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Report on Oregon Voters' Pamphlet

City Club of Portland (Portland, Or.)

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REPORT ON
OREGON VOTERS' PAMPHLET

To the Board of Governors,
City Club of Portland:

I. INTRODUCTION

The charge to your Committee was developed by the Standing Committee on State and Local Government and was formally adopted on February 9, 1981. Your Committee was directed to review the Oregon Voters' Pamphlet to determine its purpose, cost and effectiveness, and to make recommendations and evaluate proposals for change in both the format and the legal requirements pertaining to the Voters' Pamphlet.

Your Committee studied the history of the Voters' Pamphlet since its initial adoption in 1903 and the changes in it during that time. This included an in-depth analysis of the current statutory requirements affecting the Voters' Pamphlet.

Your Committee reviewed the format of the pamphlet, the legal responsibilities of the Secretary of State's office, and the statutory requirements of the sections of the Voters' Pamphlet dealing with candidates for public office and with ballot measures. In addition, the current cost of producing the Voters' Pamphlet was examined in detail and compared with costs required in prior years as well as projected future costs of publishing the pamphlet. Also, a comparative analysis of the Voters' Pamphlet with those of other states and those published by private organizations was performed.

Finally, the Committee conducted extensive interviews. Included were members of the Secretary of State's office, several Oregon legislators and lobbyists and other interested and affected persons. Particular attention was devoted to determining reaction to two proposals currently before the Oregon House of Representatives which would amend the existing laws pertaining to the Voters' Pamphlet.

The appendix lists all persons interviewed and the Bibliography. Your Committee's raw data, including interview summaries, memoranda and copies of legislation, are on file at the City Club office.

II. HISTORY OF THE VOTERS' PAMPHLET

The Oregon Voters' Pamphlet was an early product of the "Oregon System," the purpose of which was to place an educated electorate in more direct control of the people's business.

William Simon U'Ren, a populist dedicated to reforming the mechanics of government in Oregon, drafted the initiative and referendum amendment to the Oregon State Constitution in 1902. The necessary legislation passed at the next session of the legislature in 1903. Section 8 of this bill required the Secretary of State to publish and distribute to each registered voter a pamphlet giving the title, text and form of each measure referred to the people. Specifications for a six-by-nine inch size, paper weight, type size and style were to remain in effect for over 50 years. Proponents or opponents of a measure originally could furnish conforming pamphlets, printed at their own expense, to be bound with the state pamphlet and distributed at state expense.

In 1907 the law was changed to require printing to be done entirely by the Secretary of State, but persons submitting arguments were required to pay "sufficient money to supply as the expenses for printing and paper." This provision remained until 1959. The 1907 law provided for all measures to be bound together in one pamphlet and distributed by mail with postage prepaid to every voter in the state. The method of distribution was changed in 1975 to "each Post Office address."

U'Ren next turned his attention to equalizing "fair and adequate publicity" for all candidates. In 1908 a bill was passed limiting the amount of money candidates and other persons could spend in election campaigns and providing for a pamphlet furnishing information to voters concerning candidates and parties "partly at public expense." Candidates (or their friends) could submit photographs and statements in support of their candidacy. There was also a provision for anyone to file statements why a candidate should not be elected, provided that the candidate was served personally with a copy in advance of publication. This option was very rarely used, but it remained part of the Oregon System for fifty years.

The first candidates pamphlet was published in 1910 under legislation that allotted one page of space to candidates for Congress and statewide office at a cost of \$100, while candidates for the legislature and county offices paid \$25 (state legislators soon reduced their own fee to \$10). The candidates pamphlet and the measures pamphlet were published separately until 1934, when they were combined into one publication entitled the "Official Voters' Pamphlet."

There have been several studies over the years and much controversy over the merits of the voters' pamphlets. The argument, "Is the Voters' Pamphlet worth it?" has been debated in many sessions of the Oregon legislature.

The cost and effectiveness of both measures and candidates pamphlets came under attack as early as 1924 in an editorial in the Oregon Voter urging their abolition and citing biennial costs then in excess of \$250,000. "Returns indicate that not more than 40 percent are taken home" from post office boxes, noted the editorial, and there was further loss from changes of residence. On the other hand, State Senator Richard Neuberger stated in a 1952 article in The Oregonian that, "regardless of the intrinsic merit of the Voters' Pamphlet in Oregon there is no doubt that it is one of the best read publications in this or any state." (At that time, Oregon was the only state with a candidates pamphlet.) Senator Maurine Neuberger later sought passage of a bill in Congress which would have required the federal government to pay one-half the cost incurred by a state in publishing a voters' pamphlet for any election which included candidates for federal office and proposing to have voters' pamphlets mailed free.

The late William L. Josslin did a thesis on the subject while a student at Stanford University in 1925 and later chaired a City Club study of the Voters' Pamphlet in 1941. This study recommended, among other reforms, the proposal to refuse publication of any material which "promotes or advocates hatred, abuse, violence or hostility toward any race, color, religion or manner of worship." That proposal became law in the same year, and not until 1980 was its validity first challenged (see Section III, below).

A League of Women Voters' study in 1962 pointed out that the law did not require arguments both favoring and opposing each measure. In 1972, the Citizens Research Foundation published a comprehensive study by Donald Balmer of State Election Services in Oregon, analyzing the costs and the uses of pro and con arguments for measures over the years.

Numerous revisions have been made by the legislature. In 1951, for example, laws were passed requiring an explanation of the cost to the public of proposed measures and providing for an impartial explanatory statement of each measure. Revisions in 1957 provided for portraits not more than five years old (later changed to one year), and placing page size and format in the discretion of the Secretary of State.

