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Commentary

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Let the sunshine in: Restore transparency to Pennsylvania government

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National Sunshine Week, March 15-21, is a time to highlight the importance of open, transparent government and to call attention to actions that place those principles at risk.

Pennsylvanians deserve to know what their elected school and township supervisor boards, borough councils and other agencies plan to discuss and vote on at public meetings. The Sunshine Act ensures that level of visibility.

At least it did — until last year when the Pennsylvania Supreme Court opened the door for far more government business to occur without prior public notice.

In a split ruling, the high court struck down the requirement that public boards give citizens at least 24 hours' notice of items to be acted upon at a meeting. Local government agencies praised the ruling as a time- and money-saver. But for citizens, journalists and some lawmakers, it set off alarm bells.

“It’s an invitation for abuse and Pennsylvanians will suffer as a result,” said Melissa Bevan Melewsky, media law counsel for the Pennsylvania NewsMedia Association.

“The Supreme Court has opened Pandora’s Box. The public won’t know what’s coming until it’s too late,” said state Sen. Jarrett Coleman (R-Bucks/Lehigh), the plaintiff in the lawsuit that triggered the decision. The case stemmed from a school board’s ratification of a teacher contract that never appeared on the meeting agenda — something that now is legally allowed to happen.

State [Senate Bill 1150](#) and state [House Bill 2146](#) have been offered to restore guardrails to the Sunshine Act. They tighten exceptions to the 24-hour advance-notice rule by ensuring last-minute additions to an agenda are reserved for true emergencies or insignificant matters. In its current form, the House bill would permit a few additional exceptions to the 24-hour requirement.

A separate, but equally critical measure is state [House Bill 1291](#), which updates the Pennsylvania public notice law to ensure citizens receive timely notice before government decisions are made. The bill would keep public notices in news publications and require them to be posted on the statewide public notice website, publicnoticepa.com.

Some local governments have wanted to move these notices to municipal or county websites that are often difficult to navigate, seldom visited, and rarely updated. Pennsylvanians would be forced to scour dozens of government websites just to stay informed about what's happening in their communities. Local news publications provide a convenient, one-stop resource for all public notices.

If governments controlled public notices, agencies would be able to revise, replace or remove notices without scrutiny, undermining the integrity and reliability of the record.

News publications provide a verifiable public record that cannot be quietly altered or removed. They reach audiences far beyond the few people who actively monitor government websites. This independence ensures public notices are broadly disseminated, durable and transparent. It preserves the public's confidence in the integrity of the process.

When Florida allowed government agencies to publish public notices on their county websites, the damaging results were decreased attendance at public meetings, decreased citizen input in government matters, and no increase in visits to government websites. That outcome runs directly counter to the good government goals celebrated during Sunshine Week.

Florida's mistake must not be repeated in Pennsylvania.

The Pennsylvania NewsMedia Association and its members fully support legislation that restores limits on exceptions to the 24-hour notice rule and preserves the independence and accessibility of public notices by keeping them in established news publications.

Transparency is good for government and good for citizens. We call on state lawmakers to let the sunshine in so the public can witness what its government is doing, participate before decisions are made, and hold officials accountable.

The Pennsylvania NewsMedia Association represents print and digital news organizations across the commonwealth. A central part of PNA's mission is to uphold the First Amendment and defend the free flow of information to and from the press.

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