

Reducing Washington's "Long Ballot" for Elections

Time to restructure statewide elected policy offices

by Jason Mercier
Director, Center for Government Reform

August 2008

On August 19, 2008, Washingtonians will vote in the state's first top-two primary election. Not counting local races, voters will be asked to decide which candidates will advance to the November ballot for nine separate statewide offices. Here is an example of the "long ballot" voters will consider¹:

For Governor

Dino Rossi (Prefers G.O.P. Party)
Will Baker (Prefers Reform Party)
Christine Gregoire (Prefers Democratic Party)
Duff Badgley (Prefers Green Party)
John W. Aiken, Jr. (Prefers Republican Party)
Christian Pierre Joubert (Prefers Democratic Party)
Christopher A. Tudor (States No Party Preference)
Javier O. Lopez (Prefers Republican Party)
Mohammad Hasan Said (States No Party Preference)
James White (Prefers Independent Party)

For Lt. Governor

Brad Owen (Prefers Democratic Party)
Marcia McCraw (Prefers Republican Party)
Arlene A. Peck (Prefers Constitution Party)
Jim Wiest (Prefers G.O.P. Party)
Randel Bell (Prefers Democratic Party)

For Secretary of State

Sam Reed (Prefers Republican Party)
Mark Greene (Prefers Party Of Commons Party)
Jason Osgood (Prefers Democratic Party)
Marilyn Montgomery (Prefers Constitution Party)

For State Treasurer

Allan Martin (Prefers Republican Party)
Jim McIntire (Prefers Democratic Party)
ChangMook Sohn (Prefers Democratic Party)

¹ Secretary of State's election website, at <http://wei.sec.state.wa.gov/osos/en/Pages/OnlineVotersGuide.aspx>

Highlights

- Currently Washingtonians elect nine separate statewide offices.
- Other than the nine elected positions, all other senior officials in the executive branch are appointed by the governor. They make up the governor's cabinet and include many key positions, many as important as some elected offices.
- Direct election of the Secretary of State, Superintendent of Public Instruction, Commissioner of Public Lands and Insurance Commissioner does not necessarily create greater public accountability, because most Washingtonians do not know the names of these officials. These positions should become cabinet-level appointments.
- If problems arise with public education, insurance regulation, or management of public lands, voters would know that the solution lies with the governor, who could change the top managers of these policy areas at any time. If the governor fails to use his or her appointment powers to improve the management of these departments, voters could take that failure into account at election time.
- Reducing the number of statewide elected offices would shorten the length of the ballot and more importantly, focus public accountability in a way that people can understand and remember. This would increase accountability both during a governor's term and in election years when voters are assessing candidates for the state's top offices.

For State Auditor

Brian Sonntag (Prefers Democratic Party)
Glenn Freeman (Prefers Constitution Party)
J. Richard (Dick) McEntee (Prefers Republican Party)

For Attorney General

John Ladenburg (Prefers Democratic Party)
Rob McKenna (Prefers Republican Party)

For Commissioner of Public Lands

Peter J. Goldmark (Prefers Democratic Party)
Doug Sutherland (Prefers Republican Party)

For Superintendent of Public Instruction

John Patterson Blair
Don Hansler
Randy Dorn
David Blomstrom
Enid Duncan
Teresa (Terry) Bergeson

For Insurance Commissioner

Mike Kreidler (Prefers Democratic Party)
John R. Adams (Prefers Republican Party)
Curtis Fackler (States No Party Preference)

Once local offices are included, this “long ballot” becomes even more tedious for voters and diminishes the amount of attention they are able to devote to each office up for election. One way to address this problem, without sacrificing accountability or citizen control over government, is to reduce the number of statewide elected policy offices and consolidate their responsibility under the governor’s office by creating a “short ballot.”