Almost all revisions, studies, and reforms have agreed with Richard Neuberger's basic conclusion in 1952: "The Voters' Pamphlet for better or worse has become an Oregon institution."

III. THE OREGON VOTERS' PAMPHLET TODAY

A. Format and Responsibility for Preparation

The Oregon Secretary of State has full responsibility for compiling and distributing the Voters' Pamphlet. The task is substantial -- in the 1980 general election alone, over 1.1 million copies of the Voters' Pamphlet were printed and distributed. The same task had been performed about five months before, for the primary election.

The format of the Voters' Pamphlet is largely dictated by statute (Oregon Revised Statutes, Chapter 251). By law, it must contain the following items:

- General explanatory statement on voter qualification and registration;
- The full text and ballot title of each statewide ballot measure, along with a short explanation of each measure and any arguments favoring or opposing it;
- The same material for county ballot measures, if a given county complies with certain requirements (only a few counties take advantage of this opportunity);
- In each general election, a statement of principles and solicitation of voter support, written by each of the major political parties;¹
- For each candidate appearing on the ballot for national, state, county, city or legislative office (including councilor of a metropolitan service district), a photograph of the candidate and a statement submitted by or on behalf of the candidate, if such material is submitted to the Secretary of State.
- Maps of metropolitan service districts.

1. If submitted, up to two pages of material may be printed on behalf of each statewide party committee, at a fee of \$100 per half page. County party committees may obtain up to one page of space, at a cost of \$50 per half page.

The Secretary of State's office has been adding to the Voters' Pamphlet a few other items not required by law. They include:

- Tables of contents to the ballot measures and elective offices in the Voters' Pamphlet;
- Maps of legislative districts;
- Lists of precincts and polling places;
- Instructions on voting procedures;
- A summary of ballot measures and an index to candidates;
- An application for an absentee ballot and instructions for applying (this feature was added in 1980);
- Pictorial or cartoon graphics, to aid readability (the Secretary of State's office tries to key its explanatory material to an eighth grade reading level).

The Secretary of State publishes different versions of the Voters' Pamphlet for most of Oregon's counties, with consolidated versions for some less populous counties. Thus, 26 different pamphlets are printed, and in the 1980 general election, the number of copies of each edition ran from 7,445 (for Lake/Harney County) to 255,275 (for Multnomah County).²

The Multnomah County Voters' Pamphlet edition is the largest one, mainly because of the larger number of legislative districts within Multnomah County. Its 1980 primary election pamphlet contained nearly 150 pages; that is close to the thickness limit that available machinery can staple.

B. Voters' Pamphlet Materials -- Requirements and Limitations

1. Ballot Measure Materials

Ballot measures in Oregon generally are of two basic types -- those referred by a legislative action (referendum) and those submitted by popular petition (initiative). They receive nearly identical treatment in the Voters' Pamphlet.

In either case, a committee of five citizens drafts an impartial "explanatory statement" for inclusion in the Voters' Pamphlet. The method of appointment of that committee varies slightly, depending on whether the measure has been referred by the legislature. Generally speaking, the committee includes two proponents of the measure, two opponents (who are sought out and appointed by the Secretary of State),

2. The 26th pamphlet has been published in primary and general elections since 1976 -- a Spanish language edition of the Malheur County Voters' Pamphlet. The federal Voting Rights Act provides that, in a political subdivision where over five percent of the voting age population are members of a single language minority, an English language Voters' Pamphlet is a "test or device" that abridges or denies the right to vote (42 United States Code Section 1973b). The federal Census Bureau has determined that Malheur County contains a "Spanish heritage" language minority, and a Spanish language Voters' Pamphlet version is required. Spanish language ballots are also required to be available; in the last general election, according to the Secretary of State's office, fewer than ten such ballots were cast.

and a fifth person selected by the other four. A "backup" explanatory statement is prepared independently by the Legislative Counsel Committee (a group of state legislators), and if the five-member committee is not formed or does not submit a statement, the explanatory statement of the Legislative Counsel Committee appears in the Voters' Pamphlet.

Oregon law provides for inclusion in the Voters' Pamphlet of arguments for and against ballot measures. For a referendum measure, the law gives a three-member panel of legislators the first one-half page of the argument section in which to make an argument in favor of the measure. All other arguments for or against a measure, each of which is also limited to one-half page, may be submitted to the Secretary of State by any individual or organization that can produce either (1) a \$300 payment or (2) a petition signed by 1,000 voters who agree with the argument. Controversial measures routinely attract submission of arguments by many people and organizations. In the 1980 general election pamphlet, for example, Measure 6 (property tax limit) and Measure 7 (nuclear plant construction moratorium) each drew nine separate half-page arguments for or against; Measure 5 (leghold trapping ban) had ten.

2. Candidate Materials

By far the greatest single use of Voters' Pamphlet space is by candidates for elective office. National, statewide and congressional office seekers are each allowed a full page of space in the Voters' Pamphlet, for a fee of \$150. Legislative, judicial and local candidates each may purchase one-half page for \$50, and metropolitan service district councilor candidates are allotted one-quarter page each for \$25. In the 1980 primary election, about two-thirds of the Voters' Pamphlet space was devoted to candidate statements. The general election pamphlet was a bit less than one-half candidate material, reflecting the attrition from the primary election.

It should be noted that the fees collected from candidates and those submitting ballot measure arguments do not begin to pay the actual cost of publishing the material. In 1980, the actual cost of printing and distributing a full page of material in all 26 pamphlets statewide was about \$5,300. Moreover, the fees go directly into the General Fund and are not applied directly to the Secretary of State's budget.

