

By SUSAN LYNN

This year several bills have the State Legislature considering doing away with the publication of public notices in local newspapers in order to save money. Before you conclude that this is a good idea, consider a few facts.

The state Constitution and state law require publication of public notices. This is due to an important principle of civil societies: if the government is going to take some action to limit or change our rights, or take away our property, it must go out and seek to provide public notice to the citizens of the potential action. It is not mandatory that you read it but a good faith effort must be made by the state to provide the information.

Publication has always meant that the notice must be outside of Government's own halls; in newspapers of general circulation where the community can read them. But to get around this provision, the legislature wants the government to publish legal notices on the state's website and charge for the posting.

While this may sound like an efficient way to gain a new stream of revenue; this sort of publication does not meet the standard of the past; that publication is outside of government's own halls.

In recent weeks we've seen governments around the world "switch off" the Internet denying access to its citizens. An Internet switch is currently being considered in Washington. In such a case, what would happen to the notice that the government is constitutionally required to provide?

Meanwhile, over 669,800 out of 2.2 million Tennessee households are still without Internet access.¹ This means that those citizens' chances of ever seeing a public notice will be equal to zero.

The elderly are the most vulnerable because only 28 percent of those 65 and older use the internet.² While most of our legislators have a college degree, and 80 percent of those with a college degree have the Internet,³ legislators must remember, that equates to only 19.6 percent

of Tennesseans4.

Only 35 percent of those without a high school diploma use the Internet. And a full 40 percent of those with a high school diploma still have no Internet in their home.

But even of those adults that have the internet – fully 50 percent say they never seek online news. Will they ever really look at a government web site for legal notices? The state budget is \$29 billion.

It costs a just tenths of a cent per person to print a statewide legal notice informing Tennesseans of a state Constitutional Amendment -- about \$17,000.

It costs just a few hundred dollars for your election commission to publish the ballot for upcoming elections. In danger, too, is publication of utility rate increases, annexations, zoning changes and city or county meeting notices.

Consider that the expense for most notices is not born by the government but by individuals who are seeking a court ordered legal claim to your property, to put you under lien, or to take some legal action that will affect your family. Public notice ensures that there is an attempt to reach out and notify you of some action that may affect your rights.

Most newspapers of general circulation post the notices on their Websites, but it is the printing; creation of a permanent record, and the circulation of the notice in the community where all can see it and decide upon its fate that serves to secure our Republic. Truly, publication is an essential price of democracy.

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Public Notice is under threat

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- 1 <http://www.census.gov/compendia/statab/2011/tables/11s1156.pdf>
- 2 <http://www.census.gov/prod/2009pubs/10statab/infocomm.pdf>
- 3 <http://www.census.gov/prod/2009pubs/10statab/infocomm.pdf>
- 4 <http://quickfacts.census.gov/qfd/states/47000.html>