

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2323 (McKinnor) – As Introduced February 19, 2026

SUBJECT: PUBLICATION: NEWSPAPERS OF GENERAL CIRCULATION

KEY ISSUE: SHOULD NOTICES THAT ARE LEGALLY REQUIRED TO BE PUBLISHED IN A PRINT NEWSPAPER OF GENERAL CIRCULATION ALSO BE REQUIRED TO BE POSTED TO THE NEWSPAPER’S ONLINE EDITION OR WEBSITE?

SYNOPSIS

In order to ensure that the public is aware of the business of government and other important local happenings, California law has for decades required various legal notices to be published in a “newspaper of general circulation.” This method of informing the public worked well for a long time, as the state enjoyed a robust network of local news publications. However, as the media landscape shifts with the rise in smart phones and other electronic devices, print media is struggling. Numerous local newspapers have shuttered in the last 25 years, leaving too many areas of California without a reliable source for local journalism. In the absence of local news, many Californians now get their news from large national publications or suspect social media outlets. These trends in media consumption are undermining the intent of the state’s longstanding requirements for notices to be published in print media.

Seeking to ensure that Californians retain access to important public notices, this bill modernizes the notice law to require notices be posted both in the print copy of a local newspaper as well as on the paper’s website or electronic publication of the paper. The proponents of this bill note that this will help keep Californians informed of critical local issues and help support local media.

This bill is sponsored by California Black Media and is supported by a handful of local news publishers. The bill is supported, if amended, by the California News Publishers Association. The News Publishers Association is seeking an amendment mandating the creation of a privately run statewide notice repository. In response to the News Publishers Association, the sponsors and supporters of this bill worry about the economic impact of such a repository to a small paper’s bottom line. Such concerns were shared by Governor Newsom who vetoed a bill creating such a repository, AB 2095 (Maienschein, 2024), citing cost pressures to small publishers. The stakeholders involved with this bill note that the discussions surrounding the repository have been ongoing and will continue. This bill has no known opposition.

SUMMARY: Requires all public notices that must be published in a newspaper of general circulation to also be published online. Specifically, **this bill:**

- 1) Requires when any public notice is legally required by a statute, ordinance, bylaw, or judicial order to be published in a newspaper of general circulation, that notice must be published in and on both of the following:
 - a) The newspaper’s print publication; and

- b) The newspaper's internet website or electronic newspaper available on the internet.

EXISTING LAW:

- 1) Provides that whenever any official advertising, notice, resolution, order, or other matter of any nature whatsoever is required by law to be published in a newspaper, such publication shall be made only in a newspaper of general circulation. (Government Code Section 6040.)
- 2) Establishes that a newspaper qualifies as a "newspaper of general circulation" if it meets all of the following criteria:
 - a) It is a newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers and has been established and published at regular intervals of not less than weekly in the city, district, or public notice district for which it is seeking adjudication for at least three years preceding the date of adjudication.
 - b) It has a substantial distribution to paid subscribers in the city, district, or public notice district in which it is seeking adjudication.
 - c) It has maintained a minimum coverage of local or telegraphic news and intelligence of a general character of not less than 25% of its total inches during each year of the three-year period.
 - d) It has only one principal office of publication and that office is in the city, district, or public notice district for which it is seeking adjudication. (Government Code Section 6008 (a)(4).)
- 3) Provides that whenever a newspaper desires to have its standing as a newspaper of general circulation ascertained and established, it may, by its publisher, manager, editor or attorney, file a verified petition in the superior court of the county in which it is established, printed and published, setting forth the facts which justify such action. (Government Code Section 6020.)
- 4) Establishes that all publications made in a newspaper during the period it was adjudged to be a newspaper of general circulation are valid and sufficient. (Government Code Section 6025.)
- 5) Clarifies that whenever any law provides that publication of a notice is required, that notice must be published in a newspaper of general circulation for the period prescribed, the number of times, and in the manner provided in that section. Clarifies that "notice" includes official advertising, resolutions, orders, or other matter of any nature whatsoever that are required by law to be published in a newspaper of general circulation. (Government Code Section 6060.)
- 6) Requires public notice in a newspaper of general circulation to notify about a wide range of legal events of interest to the public, including:
 - a) Public hearings related to matters such as land use, zoning changes, environmental impact reports, etc. (E.g., Government Code Section 50485.5 (airport zoning), Health and Safety Code Section 33679 (community redevelopment), Health and Safety Code Section 25242 (b)(4) (hazardous waste).);