Background

Every four years Washington voters are asked to elect officials for nine separate statewide offices (not counting the state supreme court). These offices are:

1. Governor
2. Lieutenant Governor
3. Secretary of State
4. Treasurer
5. State Auditor
6. Attorney General
7. Superintendent of Public Instruction
8. Commissioner of Public Lands
9. Insurance Commissioner

Since voters can only realistically focus on a few high-level offices, there has been a debate about whether this is the most effective way to structure our state government.

One view holds that voters should use the “long ballot” to institute the greatest amount of direct democracy, by requiring election of a large number of statewide officials.

Others argue that a “short ballot” approach is better because the people choose a limited number of top officials, who are then held uniquely responsible for the proper functioning of government. Proponents of this view say elected officials are then subject to greater public scrutiny because there are fewer of them.

All of these statewide elected offices, except Insurance Commissioner, are established by the state constitution. Insurance Commissioner is unique since the legislature, not the constitution, established the elective nature of the office.

Other than the nine elected positions, all other senior officials in the executive branch are appointed by the governor. They make up the governor’s cabinet and include many key positions, many as important as some elected offices.

State officials appointed by the governor include (in-part):

- Secretary of Social and Health Services
- Director of Ecology
- Director of Labor and Industries
- Director of Agriculture
- Director of Financial Management
- Secretary of Transportation
- Director of Licensing
- Director of General Administration
- Director of Community Trade & Economic Development
- Director of Veterans Affairs
- Director of Revenue
- Secretary of Corrections
- Secretary of Health
- Director of Financial Institutions
- Chief of the State Patrol

The duties and responsibilities of some of these appointed officials are similar to, and in some cases carry more responsibility than, those

of the Secretary of State, Superintendent of Public Instruction, Commissioner of Public Lands or Insurance Commissioner.

Policy Analysis

Today, eight of Washington's statewide elected officials are autonomous of the governor. In practice they can lobby the legislature independently, and even work against what the governor is trying to accomplish.

Any such conflict is resolved in those parts of government that are administered by appointees. If a policy disagreement arises among cabinet officers, the governor settles it by forming a single, unified policy for the administration.

Similarly, if the legislature is unable to reach agreement with a cabinet official over important legislation, the dispute can be taken "over his head" to the governor. The governor may or may not agree with the position the cabinet appointee has taken, but at least the legislature will get a final answer. The legislature knows that, through the governor, the executive branch speaks with one policy voice.

The reason this works is because the governor has direct authority over the appointed officials. They serve at the governor's pleasure and can be dismissed at any time. The governor is accountable to the voters for the overall performance of the administration.

Accountability offices

The Secretary of State, Superintendent of Public Instruction, Commissioner of Public Lands and Insurance Commissioner are policy offices, much like those currently in the governor's appointed cabinet. Direct election of these offices does not necessarily create greater public accountability, because most Washingtonians do not know the names of these officials.

The Treasurer, Auditor and Attorney General, however, carry out an oversight role, working to ensure government agencies are following the law. It is because of this distinction that independent election of these offices makes sense.

Since there would be just three of these "watchdog" offices, it would be easy for voters to

remember what function these offices perform in state government. Voters would then clearly understand what they are voting on when selecting among candidates running for these positions.

Nonpartisan watchdogs

As "watchdog officials," it makes sense for the Treasurer, Auditor and Attorney General (if provided enforcement power) to function as nonpartisan offices as is the case for State Supreme Court Justices. In fact, bills have been introduced over the past few years at the request of the State Treasurer to make that office subject to nonpartisan elections. Most recently, SB5556 was considered but not adopted by the legislature. Here is a summary of the testimony in favor of this change from the bill report (Testifying in favor: Senator Shin, prime sponsor; Don Whiting, Washington State Grange; Mike Murphy, State Treasurer):

