

9-27-1974

Report on State Measure No. 8 and State Measure No. 10

City Club of Portland (Portland, Or.)

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Recommended Citation

City Club of Portland (Portland, Or.), "Report on State Measure No. 8 and State Measure No. 10" (1974).
City Club of Portland. 291.

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REPORT ON
STATE MEASURE NO. 8 AND STATE MEASURE NO. 10

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

I. ASSIGNMENT

Your Committee was assigned the responsibility of studying State Ballot Measures No. 8 and 10, and bringing to the membership a recommendation concerning their adoption or rejection by the Oregon voters at the November 5, 1974 general election.

II. BALLOT MEASURES NO. 8 AND 10

BALLOT TITLE: REVISES SCHOOL DISTRICT ELECTION VOTING REQUIREMENTS (BALLOT MEASURE NO. 8)

Purpose (As described on the ballot). This constitutional amendment reduces the minimum age for voting in a school district election from 21 years of age to 18 years of age, and reduces the requirement of six months' residence in the district to 30 days' residence in the district.

BALLOT TITLE: REVISES OREGON VOTER QUALIFICATION REQUIREMENTS (BALLOT MEASURE NO. 10)

Purpose (As described on the ballot). This measure amends the Oregon Constitution to conform with the U. S. Constitution by lowering the minimum voting age for all elections in Oregon from 21 years to 18 years. Reduces the state residency requirement from six months to 30 days. Eliminates the requirement that every voter be able, except for physical disability, to read and write the English language.

III. DISCUSSION

State Ballot Measures No. 8 and 10 are simply "housekeeping" amendments to the Oregon Constitution to bring it into conformity with the United States Constitution and with the United States Supreme Court decision mentioned herein.

In 1969, the Oregon Legislature approved a bill lowering the voting age to 19 in Oregon. That Bill was referred to the voters at the primary election on May 26, 1970, and defeated.

Thereafter, the U. S. Congress passed a law which reduced the minimum voting age to 18. Oregon Attorney General Lee Johnson challenged the constitutionality of that law as applied to state elections in *Oregon v. Mitchell*, [400 US 112 (1970)]. The United States Supreme Court there held that Congress could not regulate state elections, and Oregon was, therefore, free to prescribe voting qualifications for state and local elections.

Partly in response to this, the Twenty-Sixth Amendment to the United States Constitution was passed by Congress and subsequently ratified by three quarters of the state legislatures, including Oregon. It became law on July 5, 1971, and governs all elections including state elections. It provides that those who are 18 years of age or older may not be denied the right to vote by reason of age. Since the federal constitution supercedes any state or local election requirement, Oregon citizens over 18 may not be denied their right to vote in any election because of age.

Thereafter the United States Supreme Court in *Dunn v. Blumstein*, [405 US 330 (1972)] declared unconstitutional a provision of the Tennessee constitution which required, as a condition to registration as a voter, that the registrant have resided in the state for one year and the county for three months preceding the next subsequent election. The Court held that such a requirement was unconstitutional unless the state could demonstrate that such laws were necessary to protect a compelling governmental interest. The Court went on to state that 30 days appeared to be a sufficient period of time for a

state to complete whatever administrative tasks were necessary to prevent fraud in voter registration. That decision had the effect of rendering invalid the six month residency requirement contained in the Oregon Constitution and approving the 30 day residency requirement contained in the amendments proposed by Ballot Measures No. 8 and 10.

Immediately following the effective dates of the Twenty-Sixth Amendment and the decision of the United States Supreme Court in the *Dunn* case, Oregon election procedures were modified to comply with these changes. Since then, 18 year olds have been given the right to vote in state elections and the residency requirement has been changed to 30 days.

IV. RECOMMENDATION

On the basis of the foregoing, your Committee unanimously recommends that the City Club urge a "YES" vote on State Ballot Measures No. 8 and 10 at the general election, November 5, 1974, so as to bring the Oregon Constitution into conformity with the federal constitution.

Respectfully submitted,

James H. Butler
Meldon R. Coffey
Jean G. Frost
Frank H. Lagasen
Douglas B. McCulley
C. "Clancy" Stanridge
Robert E. Maloney, *Chairman*

Received by the Research Board September 12, 1974 and approved for transmittal to the Board of Governors.

Received by the Board of Governors September 19, 1974 and ordered printed for presentation to the membership for discussion and action.

For purposes of City Club rules of debate on recommendations in committee reports, the Committee's recommendation is deemed severable as to each measure.

V. SCOPE OF RESEARCH

1. Your Committee contacted or interviewed the following persons:

The Honorable Victor Atiyeh, Oregon State Senator

Milton Baum, Associate Superintendent, Field Services, Oregon State Department of Education

Marlene Bayless, Representative of Portland Public Schools

The Honorable Jason Boe, President, Oregon State Senate

Thomas G. Clifford, Legislative Counsel, State of Oregon

The Honorable John Dellenback, United States Congressman

The Honorable Edith Green, United States Congresswoman

The Honorable Mark O. Hatfield, United States Senator

The Honorable Lee Johnson, Attorney General, State of Oregon

David Norville, Stanford University student, former Student Body President, Cleveland High School, Portland (1972-73)

The Honorable Robert Packwood, United States Senator

The Honorable James A. Redden, State Treasurer, State of Oregon

The Honorable Al C. Ullman, United States Congressman

The Honorable Wendell Wyatt, United States Congressman

2. Your Committee reviewed the following written materials:

Twenty-Sixth Amendment to the United States Constitution

League of Women Voters material for Fall, 1974 League voters publication.

"Report on Constitutional Amendment—Lowering the Voting Age" (State Measure No. 5), April 17, 1970, City Club Report.