

Testimony of Chris VanDeHoef
before the Government, Administration and Elections Committee

on February 19, 2014

in opposition to

SB 94 An Act Concerning The Publication of Municipal Legal Notices in Newspapers

Chairman Musto, Chairman Jutila and members of the GAE Committee, my name is Chris VanDeHoef, I am the Executive Director of the Connecticut Daily Newspapers Association (CDNA), which represents all 17 of Connecticut's Daily Newspapers.

Thank you for the opportunity to provide testimony today in opposition to *SB 94 An Act Concerning The Publication of Legal Notices in Newspapers*.

As you are aware CDNA has fought numerous attempts by the legislature over the years to remove public notices from newspapers and place them on municipality websites. This proposal, while slightly improved from previous proposals, is still unworkable and CDNA opposes it for numerous reasons.

Our society is founded on the premise that the public has access to its government and what that government is engaged in, spending money on and the general business of its elected officials. We feel that public notices provide this information in an unadulterated and verified manner. A manner that the internet can not guarantee.

Public notices must establish a proper record to verify that such notification was carried out in a timely manner. The traditional elements include publication in a forum independent of the government, such as a local newspaper, providing the following:

- Accessibility by all segments of society
- Verifiability, as through an affidavit of publication, that the requirements of notification were met.
- Archivability in a secure and readable format

The concept most central to public notices is accessibility. It is the very reason they are called public notices. Currently, a notice published in any Connecticut daily newspaper is also published on that newspaper's website and the aggregated CDNA website, www.ctpublicnotices.org. The passage of these bills will move some notices exclusively to the web, thus limiting public access. According to the Pew Internet and American Life

Project, a full 25% of Americans don't have access to the Internet at home or at work. We should not attempt to predict which medium serves the most citizens. We should deliver this information through multiple channels – as occurs with the current public notice statutes.

The 17 publisher members of the Connecticut Daily Newspapers Association reach more than 600,000 of the state's 1.3 million households daily, and almost 700,000 on Sunday. Three out of every four adults in Connecticut say they read a newspaper at least once a week. Our affiliated weekly newspapers and our growing presence online create unparalleled reach within our state. With the combined formats of dailies, weeklies and online presentation, newspaper companies give public notices a visibility that no other medium can match. In contrast, the proposals before you today would make that information readily available to fewer people and more difficult to access. Less scrutiny of public spending provides more opportunity for mischief or worse.

We believe that this proposal, if adopted, would reduce the accountability of local government officials to their residents. Posting on a government site deprives the notice of the independence that protects against tampering, alteration, political bias and after-the-fact "publication," i.e. posting of a notice after legal deadline. Connecticut has had its share of political ethical troubles, concerning both state and local officials. This should give the legislature pause before it enacts legislation that would make it easier to defraud the public.

Next, we must be cautious when risking the integrity of documents that have value of a historical nature. The emerging digital age raises many questions with regard to the long term storage of these documents. Many seemingly successful technologies have had little functional value once technology progressed. We must ensure that municipal records are archived in a secure and readable format over the long term.

Finally, it would be disingenuous not to mention that some of our interest in this issue is affected by the impact on our bottom line. The newspaper industry is retooling and adapting to an ever-changing news world. CDNA feels strongly that newspapers remain the most vibrant, local news gathering operations of any medium. With that said, the passage of this proposal would likely put some Connecticut newspapers on the brink financially.

Again, I'd like to thank the committee for the opportunity to testify on these proposals and I urge your opposition. We look forward to working with the Committee and the Connecticut General Assembly throughout this session.