

**Opening Remarks of Shannon Royer, Former Deputy Secretary for External Affairs and Elections
Pennsylvania Department of State**

**Pennsylvania Senate State Government Committee
Public Hearing on Senate Bill 940
Tuesday, November 16, 10:00 a.m.
Hearing Room 1, North Office Building**

Chairman Argall, Chairman Street and Members of the Senate State Government Committee, it is a pleasure and an honor to appear before you today to discuss the challenges associated with Pennsylvania's constitutional amendment advertising process. I hope that Secretary Aichele and I are able to provide background and insights into this process that will be helpful to the Committee.

In April of this year, the Office of State Inspector General (OSIG) issued a report on the Department of State's (DOS) failure to advertise the constitutional amendment that would have provided a new window for victims of childhood sexual abuse to sue their abusers. This constitutional amendment was contained in House Bill 963. After going into great detail about breakdowns that took place in the Department with its advertising process, OSIG summarized the following in its report:

"DOS lacks a formal, well-structured, memorialized process for tracking, receiving, processing, publishing, and otherwise handling proposed Constitutional Amendments, that places oversight responsibility on senior DOS official(s) and clearly identifies the duties and processes of each DOS bureau or office that takes part in the process."

The picture painted by the OSIG report suggested that at the time, DOS did not have policies in place that clearly defined the roles and responsibilities of its employees or a proper tracking system for the extensive process of advertising constitutional amendments.

From my time at the Department of State, I can attest that the number of individuals and offices involved with the constitutional amendment advertising process can certainly make this a complex responsibility for the agency. Anywhere from 12 to 20 employees can be involved and upwards of 100 people may be copied on various emails during the process. Employees involved work in the Election Bureau, which is the agency intake and filing source for the amendments. They work in the Office of Chief Counsel, which develops language included in the advertisements. They work in the Finance Bureau, which also works with a vendor to coordinate payments to newspapers in order to meet the requirement of advertising amendments in two newspapers in all of the state's 67 counties. They work in the Office of Legislative Affairs, which must internally shepherd the entire process, as well as the Department's executive office which monitors everything from beginning to end to make sure that the advertisements are placed precisely three months before an election as required by the Constitution.

And it is critical that this process occurs without any hiccups as it is not uncommon for DOS to be given as little as three weeks to advertise a constitutional amendment.

With all of this in mind, it is wonderful to see that this committee is considering a proposal that will reform the state's constitutional amendment advertising process. By moving this process out of DOS and into the Legislative Reference Bureau (LRB), Senate Bill 940 will achieve a number of important things as a constitutional amendment, including:

1. Completely streamlining the advertising of amendments, moving away from a sprawling process that lands in multiple bureaus and offices across an agency to a single entity that can better manage and monitor this function,
2. Lessening the risk of missing the advertising deadline of three months prior to an election when only given a short period of time to place advertisements by housing this function in a bureau that can more easily act quickly, and
3. Reducing partisan inclinations by Democratic and Republican administrations to influence the wording of the constitutional amendment ballot questions and the summaries of the amendments that accompany the advertising.

While there can never be any guarantees that mistakes will not be made in the advertising process regardless of which agency or bureau is tasked with this responsibility, there is no doubt that LRB is a more suitable entity to perform this function. Senate Bill 940 goes a long way in helping to ensure that we will never face another situation like we experienced with the childhood sexual abuse constitutional amendment. This is a commonsense reform that will restore confidence in how Pennsylvania administers the advertising of constitutional amendments.

Thank you again for giving me the opportunity to participate in this hearing and I look forward to answering any questions.