Each candidate may submit a photographic portrait for publication. Certain occupational and educational background information must be provided, but the remainder of the candidate's statement is largely left to his or her discretion. The only statutory limitations on a statement are its length, a requirement that it be composed of words and numbers (no drawings or logos), and a prohibition on language that is obscene or incites racial or religious hatred.³

3. The Secretary of State is authorized by ORS 251.055 to reject any such candidate statement or ballot measure argument. A 1980 primary election candidate whose statement was rejected on that ground challenged the constitutionality of the statute. (See Brown v. Paulus, Marion County Circuit Court No. 118667.) His lawsuit was dismissed, but not clearly on the constitutional ground. A California appeals court has held that a California statute almost identical with ORS 251.055 is an unconstitutional invasion of First Amendment free speech rights [Loza v. Panish, 162 Cal Rptr 596 (1980)]. It is uncertain whether the Oregon law would survive a similar legal test.

By law, no page of the Voters' Pamphlet may contain candidate material for more than one elective office. This provision leads to much blank space in the candidate section. The 1980 Multnomah County general election pamphlet contained seven and one-half pages of such empty space.

C. What the Voters' Pamphlet Costs

Printing and postage expense accounted for 87 percent of the total \$981,000 cost of producing and distributing 2,349,000 primary and general election Voters' Pamphlets in 1980. To meet the rapidly inflating prices of newsprint, labor and postage, and because of the state's growing population, the Secretary of State's office has budgeted about \$1.4 million for the 1982 Voters' Pamphlets, and it fears that the estimate is too conservative.

Because the Secretary of State believes it is essential to maintain close supervision and coordination of the printing of the many different versions of the Voters' Pamphlet, the printing is done inside the state, at a single private printing plant near Portland. Apparently it is the only plant in the state large enough to handle the job smoothly, but that plant took 21 days, operating 24 hours a day, to produce the latest Voters' Pamphlet. Newsprint and printing expenses for the two 1980 pamphlets totaled \$575,000.

Table 1

COSTS ASSOCIATED WITH 1978-1980 OREGON VOTERS' PAMPHLETS

| | <u>1978</u> <u>Primary</u> | <u>1978</u> <u>General</u> | <u>1980</u> <u>Primary</u> | <u>1980</u> <u>General</u> |
|--|-------------------------------|-------------------------------|-------------------------------|-------------------------------|
| <u>Number printed</u> | 1,065,575 | 1,090,500 | 1,207,325 | 1,141,986 |
| <u>Costs</u> | | | | |
| Composition (State Printer) | \$ 30,563 | \$ 34,552 | \$ 38,016 | \$ 31,271 |
| Printing (includes paper) | 172,983 | 249,206 | 282,866 | 292,629 |
| Duplicating Equip- ment Rental | 591 | 100 | 4,623 | 1,697 |
| Temporary Employees and Consultants | 9,670 | 7,117 | 21,527 | 14,883 |
| Spanish Translation | 5,600 | 5,809 | 13,888 | 5,635 |
| Postage | <u>103,040</u> | <u>137,607</u> | <u>143,569</u> | <u>130,937</u> |
| <u>Total Cost</u> | \$ 322,447 | \$ 434,391 | \$ 504,489 | \$ 477,052 |
| <u>Cost per pamphlet</u> | 30¢ | 40¢ | 42¢ | 42¢ |

Source: Oregon Secretary of State's Office.

The Secretary of State has attempted to obtain a low-cost nonprofit postage rate for Voters' Pamphlet distribution, but under U.S. Postal Service regulations, the state must use third-class bulk postage to deliver Voters' Pamphlets. The total postage cost for the 1980 pamphlets was \$274,000 -- more than twice what it would have cost if the state were entitled to use the postage rate reserved for non-profit organizations. Bills are pending in Congress to reduce or eliminate postage fees on election materials such as voters' pamphlets, but such bills face an uncertain future in a budget-conscious Congress.

Table 1 (see previous page) compares costs of recent Voters' Pamphlets.

D. Comparison with Other States' Voters' Pamphlets.

In all, 16 states publish a voters' pamphlet in some form. Your Committee compared the Oregon Voters' Pamphlet with those issued by Alaska, Washington, Idaho, Arizona and Montana. California publishes a voters' pamphlet, but state officials did not respond to your Committee's request for information. The publications of Washington and Alaska were found most similar to Oregon's in size, content and distribution (Table 2 illustrates some similarities and differences between the Oregon and Washington pamphlets).

Among the differences, Oregon prepares 26 versions of the pamphlet, whereas Washington has only five and Alaska but four. (Washington will provide information in Spanish upon request.) Oregon prepares a pamphlet for both primary and general elections; the other two states cover only general elections, and the resulting cost differences are of course substantial.

Oregon's cost of preparation and distribution escalated from \$255,245 in 1974 to \$477,052 in 1980 for the general election pamphlet only. Washington's cost dropped from \$293,697 to \$259,681 from 1974 to 1978, according to the most recent figures available. For that lower total cost, Washington distributed over 400,000 more pamphlets than Oregon. The Washington Secretary of State's office suggested that a possible reason is Washington's use of the state printer in publishing the pamphlet. Another apparent reason is that the Washington pamphlet contains about half as many pages as the Oregon Voters' Pamphlet. Both Oregon and Alaska use the same Oregon private printer. Charges to candidates for inclusion of their pictures, biographies and campaign statements are similar. None of the states collects fees that amount to a realistic offset of actual publication costs.

