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Bridging the Partisan Divide: A City Club Report on Reducing Excessive Partisanship in the Oregon Political System

City Club of Portland (Portland, Or.)

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BRIDGING THE PARTISAN DIVIDE: A City Club Report on Reducing Excessive Partisanship in the Oregon Political System



City Club of Portland Bulletin, Vol. 91, No. 25, January 16, 2009

City Club members will vote on this report on Friday, January 16, 2009. Until the membership votes, City Club of Portland does not have an official position on this report. The outcome of the vote will be reported in the City Club Bulletin dated January 30 and online at www.pdxcityclub.org.

The mission of City Club is to inform its members and the community in public matters and to arouse in them a realization of the obligations of citizenship.

Additional copies of this report are available online at www.pdxcityclub.org or by contacting the City Club office:

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EXECUTIVE SUMMARY

Party ideology, party affiliation and organized activity by political parties are institutionalized elements of the political system in Oregon and throughout the nation. While most Oregonians would likely agree that our system dominated by two parties historically has served our state well, many Oregonians have voiced concerns about the nature and extent of partisan behavior and its effect on the functioning of state government.

City Club's Research Board and Board of Governors charged your committee with determining if and when partisan behavior is an impediment to effective governance and, if so, what should be done about it. The primary objectives of the study were to (1) define partisanship and investigate its impact on Oregon's political system and state government's ability to effectively govern and resolve key issues and (2) recommend possible solutions for any negative impacts of partisanship, as well as ways to support elements of the political system that should be continued.

Although this report examines the problem of excessive partisanship in numerous spheres — within the electorate, within party organizations and within government — its main focus is within government, and more specifically within the Legislature.

Your committee readily accepted the inherent difficulties of trying to define a subjective concept such as “partisanship” and its corollary behaviors. Nevertheless, after interviewing numerous witnesses and conducting considerable research, your committee settled upon the following definitions of “partisanship” and “excessive partisanship”: “Partisanship” is the party allegiance that results from shared values, identities, and goals. When partisanship functions well, it serves to help develop competing visions of what is best for Oregon, produce meaningful deliberation, and focus the activities of voters and legislators from different parties. “Excessive partisanship,” by contrast, is the elevation of party allegiance to such a degree that it interferes with the ability of the Legislature to function well. Partisanship becomes excessive when

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state legislators base their decisions on building and maintaining party power rather than on promoting the interests of the public at large.

Your committee found that experts disagree as to whether the nature of partisanship in Oregon has changed significantly in recent years. In fact, partisan behavior has waxed and waned over the years, for many reasons, and your committee suspects this pattern will continue. Nonetheless, your committee also concluded that it is reasonable for citizens to try to moderate behaviors and practices that inhibit effective lawmaking before and when they occur.

Frequent reports of incessant bickering, mean-spirited attacks on fellow legislators and distortion of information came to mind far more quickly for too many people than did collegiality among lawmakers, reasonable compromise and fair and accurate use of information. Although members of Oregon's legislative and executive branches are often capable and have demonstrated the ability to work together in a bipartisan manner, excessive partisanship occurs all too frequently and is especially disabling when the state confronts controversial issues that attract the public's attention. In these cases, excessive partisanship represents a substantial obstacle to addressing some of the state's most pressing problems, leads to voter disaffection with the political process and discourages qualified individuals from seeking public office.

As previously mentioned, much of this report identifies and discusses the factors that contribute to excessive partisanship in the Oregon Legislature. Some of these factors are readily apparent. Limited and poor media coverage of the political system and a public that is poorly informed about legislative processes and policy issues both contribute to excessive partisanship. Strong interest groups aligned with either the Democrats or the Republicans also reinforce excessive partisanship by pressuring legislators to commit to uncompromising agendas.

Other factors contributing to excessive partisanship, however, are less readily apparent. Surprisingly, your committee found that the greatest concentrations of partisan-based power are not where it expected to find them. Oregon's Republican and Democratic state parties are grass roots organizations that serve the valuable function of involving citizens in the political process, but they have little direct involvement in the state Legislature. Rather, legislative party caucuses, caucus leaders and presiding officers wield the greatest amount of partisan power and influence in Oregon. Legislative caucus leaders and the presiding officers possess more power than the state parties when it comes to pressuring legislators to support the partisan agendas.

