

**OPENING REMARKS OF CAROL AICHELE
FORMER SECRETARY OF THE COMMONWEALTH
SENATE STATE GOVERNMENT COMMITTEE
PUBLIC HEARING ON SENATE BILL 940**

**Tuesday, November 16, 10:00 a.m.
Hearing Room 1, North Office Building**

Senator Argall, Senator Street and members of the Senate State Government Committee, I am happy to help in any way I can to address the work you are doing with respect to the constitutional amendment advertising process. By assigning oversight to the Legislative Reference Bureau, Senate Bill 940 would limit the chances that a proposed constitutional amendment, passed by the General Assembly in two consecutive sessions, would fail ultimately due to advertising problems. As a new Secretary in 2011 at the Department of State, one of the issues, quite frankly, that surprised me was the manner in which proposed constitutional amendments were advertised, so I am happy that this committee is looking at the process.

First, advertising is enormously expensive and can cost between \$2 and \$3 million per amendment, depending on the length of the bill. We bought advertising space by the inch and individual newspaper formatting can add to the length. The Department annually budgets only a minimum amount for amendment advertisements and must go through the process of a budget adjustment when additional costs are incurred.

We used a State vendor to manage the advertising in the two newspapers of record in each of the 67 counties. In some areas of PA, it is hard to find a newspaper of record with meaningful circulation, and in other areas, newspaper circulation in some cases extends well beyond county boundaries. Some, but not all, newspapers have digital formats to service the on-line readers. If our purpose is to inform voters through advertising, we may not be doing that through newspaper advertising.

Next is a challenge we faced when we were at the Department. At least three and maybe more counties in PA require that the proposed constitutional amendments be published in Spanish. Approved translators were hired to prepare the Spanish versions...doubling the costs for advertising in the newspapers of record. The DOS had fluent Spanish speaking employees on staff, and they were highly critical of the translations...maintaining that the translations used Spanish words that did not convey a clear and accurate translation. There was talk that PA may soon be required in some counties to publish in Chinese. It is important that the published versions be the exact translation from the English version passed by the General Assembly.

Finally, the process of advertising is "labor intensive" and can be required to be completed in a very short time span. All of the ad copy in the two newspapers of record in English and Spanish need to be proofread for accuracy. The billing needs to be verified in finance. Our Chief Counsel and the Attorney General's Office are involved. Backing up the timeline, if the advertising needs to be completed 30 days

before the election, the group tasked with doing the advertising needs to have time to secure the newspaper space, agree on the plain language statement, get sign off on the wording of the actual ballot question...sometimes in more than one language...and do all the proof reading. Proofreading is time consuming.

Without question, the people of PA would be well served if the process for advertising proposed constitutional amendments were (1) streamlined, (2) free from any bias with respect to the wording of the ballot question, the plain English statement and all its translations, and (3) designed to better inform voters. Your consideration of consolidating the whole advertising process under the Legislative Reference Bureau could accomplish many of the objectives stated above. Most importantly, your work helps to build trust in the voting process in PA.

During my term as Secretary of the Commonwealth, it was an extortionary privilege for me to have dedicated and talented staff to support the work of the Department. A leader on that staff, former DOS Deputy Secretary Shannon Royer, who for all four years led our departments of elections, press, policy, and legislation, is also on the call this morning to bring his perspective.

Thank you again for including us in this hearing, and we look forward to sharing our responses to your questions.