"The State Treasurer has not had truly partisan issues to deal with during his time in office. Managing the state's money should never be a partisan issue. The State Treasurer should be guided by the law, principles of public service, and ethics, not political concerns. Partisan politics should never enter into the State Treasurer concerns when dealing with the state's financial management. Politics plays a part in everyday life, and certainly plays a part when you hold state office, but that is different from partisan politics playing a part. If the job of State Treasurer is not partisan, why should the election be partisan? It is important to serve as a public official, not a partisan official. The most important qualification for the job of State Treasurer should be a strong finance background, not political aspirations. The Office of State Treasurer should be administered in an objective, nonpartisan manner. Just because an office is nonpartisan, it does not mandate that the campaign needs to be nonpartisan. Nothing stops either party from endorsing a candidate they believe in."²

The State Auditor also supports making his office subject to nonpartisan elections. According to State Auditor Brian Sonntag: "Citizens certainly don't expect partisanship in an office like this. The work of

² Senate Bill 5556 bill report, at <http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bill%20Reports/Senate/5556.SBR.pdf>

the State Auditor is about government accountability and transparency, not politics. Our audits are—and should be—independent and fair without even a hint of bias.”

While the core functions of the Attorney General’s Office are non-partisan, Attorney General Rob McKenna favors maintaining partisan races for his office because he believes such affiliations provide important information about the candidate’s philosophy and priorities. If, however, the Attorney General were to be provided enforcement powers to prosecute government violations of law (instead of serving primarily as the government’s attorney), that office should be subject to nonpartisan elections to remove even the appearance of political prosecutions.

Office of Lieutenant Governor

To ensure the successful transition of power in the event the governor is unable to fulfill his or her duties, it makes sense to have an elected Lieutenant Governor ready to step into the top office. That does not mean, however, that the Lieutenant Governor needs to be elected independently of the governor. Instead, Washington should model the office of Lieutenant Governor after that of the Vice President of the United States. This would mean that candidates for Governor and Lieutenant Governor would run on the same ticket.

Maryland structures its election of Governor and Lieutenant Governor this way. Article 2, Section 1B of the Maryland constitution states:

“Each candidate who shall seek a nomination for Governor, under any method provided by law for such nomination, including primary elections, shall at the time of filing for said office designate a candidate for Lieutenant Governor, and the names of the said candidate for Governor and Lieutenant Governor shall be listed on the primary election ballot, or otherwise considered for nomination jointly with each other.

“In any election, including a primary election, candidates for Governor and Lieutenant Governor shall be listed jointly on the ballot, and a vote cast for the candidate for Governor shall also be cast for Lieutenant

Governor jointly listed on the ballot with him...”³

Conclusion

With fewer statewide elected offices, voters would choose the five highest state officials in four elections, as follows:

1. Governor and Lieutenant Governor
2. Attorney General
3. State Treasurer
4. State Auditor

If problems arise with public education, insurance regulation, or management of public lands, voters would know that the solution lies with the governor, who could change the top managers of these policy areas at any time. If the governor fails to use his or her appointment powers to improve the management of these departments, voters could take that failure into account at election time.

Reducing the number of statewide elected offices would shorten the length of the ballot and more importantly, focus public accountability in a way that people can understand and remember. This would increase accountability both during a governor’s term and in election years when voters are assessing candidates for the state’s top offices.

Jason Mercier is director of the Center for Government Reform at Washington Policy Center, a non-partisan public policy research organization in Seattle and Olympia. Nothing here should be construed as an attempt to aid or hinder the passage of any legislation before any legislative body. For more information contact WPC at 206-937-9691 or online at washingtonpolicy.org.

APPENDIX: The tables on the following pages show state executive branch offices that will be elected between 2008 and 2012. The tables are from the Council on State Governments, “The Book of the States 2008.”

³ “Executive Department,” Article II, Section 1B, Constitution of Maryland, at www.msa.md.gov/msa/mdmanual/43const/html/02art2.html.