Oregon, Washington and Alaska all attempt to provide a "neutral" explanation of ballot measures. In addition, Oregon includes arguments for and against ballot measures. The Alaska voters' pamphlet contains public statements on ballot measures, for which no fee is charged. Washington does not include such statements.

Alaska and Washington, where applicable, show the legislative vote on ballot measures; Oregon does not. Oregon has provision for including county and certain city measures; the other two states do not. Alaska alone includes a "Judicial Council" review of all candidates for judicial posts. The other two include judicial candidate material without further commentary.

Table 2
 COMPARISON OF TWO STATES' VOTERS' PAMPHLETS
 (1978 figures given for comparison; see Table 1 for 1980 figures)
Oregon Voters' Pamphlet Washington Voters & Candidates Pamphlet

| | | |
|---|---|--|
| <u>Size, Frequency of Publication, Special Editions</u> | 8 1/2 x 11 | 8 1/2 x 11 |
| | 25 versions (+1 Spanish) | 5 versions |
| | 120 + pages | 63 + pages |
| | Primary and General | General |
| <u>Quantity</u> | Blind version available | Variations odd-numbered years. |
| | Primary 1978: 1,065,575 | General 1978: 1,701,182 |
| | General 1978: 1,090,500 | |
| <u>Cost</u> | Primary 1978: \$322,447 | General 1978: \$259,681 |
| | General 1978: \$434,391 | |
| <u>Method of Distribution</u> | By Post Office to occupant. | By Post Office to occupant. |
| <u>Candidate Section</u> | Yes, biography and campaign statement. | Yes. |
| | Pictures with certain rules. | Pictures with certain rules. |
| | Charges: | Charges: |
| | Per page \$150 for President, V.P. U.S. Senator, U.S. Representative, National Committee, statewide offices. | Share not less than 2 pages \$200 for U.S. Senator, U.S. Representative, Governor. (President, V.P. get 1 free page to share.) |
| | Per 1/2 page \$100 for statewide political parties, \$50 for countywide parties. | Share not less than 1 page \$100 for other state offices. |
| | Per 1/2 page \$50 for any other office. | Share not less than 1 page \$50 for State Senator, certain judges. |
| | Per 1/4 page \$25 for Metro offices. | Share not less than 1/2 page \$25 for State Representative. |
| | Secretary of State reviews statements for competence. | Review process in statute. |
| <u>Measures Section</u> | Const. Amendments, Referendums, Initiatives. | Const. Amendments, Referendums, Initiatives. |
| | Ballot title, text, fiscal impact. | Ballot title, text, legislative vote where applicable. |
| | Explanation by proponents/opponents who are appointed depending on measure/origin. | Explanation by Attorney General. |
| | Arguments by Legislative Counsel Committee; others may buy space @ \$300 per page or petition with 1000 voters' signatures. | Arguments by Legislative-appointed Committee; pro/con with rebuttals; assisted by Advisory Committees. |
| | Secretary of State has review power; appeals to Supreme Court permitted. | Review procedure provided. |
| | Provision for inclusion of local measures. | |

IV. DISCUSSION

A. Effectiveness

Interestingly, none of the sources consulted or persons interviewed by your Committee gave separate consideration to the purposes that are or ought to be served by the Voters' Pamphlet. Virtually all of them, however, seemed to base their comments on one or both of these presumptions: (1) the Voters' Pamphlet is meant to be an educational publication for the electorate, and (2) it is intended to provide low-cost publicity for candidates and those with strongly held views on ballot measures.

One of the most frequent criticisms of the Voters' Pamphlet heard by your Committee was that it contains useless or misleading information. Witnesses said some statements submitted in support of or in opposition to ballot measures contained inaccurate information and decreased the Pamphlet's effectiveness as a voter education tool. The large number of arguments on some measures, which were seen by some as "put up" statements of special interests, were thought to add cost and bulk to the Voters' Pamphlet while decreasing its readability and providing little information. Some persons viewed the practice of allowing groups or individuals to purchase space in the Pamphlet, at a price far below actual publication cost, as questionable for a state subsidized publication. Others, however, viewed it as providing a valuable public forum for expression of political views by groups with limited funds. Members of your Committee differed on the issue of whether such "public access" arguments should continue to appear in the Voters' Pamphlet. A clear majority, however, favored their continuation.

Objective evidence of the Voters' Pamphlet's effectiveness proved difficult to find. One witness, who had testified before a legislative committee that he had seen several surveys attesting to the Pamphlet's value to the public, was unable to substantiate the statement. An official gave details and a purported source of a 1978 poll on the subject, but the "source" denied having conducted the poll, referring your Committee to yet another individual, who had no firsthand knowledge of it either. The most recent available data are from a 1972 report by Donald G. Balmer titled "State Election Services in Oregon." In a poll of 1,204 responding voters, about 80 percent said the Voters' Pamphlet was either "very" or "somewhat" helpful to them in deciding how to vote on ballot measures. A smaller number (about 60 percent) said the same of the Pamphlet's usefulness to them in deciding on congressional, legislative and local political candidates. Although the objective evidence is scant, your Committee was unanimous in its belief that the Voters' Pamphlet is generally effective in informing the electorate. The fact that 15 other states have followed Oregon's lead in publishing a voters' pamphlet gives further support to the conclusion.

B. Ballot Measures

Recommendations to deal with perceived shortcomings in the Voters' Pamphlet focus largely on eliminating the right of individuals or groups to purchase space in the Pamphlet for statements on ballot measures. A bill (HB 2347) drafted by the office of Secretary of State Norma Paulus and currently being considered by the legislature, would deal with some aspects of the problem. As introduced, HB 2347 would repeal those

statutes that require the publication of arguments submitted on ballot measures by individuals or groups who pay the \$300 fee or file the necessary thousand-signature petitions. Under HB 2347, the Legislative Counsel Committee would draft an impartial explanation of each ballot measure together with one argument supporting and one argument opposing each non-initiative measure.

