

OKLAHOMA PRESS ASSOCIATION

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PUBLIC NOTICE FUNDAMENTALS

Three laws help citizens stay informed about actions of their government:

The Open Meeting Act

The Open Records Act

Public Notice Laws

DIRECT NOTICE vs. INDIRECT NOTICE

Direct notice is always best, such as a summons or certified mail. With direct notice one party can prove the other party received the information. When direct notice cannot be achieved, whether by practical means or by cost, indirect notice is intended to satisfy the needs of the citizens and provide a legal means for government, commerce, or the courts to move forward.

There are many forms of indirect notice. Newspaper publication is a form of indirect notice. Other types of indirect notice can be posting on lamp posts, town criers, sky writing, direct mail, electronic broadcasting, web sites, etc.

There should be a balance between direct and indirect notice. When direct notice is decreased, indirect notice should be increased. For example, if certified mail is statutorily eliminated as a form of direct notice there should be an offsetting level of increased indirect notice.

TWO MAJOR TYPES OF PUBLIC NOTICES

There are hundreds of different notices but most can be summarized as either:

Accountability Notices: These notices generally are only published ONE time because they are used primarily to hold the public body accountable and multiple notices are not needed.

Warning Notices: These notices usually run multiple times because they are intended to warn the public about some pending action of the government, such as a property foreclosure, enacting a curfew, raising a tax, or some other way in which government intends to affect a citizen's life, liberty and pursuit of happiness.