Table 6.1
STATE EXECUTIVE BRANCH OFFICIALS TO BE ELECTED: 2008–2012

<i>State or other jurisdiction</i>	2008	2009	2010	2011	2012
Alabama .....	...	...	G,LG,AG,AR,A,SS,T	...	...
Alaska .....	...	...	G,LG	...	...
Arizona .....	...	...	G,AG,SS,SP,T (a)	...	...
Arkansas.....	...	...	G,LG,AG,A,SS,T (b)	...	...
California .....	...	...	G,LG,AG,C,CI,SS,SP,T (c)	...	...
Colorado .....	...	...	G,LG,AG,SS,T	...	...
Connecticut .....	...	...	G,LG,AG,C,SS,T	...	...
Delaware.....	G, LG, CI	...	AG,A,T	...	G, LG, CI
Florida .....	...	...	G,LG,AG,AR,CFO	...	...
Georgia .....	...	...	G,LG,AG,AR,C,SS,SP (d)	...	...
Hawaii .....	...	...	G,LG	...	...
Idaho.....	...	...	G,LG,AG,C,SS,SP,T	...	...
Illinois.....	...	...	G,LG,AG,C,SS,T	...	...
Indiana.....	G, LG, AG, SP	...	A,SS,T	...	G, LG, AG, SP
Iowa .....	...	...	G,LG,AG,AR,A,SS,T	...	...
Kansas .....	...	...	G,LG,AG,CI,SS,T	...	...
Kentucky .....	...	...	...	G,LG,AG,AR,A,SS,T	...
Louisiana .....	...	...	...	G,LG,AG,AR,CI,SS,T	...
Maine (e).....	...	...	G	...	...
Maryland .....	...	...	G,LG,AG,C	...	...
Massachusetts.....	...	...	G,LG,AG,A,SS,T	...	...
Michigan.....	(f)	...	G,LG,AG,SS (f)	...	(f)
Minnesota.....	...	...	G,LG,AG,A,SS	...	...
Mississippi.....	...	...	...	G,LG,AG,AR,A,CI,SS,T	...
Missouri.....	G,LG,AG,SS,T	...	A	...	G,LG,AG,SS,T
Montana	G,LG,AG,A,SS,SP	...	...	...	G,LG,AG,A,SS,SP
Nebraska .....	...	...	G,LG,AG,A,SS,T	...	...
Nevada .....	...	...	G,LG,AG,C,SS,T	...	...
New Hampshire.....	G	...	G	...	G
New Jersey.....	...	G,LG	...	...	...
New Mexico .....	...	...	G,LG,AG,A,SS,T (g)	...	...
New York .....	...	...	G,LG,AG,C	...	...
North Carolina.....	G,LG,AG,AR,A,CI,SS,SP,T (h)	...	...	...	G,LG,AG,AR,A,CI,SS,SP,T (h)
North Dakota	G,LG,A,CI,SP,T (i)	...	AG,AR,SS (i)(j)	...	G,LG,A,CI,SP,T (i)
Ohio .....	...	...	G,LG,AG,A,SS,T	...	...
Oklahoma	(k)	...	G,LG,AG,A,CI,SP,T (k)	...	(k)
Oregon	AG,SS,SP,T	...	G (l)	...	AG,SS,SP,T
Pennsylvania	AG,A,T	...	G,LG	...	AG,A,T
Rhode Island .....	...	...	G,LG,AG,SS,T	...	...
South Carolina .....	...	...	G,LG,AG,AR,C,SS,SP,T (m)	...	...

See footnotes at end of table.