In a February 22, 1981 editorial, The Oregonian endorsed HB 2347. It assailed the present Pamphlet as "a catalog full of emotional overstatements, misinformation and one-sided advocacy viewpoints." It concluded that editing out emotional phrase-making designed to influence voters "would be reasonable first step toward returning the Voters' Pamphlet to a higher purpose - providing voters with reliable and impartial information about ballot measures." Other sources reached by your Committee opposed the concept of HB 2347, stating in particular that the best way to educate voters is to let individuals or interest groups take a "freewheeling" approach to measures of interest to them.

House Elections and Reapportionment Committee chairman Glen Whallon, whose committee is considering HB 2347, has suggested a possible amendment to the bill which would eliminate the presentation of arguments on ballot measures. Instead, only an explanatory statement would be prepared by the Office of Legislative Counsel (rather than the Legislative Counsel Committee).⁴

Senator Frank Roberts, interviewed by your Committee, recommended holding hearings on proposed ballot measure arguments. The hearings would be held by a committee composed of public representatives on both sides of a ballot measure with an impartial chair (possibly from the Office of Legislative Counsel). The committee would also compile research on the arguments and draft statements on each measure for the Pamphlet. Groups could then purchase space in the Pamphlet to indicate their agreement or disagreement with the statement.

Your Committee notes that the City Club's long experience in studying ballot measures has demonstrated not only the need to explain and analyze measures clearly, but also the difficulties involved in that task. However, the City Club experience also proves the value of input from interested members of the public, and your Committee has incorporated into its recommendations a provision for public participation.

Your Committee also notes that the Legislative Counsel Committee has demonstrated its ability to supervise preparation of ballot measure explanations. This factor was important in the decision to recommend that such explanations be prepared exclusively by that committee.

Other witnesses believed the Pamphlet should include information on

4. The Legislative Counsel Committee is comprised of members of the legislature. The Office of Legislative Counsel, on the other hand, is a group of nonelected attorneys and other personnel who provide technical assistance to legislators.

ballot measures which is not presently found in the Pamphlet. For example, Senator Richard Bullock, chairman of the Senate Committee on Elections, and former Senator Vern Cook both recommended that school district and other special district ballot measures might be included in the Pamphlet. The added cost of doing this would be substantial.

C. Candidates

Witnesses expressed concern that there is inaccurate and misleading information in the candidate section of the Pamphlet. To provide voters with useful information about candidates, several witnesses recommended using a more structured format. One witness favored listing in the Pamphlet the duties of each office. Three legislators recommended that certain information about candidates and their stands on issues should be requested or required. Another witness disagreed with those recommendations and proposed eliminating all current mandatory requirements for candidate information.

After collecting witnesses' comments, your Committee weighed the values of a more structured format (increase in information, opportunity to compare candidates' stands on issues) against the advantages of having no required information (better communication between candidate and voter, freedom from possible bias in types of information required). Your Committee also noted the statute that puts some degree of restraint on material submitted for publication. Under ORS 251.055(2), civil and criminal liabilities for defamation apply to Voters' Pamphlet material as to any other unprivileged publication.

D. Format

Representative Mary Alice Ford proposed using smaller print for the text of ballot measures in order to reduce the size of the Pamphlet. The elimination of candidate pictures was proposed by the editor of the League of Women Voters' publication, VOIE. Representative Ford has introduced HB 2579, which would require the Secretary of State to include in the Voters' Pamphlet a sample ballot showing all candidates and ballot measures which are included in the Pamphlet. This inclusion would, she believes, increase the likelihood of registered voters having access to a sample ballot before voting. HB 2579 has been tabled in Committee and has little chance of being revived in this legislative session.

E. Cost

Several proposals were made for reducing the cost of producing the pamphlet: (a) the Secretary of State should attempt to obtain a non-profit bulk mail rate for mailing the Pamphlet; (b) Spanish language pamphlets should be printed only for areas where at least ten percent of the population is Spanish surnamed, or if there was a Spanish ballot usage of at least five percent in the previous election; (c) more publicity should be given to the fact that voters may turn in their Pamphlets at polling places for recycling, as the state receives some money for those Pamphlets which are recycled at polling places.

In addition, several witnesses recommended increasing the fees for space provided to candidates, although those favoring an increase suggested that it should not be prohibitive. (Your Committee has adopted that recommendation.)

F. Status Quo

Arguments were also heard for maintaining the present character of the Voters' Pamphlet. Two witnesses maintained that the Pamphlet is a campaign "equalizer", providing the only public forum available to underfinanced individuals and groups. Consequently, they argue, an attempt to inhibit the content of the Pamphlet would be a direct infringement on rights guaranteed by the First Amendment. Additionally, they both stated that partisan arguments were as valuable to the voter as impartial information, because political debate is necessary to a healthy democratic system.

G. Other Points

Some other specific changes were considered by your Committee:

1) Payment of actual cost of publication and mailing by candidates and ballot measure constituencies. This would, however, restrict access to the Pamphlet for those with limited funding.

2) Elimination of the primary election Voters' Pamphlet. The importance of the primary election, in which many ballot measures and candidate elections are decided, is a strong offset to the argument that some costs could be saved by elimination of the primary pamphlet.

