concerns with public notice. As demonstrated above, we have worked to craft sensible solutions that drive value for government advertisers, ensure the best possible awareness from citizens, and guarantee consistent and accountable public notice requirements across the state.

Chairwoman O'Brien, Vice Chair Gavarone, Ranking Member DeMora, and members of the Ohio Senate Local Government Committee, my name is John Karlovec, and I am a past Board Chair of the Ohio News Media Association. I want to briefly summarize and close out testimony for myself, Monica and Beryl.

As you know, HB 315 would 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.

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. Some states, including Indiana and Louisiana, have enacted laws in recent years that allow for digital-only advertising on news media websites. We are supportive of this and would like to see similar reforms come to Ohio in the next General Assembly.

We understand that many readers are consuming news online and that print public notice may not be the best option for some communities. We are eager to pursue a comprehensive change to public notice laws that

would allow for a digital option that preserves the role of news media and ensures consistency for all governmental entities. With that in mind, we recommend the committee consider the following amendments—

- Our preference would be to remove all public notice changes in HB 315 and instead allow interested parties to pursue a comprehensive reform for all governmental advertisers in the next General Assembly. We recognize that this is a big ask, though it would firmly set the expectation that digital public notice will come to Ohio next year.
- If the committee wants to pursue some level of reform, we would agree to townships being able to advertise digitally on the website of a newspaper of general circulation without a corresponding print option. We offered a similar compromise in the House, though it did not succeed. We can provide more details on this option if you are interested.
- If your preference is to grant townships the same public notice authority granted to municipalities in HB 33, then we would request that you delay the effective date to allow us time to pursue comprehensive reforms next year. Otherwise, we will continue the concerning trend of having different public notice requirements for different public bodies.

Our goal is to ensure consistency for all public notice requirements. We feel there is a way to reduce the cost of public notice while still allowing newspapers to provide this important public service. In short, everyone wins.

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 became the first state to adopt a digital media notice law just last year. This aligns with much of the work we have done over the past decade, including compromises we have agreed to in recent years.

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