

SIX AVENUES FOR LEGISLATIVE OVERSIGHT

Oversight Partners: The state government entities supporting legislative oversight through performance and fiscal agency reports and findings. Can include auditors, fiscal agencies, ombuds, legislative research staff, commissions, etc.

Appropriations: Using the state budget process to gain information. Can include reporting requirements as a condition of funding, legislative veto, and appropriations hearings.

Committees: Can include hearings, interviews, interim charges/studies, and the power of the phone call to receive information on programs and services. Different committees, even within the same state, can have different powers and mechanisms for gathering information and conducting oversight.

Administrative Rule Review: How a legislature contributes input throughout and after the administrative rule process. Can include cost considerations, audit office participation, recommend changes to an agency, delay adoption. Administrative rule review mechanisms vary widely from state to state.

Advice and Consent: When legislatures have an opportunity to leverage their check on certain executive actions to gain information. Can include gubernatorial appointments, executive orders, and even government reorganization actions.

Monitoring Contracts: Many government programs are implemented through contracted services. Legislative oversight on contracts can include mandatory reporting, audits, and hearings with relevant agencies and contractors.



LEVIN CENTER ONLINE RESOURCES

State Legislative Oversight Wiki – go.levin-center.org/wiki

State legislatures conduct oversight in countless ways and often through committees and with help from partner agencies. SOA’s Wiki is the first resource of its kind to include links to legislatures and committee websites; committee jurisdictional information; recommended agency reports; and fiscal data; as well as a submission tool for legislators, department officials, and staff to submit their own updates and corrections.

State Oversight Academy’s Oversight Training Program – go.levin-center.org/OTP

Nine online lessons on how to conduct an in-depth oversight investigation using the six avenues of oversight. Each lesson includes an instructional video (typically 20 to 40 minutes long), interviews with practitioners and academics, examples of best practices in the states, and a short assignment to explore how you can apply the lesson in your legislature.

Portraits in Oversight – go.levin-center.org/portraits

If you are looking for inspiration on what you can accomplish by exercising your legislative oversight powers, check out the Levin Center Portraits in Oversight. These short profiles describe notable inquiries and leading figures in congressional oversight history.

Oversight Overview Videos – go.levin-center.org/youtube

Available on YouTube, “Oversight Overviews” are informative videos on state legislative oversight topics. Subscribe to the Levin Center for Oversight and Democracy’s account to stay updated on new releases and browse the video archive for videos on elections oversight, corrections inspectors general, interim oversight committees, and more.

Proactive Oversight Toolkit for State Legislatures Reels - [@stateoversightacademy](https://www.instagram.com/stateoversightacademy) on Instagram

Reels with quick, actionable tips to build a proactive oversight toolkit in a state legislature on topics including Medicaid, SNAP, and education funding.

BUILDING CONSENSUS ON THE FACTS

Identify Key Factual Questions. Identify the most important facts in question. Come up with a list of factual questions. The list may need to be revised as the investigation progresses.

Use Open-Ended Factual Questions. When trying to answer a factual question, do not state a hypothesis and then try to prove it. Instead use an open-ended factual question, and then follow the evidence as it unfolds to answer the question.

Brainstorm. Brainstorm on ways to resolve the key facts in question – identify documents, data, experts, witnesses, third parties, site visits, court cases, and other ways to get to the facts.

Keep an Open Mind & Contact Other Sources of Info. When considering the evidence, keep an open mind. Develop alternative theories of what happened. Reach out to agency personnel, witnesses, experts, and the public to get different perspectives.

Contact Reporters. When reviewing media reports, consider contacting the reporter and asking for copies of any documents, witness contact information, and any information not in the published story. Compile and cross reference multiple media reports from different publications, locations, and over time. Identify discrepancies as well as common information.

Use Chronologies. Write up chronologies of what happened when. Include undisputed facts, footnote where those facts came from, and identify the facts that remain in question.

Analyze Documents. Assemble documents containing evidence related to the facts in question and analyze them. See if there is consensus on whether those documents establish at least some of the facts. Write up the facts that have been established, with footnotes identifying their source. For the facts that remain in dispute, discuss what additional evidence is needed to help establish those facts.

Use Repetition in Interviews. In interviews, ask multiple witnesses the same questions about factual matters to see what they say. Show multiple witnesses the same documents. If all or most witnesses provide the same information, write it up, and see if there is consensus that certain facts have been established even if some facts remain in dispute.

Follow Up. If a key fact remains in dispute after an interview, discuss ways to resolve the issue such as by asking the witness' lawyer for clarification, re-interviewing the witness, or locating new witnesses or documents with relevant information.

Use Civil Discourse to Narrow Differences. Consider convening a meeting to discuss specific factual disputes. Ask one or more individuals to present the relevant evidence and jointly evaluate it. Discuss multiple ways of phrasing the facts to see if there is some description of the facts to which all sides can agree. Try to narrow the areas of disagreement.

Write It Up. Use a report or fact sheet to describe the agreed upon facts as well as those still in dispute. For those in dispute, note that they remain unresolved and consider offer competing explanations of what happened with supporting evidence for each alternative.

OVERSIGHT PLANNING EXERCISE WORKSHEET

Instructions: Choose 1-3 issue areas about which you would like to do oversight (e.g., Medicaid, environment, education). With a topic in mind, use this oversight plan framework to develop an open-ended, factual question. Once you develop the question, think about facts and data that can help reveal current state efforts and preparation. Identify available relevant oversight avenues and resources to help you gather the facts.

Topic	Open-ended factual question	Facts and data to pursue	Resources and oversight avenue(s)