



OHIO NEWS MEDIA ASSOCIATION | 1335 DUBLIN ROAD, SUITE 216-B | COLUMBUS OH 43215
DENNIS R. HETZEL, PRESIDENT & EXECUTIVE DIRECTOR

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The Ohio News Media Association is pleased to share our “2018 Legislative Priorities” document for your consideration. Below you’ll find our “Big Five” issues. You’ll find more information on these and other items in the next three pages. We invite your questions, comments and an opportunity to discuss.

1. Support the Ohio Citizen Participation Act

We urge passage of SB 206, introduced by Sen. Matt Huffman, that has been praised by both conservatives and liberals as a model law to protect the free speech rights of citizens facing litigation attacking their constitutional rights.

2. Stop the erosion of access to public records

Our public records law was once a national model, but we continue to erode access and transparency with more and more exceptions. We implore legislators to demand that new exemptions have specific, evidence-based needs and be written as narrowly as possible. Among pending bills, we specifically oppose HB 8 and HB 451.

3. Fix outdated language in the public records law

The Ohio Supreme Court has noted that fees cannot be sought in open records cases, even if you win, unless the request was made in person or by certified mail. This outdated language should be changed to include citizens’ digital requests.

4. Yes, public notices belong in newspapers

Local newspapers remain the place where Ohio citizens want and expect notices as the best and most logical places to fulfill the purpose of informing the public. ONMA also remains committed to ensuring government officials receive great service and fair rates. All notices will continue to go online at no cost to taxpayers.

5. Continue to say “no” to a sales tax on advertising

A sales tax on advertising and marketing expenses would be unfair and potentially devastating – not only to local media outlets but also to consumers and local businesses that would have less to spend on marketing products and services

Best regards on behalf of our more than 300 newspapers and local news websites,

A handwritten signature in black ink, appearing to read "Dennis", is written above the printed name.

Dennis Hetzel
President and Executive Director

OHIO NEWS MEDIA ASSOCIATION

2018 LEGISLATIVE GOALS & OBJECTIVES

The Ohio News Media Association (ONMA) was founded in 1933 as the Ohio Newspaper Association. We represent local news organizations throughout Ohio, including more than 300 daily and weekly newspapers and local news websites. We welcome dialogue on issues important to our industry, the communities we serve and the citizens of Ohio.

IMPROVEMENTS NEEDED FOR OHIO SUNSHINE LAWS

Ohio's public officials often look to us for leadership on legislation involving open government and transparency. It's a responsibility we take particularly seriously.

Ohio Citizen Participation Act: The ONMA will continue to work with its coalition partners to pass our national model "anti-SLAPP" law that protects citizens (not just journalists) who are dragged into costly, time-consuming litigation for expression of their First Amendment rights. We strongly support SB 206, introduced by Sen. Matt Huffman, and urge legislators to send this to Gov. Kasich to sign into law before the summer recess of 2018.

Body-worn cameras: The ONMA supports many aspects of a bill introduced by Reps. Antani and Craig (HB 425) although we have concerns about specific provisions. Any changes must preserve the presumption of openness that attaches to public records. Any new exemptions must be written as narrowly as possible to accomplish the purpose of the exclusion.

Open meetings law improvements: The ONMA supports several improvements in the open meetings law, particularly a requirement to record or keep minutes of executive sessions and a definitional improvement to include "information-gathering" and "fact-finding" sessions – meetings that are presumptively open in many states.

"Death by a thousand cuts" on transparency: In any legislative session, proposals to make more records secret and close more meetings to the public inevitably outnumber any ideas to improve citizen access. Legislation often is overly broad and/or based on the anecdotal, unproven concerns of a single citizen or entity. Existing exemptions are more than adequate in most situations. Any proposals to add new secrecy should be evidence-based and written as narrowly as possible to preserve the strong presumption of openness that attaches to Ohio's laws on public records and public meetings. Specifically, we oppose House Bill 8, which overturns settled law on access to initial police reports regarding school bus accidents – always matters of high public interest. We share similar concerns with HB 451, which relates to graphic depictions in investigative photos. In HB 64, we support a thoughtful compromise that avoids the complete destruction (expungement) of public records in cases of wrongful arrests while still protecting those victimized by redacting personal identifying information.

