



Kansas Press Association, Inc.

Dedicated to serving and advancing the interests of Kansas newspapers

5423 SW Seventh Street • Topeka, Kansas 66606 • Phone (785) 271-5304 • Fax (785) 271-7341 • www.kspress.com

March 20, 2013

To: Rep. Scott Schwab, chairman, and members of the House Elections Committee

From: Doug Anstaett, executive director, Kansas Press Association

Re: HB 2364

Mr. Chairman and members of the Committee:

I am Doug Anstaett, executive director of the Kansas Press Association. Thank you for the opportunity to discuss our association's strong opposition to HB 2364.

One of the most far-reaching decisions a legislative body can make is to amend the state's Constitution, the bedrock document upon which the legality of all other laws is tested. I think we would all agree it is not a decision to be taken lightly.

Even when the state's policymakers decide to take that monumental step, our Constitution still gives the final say to the citizens of Kansas. Therefore, it is extremely important that voters be in a position to make an informed decision.

Public notice has been one of the pillars of our nation's commitment to open government for more than two centuries. Why has public notice always appeared in newspapers? It's simple: public notices are meant to be "noticed." If you want them to be noticed, you put them where that is the most likely to occur.

While the internet has grown by leaps and bounds these past two decades, it still falls woefully short as a reliable source to notify the public on issues of such importance. We may very well get there some day in the future, but we're not there yet.

Notices appear in newspapers for a number of reasons:

- (1) Newspapers provide independence from government and, therefore, are reliable as a source of information; under HB 2364, the secretary of state's website would be the repository and would be controlled by government.
- (2) Newspapers are a permanent record that cannot be altered, hidden, manipulated, hacked or changed after the fact. Anyone who is paying attention knows information on the internet can change from one second to the next, without notice.
- (3) Newspaper publication provides a verifiable public record through sworn affidavits of publication that have been accepted for decades as adequate notice in a court of law.
- (4) Study after study over the past few years, including one by KPA, has concluded that readers want their public notices in newspapers because that's where they are most likely to see them.
- (5) The internet, even though pervasive in today's society, still doesn't reach all socio-economic levels, especially the elderly and the poor.
- (6) When was the last time you went to the internet to look for a public notice, especially one you didn't even know existed? That's right ... never.

If we are to keep the citizens of Kansas informed, we must place the information where it is most likely to be seen, and today that still is in the state's daily and weekly newspapers. Any attempt to require citizens to search for information on the internet or to look for them in a "new" place will lead to less public awareness — not more.

Proponents of this bill argue that newspaper publication is passé. They are wrong. While total newspaper circulation has trended downward in recent years, the addition of internet sites to newspapers has attracted tens of thousands of new and former readers — those who prefer to read the news on their smart phones, iPads or computers — back into the fold. Most of the authoritative news on the internet comes from the pages of the nation's newspapers. We're proud of that fact.

With newspaper publication, you get the best of both worlds. You get the 1 million readers of the printed product, plus you get the tens of thousands who prefer the electronic version, where public notices are available at no extra charge. Don't want to pay for a newspaper or its electronic counterpart? No problem; you can read the public notices at kansaspublicnotices.com free of charge.

We have provided as part of our testimony the last two invoices from previous constitutional amendments. On average, it costs less than \$70,000 to run a constitutional amendment for three consecutive weeks in one newspaper in each of the state's 105 counties. That's 315 separate publications at an average of \$222 per newspaper per insertion. We call that a bargain.

Those three consecutive weeks ensure the widest distribution of the information to the largest number of people.

We do have one suggestion that will help control the total cost and will do more to inform the citizens of Kansas. Rather than run the entire statute affected, we would suggest the state incorporate "voter-friendly" language into the constitutional amendments that are printed in newspapers. You'll keep the cost under control, but you'll also clearly state what the Legislature is trying to accomplish with the constitutional amendment.

A clearer message will lead to a more-informed vote, we believe. That's a win-win for the state and its citizens.

Thank you.