V. CONCLUSIONS

The two major purposes of the Oregon Voters' Pamphlet are to serve as an educational tool for the voters regarding candidates and statewide and certain local ballot measures, and to provide both candidates and ballot measure constituencies with a low cost vehicle for expressing their views to the voters on political issues and choices.

Your Committee concludes that the Voter's Pamphlet is a vital ingredient in the political process because it provides the citizens of Oregon with an overview of both the major issues and the national, state and local candidates, allowing voters the opportunity to make informed choices at the polls. The Voter's Pamphlet is available to all voters, free of charge. Although its cost to the taxpayers can and should be reduced (see Recommendations, below), it is even today a good value. It is easily accessible because it is mailed to all Oregon households prior to both the primary and general elections. The Voters' Pamphlet also provides information in an orderly manner, targeted to individual districts throughout the state. Finally, it allows those candidates who have limited funding an opportunity to present their attitudes and arguments to all Oregon voters.

However, your Committee did conclude that several major changes should be made:

1) Reduction of costs of printing/binding and postage. Revision of format, coupled with shortening of candidates' statements and elimination of other unneeded text and blank spaces, are the principal ways to make that change. A specific item that your Committee concludes to be unneeded is the section containing political parties' general statements. A related benefit from those deletions would be an increase in readability of the Voters' Pamphlet.

2) Requirement that candidates and ballot measure constituencies pay a greater share of the actual cost of publication. A moderate increase in fees (perhaps doubling them, although your Committee makes no specific suggestion) would retain the Voters' Pamphlet as an accessible campaign vehicle.

3) Provision of new information. Sample ballots and descriptions of public officials' duties should be added to help Oregonians in making informed choices.

In its comparison of several states' voters' pamphlets, your Committee was impressed with the clear organization and attractive presentation of material in the Washington State voters' pamphlet. It was later learned that a meeting scheduled for March of 1981 between the Oregon and Washington officials in charge of voters' pamphlet preparation had been postponed or cancelled. Your Committee believes that an exchange of technical information between Salem and Olympia could produce ideas for improving the Oregon Voters' Pamphlet. It should be pursued.

VI. RECOMMENDATIONS

To increase the effectiveness of the Voters' Pamphlet as an educational tool, your Committee has the following recommendations:

1. Restructure the ballot measure section to include an Explanatory Statement - an impartial descriptive statement, prepared by the Legislative Counsel Committee (a committee of legislators), explaining each measure. This recommendation parallels HB 2347 in its original form.
2. Restructure the ballot measure section to include Arguments For and Against - a summary of the arguments in favor of a measure and a summary of the arguments opposing it, written by the Legislative Counsel Committee after public hearings.² This, too, is similar to the concept of HB 2347, with some changes.
3. Restructure the ballot measure section to include "Public Access" Arguments - retention of the opportunity for individuals or groups to publish statements supporting or opposing a measure, limiting the length of such statements to one-third page. Information identifying the individual or group submitting a statement should precede the text of the statement. HB 2347 should be amended to provide for this.
4. Eliminate the requirement that candidates supply specific biographical information. Your Committee believes each candidate should determine for him or herself the biographical information and personal image that is appropriate. This requires repeal of ORS 251.085.
5. Reproduce sample ballots in the Voters' Pamphlet.

5. The Oregon Administrative Procedures Act (ORS Chapter 183) contains a process for presentation of public input, in writing or through hearings, in administrative rulemaking (ORS 183.335). This process can readily and inexpensively be adapted to ballot measure comments.

6. Include in the Pamphlet a brief description of the principal constitutional and statutory duties of each statewide office. A statute is not necessary to implement this recommendation, but it is advisable.

To reduce the cost of the Voters' Pamphlet to the taxpayer, your Committee submits these recommendations:

7. Increase moderately the fee charged for submission of candidate statements and ballot measure arguments to reflect more closely the increased costs of publishing (the current fee waiver option for petitioners should continue). Revision of ORS 251.095 and 251.255 would be required. If dollar amounts were not included, the Secretary of State should be authorized to establish fee schedules by administrative rule.
8. The Secretary of State and the legislature investigate less expensive alternatives to the current method of distributing the Voters' Pamphlet, including but not limited to:
 - a. Making efforts to reduce postage cost;
 - b. Distributing the Voters' Pamphlet by hand, utilizing either public or private service agencies to deliver the pamphlets door to door. Amendment of ORS 251.175 would be necessary.
9. Eliminate the general philosophical statements of political parties by repealing ORS 251.115. As previously noted, each page of such materials costs the taxpayers over \$5,000.
10. Eliminate detailed precinct and polling place data and voting instructions. As an alternative, insert clear and concise instructions on where to obtain information on registering to vote (in person or by absentee ballot), precinct and polling locations, and voting locations. Your Committee contemplates a one-page space limit for this information. All this can be accomplished by the Secretary of State, without any statutory changes.
11. Combine the table of contents, index and ballot measure list into a concise, readable format on a single page. Again, this can be done by the Secretary of State without any statutory changes.
12. Promote more aggressively the effort to recycle the Voters' Pamphlet by means of increased publicity and high visibility of recycling stations at polling places.
13. The Oregon legislature memorialize Congress to amend the Voting Rights Act to require publication of foreign language voters' pamphlets only in areas where at least ten percent of the population speaks English as a second language, or where at least five percent of the voters utilized a foreign language ballot in the previous general election.
14. Reduce the size of candidates' photos by one half, and restrict the space available for candidates' purchase to:
 - a. One page for a presidential/vice presidential ticket;
 - b. One half page for each congressional and statewide candidate;
 - c. One quarter page for all other candidates.

This would require amendment of ORS 251.065, 251.075 and 251.095.

