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City Club of Portland

BULLETIN

Portland, Oregon

Vol. 57, No. 18

Benson Hotel, Crystal Room

12:00 Noon

Friday, October 1, 1976

THE SPEAKER:

DAVID R. BROWER

President, Friends of the Earth and Friends of the Earth Foundation

THE TOPIC:

THE YEAR 2000, GETTING FROM HERE TO THERE

The broad general purpose of Friends of the Earth is the preservation, restoration and more rational use of the earth, as a substitute for the less rational uses that have been perplexing humanity of late. Mr. Brower is the founder of that group.

He has been a member of the Sierra Club since 1933 and served as its executive director from 1952 to 1969, when he resigned his position in a major disagreement with the club's directors over the siting of nuclear power plants on the California Coast. He founded FOE in July, 1969, and since has assisted in founding independent organizations all over the world.

Mr. Brower has cooperated closely with many conservation organizations and has been awarded five honorary degrees in the U.S. for his conservation work.

Also to be presented for discussion and action

REPORT ON STATE MEASURE NO. 3

LOWERS MINIMUM AGE FOR LEGISLATIVE SERVICE (And Requires Legislators to be Registered Voters)

The Committee: Don Barney, Katherine Draham, Valerie D. Fisher, Ernest E. Hartzog, Georgia Moss, Forrest N. Rieke, Nina L. Westerdahl, Norman Smith, *Chairman.*

REPORT ON
STATE MEASURE NO. 3
LOWERS MINIMUM AGE FOR LEGISLATIVE SERVICE
(And Requires Legislators to be Registered Voters)

Purpose: This measure would amend the Constitution, lower the minimum age for service as a State Senator or State Representative from 21 to 18, and adds a requirement that a Senator or Representative must be a registered voter of this state.

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

I. INTRODUCTION

The legislature proposed this constitutional amendment, which would permit an 18 year old, who is a registered voter in Oregon, to serve in either house of the Oregon legislature.

The proposed constitutional amendment reads as follows:

Paragraph 1, Section 8, Article IV of the Constitution of the State of Oregon, is amended to read:

Sec. 8. No person shall be a Senator, or Representative who at the time of his election is not a citizen of the United States; nor anyone who has not been for one year, next [*preceeding* (sic)] PRECEDING his election an inhabitant of the county, or district whence he may be chosen. Senators and Representatives shall be [at *least twenty one years of age.*—] **AT LEAST 18 YEARS OF AGE AND A REGISTERED VOTER OF THIS STATE.**

II. ARGUMENTS FOR AND AGAINST THE MEASURE

For Lowering the Required Age of Legislator from 21 to 18:

1. A person old enough to vote is old enough to join in the decision making process and to represent a constituency. Maturity and a sense of responsibility cannot be measured by a minimum or maximum age.
2. This proposal creates minimum age requirements which are consistent with those for statewide offices, except Governor.¹
3. The legislature is a representative body. To be truly representative, all electors should be eligible to be elected.
4. Passage of the amendment might encourage voter interest among those persons between age 18 and 21, drawing a relatively apathetic voter group more intimately into the political process.
5. Eighteen year olds will add new perspective to the legislative process.
6. The elective process itself should insure capable, mature, and responsible legislators, far better than an age requirement.

Against Lowering the Required Age of Legislator from 21 to 18:

1. Legislators should be capable, responsible, and mature. These qualities generally increase with age: Although there is no insurance that a 21 year old will be sufficiently capable, responsible and mature to serve in the legislature, a 21 year old is more likely to possess those characteristics than an 18 year old.
2. The age for a legislator in Oregon has always been 21 years, and there exists no substantial reason to change it.

3. Consistency in the age limits for elective offices is not required.

4. As persons grow older their economic stake in the community grows, their education is generally increased and their expertise is generally greater, thus making them better qualified to serve in the legislature than a younger person.

For Requiring Legislators to be Registered Voters:

1. Registering as a voter demonstrates a minimum degree of interest by a person seeking to represent his fellow citizens.

2. The proposal provides for a more orderly election system by standardizing candidate registration requirements.

Against Requiring Legislators to be Registered Voters:

1. Voters should have an unlimited choice of the persons they may elect as their legislative representatives. The requirement that a legislator be registered to vote is an artificial restraint which should not be imposed upon the voters' choice or the legislator's opportunity to serve.

2. Adopting a requirement that legislators be registered voters may encourage election challenges based on technicalities of the voter registration laws. Election challenges might also result from the fact that voter registration can be cancelled in various ways, sometimes without notice to the voter.

