



## Senate Bill 324

### *Political Subdivisions – Legal Notice Requirements – Posting on Websites*

MACo Position: **SUPPORT**

To: Education, Health, and Environmental  
Affairs Committee

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From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 324. The bill authorizes a county or municipality to satisfy any statutory requirement to publish certain legal notices in a newspaper of general circulation by posting the notices on its website.

The bill would modernize outmoded notice requirements in state law. The internet has become the primary means of communication and information dissemination in the United States. According to the Pew Research Center, 89% of American adults now use the internet and 65% have a broadband connection in their home.<sup>1</sup> Smartphone ownership is now at 77%.<sup>2</sup>

A 2017 Pew Research Center article reported that total U.S. weekday newspaper circulation has fallen to about 35 million – the lowest it's been since 1945.<sup>3</sup> This means that some 90% of Americans do not currently receive a delivered copy of any newspaper. The increasingly essential means to reach the broadest audience is online.

However, SB 324 still recognizes that not all citizens have access to or are able to use the internet. A county or municipality that chooses to post legal notices online must offer a free mail subscription to provide legal notices to its residents and local newspapers. The subscription service must mail a paper copy of any legal notices that the local government posts on its website.

The subscription must be renewed on an annual basis. In addition, the local government must annually run a newspaper advertisement stating which legal notices can be found online, where they can be found, and information about the subscription service.

Moving to online postings will also result in reduced local government expenses. According to a survey conducted by MACo in 2011, 16 counties reported that they collectively spent \$1.9 million on legal publication costs. The cost savings for a local jurisdiction in these challenging economic times would be significant. Besides the fiscal savings, online posting is more environmentally friendly.

<sup>1</sup>*Internet/Broadband Fact Sheet*, Pew Research Center (February 5, 2018)

<sup>2</sup>*Mobile Fact Sheet*, Pew Research Center (February 5, 2018)

<sup>3</sup> *Despite subscription surges for largest U.S. newspapers, circulation and revenue fall for industry overall*, Pew Research Center (June 1, 2017)

The bill also requires a local government to maintain a paper copy of any legal notice that was published on its website, in accordance with its records retention and document disposal schedule, and make the copies available to the general public. The local government must also maintain an affidavit that states the initial date through the last date that the notice was published on the local government's website. A newspaper may also receive and maintain a record of the notices through the mail subscription service.

In conclusion, SB 324 promotes more efficient and environmentally friendly government, provides an alternative notice method to those without internet access, and would save local governments much needed resources. Accordingly, MACo urges the Committee to give SB 324 a **FAVORABLE** report.