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Because of the structure of Oregon's Legislature, which is characterized by a strong-leader system, leaders have tremendous discretion for establishing the degree of partisanship. As most of Oregon's legislative rules are subject to revision by simple-majority vote, they can be — and have been — easily manipulated to satisfy the immediate demands of the majority party in a particular house. Oregon's legislative rules currently give undue authority to its presiding officers, who can easily use these rules to control both committee assignments and the movement of legislation in a way that demands loyalty from majority party members and that excludes members of the minority party from a meaningful role in the legislative process. While committees remain important in the Legislature, their power has somewhat diminished because of the increasing power of the caucuses. Ostensibly nonpartisan administrative staff officers are also subject to the imperatives of the party in control of a particular house.

This report considers various electoral reforms that have been proposed, including nonpartisan elections, the top-two primary, instant run-off voting, multi-member districts and fusion voting; campaign finance reforms such as public ownership and financing of elections, campaign spending limits and contribution limits; and redistricting reform. For most of these proposed reforms, your committee concluded that there was not sufficient information to recommend for or against any proposed reform. Your committee concluded, however, that alternative elections systems are worth exploring and that the process of redistricting can be influenced by partisan considerations, giving the party in power at the time of redistricting a tool to increase its power in a way that does not accurately represent the wishes of the voters.

Your committee also concluded that a deterioration of legislators' relationships with one another and an increased lack of civility have occurred in recent years. These in turn have adversely impacted the deliberative process of the Legislature.

Your committee believes that the following recommendations will mitigate the problem of excessive partisanship and make Oregon's political system function more effectively:

Administration of the Legislature

1. The Legislature should hold pre-session conference retreats to provide more training and more opportunities for legislators to forge lasting and productive professional relationships across party lines.
2. The Legislature should continue to build upon its efforts to conduct legislative business in communities throughout the state and to publish information and proceedings online.

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Legislative Rules and Procedure

3. The House and Senate should adopt and maintain rules that establish proportional representation of party members on committees and permit the leaders of each caucus to determine which of its members to appoint to committees. When making committee assignments, caucus leaders should take into account the experience, interest and seniority of legislators.
4. The House and Senate should adopt and maintain rules that require the vice-chair of each committee to be a member of the minority party, and committee chairs should consult with vice-chairs in developing committee agendas.
5. While the House's Teamwork Bill is a step in the right direction, the House and Senate should adopt and maintain rules that allow each member of the Legislature to require a committee hearing on a predetermined number of bills during each legislative session.
6. The House should maintain and the Senate should adopt rules permitting a majority of each of their members to require a committee or floor hearing on a bill and, in addition, permitting a substantial minority of each of their members to require a committee or floor hearing on a bill that has already been passed by the other chamber.
7. The House should maintain and the Senate should adopt rules ensuring that the Secretary of the Senate and the Chief Clerk of the House are nonpartisan and serve members of both parties, not at the sole discretion of the presiding officers. In addition, the House and Senate should employ permanent staff with knowledge of substantive policy areas to support the work of committees.
8. Once the above rules are adopted, the House and Senate should require a supermajority to change these and other rules that protect each member's right to participate in the legislative process.

Constitutional Amendments

9. The Legislature should refer to voters a constitutional amendment establishing a nonpartisan redistricting commission.
10. The Legislature should refer to voters a constitutional amendment that would establish annual legislative sessions of limited length, commencing in March, shortly after the state Office of Economic Analysis releases its first revenue projections for the year.

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11. The Legislature should refer to voters a constitutional amendment that would establish four-year terms for members of the House of Representatives and six-year terms for members of the Senate.

Further Study and Advocacy

12. City Club of Portland should establish a research committee to study alternative election systems.
13. City Club of Portland should establish a research committee to prepare a detailed recommendation for a nonpartisan redistricting commission.
14. City Club should support efforts to increase substantive and objective policy news reporting in the media.



