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NEWSPAPER SECOND CLASS POSTAGE PAID AT PORTLAND, OREGON

**City
Club** *of Portland*
BULLETIN

Portland, Oregon

Vol. 55, No. 15

Benson Hotel, Mayfair Room

12:15 p.m.

Friday, September 13, 1974

THE SPEAKER:

EUGENE J. McCARTHY

Former United States Senator

HIS TOPIC:

THE FUTURE OF THE PRESIDENCY

Printed herein for presentation, discussion and action at the Friday membership luncheon meeting, September 13, 1974:

REPORT

ON

**GOVERNOR VACANCY SUCCESSOR AGE
REQUIREMENT ELIMINATED**

(State Measure No. 4)

The Committee: John J. Collins, Roy W. Cooper, Helen E. Joyner, John A. Rau,
Helen Riordan, James C. Wolfard, Patrick H. Maney, *Chairman.*

THIS MEETING WILL BEGIN PROMPTLY AT 12:15 P.M.

*"To inform its members and the community in public matters and to
arouse in them a realization of the obligation of citizenship."*

PROPOSED FOR MEMBERSHIP AND APPROVED BY THE BOARD OF GOVERNORS

If no objections are received by the Executive Secretary prior to September 20, 1974 the following applicants will be accepted for membership:

Jean M. France, Secretary, Potlatch Corporation. Proposed by R. M. Lloyd.

H. Lawrence Griffith, D.M.D. Proposed by Neil Farnham.

Renee Bergman, Teacher, Secondary Education, School District No. 1. Proposed by James A. Nelson.

Mary Reynolds, Corporate Secretary/Treasurer, Multorpor, Inc. Proposed by Donald J. Sterling, Jr.

Michael P. Opton, Lawyer, City-County Security & Privacy Advisory Comm. Proposed by Peter F. Opton.

Jerry R. Baker, Agency Supervisor, Standard Insurance Co. Proposed by Daryl Nelson.

Gene Wiley, Director of Community Relations, Parry Center for children. Proposed by Ross Miller.

John Michael Wight, Lawyer, Black, Kendall, Tremaine, Booth and Higgins. Proposed by Leigh D. Stephenson.

ELECTED TO MEMBERSHIP

Betty Leonard, Coordinator of Continuing Education, Portland State University. Sponsored by Ken Kraemer.

David Glenn, Tax Accountant, Arthur Andersen and Co. Sponsored by Roger Jauch.

Charles Sax, Architect, Vice-President, Harlan, Gessfor and Erichsen. Sponsored by Roger Meyer.

Naomi C. Wrighten, R.N., Nursing Supervisor, Albina Health Care Center. Sponsored by Lenora Morris.

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SCHOOL LEVY STUDY STARTS

Lloyd B. Williams, Chairman, has selected committee members to study the Portland Public Schools special two-year operating levy. They are Alfred G. Hatch, CPA; James K. Gardner, Attorney; Neil Farnham, Architect, Farnham-Oliver; Henry C. C. Stevens, Retired; William S. Dirker, Jr., Transportation Coordinator, City of Portland.

STREET LIGHTING COMMITTEE AT WORK

Joe D. Kershner, Chairman, has selected his committee to study the City Street Lighting levy scheduled for the November election. The committee includes Clyde H. Fahlman, District Manager, Pacific Northwest Bell; Philip D. Janney, CPA; David A. Rawlinson, Rawlinson's Laundry & Dry Cleaning; William N. Stiles, Attorney, Sussman, Wapnick; Milan Stoyanov, President, Buckeye Pacific Corp.; John R. Ulrich, Public Information Officer, BPA.

**REPORT ON
STATE MEASURE NO. 4
GOVERNOR VACANCY SUCCESSOR AGE
REQUIREMENT ELIMINATED**

Purpose: Under Section 2, Article V. of the Oregon Constitution the governor must be at least 30 years of age, although in case of vacancy the person who would succeed to that office under Section 8a, Article V, might not be of that age. This measure amends the constitution to eliminate the 30-year minimum age requirement for a person succeeding to the office of governor under Section 8a, Article V.

To the Board of Governors,
The City Club of Portland:

I. INTRODUCTION

House Joint Resolution 52 was adopted by the Oregon House of Representatives on April 30, 1973, adopted by the Oregon State Senate on May 23, 1973, and filed with the Secretary of State on June 26, 1973, referring this measure to the electorate of Oregon, to be voted on at the general election November 5, 1974.

The proposed constitutional amendment reads as follows:

Be It Resolved by the Legislative Assembly of the State of Oregon:

Paragraph 1. Section 2, Article V, Oregon Constitution, is amended to read:

Sec. 2. No person except a citizen of the United States, shall be eligible to the office of governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years next preceding his election, a resident within this State. *The minimum age requirement of this section does not apply to a person who succeeds to the office of governor under section 8a of this Article.*

Paragraph 2. The amendment proposed by paragraph 1 of this resolution shall be submitted to the people for their approval or rejection at the next regular general election held throughout this state.