III. DISCUSSION

State Ballot Measure No. 3 would amend the Oregon Constitution to lower the minimum age for service as a State Senator or State Representative from 21 to 18, and would add a requirement that a Senator or Representative be a registered voter of this state. There have been no prior amendments to paragraph 1, Section 8, Article IV of the Oregon Constitution.

The two issues presented by this proposed amendment are both fundamentally subjective questions which did not lend themselves to objective analysis or study. As a result, your Committee's investigation concentrated on personal interviews and statements from persons of all ages who are most directly involved in the political process, such as legislators, office holders and office seekers, and from persons most directly involved with young people, such as educators, and spokesmen for the Governor's Commission on Youth.

Approximately one-half of the 50 states already require members of their legislatures to be "qualified voters," and many states have adopted an age requirement less than 21.²

Such age requirements were hotly debated early in American history. The framers of the U.S. Constitution argued long and hard over the issue of minimum age for service in the House and Senate. The Constitutional Convention readily agreed to the 30 year age qualification for Senators, but George Mason argued for no less than the age of 25 for service in the House. "His political opinions at the age of 21 were too crude and erroneous to merit an influence on public measures . . ."³ Mason and others in the Constitutional Convention were surely aware that 21 years was the minimum age qualification for service in the English Parliament though certain members were actually seated at the age of 19.

After debates over maturity, residency, property holdings, and age, members of the Constitutional Convention adopted Article I, Section 2, "No Person shall be a Representative who shall not have attained the Age of Twenty-five Years . . ." In Article I, Section 3, it was provided, "No Person shall be a Senator who shall not have attained to the Age of Thirty Years . . ."

Your Committee discovered several technical problems with the amendment which we wish to bring to the Club's attention. The language does not state clearly when a

legislator must be "eighteen years of age and a registered voter," i.e., when he is a candidate, when he assumes office, or on some other date.

An inconsistency perpetuated by this proposed amendment is that an 18 year old legislator could be in line to succeed to the Governor's chair, but be unable to be elected to that office. This is due to the existing constitutional requirement that those persons elected to the office of Governor must be 30 years of age.

Rather than reach a recommendation in reaction solely to the foregoing technicalities, your Committee concentrated instead on the merits of the amendments.

Dealing first with the proposed lowering of the minimum age for legislators, the literature and persons interviewed generally stated that a legislator should possess the qualities of responsibility, maturity, and good judgment. However, these sources disagreed on the method best ensuring these qualities. Many suggested that the electoral process itself is sufficient to screen out unqualified candidates. Those persons who have faith in the good judgment of the voters and those persons who feel that the people have the right to elect whomever they wish, whether qualified or not, seemed to agree that no restrictions, particularly minimum age restrictions, are necessary or justified. Enfranchisement should include the right to vote for oneself.

Other persons felt that responsibility, maturity and good judgment generally increase with age; therefore, leaving the minimum age requirement for service in the legislature at 21 will help to ensure that legislators possess these qualities. Some suggested that the minimum age should be raised, thus increasing the probability that legislators will possess the desired qualities.

Those who supported lowering the minimum age argued that the presumption that maturity or an economic stake in the community increased with age, though generally valid, is a presumption which is not true for all individuals. They argued that it is unfair to disqualify from service those persons who are responsible and mature because of the inadequacies of some members of their age group.

Turning next to the issue of registration, a division of opinion centered on how the amendment would be interpreted and implemented. Some legislators viewed the change as simply a housekeeping amendment, while others viewed it as a snare in the elective process.

Those who felt it was a "housekeeping" measure argued that registering is the least a legislator can do to show interest in the political process. Several members of the legislature told us that the registration clause was prompted as an assurance that all candidates would be treated equally.

Those who felt that the registration requirement was a legal snare pointed to the problems people currently have staying registered, such as cancellation for changes of name or address. They felt that the result of this provision will be to foster litigation by frustrated losers after an election. However, existing state law [ORS 249.060(2)] appears to adequately protect a candidate whose registration lapses due to either of the foregoing reasons.

IV. CONCLUSION

The legislature, by initiating this amendment, intended to bring about consistency in requirements of minimum age for public service in Oregon. Passage of the amendment is a step toward that goal. It also broadens the opportunity to serve in the legislature, while expanding the voters' choice of representatives. For these reasons the amendment should be adopted.

We regret that this referendum is complicated by the legislator-registration requirement and other technical difficulties, which accomplish nothing and frustrate clarity. On balance the merits of lowering the age for service in the Oregon legislature outweigh these drawbacks.