- b) Election notices. (E.g., Election Code Section 9303 (initiative), Election Code Section 12105 (pre-election notices), Election Code Section 5200 (disqualification of political parties).);
- c) Foreclosure notices. (Civil Code Section 2924f (b)(2).);
- d) Nuisance notices. (E.g., Government Code Section 38773.1(b).); and
- e) Lien sales of personal property in self-service storage facilities. (Business and Professions Code Section 21707 (a).)

FISCAL EFFECT: As currently in print this bill is keyed non-fiscal.

COMMENTS: A critical element of supporting open and transparent government and business activities is California's robust series of public notice laws. The public notice requirement underpins a bedrock principle of a free society, that information about government activities must be publicized in order for the public to make well-informed decisions about whether to challenge the proposed action. By mandating the publication of legal notices in newspapers of general circulation, the law provides a mechanism for disseminating this important information to the public.

For much of California's history, these public notices were required to be posted in print media, namely newspapers serving the area in which residents may have an interest in the topic of the notice. However, as technology has moved news consumption online and local newspapers have struggled to maintain print readership, there has been a growing push to move various notices online. Seeking to avoid a patchwork of notice laws, and in recognition of the fact that print notices remain a critical source of revenue for vital local news publishers, this bill standardizes all notices by requiring both online and print publication of public notices. In support of this bill the author states:

AB 2323 seeks to modernize California's public notice framework while maintaining the legal protections associated with newspapers of general circulation. The bill expands digital access to public notices so that members of the public can more easily locate important information through additional platforms, while preserving existing requirements for publication in qualifying newspapers. By allowing notices to be available in both traditional print and digital formats, the bill aims to improve accessibility to legally required information while maintaining the established role that newspapers of general circulation play within California's public notice system.

Public notices play a critical role in protecting people's rights and promoting an open society. Dating back to this nation's founding, the notion of ensuring that the public was notified about critical governmental activity was upheld as a fundamental aspect to a functioning democracy. According to the Public Notice Resource Center, the first session of Congress required, "all bills, orders, resolutions and congressional votes be published in at least three publicly available newspapers." (<https://www.pnrc.net/about-2/about-public-notice/>.) Portions of California's public notice laws date back to at least 1943 when the state's current newspaper publishing requirements were adopted with the enactment of Government Code Section 6040.

The California statutory scheme is designed to ensure that notices are published in news publications that reach a substantial number of subscribers in the area impacted by the topic of

the notice. According to California courts, “. . . the statutory [notice] requirement was to require the publication of legal notices to be published in newspapers which would reach the general reading public. . . .” (*In re Application of David* (1929) 98 Cal.App. 69, 74.) Thus, “it would be manifestly unjust, as well as against the letter and spirit of the law, to recognize publications [not read by the general public] as proper for the advertisement of legal notices” (*In re Green* (1913) 21 Cal.App. 138, 142.)

However, the print media industry has struggled as news consumption increasingly moves away from local newspapers toward dispersed online sources, and the effectiveness of the existing notice laws at reaching a critical mass of the population is waning. Indeed, according to Northwestern University’s Medill School of Journalism, more than 2,500 local newspapers have ceased operating. In their absence, impacted communities must increasingly rely on national news publications or social media websites for information. (Penny Abernathy, *The State of Local News 2022*, Northwestern University (June 29, 2022) available at: <https://localnewsinitiative.northwestern.edu/research/state-of-local-news/report/>.) The dispersed nature of consumer news is undermining the existing public notice statute’s goal of ensuring that a critical mass of interested citizens is given notice of current events and governmental activity.