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INTRODUCTION

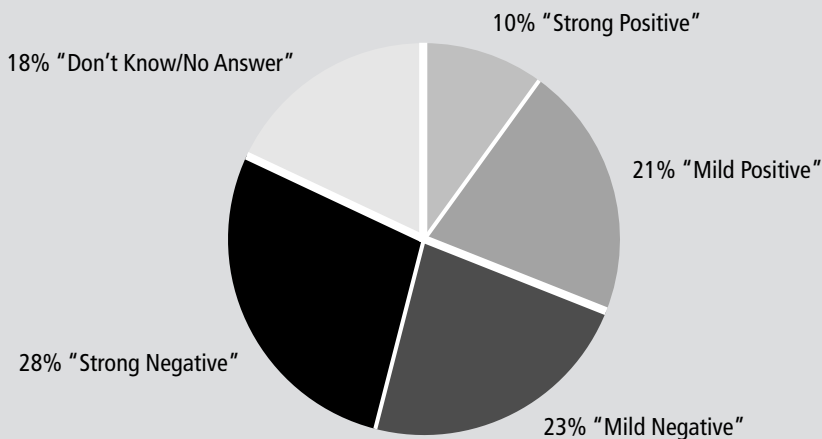
During election seasons, personal attacks between candidates seem to overshadow substantive communication with the electorate. While the Legislature is in session, legislative division and stalemate appear to make better headlines than stories of compromise and achievement. It is certainly true that there has been a lot of discussion of the negative effects of partisanship in the past few years. In late 2005 Governor Ted Kulongoski and the Legislature established the Public Commission on the Legislature (PCOL) to examine the effectiveness of the Legislature. One of the issues that immediately came to the attention of the PCOL was political partisanship. Several prominent Oregon politicians led the charge to examine partisanship and how it has affected the Legislature.

On September 13, 2005, former Attorney General David Frohnmayer, a member of the PCOL, set out “seven aspects of a ‘problem statement’ that an agenda of legislative reform might address.” Among those seven aspects was “political partisanship.” “Observers as well as participants,” noted Frohnmayer, “have

seen a sharp increase in partisanship and disregard of other views as a major source of decline in Oregon’s legislative process and performance, leading the Legislature to make faulty decisions or preventing any decision at all.”

In March 2007 your committee asked the opinion research firm Davis, Hibbitts & Midghall, Inc., to poll five hundred Oregon citizens in order to determine their response to the following question: “Does the role of political parties have a positive or negative effect on state government?” Of those who responded, 31 percent believed that political parties have a positive effect, while 51 percent believed that political parties have a negative effect. Those who thought political parties had a positive effect expressed two top reasons for their view: parties “give people a choice” and parties “identify issues and have different stands on them.” Those who thought political parties had a negative effect listed two top reasons for their position: parties pursue their own interests rather than the state’s interests, and parties make it hard to reach agreement so nothing gets solved. Younger

Percentage of Oregonians Who Believe Political Parties Have a Positive or Negative Effect on State Government



Source: "City Club of Portland Partisanship Study Poll," Davis, Hibbitts, & Midghall Inc., March 2007

voters tended to view political parties more negatively than older voters.

During the course of this study, your committee confronted the challenge of defining partisanship, considering the positive and negative consequences of partisanship and identifying ways to alleviate the negative effects of excessive partisanship on the state. (See Appendix A for the committee's charge.)

The Meaning of Partisanship and Excessive Partisanship

Some definitions of the words "partisan" and "partisanship" have negative connotations. For example, the word "partisan" can mean someone who exhibits

"blind, prejudiced and unreasoning allegiance," while the term "partisanship" has been described as "an attitude that always favors one way of feeling or acting especially without considering any other possibilities."¹ Your committee interviewed three local political scientists, Professors Richard Clucas of Portland State University, Robert Eisinger of Lewis & Clark College, and Paul Gronke of Reed College, who generally rejected these pejorative associations, instead defining the terms neutrally:

Partisans are individuals who share certain values, identify with a particular political party, and possess a commitment to party goals.

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Partisanship is the party allegiance that results from those shared values, identities, and goals.

Your committee chose to adopt the neutral definitions favored by these academics because such definitions facilitate analysis of both the valuable and destructive effects of political allegiance.

Your committee also concluded early in its research that partisanship and the two-party system serve valuable functions by developing competing visions of what is best for Oregon. Academic witnesses generally stated that partisanship had worked fairly well as a way to focus and organize the activities of the Legislature here and elsewhere. Tim Hibbitts, an independent political analyst who appeared before your committee several months before his firm did the survey discussed above, was of the opinion that having two strong parties reduces political fragmentation when compared to multi-party democracies in other countries. Even without official political parties, conflicts between competing visions would naturally occur in our electoral and legislative processes. Party labels serve as useful guides to persons of similar backgrounds, values and interests who wish to work together to accomplish common goals. When electoral and legislative processes work well and partisanship

remains reasonably constrained, conflict between the parties can be informative and productive.

