

# Public notice and the role Oregon newspapers play

*Prepared by the Oregon Newspaper Publishers Association, March 6, 2013*

**Summary:** State laws in Oregon and across the country require government agencies and private entities to publish legal notices prior to taking certain actions, such as a home foreclosures, zoning changes or property seizures. For more than 200 years, required public notice has been the bond government has made with its citizens to ensure transparency, accountability and due process. Removing public notice advertising from Oregon newspapers and their local news websites, which reach millions of readers each week, ignores data showing what Oregonians prefer and is simply bad public policy.

## Key findings:

- Newspapers and their affiliate websites reach the broadest audience with 3.6 million paid weekly, multi-weekly and daily newspapers circulated each week. Nearly three in four (72 percent) of all Oregon adults read a newspaper at least once a week; 83 percent read either a printed paper or newspaper-affiliated website.
- More than three in four (77 percent) of Oregon adults read public notice or legal advertisements and prefer printed newspapers to government websites as the delivery source.
- Relying on the Internet exclusively to deliver legal notices would deliberately exclude many senior citizens, minorities and rural communities who either don't have access to the Internet or do not go online.
- The purpose of a public notice is to notify -- most people do not have enough information to go "searching for" a legal ad.
- Moving public notices from newspapers to other online venues would not yield significant savings to government agencies.

**The issue:** By Oregon law, public notices are to be published in local newspapers. Now some government agencies and professional associations are proposing to rewrite the statute, allowing these notices to be published on their sponsored websites instead. Newspaper publishers in Oregon and elsewhere believe the public is best served by continuing current practice.

**Rooted in history and purpose:** A "public notice" is a formal announcement or warning that is legally required to be published as an advertisement in a general circulation newspaper. Oregon statute defines "public notice" as "any legal publication which requires an affidavit of publication" under ORS 193.070.

The practice dates back centuries to postings in public squares. The first printed public notices occurred in the mid-1600s in London's Oxford Gazette. In the United States, the Acts of the First Session of Congress (1789) required all bills, orders, resolutions and congressional votes to be published in at least three publicly available newspapers.

The purpose of public notice was significant then and remains so today: To alert citizens about government and others' actions so that they, too, might take action. A 2012 report by the Edward R. Murrow College of Communication at Washington State University underscored earlier studies that have found local news is the "raw material" that sparks citizens to make informed decisions.

**Oregonians read and rely on newspapers and their online reports:** It's true that Americans have an ever-widening array of media choices, but studies in Oregon and elsewhere continue to identify a strong appetite for local and community news delivered in a daily or weekly newspaper and their branded websites.

A December 2012 survey by American Opinion Research found 72 percent of all Oregon adults read a newspaper at least once a week; nearly half of all Oregon adults read at least one newspaper daily.

Audited reports count 3.6 million paid weekly, multi-weekly and daily newspapers distributed by 82 Oregon Newspaper Publishers Association (ONPA) members each week. Oregon newspapers reach 670,000 regular subscriber households or offices each week, rising to 750,000 on Sundays. Using a conservative average of 2.47 people per subscriber household or office, newspapers reach about 1.85 million Oregonians every week. That doesn't count the "pass-along" factor, with families that share a subscription and casual readers reading the newspaper they find on the bus or while waiting for the barber or a restaurant table.

**Digital future and reality:** Oregon newspapers are preparing for the digital future. In most communities in Oregon, newspaper-affiliated websites are the No. 1 online provider for local news, reaching several million readers each week.

Those who argue that government public notices would have broader reach if they were posted on the Internet ignore the fact that Oregon newspapers have already made these ads available via a statewide public notice website ([www.publicnoticeads.com/OR/](http://www.publicnoticeads.com/OR/)) hosted by the ONPA since 1999. The database, which draws an average of 55,000 views each month in addition to views on individual newspaper websites, can be searched by newspaper, date, county or keyword. There is no additional fee for this service and in the past 12 months, newspapers have donated \$434,000 in advertising space to publicize the service.

Yet, even with nearly a half million in donated promotional advertising, traffic to the ONPA site is still far lower than local news readership. This underscores the American Opinion Research survey finding that Oregonians are more likely (by a 3 to 1 margin) to read public or legal notices in their local paper vs. a government website or other source.