This bill modernizes and standardizes public notices. Seeking to ensure that public notices reach as many members of their intended audience as possible, this bill aims to modernize the public notice statutes. The bill would require any public notice that is required by statute, ordinance, bylaw, or judicial order to be published in a newspaper of general circulation to be posted in the newspaper’s print edition as well as the internet website of the publication. The bill generally applies to all of the aforementioned notices but is designed in a manner as to not supersede the notice duration requirements found in many of the individual statutes mandating public notices on specific topics.

The debate over the usefulness and economic impacts of a statewide notice database. This bill enjoys support from several small media publications from across the state. Nonetheless, the California News Publishers Association has taken a support if amended position, contending that a statewide, “searchable central online repository for public notices,” should be added to the bill. Conceptually, such a statewide database makes sense and would laudably centralize notices in one place accessible to all Californians. Indeed, more than 20 other states have adopted some form of a statewide database.

However, the language of the proposed amendment to create the centralized database describes the notice repository as one that is maintained “by a majority of California newspapers of general circulation.” While admittedly adopted from other states’ statutes, this language is somewhat vague as to who exactly operates the database. Several of the smaller publishers in support of this bill note that this language may result in a scenario where the state’s largest newspapers, those with a sizable technical staff capable of operating such a repository, operate the database and charge smaller newspapers to post notices to the database. The small publishers fear the proposed amendment would essentially result in smaller, often financially struggling, newspapers subsidizing the budget of larger media organizations.

Given that the proposed amendments do not specify how the repository would operate, the risk of larger newspapers charging smaller newspapers to publish notices is not unfounded. Indeed, Governor Newsom appears to share this concern as he vetoed a prior measure to establish this repository, AB 2095 (Maienschein, 2024), noting, “I am concerned that this bill may require the

state's small community newspapers to hire additional personnel to upload notices and/or to pay for software tools to manage these uploads. Neither of these are costs that these small businesses, a vital and valuable source of local journalism, can bear.”

Accordingly, without additional safeguards or clarity regarding how such a database would be funded and what charges may be imposed for posting a notice, the Committee does not see a need to amend the bill at this time and instead *encourages the author, sponsors, and other stakeholders to engage in a meaningful discussion about appropriate fiscal safeguards should such a database be created and be maintained by private entities*. It should be noted that although the prior measures on this topic contemplated a privately managed database, such an important tool for public information may be better managed by a governmental agency as to avoid one private party being statutorily mandated to pay another private party to promote a public good. Recognizing that the state’s current budget situation may render such a proposal unfeasible, nonetheless, the *author may wish to consider bypassing a private database in favor of a notice repository operated by a governmental entity*. Given the nature of the notices that must be posted, either the Office of State Publishing within the Department of General Services, or in some instances, the Judicial Council may be appropriate authorities to create such a repository. However, recognizing the fiscal impact such a proposal may have (even if fee authority accompanied the proposal), the Committee is not insisting on such an amendment but merely proffers the idea to promote ongoing stakeholder discussions.

While the Committee encourages the author and stakeholders to continue discussions surrounding a statewide database, the pressing need to better expand the accessibility of public notices is sufficiently valuable to all Californians to merit this Committee’s consideration of the bill as it is currently in print.

ARGUMENTS IN SUPPORT: This bill is sponsored by California Black Media and is supported by several small local news publications. In support of the bill, California Black Media states:

AB 2323 takes a balanced approach to modernizing California’s public notice framework. The bill preserves the longstanding role of newspapers of general circulation while allowing notices to also be accessible through digital platforms. This approach reflects how residents access information today while maintaining the transparency and due process protections that are central to public notice requirements.

Local and community-based newspapers remain an essential part of the public notice system. In many regions, they are a primary source of information and serve as a consistent and reliable connection between government actions and the communities they impact. At the same time, expanding access through digital formats helps ensure that notices can be found through multiple channels.

REGISTERED SUPPORT / OPPOSITION:

Support

California Black Media
California Independent News Alliance
California News Publishers Association (if amended)
Mariposa Gazette

Observer Group Newspapers of Southern California, Inc.
Pace News, Inc.

Opposition

None on file

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