Despite the value of partisanship, partisan behavior can become excessive, thereby undermining effective lawmaking. While running as an Independent for governor in 2006, then-Senator Ben Westlund commented that partisanship was not inherently bad, but “like air and water, too much can kill.” Similarly, the

PCOL recognized that “partisan campaigns, elections and organizations play a critical and constructive role in the formation of public policy,” but the commission nevertheless concluded that “an effective Legislature encourages

partisanship to be set aside for the best interests of the state.”²

For the purposes of this study, your committee defined **excessive partisanship** as the elevation of party allegiance to such a level that it interferes with the ability of the Legislature to function well. Your committee identified five characteristics of a well-functioning electoral and legislative system:

1. Ease of recruitment of well-qualified candidates for legislative office.
2. High electoral participation and the election of legislators who

“For the purposes of this study, your committee defined ‘excessive partisanship’ as the elevation of party allegiance to such a level that it interferes with the ability of the Legislature to function well.”

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serve all voters, not just those affiliated with major parties or strong special interests.

3. Good relationships and civility among legislators.
4. Deliberation and resolution of policy issues with input from the majority and minority.
5. Public respect for and confidence in the Legislature.

This report focuses on excessive partisanship as it specifically affects the Oregon Legislature. None of the witnesses your committee interviewed raised concerns about partisanship affecting any part of the government other than the Legislature, with the sole exception of the office of the secretary of state with respect to redistricting, as discussed later in this report. Many county and city elected offices are nonpartisan, with candidates' political affiliations not listed on the ballot. The same is true of judicial elections. The governor and other statewide executive officials are elected on a partisan basis, but they have a great deal of independence once in office. The Legislature is particularly affected by partisanship because members of both parties are elected to the Legislature, and, once there, they must compete for control at some times and work together at other times.

Excessive partisanship in the Legislature produces unwelcome outcomes. Excessively partisan legislators support their party's agenda even when it contradicts

their own individual judgment of what is best for the state. They also neglect good legislation that might otherwise have broad public support. Furthermore, excessive partisanship degrades the abilities of legislators to deliberate and collaborate — abilities that are essential to our legislative process. In an excessively partisan Legislature, the majority uses its control to consolidate power and advance its agenda, while the minority uses its limited rights to stall and disrupt the majority's agenda. Either the majority successfully silences the minority and advances its agenda without real debate, or the minority successfully resists the majority's agenda, resulting in legislative gridlock. In the meantime, both the majority and the minority posture for the next election. Finally, excessive partisanship corrodes public trust in political institutions and discourages otherwise promising candidates from running for legislative office.

Distinguishing between partisanship and excessive partisanship can sometimes be difficult. As he left Washington, D.C., Tom DeLay, the former U.S. House Majority Leader, defended intensely partisan politics, noting that "partisanship properly understood, is not a symptom of democracy's weakness, but of its health and strength...." While DeLay recognized that "politics demands compromise," he stated that compromise and bipartisanship are means and not ends and that "[i]t is not the principled partisan, however obnoxious he may seem to his opponents, who degrades the public debate, but the

preening, self-styled statesman who elevates compromise to a first principle.”³

The PCOL viewed matters differently when it called attention to “[e]xcessive partisanship at the expense of collaboration and creative problem solving.” In its final report, the PCOL stated that the “public perception is that non-constructive partisanship erodes public faith in the Legislature and its ability to find reasonable compromise.”

As noted at the beginning of this chapter, partisanship is an essential and positive feature of the legislative process. Partisanship helps political actors develop and more precisely articulate their values and goals. It helps forge a sense of common identity among otherwise isolated voters. Furthermore, partisanship serves to focus political activities of people with common values and identities towards realization of those shared goals. When partisanship functions effectively in the Legislature, it results in a productive tension between legislators from different parties. That tension manifests itself in meaningful deliberation, a willingness to set aside dogmatism and personal acrimony, and an openness to pragmatic consensus-building and lawmaking.

Is Excessive Partisanship on the Rise and Is It a Problem in Oregon?