Amendment to Court of Claims process: The new “court of claims process” for appeals of open records denials is working well and leveling the playing field for citizens. However, legislators should remove phrases added to attorney fee provisions that prohibit the court from conducting discovery on the question of awarding fees to the winning plaintiff in a records case. Note that the government can do discovery on whether the litigation was frivolous.

Filing requirements in open records cases: The ONMA seeks a “technical correction” highlighted by recent Ohio Supreme Court decisions in public records cases. The court said attorney fees could not be awarded because the request wasn’t transmitted by “hand delivery or certified mail.” To update this outdated wording, we propose the addition of language such as this: “by email or other electronic message or transmission.”

HEALTHY BUSINESSES, HEALTHY LOCAL NEWS OUTLETS

It’s no secret that the traditional media business model faces challenges – mostly because of the impact of the Internet on the local businesses and advertisers we serve. Communities want and need financially strong local media. As ONMA members work hard to develop models for growth across Ohio, we urge legislators to carefully consider the impact of proposals that raise costs of doing business for us or our advertising clients. Here are some examples:

Sales tax expansion: We join with our partners in the Ohio Service Industry Coalition to strongly oppose expansion of the Ohio sales tax to business services, including advertising. This would have a devastating impact as most advertisers would reduce spending by the amount of the sales tax – a potential revenue loss of 6-7 percent. This will hurt those local businesses as well. Multiple studies demonstrate that a sales tax on advertising causes job losses, reduction in consumer demand and, overall, will not serve the public policy justifications.

Other taxation issues: We support continued reform to Ohio’s complex municipal taxation system. We oppose any expansion of the CAT tax on gross revenues in an era in which the industry’s profit margins are under extreme pressure.

Independent contractors: We do not support changes in independent contractor status that would inappropriately classify contractors such as newspaper carriers and free-lance journalists as employees.

YES, PUBLIC NOTICES BELONG IN NEWSPAPERS

Ohio newspapers know how to perform this important work for government clients and can continue to do so. Public (legal) notices have an important purpose that traces back to America’s founding. We strongly believe that notices should appear where citizens are most likely to see them. Newspapers remain the best and most appropriate vehicle for governments to provide notices – a position supported by credible research, including a just-completed Ohio

study by Pulse Research (details available). Citizens want and expect notices in newspapers and believe this is an appropriate expenditure of funds.

While the cost of notices is only a small fraction of overall expenses of a governmental body, we recognize and respect the need for to manage costs while carrying out statutory obligations to inform the public. (Indeed, ONMA members have written many editorials to favor adequate funding for local government.) We have supported and initiated successful laws to ensure fair advertising pricing and respond to digital audiences. We support digital access to notices on the platforms that citizens regularly view – local newspaper websites and the statewide site, PublicNoticesOhio.com, which ONMA maintains at no cost to taxpayers and puts every newspaper notice in Ohio in one location on the Internet.

From time to time, there are suggestions to move public notices exclusively to government websites. This defeats the core purpose of notices for several reasons:

1. Most government websites have small audiences. Few citizens would think to go there for notices. There are hundreds, if not thousands, of government websites, across Ohio.
2. The digital divide remains real, proven by government studies, especially in terms of access to information for thousands of lower-income, elderly and rural citizens of Ohio.
3. It is penny-wise and pound-foolish, particularly in the case of bidding and procurement. Imagine the frustration of potential bidders hunting across multiple websites.
4. Consider how all of us approach print versus digital content. In a newspaper, there is a process of discovery as you thumb through the paper, including the public notices. (“Oh, I didn’t know the school district was having a special meeting.”) Most website behavior is highly targeted. You want what you want, and then you exit the site.
5. Many local government sites are ill-equipped to fulfill requirements and provide adequate display, security and verification of “publication.” These are critically important aspects of statutory responsibilities – and often will be new taxpayer expenses. Ohio newspapers have been providing this important service for more than a century and are best-equipped to continue to do across both print and digital platforms.

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