15. Allow candidate material for more than one elective office to appear on a single page and revise the Pamphlet format to avoid possible confusion. Amendment of ORS 251.165(3) will be required.

To overcome the dearth of available objective information on the effectiveness of the Voters' Pamphlet, your Committee has this final recommendation:

16. That the legislature organize or conduct an inexpensive survey to determine how effective the Voters' Pamphlet is at achieving its apparent purposes of educating voters and affording a low-cost forum. In the final analysis, the Voters' Pamphlet is only as effective as the voters find it to be.

Respectfully submitted,
 Sarah Aiken-Kintz
 Isabella Chappell
 Dennis S. Reese
 Molly Smith
 Thane W. Tienson
 Robert Weil
 Stacy Wilson, and
 James N. Westwood, Chairman

APPENDIX
Persons Interviewed

Richard Bullock, State Senator and Chairman, Senate Elections Committee
 Vern Cook, Attorney and former State Senator
 Mary Alice Ford, State Representative
 Chuck Johnson, Legislative Assistant to Representative Tom Throop
 Leanne G. MacColl, Editor of VOTE, a publication of the Oregon League of Women Voters
 David McTeague, National Committeeman, Oregon Democratic Party
 Norma Paulus, Secretary of State*
 Raymond A. Phelps, Jr., Director of Elections and Public Records, Oregon Secretary of State's Office
 Frank Roberts, State Senator
 Glen Whallon, State Representative, Chairman of House Elections and Reapportionment Committee.

*Interviewed by City Club Standing Committee on State and Local Government, January 6, 1981.

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Approved by the Research Board on April 16, 1981 and submitted to the Board of Governors. Received by the Board of Governors April 27, 1981 and ordered printed and submitted to the membership for discussion and action on May 15, 1981.

VOTE TO BE HELD MAY 15 ON AMENDMENT OF CITY CLUB CONSTITUTIONEXPLANATION BY BOARD OF GOVERNORS AND TEXT OF CONSTITUTION APPEAR BELOW:

In order to make our Constitution an official part of our Articles of Incorporation and to amend our Constitution so that our Club's organizational documents qualify to apply for exemption from taxation as a charitable organization, the following Restated Articles of Incorporation are being submitted to a vote of the membership at its May 15, 1981 meeting. The underlined provisions are additions to the existing Constitution and bracketed [] material is deleted.

RESTATED ARTICLES OF INCORPORATION (CONSTITUTION) OF
THE CITY CLUB OF PORTLAND

ARTICLE I. - NAME

Section 1. This organization shall be known as THE CITY CLUB OF PORTLAND and its duration shall be perpetual.

ARTICLE II. - PURPOSES

Section 1. The purposes of this organization shall be:

- a. To provide a common meeting ground for congenial, forward-looking persons of divergent beliefs, politics and occupations, for the interchange of ideas and stimulation of intelligent thinking on civic matters;
- b. To inform its members and the community in public matters and to arouse in them an appreciation of the obligations of citizenship.

Section 2. These purposes shall be achieved by means of regular luncheon meetings, lectures and discussions, committee investigations and reports, and such other means as the membership or its agencies may deem appropriate.

Section 3. The organization is organized, and will be operated, exclusively for the above purposes and will not engage in any activity not permitted to organizations qualified under the provisions of Section 501(c) (3) of the Internal Revenue Code of 1954, as amended.

Section 4. The organization is not organized for profit or organized to engage in activity ordinarily carried on for profit. The organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions, but only to the extent such compensation, payments and distributions are consistent with the exempt purposes set forth in Section 501(c) (3) of the Internal Revenue Code of 1954, and the regulations thereunder, as they now exist or may be hereafter amended. No part of the income of the organization shall enure to the benefit of any member, governor or officer of the organization or any private individual. No substantial part of the activities of the organization shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

ARTICLE III. - MEMBERSHIP

Section 1. Membership in the organization shall be by invitation only. All persons 18 years of age and over shall be eligible for membership.

Section 2. There shall be such classifications of active and honorary members as shall be established under the Bylaws from time to time.

Section 3. The Board of Governors shall fix the dues from time to time for the various classifications of members contained in the Bylaws, provided that changes in dues shall be announced in the official City Club publication mailed to members at least 60 days before the effective date of the changes.

ARTICLE IV. - OFFICERS

Section 1. The officers of this corporation shall consist of a president-elect, a president, a first vice-president, a second vice-president, a secretary and a treasurer. The president-elect, second vice-president, secretary and treasurer shall be elected at each annual meeting of the Club, each for a term of one year, and until their successors are elected and qualify. The president-elect, so elected, shall succeed to the office of president for the following term. The second vice-president, so elected, shall succeed to the office of first vice-president for the following term.

[At each annual meeting of the Club, there shall be elected, each for a term of one year, and until their successors are elected and qualify, a president-elect, a first vice-president, a second vice-president, a secretary and a treasurer. At the 1968 annual meeting and at any annual meeting thereafter when the office of president-elect is vacant, there shall also be elected a president to serve for a term of one year. Commencing with the 1969 annual meeting, the president-elect shall succeed to the office of the president for a term of one year.]

[At the 1975 annual meeting and at any annual meeting thereafter when the office of second vice-president is vacant, there shall be elected a first vice-president to serve for a term of one year. Commencing with the 1976 annual meeting the second vice-president shall succeed to the office of first vice-president for a term of one year.]

No person shall be eligible to serve as president or president-elect who has not served as a member of the Board of Governors for a period of at least one year.

