

No Pitchers Call Their Own Strikes; Public Notices Require the Same Independence

By Sharon Sorg

Life is hectic. Keeping track of work, home and family commitments is challenging enough. Now imagine adding another task to your daily routine: checking multiple government websites just to find out what your local and state officials are planning to do.

You would have to monitor the websites of your school board, township supervisors, borough council, sewer authority, zoning hearing board, county commissioners and other government bodies that make decisions affecting your daily life.

That could become reality if lawmakers weaken Pennsylvania's public notice law by allowing public notices to move from newspapers, trusted independent third parties, to government-run websites. Some local officials favor bypassing newspapers in the public notice process. But allowing government agencies to control how the public is notified about their own actions is like letting pitchers call their own balls and strikes. They have a vested interest in the outcome of the decisions they make. That interest may not always align with what taxpayers and the public need to stay informed and participate in government.

Pennsylvania's newspapers agree the public notice system should be modernized. The state's 50-year-old Newspaper Advertising Act requires notices to appear only in printed newspapers. Today's newspapers bridge the digital divide and deliver information both in print and online, reaching more readers than ever before.

That is why newspapers support Pennsylvania House Bill 1291, which modernizes the public notice system while preserving independent oversight.

Under House Bill 1291, public notices would continue to appear in printed newspapers and would also be posted on newspaper websites, where they would be free to access and easy to find. The bill allows notices to be posted in online or free newspapers in communities where a traditional print newspaper no longer exists. It also requires newspapers to post notices on a centralized statewide website (publicnoticepa.com), allowing Pennsylvanians to review notices from across the commonwealth in one place.

Public notice laws are rooted in fundamental principles of open government and due process. Before government takes action, the public must have the opportunity to know about it and respond.

Newspapers are not involved in the decision-making process. Their role is simply to inform the public and create an independent, verifiable record of government action.

When the government entity making decisions also controls the notification process, that independence disappears. Notices could be altered, added, or removed after the fact, particularly when controversial decisions are involved. Even the possibility that this could occur undermines public confidence in government.

For most of this nation's 250-year history, legislatures have entrusted public notices to independent newspapers for precisely that reason. Research also raises concerns about shifting notices to government websites. When Florida allowed some local governments to move public notices from newspapers to their county websites, researchers from Yale, the University of Chicago, and Texas A&M found that public awareness and civic engagement dropped significantly. When notices were scattered across government websites, fewer people saw them and fewer participated in the process. That's bad public policy.

There are also practical considerations. Many municipalities already struggle to comply with Right-to-Know Law requirements and other transparency obligations. Allowing agencies to create and manage their own public notice systems adds another administrative burden, one with significant potential consequences. If a notice is posted incorrectly, removed too soon, or missed entirely, the public may learn about a decision only after it is made, and the agency could face costly litigation.

By contrast, when notices are published in newspapers, the law requires notarized proof of publication verifying the process and the independence of the publisher, a permanent record admissible in court. That safeguard protects taxpayers and reduces disputes over whether public notice was properly given.

Government agencies are free to share notices on their websites or social media pages. But those efforts should supplement, not replace, publication through an independent third-party newspaper.

Pennsylvania should modernize public notices without abandoning the independent system that has protected transparency and public participation for generations.

Lawmakers should support House Bill 1291 and reject any proposal that would allow government agencies to control the public notice process.

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