V. RECOMMENDATION

Your Committee respectfully recommends that the City Club support passage of State Measure No. 3, and recommends a "YES" vote at the November 2, 1976 general election.

Respectfully submitted,

Don Barney

Katherine Draham

Valerie D. Fisher

Ernest E. Hartzog

Georgia Moss

Forrest N. Rieke

Nina L. Westerdahl

Norman Smith, *Chairman*

Approved by the Research Board September 8, 1976 for transmittal to the Board of Governors. Received by the Board of Governors September 13, 1976 and ordered published and distributed to the membership for consideration and action October 1, 1976.

APPENDIX

SCOPE OF RESEARCH

Your Committee reviewed a fifty-state survey for legislator minimum age requirements, read minutes of the House Elections Committee and the Senate Committee on Local Government and Elections, including testimony and exhibits, and surveyed 35 Portland Public School Administrators.

The Committee also interviewed the following:

James Klonoski, Chairman, Oregon Democratic Party

Steve Young, Chairman, Oregon Republican State Central Committee

Wendell Wyatt, former U.S. Representative

Clay Myers, Secretary of State (Chief Elections Officer)

Norma Paulus, State Representative

Blaine Whipple, State Senator

Victor Atiyeh, State Senator

Mary Rieke, State Representative

Wally Carson, State Senator

Other sources of information include: federal constitutional history and legislative intent with respect to federal legislator age limits; pertinent Oregon statutes relating to voter registration and elections; and City Club report on *Governor Vacancy Successor Age Requirement Eliminated*, Vol. 55, No. 15, September 13, 1974.

FOOTNOTES

¹City Club report, *Governor Vacancy Successor Age Requirement Eliminated*, Vol. 55, No. 15, September 13, 1974.

²*The Book of States*, Multnomah County Library catalog number R353.905; B72 (1974-75).

³Charles Warren, *The Making of the Constitution*, Barnes & Noble, Inc., page 412 (1967).

PROPOSED FOR MEMBERSHIP

If no objections are received by the Executive Secretary prior to October 16, 1976, the following applicants will be accepted for membership:

John Parkhurst, Attorney, In practice. Proposed by Michael L. Ellmaker.

Robert E. Duea, Executive Director, Lutheran Family Service of Oregon. Proposed by Jenny Steward.

Peter A. Nathan, M.D., Surgeon. Proposed by Phillip M. Mayer.

John Irwin, Staff Accountant, John F. Forbes & Co., CPA. Proposed by Lee Irwin.

Nicky Tom. Proposed by William Comrie.

ELECTED TO MEMBERSHIP

Joseph P. Morris, Sales Rep., Ace Fireworks & Novelties. Sponsored by Maurice Jacobs-Jacobi.

Michael Burton, Asst. Administrator, Exec. Dept., State of Oregon. Sponsored by Cindy Banzer.

Charles L. Leubbert, Vice President, Personnel and Public Affairs, Freightliner Corp. Sponsored by William R. Lesh.

Robert E. Lesh, Public Affairs Manager, Freightliner Corp. Sponsored by William R. Lesh.

R. Allan Leedy, Jr., Asst. to General Counsel, Tektronix, Inc. Sponsored by Fritz H. Neisser.

Sharon Page. Sponsored by Jean Babson.

Sylvia R. Maudlin, Account Executive, Management Recruiters. Sponsored by Brent Norman.

Richard Brown, Coordinator of Design & Production, Balhiser, Longwood, Smith, Paul, Henderson. Sponsored by Sheila Finch.

William H. Replogle, Attorney, Pacific Northwest Bell. Sponsored by Rodney Lewis, Jr.

David Singer, Retired Personnel Director. Sponsored by Ann Hoffstetter.

REINSTATEMENT

Dr. Paul Trautman.

REPORT ADOPTED

A majority of members present at the meeting of September 24 approved the report of the committee on State Measure No. 1, and the recommendation of the majority for a "NO" vote.

The measure would amend the state constitution to allow validation of inadvertently superseded statutory amendments. The majority report was presented by the chairman, A. M. (Mac) Whitaker, and the minority report by John Perta.

Other members of the committee were Leonard Bennett, Mary Ann Leighton and Irving Enna.

RADIO BROADCASTS

If you are unable to attend this week's meeting, you can still hear the program at one of these times: Friday, 2:00, KOAP-FM (91.5 Meg); Sunday, 3:30, KLIQ (1290 KC); Tuesday, 7:00, KBPS (1450 KC).

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