Partisanship is difficult to measure. Political scientists have tracked how often voters registered with a political party vote for that party’s candidates, but an

increase in that metric may not be a sign of unhealthy partisanship. It could instead indicate changes in the issues that matter to voters, or it could result from demographic shifts. Researchers have not tabulated how frequently votes in the Legislature have divided along party lines in Oregon. Even if that data were available, the data would be difficult to interpret. An increase in divided votes would not necessarily indicate greater partisanship, as presiding officers control whether controversial bills even receive a hearing. Your committee was unable to identify any empirical basis for determining whether excessive partisanship — as your committee defines it — has risen in Oregon

Your committee heard many witnesses express their opinions about excessive partisanship. The perception of most was that excessive partisanship has been rising and has sometimes bitterly divided the Legislature to the point of dysfunction, but a strong and persuasive minority disagreed.

Leading the opinion that partisanship is not on the rise were the academic witnesses, joined by several former or current political insiders. They felt that the Legislature functions reasonably well and that partisanship as the public knows it today is no more “excessive” than it has been in the past. Professors Clucas, Eisinger and Gronke acknowledged that political tactics and rhetoric have changed in recent years, but they generally agreed that partisanship has been an historic part of American politics. They observed peaks and valleys

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of partisan behavior in this nation's and this state's history, and they challenged the notion that partisan behavior has been especially problematic in recent years. Former Governor Barbara Roberts also cautioned against undue nostalgia for the "good old days." She cited the example of her late husband Frank Robert's service in the Oregon House in the late 1960s while in the minority party. After challenging the Speaker on an issue, he was penalized by not getting appointed to a single interim committee.



Witnesses in the opposing camp felt that politics in Oregon has become more ideologically and rigidly divided in recent years, and they provided some telling examples. Jeff Merkley, a Democrat and the House minority leader in the 2005 session and Speaker of the House in the 2007 session, noted that when he worked as an intern in Republican Senator Mark Hatfield's office, he was never asked his party affiliation. He doubted anyone would be hired today without a

background check on their partisan credentials. Then-Senate Majority Leader Kate Brown concurred that party labels matter more now than they did in the past.

Charles Beggs, a retired journalist who covered the state capitol with the Associated Press for forty years, maintained that partisanship has been much more intense during the last three or four legislative sessions, with the more extreme members of each party exerting greater control and overshadowing the centrists. Lobbyists Pat McCormick and Dave Barrows also believed that partisanship has become a greater problem in recent sessions, adding that moderates who cooperate with the opposing party risk falling out of favor with their own leadership. McCormick, a lobbyist with Conkling, Fiskum & McCormick, Inc., noted that moderates from both major parties reached across the aisle more in the

past, but now they would be ostracized by the other members of their party for doing so. Barrows, a lobbyist with Dave Barrows & Associates, and regarded by some as the "dean of the lobbying corps in Oregon," also recalled a time when legislative leaders from both parties worked together on major legislation, including Oregon's famed 1967 beach bill, which he thought could not happen in today's political climate. Some of the committee's witnesses maintained that

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candidates like Mark Hatfield, Wayne Morse and Al Ullman could not be elected in the current climate.

Not all of the witnesses who believe that partisanship has increased in Oregon think that the increase is a sign of dysfunction. Instead, they point to changes in society and argue that a more polarized public will naturally result in a more polarized legislature. Tim Hibbitts asserted that politics is more partisan than it was thirty years ago. Hibbitts offered the opinion that the Democratic Party had become more liberal and the Republican Party more conservative, not as a result of the organized efforts of political parties, but because the public has been drawn more and more to uncompromising ideologies. Governor Victor Atiyeh added that “the main cause of the problem [of excessive partisanship] is not the elected people, but the people who elect them.” In short, a more partisan legislature is a natural result of a more partisan electorate.

Professor Clucas has described the two major ideologies of the role of government in Oregon as progressivism and conservative populism. In recent years progressives have tended to cluster in urban areas and vote for Democrats. Conservative populists, by contrast, are generally located in rural areas and vote for Republicans. “[M]uch of Oregon’s political conflict,” writes Clucas, “reflects the collision of the progressives’ strong support for an active government and the conservative populists’ general desire to limit government.”⁴ In this environment, Republicans and Demo-

crats can be expected to present starkly different visions for Oregon and to compete vigorously for control of state government.