STATE EXECUTIVE BRANCH OFFICIALS TO BE ELECTED: 2008–2012—Continued

State or other jurisdiction	2008	2009	2010	2011	2012
South Dakota.....	(n)	...	G,LG,AG,A,SS,SPT (n)	...	(n)
Tennessee.....	...	...	G	...	...
Texas.....	(o)	...	G,LG,AG,AR,C (o)	...	(o)
Utah.....	G,LG,AG,A,T	...	...	...	G,LG,AG,A,T
Vermont.....	G,LG,AG,A,SS,T	...	G,LG,AG,A,SS,T	...	G,LG,AG,A,SS,T
Virginia.....	...	G,LG,AG	...	...	...
Washington.....	G,LG,AG,A,CI,SS,SPT (p)	...	...	...	G,LG,AG,A,CI,SS,SPT (p)
West Virginia.....	G,AG,AR,A,SS,T	...	...	...	G,AG,AR,A,SS,T
Wisconsin.....	...	SP	G,LG,AG,SS,T	...	...
Wyoming.....	...	...	G,A,SS,SPT	...	...
American Samoa.....	G, LG	...	...	...	G, LG
Guam.....	...	...	G,LG,AG,A	...	...
No. Mariana Islands.....	...	G, LG	...	...	...
Puerto Rico.....	G (q)	...	...	...	G (q)
U.S. Virgin Islands.....	...	...	G, LG	...	...
Totals for year					
Governor.....	13	3	38	3	13
Lieutenant Governor.....	10	3	32	3	10
Attorney General.....	10	1	31	3	10
Agriculture.....	2	0	7	3	2
Auditor.....	8	0	16	2	8
Chief Financial Officer...	0	0	1	0	0
Comptroller.....	0	0	10	0	0
Comm. of Insurance.....	4	0	3	2	4
Secretary of State.....	7	0	26	3	7
Supt. of Public Inst. or Comm. of Education...	6	1	8	0	6
Treasurer.....	9	0	24	3	9

Sources: The Council of State Governments' survey, January 2008 and state election administration offices and Web sites, January 2008.

Note: This table shows the executive branch officials up for election in a given year. Footnotes indicate other offices (e.g., commissioners of labor, public service, etc.) also up for election in a given year. The data contained in this table reflect information available at press time.

Key:

... — No regularly scheduled elections
 G — Governor
 LG — Lieutenant Governor
 AG — Attorney General
 AR — Agriculture
 A — Auditor
 C — Comptroller/Controller
 CFO — Chief Financial Officer
 CI — Commissioner of Insurance
 SS — Secretary of State
 SP — Supt. of Public Instruction or Commissioner of Education
 T — Treasurer

(a) Corporation commissioners (5)—4 year terms, 2012–2016—3 seats, 2010—2 seats. State Mine Inspector—4 year term, 2010 election.

(b) Commissioner of State Lands.

(c) Five (5) Board of Equalization members are elected to serve 4-year concurrent terms that will expire January 2011.

(d) Commissioner of Labor—4 year term, 2010 and 2014.

(e) In Maine the legislature elects constitutional officers (AG,SS,T) in even-numbered years for 2 year terms; the auditor was elected by the legislature in 2004 and will serve a 4 year term.

(f) Michigan State University trustees (8)—8 year terms, 2008—2, 2010—2, 2012—2, 2014—2; University of Michigan regents (8)—8 year terms, 2008—2, 2010—2, 2012—2, 2014—2 Wayne State University governors (8)—8 year terms, 2008—2, 2010—2, 2012—2, 2014—2; State Board of Education (8)—8 year terms, 2008—2, 2010—2, 2012—2, 2014—2.

(g) Commissioner of Public Lands—4 year term, 2010.

(h) Commissioner of Labor elected in 2008.

(i) There are 3 Public Service Commissioners. One is up for election every two years. (3)—6 year terms, 2008—1, 2010—1, 2012—1.

(j) Tax Commissioner.

(k) Corporation Commissioners (3)—6 year terms, 2008—1, 2010—1, 2012—1.; Commissioner of Labor—2010, 4 year term.

(l) Commissioner of the Bureau of Labor and Industries.

(m) Adjutant general—4 year term.

(n) The title is Commissioner of School and Public Lands elected in 2008; Public Utility Commissioners (3)—6 year terms, 2008—1, 2010—1, 2012—1.

(o) Commissioner of General Land Office—4 year term, 2010; railroad commissioners (3)—6 year terms, 2008—1, 2010—1, 2012—1.

(q) Resident Commissioner to the House of Representatives, 2008.