

2013 Oregon Legislative Session
Testimony to Oregon Legislature
Addressing Rules Committee
Hearing Room 50
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HD 11
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HB 2306
after first reading, unamended
OPPOSITION

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Dear Chair and members of the House Rules Committee,

Thank you for the opportunity to address the committee and express my concerns in opposition to HB 2306, summarized as “Designates any elective county or city office as nonpartisan.”

Background

A 1973 state law granted all counties power to exercise broad home rule authority, with or without a charter. As a result, the National Advisory Commission on Intergovernmental Relations identified county government in Oregon as having the highest degree of local discretionary authority of any state in the nation. (from the Association of Oregon Counties website)

Oregon has 9 counties who have chosen to be charter counties and to define their offices as partisan or non-partisan and as such they may place requirements upon the candidates for office and mandate the procedures they wish to use to fill vacant elected positions. The voters in these counties have made a deliberate and specific choice to do so. Home Rule Counties include, Washington, Multnomah, Hood River, Benton, Jackson, Josephine, Clatsop, Umatilla and Lane.

The Association of Oregon Counties does NOT have this Bill or anything similar on the Policy page of their website. AOC seems to have taken no position, neither endorsing nor opposing this Bill.
<http://www.aocweb.org/aoc/HomeSubmenu/PolicyCenter/tabid/775/Default.aspx>

Mandating change to designate all offices as non-partisan is Constitutionally unnecessary.

No two Cities or Counties in Oregon are similar enough to have a cookie cutter approach applied to their methods of governance. The common sense principle of keeping things simple enough to be appropriate, effective and affordable should be at the forefront of evaluating any change in governance imposed upon other elected offices. Those closest to the situation will make the best choices.

To echo the spirit of the 1973 Oregon Constitutional amendment granting greater local control, Oregon Cities should also remain free to dictate their own election practices with respect to declaring partisan or non-partisan offices according to their charters.

Since 27 of 36 Oregon Counties have chosen NOT to govern under home rule indicates that it is not the will of the people in those counties to pursue those options for their Counties. This may be pursued by the petition process or referred to the ballot by County Commissioners at any time.

County and City government must not be hindered or constrained by Legislative mandate when the voters already have the Constitutional authority to make such choices for themselves.

Information for voters would be reduced.

Voters should be able to have as much information as possible about the candidates they may choose from when casting a ballot. Where voters have been able to rely on that information to make a choice, they should not have it taken away, especially without their consent.

FILLING VACANCIES The repeal of ORS 236.215 and 236.217, where to begin?

Background

The current system of major political parties providing a screening mechanism to proffer a list of potential appointees, who most closely resemble with the will of the voters in a particular constituency.

The voters, as represented by Precinct Committee Persons and the elected representatives closest to the vacancy are in the best possible position to know the qualifications of persons stepping forward to be appointed. Not every person who steps forward to be considered for appointment has the appropriate combination of education, experience, background, soundness of judgment or integrity to be granted the privilege of serving in any capacity.

Repeal of ORS 236.215 would significantly alter the process of appointing County Commissioners. Repeal of ORS 236.217 eliminates the advisory role of elected and appointed Precinct Committee Persons.

Transfer of appointment authority by the repeal of ORS 236.215

The transfer of appointment authority to the Governor increases the distance between those holding elected office via appointment and the voter. That reduces the accountability of the elected official.

With ORS 236.215 and 236.217 gone, the process of filling a vacancies defaults to **ORS 236.225 Filling vacancies in offices of county governing body.** Without 236.215, the Governor appoints any vacancy of a County Commissioner. The change in appointment authority away from the elected body of fellow Commissioners AND the advice of the PCP's. The result is a concentration of power in the Executive branch and diluting, if not ignoring completely, the will of the voters closest to the vacancy.

Eliminating the role of Precinct Committee Persons

The elimination of ORS 236.217 has the effect of eliminating the role of the precinct committee person in participating in and providing a list of candidates from which an appointment may be made. As an elected precinct committee person, it is my privilege and my obligation to take seriously, the task of identifying the most qualified, competent and dedicated individuals to be considered for appointment when a vacancy occurs.

HB 2306, if enacted would remove the will of the voters and disregard the wisdom and participation of Precinct Committee Persons as they fulfill their role in representative democracy. The choices made closest to the affected voters will yield a better, well reasoned result.

The effect of eliminating the role of the PCP is to declare that the Oregon Legislature sees no value in the service of neighbors elected to provide local input. Since when is it acceptable to regard to citizen input irrelevant and of no value? That does not enhance the trust which should exist between the voters and their elected representatives.

Unintended or undisclosed impacts of HB 2306

An additional concern is the possible reliance on ORS 236.217 in the appointment process to fill other vacancies beyond those defined in ORS 236.215. Is it possible that ORS 236.217 is cited from other portions of Oregon Statutes governing members of Legislative bodies?

In at least one County (Benton), ORS 236.217 is specifically cited as part of their County Charter. Other Counties may be similarly affected and HB2306 would trigger the need to re-evaluate other charters as well.

It would be a tragedy if the true intent of HB 2603 was to reduce the role of the Precinct Committee Person and further concentrate authority, unchecked, in the Governor's office at the expense of the distributed authority in County and City governance or to impact other elected offices.

In conclusion, my concerns and opposition to HB 2306 can be summarized by the following:

- County Voters must not be burdened with aspects of Charter home rule without their consent.
- County and City Voters would be deprived of information about their candidate choices by removing party identification if citizens rely upon the information.
- Elected and appointed Precinct Committee Persons are stripped of their vital role advising the appointing body and representing their constituents. Local voters are disenfranchised of their influence in filling vacancies.
- Extrapolated consequences of the repeal of ORS 236.217 exist. The cascading effects concentrate authority in the Executive branch and alter the balance of powers intended under the Oregon Constitution.
- Enactment of HB 2306 would necessitate amending County Charters that rely upon ORS 236.217 in their vacancy filling processes.
- Transfer of appointment authority for County Commissioners to the Governor's office does not remove partisanship from the process of filling vacancies of vacancies for County Commissioners. Enactment of HB2306 introduces opportunity for future partisan gamesmanship and sets precedent for the disregard for the will of the voters.
- Primary election turn out would be suppressed, partisan choice between a group of candidates assists the voters in reducing the number of candidates under consideration on a general election ballot.
- Primary elections are just one vital mechanism that must be retained in order to remind ALL elected officials that their job performance will be monitored and that accountability will be imposed at the ballot box, even among the members of one's own political party.

Good governance must not begin with concealing information from voters or eliminating the advisory role of the Precinct Committee Person and the will of the individual voter. Suppression of information and voter participation, directly or indirectly, is not what I believe to be in the best interest of all Oregonians.

Thank you for the opportunity to address the committee and I strongly urge you to vote no on HB2306. I would be happy to answer any further questions you may have.

Sincerely and Respectfully,

Christine L Ruck