This constitutional amendment would permit a potential successor to accede to the governorship even though he is under thirty years old.

Scope of Research

Your Committee surveyed members of the 1973 Oregon Legislative Assembly, reviewed all fifty state constitutions for governor successor age requirements, read minutes of the Senate Committee on Elections and the Local Government and Urban Affairs Committee of the House of Representatives, listened to the hearing tapes relating to discussion on House Joint Resolution 52, and interviewed Governor Tom McCall, Kathleen Beaufait, Deputy Legislative Counsel, Oregon State Legislature, Secretary of State Clay Myers, and Al Densmore, the Resolution sponsor and member of the Oregon House of Representatives.

History

The original Constitution states under Article V, Executive Department:

Section 2. No person except a citizen of the United States, shall be eligible to that office who shall not have attained the age of 30 years, and who shall not have

been three years next preceding his election, a resident within this State.

Section 8. In case of the removal of the governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the secretary of state; and in case of the removal from office, death, resignation, or inability both of the governor, and secretary of state, the president of the Senate shall act as governor, until the disability be removed, or a governor be elected.

Section 8 was amended in 1920 to make the office devolve upon the president of the Senate or the speaker of the House of Representatives, as the case may be,

"until the disability be removed, or a governor be elected at the next general biennial election. The governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing governor."

In 1972 Section 8a of Article V of the Oregon Constitution was adopted. It changed the line of succession to governor and deleted the residency restriction which divested the governor of his office and duties while absent from the state. This Constitutional Amendment prescribed the secretary of state, the state treasurer, the president of the Senate and the speaker of the House as the line of succession.

The minimum age requirements for candidates for governor, president of the Senate and speaker of the House are constitutionally established as follows: 30 years for governor; 21 years of age for the president of the Senate and the speaker of the House. The Oregon Constitution requires that candidates for Secretary of State and for State Treasurer be qualified electors of the state (established by the 26th Amendment of the U.S. Constitution at 18 years of age). Under the present law, in the event of vacancy, the office of governor can only pass to those in the line of succession that have attained the age of 30.

II. ARGUMENTS IN FAVOR OF THE AMENDMENT

1. At present, some persons named to succeed the governor might be barred from office because of the 30 year age requirement. The proposed section waives this age requirement for the successor and allows for orderly succession.
2. It accomplishes the above by adding only one sentence; thus it is very simple.
3. The amendment would allow younger people (i.e., under thirty) to have possible access to the governor's office.

III. ARGUMENTS AGAINST THE AMENDMENT

1. While allowing for orderly succession, the wording of the proposed amendment apparently would prevent the under-thirty successor from succeeding himself at the next election. This problem should be solved before freezing it into the Constitution.
2. The 30-year age requirement is a good one and there should be no exceptions to it.
3. Conflicting opinions may be drawn from the vagueness of the proposed amendment.

IV. DISCUSSION

According to Representative Al Densmore, principal sponsor of HJR 52, his main purpose for introducing the resolution was to resolve two contradictory constitutional provisions dealing with the succession question.

The Oregon Constitution, Article V, Section 2, presently requires the governor to have reached age 30 to be eligible to hold office. In Article V, Section 8a under the law of succession, the secretary of state, state treasurer, president of the Senate and speaker of the House are not required to be 30 years of age to hold office. However, each may succeed to the office of governor in the event of a vacancy.

As originally introduced, the bill would have lowered the governor age requirement to 18. That would have solved the problem arising from the fact that the secretary of

state, first in line of succession to the governorship, might not have been old enough to succeed to the governorship. Apparently it was felt that this person should be allowed to accede to the office of governor.

Jack Thompson, then Assistant Secretary of State, testifying before the House Local Government Committee on March 28, 1973, suggested that the age requirement for the secretary of state, state treasurer and governor all be established at 25 years of age. The Local Government Committee did not approve the suggestion.

According to proponents, this constitutional amendment would resolve the conflicting provisions by exempting from the age 30 eligibility requirement those who succeed to the office. However, the age eligibility requirement still remains for others who seek the office and this requirement might prevent an under-thirty successor from seeking election to another term of office.

Your Committee constructed a questionnaire (see Appendix A) and mailed it to all members of the 1973 Oregon Legislature. However, from the Committee's analysis of the responses to the questionnaire, we can come to no affirmative conclusions or consensus on the issue before us.

A survey was made of age requirements for governor and successors in the fifty states, using as source the constitutions of the various states with most recent revisions on file at the Multnomah County Law Library. Results of the survey are found in Appendix B.

V. CONCLUSION

The Legislature, by initiating this measure, intended to cure the potential problem of an under-thirty official being the next in line of succession to the office of governor and being thus ineligible to serve. This is a valid purpose, but, in the opinion of your Committee, Measure No. 4 is incomplete as written and should be rejected. It leaves unresolved the question of whether the under-thirty successor is eligible to succeed himself as governor at the next election.

