

troller are in the policy-making area. As I understand your comments, he is responsible for what you call the pre-payout checks which I presume are done by the merit system employes rather than the comptroller himself on a daily basis; and you suggested that the auditor reports to the comptroller, and that that has been vested in the legislature. There is also the legislatively delegated and quasi-judicial powers. Would you say that an appointed comptroller would handle the legislatively delegated power and the quasi-judicial power less ably than an elected comptroller?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I think a crony appointed by the governor who does not know too much about fiscal affairs would be less apt to be as efficient as an elected controller who had to expose himself to the people on his excellent record and satisfy them sufficiently to get re-elected comptroller of the State. I think it is safer under our present system.

THE CHAIRMAN: Delegate Byrnes.

DELEGATE BYRNES: I am trying to narrow down in my own mind what your position is. You certainly stated it very adequately. Let me make sure that I have it clarified.

It seems to me you might be saying that the great asset to the people in the comptroller is found by the fact that he sits on the Board of Public Works, not so much that he is comptroller and head of the treasury department. I think this is a very fundamental distinction that Judge Adkins alluded to when he said that the comptroller's responsibilities, qua comptroller, or as the official known as the comptroller is one responsibility, but his function on a Board of Public Works is an entirely different one. To put it another way, anyone could sit on the Board of Public Works and perform this independent watchdog function without necessarily also having to be head of the treasury department. What I am questioning is whether or not this is a correct analysis, whether or not this dichotomy can be made because if it can, it is important that we do so because it would seem that we could have this kind of elective official, and at the same time strengthen the executive branch, while not letting the treasury branch be headed by an elective position.

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I think the people of this State in 1851, and you might

say they have confirmed it ever since by reason of the fact that it has never been changed by constitutional amendment, conceived that a person such as the comptroller who has or acquires an intimate working knowledge of all facets of state government, of all the executive departments, is perhaps the best state official to sit on the Board of Public Works because of his intimate knowledge of state affairs.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Judge, I was wondering whether or not any surveys were done to determine whether or not the people knew that there was a comptroller and an attorney general. I remember one survey on Congress which revealed that about ten per cent of the people knew who their Congressman was. I wonder if any surveys were done?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: I do not know if any precise surveys were done to see how many people know the name of our present comptroller or attorney general. But I might say that during two election campaigns, I travelled over this state and went into virtually every hamlet and city and to the countryside and almost every store and place of business along with candidates for comptroller and governor; and that was done at least twice in every county in the State, and three or four times in the more populous areas. I think anyone interested in government, who either reads the newspapers or turns out for political meetings, pretty well knows who is running for comptroller, forms an opinion about his qualifications and votes accordingly for the person of his choice.

THE CHAIRMAN: Delegate Willoner.

DELEGATE WILLONER: Did you study the percentage dropoffs between governor and attorney general?

THE CHAIRMAN: Delegate Sybert.

DELEGATE SYBERT: No particular study. There always is a dropoff for voting from the governor on down. A substantial number of people vote for governor and apparently do not vote for anything else. But on the other hand, the other candidates, attorney general and comptroller, get very large votes.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Judge Sybert, do you recall in the Committee the original vote on this question was 10 to 10?