Oregon has experienced major socioeconomic changes since the early 1970s that have reinforced these ideological differences. Oregon was once more homogenous, economically and socially, and until the late 1950s Republicans were the majority in the Legislature. (See Appendix E.) Through the 1970s and 80s, Republicans and Democrats were both elected from all parts of the state. With the decline of the timber industry in rural areas and the rise of high-technology businesses in the Portland metropolitan area, Oregon today is culturally and economically more divided, with dramatic differences from region to region.⁵ These local developments, some of which reflect national trends, have exacerbated ideological differences between urban and rural areas. Political analyst Bob Moore pointed to this growing political segregation along geographical lines as one of the most dangerous trends in the nation — no different than religious or racial segregation — and not healthy for the country.

Several witnesses also pointed to national influences on the partisan climate in Oregon. In her 2006 book, *Fight Club Politics: How Partisanship is Poisoning the House of Representatives*, Juliet Eilperin provides evidence of institutionalized incivility at the federal level on both sides of the aisle, including public insults directed at both the opposing side and non-conforming members of

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the same party. Barrows and Merkley both attribute some of the excessive partisanship witnessed in recent legislative sessions in Oregon to the strident ideological views and aggressive political tactics of former Congressmen Newt Gingrich and Tom DeLay. Tony Van Vliet, a Republican state representative from Corvallis from 1974 to 1994 concurred, as did former Republican U.S. Senator Robert Packwood. Van Vliet traced the change to the late 1980s and early 1990s, when GOPAC, a national political action committee led by then-Congressman Gingrich, embarked on a nationwide campaign to build a Republican political infrastructure capable of winning and maintaining control of state and local governments across the United States. Through campaign seminars, workbooks, audiotapes and grassroots organizing, GOPAC became the Republican Party's education and training center. In particular, training tapes produced and distributed by GOPAC galvanized Republican candidates and activists. GOPAC material made clear that no member should cooperate with a Democrat. In Van Vliet's words, "If you talked to a Democrat, you were a traitor."

While degrees of partisanship elude precise measurement, the dominant perception among the witnesses interviewed by your committee was that excessive partisanship has increased in Oregon over the past several decades. Your committee concluded that excessive partisanship is a problem in Oregon that has inhibited effective

lawmaking. Your committee's witnesses unanimously expressed the view that genuine deliberation and compromise is an essential ingredient in the governing process. Your committee could not agree more. There are certainly times when fidelity to one's principles is honorable and socially valuable. However, given that Oregon's legislators represent diverse economic and geographic regions, thoughtful and respectful deliberation is necessary to address the unique needs of each district while compromising to deliver what is best for the state as a whole.

Your committee believes that when the Legislature is perceived as an acrimonious and dysfunctional body, well-qualified potential candidates are discouraged from running and serving, which in turn further erodes the public's respect for government. If the public perceives that its elected officials are motivated by partisanship at the expense of the public's best interests, the resultant loss of confidence in state government may encourage apathy or circumvention of the legal process.

Your committee also agreed with the conclusion of the PCOL that excessive partisanship comes at "the expense of collaboration and creative problem solving," "erodes public faith in the Legislature and its ability to find reasonable compromise," and "discourages many qualified candidates from running for legislative office."⁶ Excessive partisanship is a problem that warrants attention from all Oregonians.

Areas for Reform

Based on the testimony of witnesses, your committee identified two major areas for reform: (1) legislative administration, rules and procedure, and (2) the design of our election system. In addition, because many witnesses emphasized the importance of strong relationships among legislators as a counterbalance to partisanship, your committee analyzes several ideas for how to promote good working relationships in the Legislature. Finally, many witnesses also mentioned the influence of the public and the media on partisan behavior in the Legislature, so your committee discusses that issue in the final chapter and considers whether any reforms are possible.

Before launching into a discussion of the first major area for reform — legislative administration, rules and procedure — it is first necessary to lay a foundation by describing the partisan power structure. The following chapter will explain the roles of state political parties, legislative caucuses and interest groups in developing partisan allegiance among legislators.

Chapter Conclusions

- ▶ Partisanship serves to help develop and clarify competing visions of what is best for Oregon, and it helps focus the activities of voters and legislators from different parties.
- ▶ Excessive partisanship is widely perceived as having increased over the past several decades in Oregon.
- ▶ Excessive partisanship is a problem in Oregon that should be addressed because it impairs legislators' ability to deliberate and collaborate on legislation, results in legislative gridlock, discourages qualified candidates from running for office and leads to voter disaffection.