Consideration should be given by the next Legislature to:

- 1) Removing age as a constitutional qualification across-the-board, permitting the voters to determine maturity on an individual basis for all candidates, or
- 2) Insuring that each successor to the governor be made eligible to succeed himself regardless of age.

VI. RECOMMENDATION

Your Committee respectfully recommends that the City Club oppose passage of State Measure No. 4, and recommends a "NO" vote at the November 5, 1974 general election.

Respectfully submitted,

John J. Collins
Roy W. Cooper
Helen E. Joyner
John A. Rau
Helen Riordan
James C. Wolfard
Patrick H. Maney, *Chairman*

Received by the Research Board August 15, 1974 and approved for transmittal to the Board of Governors.

Received by the Board of Governors August 26, 1974 and ordered printed for presentation to the membership for discussion and action.

RESULTS OF QUESTIONNAIRE TO 1973 OREGON LEGISLATIVE ASSEMBLY

Results of a questionnaire sent to members of the 1973 Oregon Legislative Assembly indicate a split in the responses of this group:

- Question #1: Do you interpret November Ballot Measure #4 to apply to all candidates for the office of governor? Yes—6; No—29.
- Question #2: Do you interpret November Ballot Measure #4 to apply only to possible successors to the elected governor who would assume that office in the event that the elected governor becomes unable to hold office? Yes—33; No—3.
- Question #3: If you answered yes to question 2, do you think a succession governor who is under 30 should be eligible for reelection (i.e. the 30-year age limitation should be waived in the case of a succession governor)? Yes—13; No—20.
- Question #4: If you answered no to question 3, what do you think should be the minimum age for a candidate for governor?
30 years—18; 35 years—1; 40 years—1.
- Question #5: Would you favor a rule which would require that all government officials who have a reasonable possibility of succeeding the governor should be at least 30 years old? Yes—14; No—20.
- Question #6: Considering that anti-discrimination laws have tended to eliminate age as a criterion for employment, do you think stipulating age requirements for a candidate for political office is discriminatory? Yes—14; No—22.
- Question #7: Do you favor passage of Ballot Measure #4? Yes—18; No—18.

**APPENDIX B
SURVEY OF FIFTY STATES**

State	Minimum Age Requirement Governor	Minimum Age 1st in Line to Succeed	Minimum Age 2nd in Line to Succeed	Minimum Age 3rd in Line to Succeed
Alabama	30	30	25	21
Alaska	30	30	—	—
Arizona	25	25	25	25
Arkansas	30	30	—	—
California	25	25	—	—
Colorado	30	30	25	25
Connecticut	30	30	21	21
Delaware	30	30	27	24
Florida	30	30	30	30
Georgia	30	25	21	—
Hawaii	35	35	30	25
Idaho	30	30	—	—
Illinois	25	25	25	25
Indiana	30	30	—	—
Iowa	30	30	25	21
Kansas		—As provided by law—		
Kentucky	30	30	30	30
Louisiana	30	30	25	—
Maine	30	25	21	—
Maryland	30	30	25	—
Massachusetts	None	None	None	None
Michigan	30	30	—	—
Minnesota	25	25	—	—
Mississippi	None	None	None	None
Missouri	30	30	30	24
Montana	30	30	24	21
Nebraska	30	30	Elector	—
Nevada	25	25	—	—
New Hampshire	30	30	—	—
New Jersey	30	30	21	—
New Mexico	30	30	30	25
New York	30	30	—	—
North Carolina	30	30	—	—
North Dakota	30	30	25	—
Ohio	None	None	None	None
Oklahoma	31	31	25	21
Oregon	30	Elector	Elector	21
Pennsylvania	30	30	25	—
Rhode Island	Elector	Elector	—	—
South Carolina	30	30	—	—
South Dakota	None	None	None	None
Tennessee	30	30	21	—
Texas	30	30	26	—
Utah	30	30	25	—
Vermont	None	None	None	None
Virginia	30	30	30	21
Washington	Elector	Elector	Elector	Elector
West Virginia	None	None	None	None
Wisconsin	Elector	Elector	Elector	Elector
Wyoming	30	25	—	—

Notes: Only three states other than Oregon do not require that the first in line to succeed the Governor have the same age requirements.

Ten states do not include any age requirement or require only that candidates be qualified electors of the state.

SUMMARY TABLE TO APPENDIX B

The governor successor age requirements in the fifty states may be summarized as follows:

Minimum Age	Governor	Number of States		
		1st in Line to Succeed	2nd in Line to Succeed	3rd in Line to Succeed
35 years	1	1	—	—
31 years	1	1	—	—
30 years	33*	29	6	2
27 years	—	—	1	—
26 years	—	—	1	—
25 years	5	8	11	5
24 years	—	—	1	2
21 years	—	—	5	7*
Elector	3	4*	4*	2
None stated	6	6	20	31
"as provided by law"	1	1	1	1
	50	50	50	50

*Includes Oregon as proposed.