



Democratic Accountability in Board Appointments—Model Policy

Summary: The Democratic Accountability in Board Appointments Act seeks to expand the pool of candidates from which a state’s appointing authority can select when appointing individuals to state occupational boards and commissions. This model does so by ensuring that appointing authorities are not restricted in their appointment selections by being required to choose from any generated lists or other nominations provided to them.

Democratic Accountability in Board Appointments Act

Whereas, much like the controversial Missouri Plan for judicial appointments, some states require their governor to select new members of occupational boards and commissions from a list of candidates provided by the board or self-interested professional associations; and

Whereas, this method of selection undercuts democratic accountability, violates the separation of powers, and increases the risk of cronyism and regulatory capture of such boards; and

Whereas, a democratically accountable officer making the appointments must be responsible for the actions of licensing boards in a meaningful way so that the people know whom to hold responsible if the board takes actions they dislike; and

Whereas, restricting the appointment of licensing board or commission members to a slate of candidates chosen by insiders will tend to restrict and perpetuate candidates who support the incumbents’ regulatory preferences; and

Whereas, the appointment of board or commission members without biased selection criteria promotes the public interest over the interests of incumbent boards, commissions, or self-interested professional associations.

Therefore, be it enacted:

Section 1: Notwithstanding any other state law, the appointing authority for any state board or commission is not restricted in his or her selection of qualified candidates for appointment by lists or other nominations generated by the board or commission at issue or by leaders or groups within in any professional or other association.

Section 2: Preexisting laws that require the appointing authority to select candidates for appointment for state boards or commissions from a list generated by another person or

entity shall have no force or effect, except that the appointing authority is free to consider recommendations for appointment from any individual or group in the state.