Section 2. The Board of Governors shall consist of the six officers and six elected Governors. [During the Club year commencing June 1, 1968, the immediate past-president shall also serve ex officio as a member of the Board of Governors.] Three Governors shall be elected at each annual meeting of the club to serve for a period of two years and until their successors are elected and qualify.

Section 3. No member shall be eligible to election as a member of the Board of Governors who is at the time a candidate for, or who is holding an elective political position; and any member of the Board of Governors who shall accept, or become a candidate for such political position during a term of office shall thereupon retire from the Board.

Section 4. The Board of Governors may choose from outside its number an executive secretary whose duties shall be those ordinarily associated with such office, and whose term of office and remuneration shall be determined by the Board of Governors.

Section 5. The Board of Governors shall constitute the executive body of the Club and shall transact its business and direct its activities. The Board of Governors, by a two-thirds vote of its members, may adopt and amend Bylaws. Six members of the Board shall constitute a quorum.

Any member of the Club dissatisfied with the action or inaction of the Board of Governors upon any matter, including matters pertaining to amendments to the Bylaws, may cause such matter to be submitted to the membership for action in accordance with the following procedures:

- a. The specific proposal shall be submitted in writing to the Board of Governors and signed by at least 25 voting members.
- b. The Board, by a two-thirds vote of its members, may table the proposal if it also determines by a like two-thirds vote that the same or a substantially similar proposal has been voted upon by the membership within the preceding year.
- c. If the matter is not tabled under (b), and is not one as to which the Board is empowered to and does act upon in accordance with the proposal, then notice of the proposal shall be given to the membership in the official Club publication mailed to members and membership action be scheduled and taken thereon not later than 30 days following receipt of the proposal.
- d. Decisions reached by the membership shall supersede any prior action by the Board of Governors. A majority vote of members present shall control except as to any matter requiring a greater vote under the Constitution.

Authority to express the opinion of the Club upon matters of civic interest is reserved to the membership of the Club.

ARTICLE V. - COMMITTEES

Section 1. The President, with the approval of the Board of Governors, shall at the beginning of the Club year appoint such standing committees as are provided for in the Bylaws, and may, at any time, appoint such other committees as are needed.

Section 2. No committee shall publish any report of its action or commit the Club in any way except by authority of the Board of Governors.

ARTICLE VI. - ELECTIONS

Section 1. A nominating committee of five members shall be appointed by the Board of Governors at least sixty days prior to the annual meeting to serve until its successor is appointed prior to the next annual meeting. The second vice-president shall be a member of the committee, but shall not serve as chairman.

One or more candidates for each office to be filled shall be nominated by the nominating committee at least three weeks prior to the annual meeting.

Other candidates may be nominated by any three members of the Club, provided such nominations are made in writing to the Board of Governors at least two weeks prior to the annual meeting of the Club or to the time of a special election fixed under Section 3 of this Article, together with a signed statement from the nominees, or nominee, that they, or that member, will serve if elected.

Section 2. When more than one person is nominated for any office, the election shall be by ballot, the names of the nominees being printed in alphabetical order. A majority vote of the members present shall elect.

Section 3. Except in the office of president-elect, any vacancy which shall occur in the offices or in the Board of Governors during the year shall be filled by special election within ninety days after the vacancy occurs, at a meeting to be fixed by the Board of Governors, upon nominations in the manner provided in Section 1 of this Article and with at least three weeks' notice of the election to the membership. If a vacancy in the office of president-elect occurs within 120 days preceding

the next annual meeting, the office shall remain vacant for the balance of the term, and a president shall be elected at the next annual meeting as provided in Article I, Section 1, of this Constitution.

ARTICLE VII. - MEETINGS

Section 1. The annual meeting shall be the first regular meeting in June of each year, at which time the election of officers as hereinbefore provided shall be the first order of business.

Section 2. The Club shall endeavor to hold regular weekly meetings at such time and place as the Board of Governors may designate.

Section 3. Special meetings of the Club shall be called by the Secretary at the request of the President, or of the Board of Governors, or upon receipt of a petition signed by twenty-five percent of the members. The Secretary shall mail to each member of the Club notice of such meeting at least two days prior to the date fixed for such meeting, stating the purposes thereof.

Section 4. Seventy-five (75) members of the Club shall constitute a quorum for the transaction of business at any regularly called meeting.

ARTICLE VIII. - AMENDMENTS

Section 1. This constitution may be amended by a two-thirds vote of the members present at any regular meeting, provided that such proposed amendment shall have been read at the last regular meeting prior thereto and a copy of the same shall have been mailed to each member at least two days prior to the meeting at which it is read.

ARTICLE IX. DISSOLUTION.

Section 1. The provisions for the distribution of assets on dissolution or final liquidation of the organization are that whether such dissolution or liquidation is voluntary or involuntary, no member or other private individual shall be entitled to any distribution or division of the organization's remaining property or proceeds, and the balance of all money and any other property received by the organization from any source, after the payment of all debts and obligations of the organization, shall be transferred or conveyed to such charitable organizations having substantially the same objects as this organization and which qualify under Section 501(c) (3) of the Internal Revenue Code of 1954 and the regulations thereunder, as may be determined by the Board of Governors of the organization.

PROGRAM (Continued)

NBC's "The Holocaust," the Rabbi has served United States and world leaders in human rights causes in Southeast Asia, Africa, and the Middle East. Benson Hotel, Mayfair Room, noon.

Friday, June 19: To sum up conditions in the Middle East, the City Club is

pleased to welcome *James Compton*, NBC News Correspondent in Cairo. Compton, a former Portlander and local TV news reporter, will share his views on "The American Role in Peace for the Middle East." Benson Hotel, Mayfair Room, noon.