STATE PARTIES, LEGISLATIVE CAUCUSES AND INTEREST GROUPS

Although Oregon's Republican and Democratic state parties work to advance partisan interests, these parties are not the most powerful political organizations in the state. Rather, the legislative party caucuses, often highly reliant upon special interest groups, wield the greatest amount of partisan power and influence in Oregon. The picture that emerges is not so much of a unified hierarchical structure as of a coalition of groups that attempt to coordinate with each other in the name of the state party. In short, legislative caucuses and interest groups frequently fuel excessive partisanship in Oregon more than do the parties themselves.

Before continuing, some definitions are in order:

State parties are membership organizations that engage the public by registering voters, organizing volunteer efforts in support of the party's candidates in general elections, and developing party platforms.

The **Speaker of the House of Representatives** and the **Senate President** are the presiding officers of the House and Senate respectively. They are elected at the beginning of the legislative session by the members of their assembly. The Speaker of the House and Senate President control the operations of the Legislature by appointing members to committees and selecting committee chairs, assigning bills to committees and setting agendas for legislative sessions. The presiding officers also typically play an important role in fundraising for their party members.

The members of the two major parties in the House and the Senate are organized into **legislative caucuses**: House and Senate Democrats and House and Senate Republicans. The majority and minority caucuses in each house elect their caucus leaders: House Majority Leader, Senate Majority Leader, House Minority Leader and Senate Minority Leader. Caucus leaders advance common goals of party members in the Legislature and strive to maintain or win majority con-

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rol by leading caucus meetings during legislative sessions, recruiting legislative candidates, and raising and distributing campaign funds.

Partisan interest groups are groups that align with one party to promote favored legislation and prevent passage of disfavored legislation. They do so by funding like-minded candidates in primary and general elections, mobilizing volunteers, appealing to voters during campaigns, and calling on party members to adhere to the group's policy positions during legislative sessions.

State Parties

As nearly all legislators in recent legislative sessions have belonged either to the Republican or Democratic parties, your committee has chosen to focus this section of its report on the role that the two major state parties play in promoting partisanship in the Oregon Legislature. Your committee learned that the major state parties are basically small administrative organizations with little power and influence. They help register voters, develop party platforms, and organize volunteer efforts in support of the party's candidates for national and executive-branch state office, but they play little to no role in setting partisan legislative agendas. Your committee has concluded that their role in promoting excessive partisanship in the Legislature is negligible.

Both major state parties are led by executive directors, who are in turn sup-

ported by a small number of full-time staff members. These administrative organizations are so small that much of the parties' work is done through volunteer efforts. In comparison to their counterparts in other states, Oregon's major state parties are relatively small administrative organizations with limited influence. According to Amy Langdon, past executive director of the Oregon Republican Party, other similar-sized states, such as Nevada, have party offices with two-to-three times the staff.

The two major state parties are relatively independent of the county parties and the national parties. Senator Peter Courtney, President of the Senate since 2003, noted that some of the county parties are even more active than the state parties. The county party is controlled by representatives elected from precincts. The county parties choose delegates to serve as their representatives in the state party; the state parties, in turn, choose delegates to serve as their representatives in the national party. The national parties do not control the state parties, and the state parties do not control the county parties. The national parties may, however, exercise influence over the state parties through distribution of funds.

Each of the major state parties is responsible for the development of the party platform, but legislators are in no way bound by these platforms. Party platforms are debated and decided upon by delegates. The state parties use their platforms as a way of providing information to the public about their

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positions on issues. But once adopted, the platforms have little effect on candidates or legislators. Candidates running on a state party's ticket are not required to agree with the party platform. In fact, according to former Democratic House Speaker Jeff Merkley, many legislators have never even read their state parties' platforms. Therefore, although platform discussions often attract the most devoted party members who may put strong planks in the platform, those party faithful are not likely to influence the legislators through the platform itself.

The state's major parties — often with the financial assistance of the national parties — recruit candidates for state-wide executive-branch and national offices and support these candidates in the general election by getting information to voters, providing volunteers and mailings for candidates, and registering and mobilizing voters. But they do not actually choose the parties' candidates for the general election. Rather, each party's candidates are determined in the primary election, and anyone registered as a party member may vote in the primary. Each state party generally supports its incumbents in the primary, although county parties have been known to endorse candidates other than incumbents. If there is no incumbent and there is more than one candidate for the party's nomination, the state party does not typically endorse one candidate; but party members, even legislators themselves, can and do support challengers in the primary.

