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⑤ GUEST COLUMN: Keep public notices in the public

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Terri House • Published: October 24, 2014 • 🗨

Since statehood, Colorado citizens have relied on legal (or public) notice advertising in newspapers throughout the state to be informed of important governmental actions.

State agencies, counties, municipalities and special districts post their legal notices in community newspapers. Publication of these notices in newspapers provides a centralized location for legal notices.

Colorado Counties Inc., the association of county commissioners, voted early this month to pursue legislation to allow counties to post their legal notices on individual county websites instead of printing those notices in community newspapers.

The public cannot reasonably be expected to keep track of governmental activities when there are literally thousands of state agencies and counties, municipalities, special districts and school districts with their own websites.

It would be cumbersome for taxpayers to search each

individual website operated by the various governmental agencies for information that they need. Spreading these types of notices in different places across the Internet would hinder the public's access to important public information.

Local governments are not necessarily very good about taking care of and organizing what they already have on their websites. How will this be any different?

What will it cost to manipulate current government websites or to build new, secure sites to allow for legal notices to be published? Will they be searchable? What will the notification process be? Who will have to be hired to do the job? What is the cost? What will the verification process be? Will the notices be archived?

When a legal notice is printed in the newspaper, governments receive a notarized affidavit of publication to verify that the notice was properly placed. This third-party verification is an important service that ensures that if there are disputes about whether notice has been provided properly, that government entities have proof of compliance. Without this proof, government could be opening itself up to litigation.

Publishing legal notices in the newspaper creates a level of responsibility ensuring what is posted is true. Government is held accountable. Publishing legal notices ensures transparency.

One function of newspapers is to provide a permanent, unchangeable archive. In the past, newspapers have been microfilmed; now they are available digitally for researching. Electronic records placed on websites can be changed at will.

We acknowledge a financial interest in this legislation. There is a fee for publication of legal notices in newspapers. Those rates are capped by state statute and are offered as the lowest advertising rates in newspapers. That modest rate has not changed since 1993.

In addition to publication in community newspapers, most newspapers also publish the notices on their websites at no additional cost.

Beginning in January, pursuant to HB 14-1086, which was passed earlier this year, all notices published in newspapers in Colorado will be posted on a single statewide website. The notices will be searchable.

This additional service is provided to governmental entities at no additional cost and provides Colorado taxpayers access to all such notices in a central location in addition to being published in their own local community newspaper.

While Internet access is increasing and newspapers are using the Internet to provide this information to the public, there are still areas of Colorado and certain demographic groups without reasonable access.

If the information printed in legal notices were available only on government websites, these people would be disenfranchised.

We encourage our legislators to oppose this proposed legislation and keep public notices in the public.

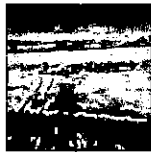
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Terri Lynn Oldham House is president of the Colorado Press Association.

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