

**Process Committee Recommendation on
Essential Nonpartisan Functions: An Elected Controller
(Administration of the State Elections (including Campaign Finance and Redistricting),
Government Ethics, Investigations (potentially including Audits) and Reports)**

Approved on 10/10/06

The commission recognizes that partisan campaigns, elections, and organizations play both a critical and constructive role in the formation of public policy, but also that there are limits to the proper role of partisanship in the conduct of public business.

Partisan elections and partisan organization in principle are organizing vehicles for offices and functions that involve political choices among competing public policy goals. Partisan organizations form around broad goals and priorities and party affiliation helps voters choose candidates whose goals and priorities they prefer.

To limit some of the detrimental aspects of partisan control of the legislative process, the commission already has endorsed opening primary elections and has proposed proportional minority representation on legislative committees as well as letting each house of the legislature decide for itself whether its members are elected with or without party designation, and to organize itself accordingly.

Political partisanship, however, has no proper role in functions that do not involve choices among competing policy goals but depend on accurate determinations and reporting of facts. These functions need to be administered by someone whose professional interest is in carrying out these duties and who is above any reasonable suspicion of pursuing a political agenda.

Chief among these is the conduct of elections, the bedrock of democracy, including compliance with campaign regulations. Others are investigation of violations of government ethics laws or other maladministration of public programs. The legislature needs such a nonpartisan investigatory capacity to perform investigatory services essential to any oversight function. These functions therefore should be headed by a nonpartisan elected official who will not use this office as a platform for pursuing a political career.

A model for such an office is found in the nonpartisan federal Government Accountability Office, headed by the Comptroller General of the United States, which investigates and issues reports on requests from the minority as well as majority parties in Congress as well as on its own initiative. For Oregon, the Process Committee chose the term Controller, but the title is immaterial.

Recommendation

- 1. Create a nonpartisan statewide elected State Controller to be responsible for the management, administration and oversight of state elections and elections policy, campaign finance administration, investigation of elections and ethics issues, and legislative redistricting. The committee selected State Controller as a working title.**

2. **The State Controller will execute the investigatory needs of the Oregon Government Standards and Practices Commission and will receive sufficient budget to be effective.**
3. **Redistricting will be managed by the Controller consistent with the recommendations made in a separate Process Committee proposal for a five-member redistricting commission.**
4. **The inclusion of the state audit function is to be considered by the legislature as one of the duties of the Controller initially and/or at a later date.**
5. **The Controller's term of office is to be not less than six years. The office holder will be barred from seeking a partisan office until two years after the expiration of the six-year term.**

Recommendation Details:

Recommendation 1: Create a nonpartisan statewide elected State Controller to be responsible for the management, administration and oversight of state elections and elections policy, campaign finance administration, investigation of elections and ethics issues, and legislative redistricting. The committee selected State Controller as a working title. The committee concurred that there are several means to providing nonpartisan administration of the elections, campaign finance, related investigations, and redistricting functions. Making the existing Secretary of State a nonpartisan office was discussed, but instead the committee recommends a controller function responsible for all duties of the existing Elections Division while leaving the balance of the current Secretary of State's functions in place. See recommendation 4 on auditing.

Recommendation 2: The State Controller will execute the investigatory needs of the Oregon Government Standards and Practices Commission and will receive sufficient budget to be effective. Investigatory functions currently exist in the state Elections Division. This recommendation enhances those functions to include the needs of the Government Standards and Practices Commission. Investigatory and subpoena power are essential to effective administration of these functions. Providing services both to the Elections Division and the GSPC leverages expertise and resources for both organizations. Success requires adequate and sufficient funding, which has not always been forthcoming in budget processes; consequently, the committee has stressed the need for sufficient funding.

Recommendation 3: Redistricting will be managed by the Controller consistent with the recommendations made in a separate Process Committee proposal for a five-member redistricting commission. Details of the revised redistricting plan are contained in a separate recommendation from the Process Committee. Redistricting is one function of a nonpartisan system of administering elections, as well as related processes whose purpose and credibility requires them to be nonpartisan. Should the creation of the nonpartisan Controller be endorsed by the commission, and should the redistricting commission proposal also be endorsed, the responsibility for the redistricting commission and its work would rest in this new office.

Recommendation 4: The inclusion of the state audit function is to be considered by the legislature as one of the duties of the Controller initially and/or at a later date. Moving the audit function from the Secretary of State to the Controller requires additional discussion by the

legislature. The committee believes it fits appropriately into the duties of a Controller, but as a constitutionally mandated function, it would require a constitutional amendment to take effect. The committee supports the concept, but its priority is the elections and redistricting functions of the new office which can be implemented without a constitutional amendment.

Recommendation 5: The Controller's term of office is to be not less than six years. The office holder will be barred from seeking a partisan office until two years after the expiration of the six-year term. A longer term length and limitations on subsequent quests for office are intended to provide additional buffers from partisan pressure for the office and the office holder