

**Testimony of Ginger McCall, Former Public Records Advocate
Against Proposed Amendment 1 to SB 1506
February 8, 2020**

Last fall I resigned from my position as Oregon's first Public Records Advocate because I felt that the political interference I faced had made it impossible for me to accomplish the mission of the Office of the Public Records Advocate. That interference was well-documented and, eventually, was acknowledged even by the Governor. Those facts are beyond dispute. In response to the documented threats to the independence of the Office of the Public Records Advocate, the Public Records Advisory Council convened to discuss reform proposals.

There was extensive public interest in this episode. Dozens of members of the public joined the Council's meetings by phone or in person, and there was significant media presence, as well. The story was the subject of reporting across the state. After a long and nuanced discussion over two meetings, the Council agreed - unanimously aside from the League of Oregon Cities' representative's sole "nay" vote - to adopt robust independence provisions which would protect future Advocates from the kind of interference and political pressure I faced. The Council's proposal became SB 1506.

As I discussed in my testimony on SB 1506, ensuring that the Advocate is a functioning independent office is essential to protecting both transparency and public trust. Governor Brown understands this, which is why she pledged both publicly and in a private meeting with me to support the independence of the Advocate and the proposal of the Council.

Amendment 1, supported by the League of Oregon Cities, would subvert this open, democratic process by reversing all of the Council's proposed reforms, and, in fact weakening the Advocate. Specifically, the proposal to strip the Advocate of a vote on the Council silences a person who is actually working on the front lines of public records in the state. The Amendment transforms the Advocate from a leader of the Council to a mere recordkeeper.

Moreover, this Amendment will do nothing at all to address the inappropriate political pressure I faced which resulted in my resignation and, in fact, appears to be an attempt to punish the Office of the Public Records Advocate for my resignation. This Amendment strips the independence language proposed by the Council and leaves in place the hiring and ambiguous reporting structure that created this problem to begin with.

Creating a more independent Advocate poses no actual risks because the Advocate has no power to abuse. The Advocate cannot order the disclosure of records, cannot fine a public body, cannot order a public body to waive fees. The power of the Advocate lies in the public and the government's trust that the Advocate is a fair party, serving the interests of transparency, not the interests of a partisan politician. The best way to ensure that public trust, in the wake of

well-documented attempts of undue political influence, is to change the reporting structure of the Public Records Advocate so that the Advocate clearly reports to the Council.

Moreover, concerns that the Advocate would be unaccountable are misplaced. Under SB 1506, the Advocate would perhaps be even more accountable, reporting to the entire Public Records Advisory Council. Through this scheme, the Advocate would be accountable, via that Council, to at least three elected officials, including the Oregon Secretary of State, the Governor (through the Department of Administrative Services representative), and the Attorney General. The Council can remove the Advocate at any time for cause. This would ensure that the Advocate is accountable for doing good work and serving the people of Oregon, while at the same time minimizing the risk of political interference by any one elected official.

The public has weighed in on this discussion extensively, through public comments, editorials, and participation in the Council's meetings. I would challenge anyone who supports this Amendment to show that there is any public support in favor of weakening the Office of the Public Records Advocate. I would also challenge the supporters of this amendment to articulate how it addresses the circumstances of my resignation and how it will forward the public's interest in transparency.

It is the job of the legislature to represent the interests of the public, not the interests of a single special interest organization. I urge you to consider all of this as you consider this amendment, to take the time to read the editorials and public comments in favor of independence that I have attached to this testimony, and to vote in favor of SB 1506 and against this amendment.