What's more, no matter how much information is now online, thousands of Oregonians still don't have access to it. There continues to be a digital divide in Oregon, the Northwest and the nation. Relying on the internet exclusively to deliver legal notices, would deliberately exclude many senior citizens, minorities and rural communities.

Nationwide, a 2012 Pew study found one in five American adults does not use the Internet. They include senior citizens, adults lacking high school diplomas and those who live in households earning less than \$30,000 a year.

And it's not just the elderly, poor or geographically isolated who get locked out. The United States Department of Commerce reports that one-quarter of Oregon's population does not have broadband access to the Internet. Until November 2012, some residents of rural Multnomah County were out of range of cable or DSL Internet and too far from towers for mobile Internet service. That made it impossible for them to register to vote online or take advantage of the growing number of government services offered via the Internet.

**Notice must be seen, not just stored:** Aside from the digital divide, those who argue that transferring public notices to the Internet would widen the audience miss an essential point: Sometimes readers don't know what they're looking for until they find it.

No doubt, it's efficient for a reader seeking a specific book to type the title into Amazon or a public library website. But it's often more enlightening for a reader to spend an afternoon perusing the shelves at the local library or bookstore and finding titles that he'd never heard of.

Now consider the parent who didn't know about a zoning change affecting her child's route to school, until she read it in a legal notice in her local paper. She may never have seen that public notice if it had only been posted on a website, stored away in an unknown database.

The purpose of public notice has always been to ensure that government proposals or other legal actions are broadly telegraphed to the public at large and not just shared among the few in the know.

The local paper delivered the zoning notice directly to the parent's kitchen table. The local agency proposing the change met its responsibility to share its plans with the public at large rather than place the responsibility on citizens to search it out. Now it's the mom's responsibility to decide whether to speak out.

**Cost myths:** Proponents seeking to change Oregon law to allow for public notices to be posted only online often argue that this would result in substantial cost savings to government and therefore to Oregon taxpayers. The numbers do not back that up.

Oregon law allows for newspapers to grant "customary discounts or contractual rates" to government, the same discount based on volume as offered to commercial clients.

Western Communications, publisher of five Oregon newspapers, determined from its records that public notice costs to local government represented from one hundredth of 1 percent to as little as one-thousandth of 1 percent of the local government budgets in the communities the newspaper publishing company serves.

**Revenue does matter:** To be clear, any decision to move public notice advertising from newspapers' print and online editions as well as aggregated ONPA website would be a blow to many daily and weekly news operations. The industry in Oregon and nationwide has suffered a precipitous drop in ad revenues as a result of the recession. For some papers, legal notices helped fill part of a gaping advertising hole.

The Jefferson Review and Scio News were struggling through the down economy, counting on public notice advertising for a portion of their income. They could not survive the loss of judicial foreclosure notices that came without warning and because of questions surrounding the Mortgage Electronic Registration Systems, commonly known as MERS.

Both papers stopped publishing late last year.

The Jefferson Review had not missed an edition since 1890 and Jefferson mayor Ben Pickett told The Statesman Journal that his job will become more difficult now.

Newspaper publishers know as the economy gets better, more people will be able to keep their homes. Foreclosure notices will be replaced by advertising reflecting a more robust marketplace. Likely to remain, however, is the need for a discussion about the vitality and importance of community newspapers in Oregon and their place in the state's democracy.

## **References:**

Public Notice Resource Center, Inc. [www.pnrc.net](http://www.pnrc.net)

“Advertising and Media Use in Oregon,” December 2012, American Opinion Research for ONPA

“The Murrow Rural Information Initiative, Access, digital citizenship and the obligations of the Washington State Information Sector,” May 2012, Washington State University.

“Exploring the Digital Nation: Computer and Internet Use at Home,” November 2011, U.S. Department of Commerce.

“Digital Differences,” April 2012, Pew Internet & American Life Project.

“East County emerges from digital Dark Ages,” Dec. 26, 2012, The Oregonian.

“Jefferson and Scio newspapers cease publishing,” The Statesman Journal, Jan. 21, 2013.