

CONCURRENCE IN SENATE AMENDMENTS

AB 2323 (McKinnor)

As Amended June 11, 2026

Majority vote

SUMMARY

Requires all public notices that must be published in a newspaper of general circulation to also be published online.

Senate Amendments

Clarify that a newspaper is prohibited from charging a fee or surcharge to access public notices on their website or for posting a legally required public notice and provide that certain errors in the publication of a legal notice on the newspaper's website would not constitute a defect in the publication of the legal notice.

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.

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 requires 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 bill also clarifies that a newspaper is prohibited from charging a fee or surcharge to access public notices on their website or for posting a legally required public notice and provides that certain errors in the publication of a legal notice on the newspaper's website would not constitute a defect in the publication of the legal notice.*

According to the Author

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.

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.

Arguments in Opposition

None

FISCAL COMMENTS

None

VOTES:

ASM JUDICIARY: 12-0-0

YES: Kalra, Macedo, Bauer-Kahan, Bryan, Connolly, Dixon, Harabedian, Pacheco, Papan, Sanchez, Stefani, Zbur

ASSEMBLY FLOOR: 70-0-10

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bauer-Kahan, Bennett, Berman, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Flora, Fong, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Solache, Soria, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

ABS, ABST OR NV: Bains, Boerner, Bonta, Bryan, Ellis, Gabriel, Macedo, Celeste Rodriguez, Sharp-Collins, Stefani

SENATE FLOOR: 37-0-3

YES: Allen, Alvarado-Gil, Archuleta, Arreguín, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener

ABS, ABST OR NV: Ashby, Grove, Seyarto

UPDATED

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CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

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