Despite their significant, but limited, role in running candidates for state-wide executive office and national office, the state parties play negligible roles in races for the Oregon Legislature. The limited role of Oregon's state parties in legislative elections is further highlighted by the fact that state parties in most other states wield considerable authority when it comes to recruiting candidates and supporting campaigns for state legislative office. When it comes to races for the Legislature, the state parties in Oregon defer to partisan legislative caucuses. Neel Pender, former executive director of the Democratic Party of Oregon, told your committee that there existed a "healthy division of labor" between the state party and the partisan legislative caucus as to recruitment of candidates. Amy Langdon, who was the executive director of the Republican Party of Oregon at the time of her interview, noted that her party has been in a period of restructuring so that the legislative caucuses have taken on more power, including recruitment.

Your committee concluded that the Republican and Democratic state parties in Oregon are grassroots organizations that serve the valuable function of recruiting candidates for office and involving citizens in the political process, but that these state parties have little direct influence over the Legislature. Your committee also concluded that none of the minority parties had attained sufficient impact to be considered as contributing to or against excessive partisanship in the Legislature. Finally,

none of the witnesses your committee interviewed put any blame for excessive partisanship in the Legislature on the state parties, and your committee did not find it necessary to consider any reforms directed at the state parties.

Legislative Caucuses

Legislative caucuses play a far greater role in promoting partisanship than the state parties. Indeed, Senate President Peter Courtney noted that the state parties fall into the background when legislative sessions begin, at which time the caucuses become very active and exert substantial power over party members.

The party caucuses consist of the members of a political party within the Legislature. Political affiliation provides the organizing principle of legislative activity, including the election of presiding officers. In Oregon, the members of the party having the most seats in a particular house coordinate their votes to select their presiding officers: the President of the Senate and the Speaker of the House of Representatives. Shortly thereafter, the four caucuses then elect their caucus leaders: the House Majority Leader, the House Minority Leader, the Senate Majority Leader and the Senate Minority Leader.

“Legislative caucuses play a far greater role in promoting partisanship than the state parties.... [T]he state parties fall into the background when legislative sessions begin, at which time the caucuses become very active and exert substantial power over party members.”

As discussed below, the President of the Senate and the House Speaker have substantial power over legislative proceedings and over the appointment of legislators to committees. They appoint committee chairs, who in turn have considerable influence on committee proceedings. The Speaker of the Oregon House of Representatives in particular has been identified as the fifth most powerful state house speaker in the country.⁷ This high ranking is primarily due to the Oregon Speaker’s generous

power to appoint party leaders and the chairs of standing committees, to make committee assignments, to restructure the committee system, to provide campaign assistance and additional staff, and to control the legislative calendar and

procedures, in addition to the unlimited number of years he or she may serve as Speaker.⁸ The next chapter of this report will discuss the powers of the presiding officers in more detail. At this point, it is enough to note that the powers associated with these positions create strong incentives for the legislative caucuses to strive for majority status and for legislators in the majority party to be loyal to their presiding officer.

The roles of party caucus leaders are not formally defined, but caucus leaders nevertheless exert tremendous influence within the Legislature. According

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to Professor Clucas, “The main job of the caucus leaders is to promote their party’s political and policy goals. Although they are not the top leaders in the state parties, the caucus leaders in the majority party often play a more direct role in planning strategy and championing party goals than the speaker or the president.”⁹ One important role of a caucus leader is building and maintaining majority control through the recruitment of candidates and fund-raising. During legislative sessions, the caucus leaders convene frequent meetings of their members, in which they share information, develop policy goals and plan strategy. Caucus meetings have traditionally been conducted behind closed doors, with some short-lived exceptions. During caucus meetings, members often educate their colleagues about bills pending before their committees.

Several witnesses noted that members of the Legislature find caucus meetings useful because they can discuss candidly why their constituents are opposed to party-backed measures. Legislators are free to ask questions they would be reluctant to ask on the floor. Legislative staff may also be present to provide fiscal or legal background or to lay out parliamentary options, but caucus members typically dismiss nonpartisan staff when discussing political strategy. In addition to the political aspects of the caucuses, the caucus offices also provide support services to the members of the Legislature, such as conducting research, writing speeches and preparing press releases. The caucus offices may

also serve as liaisons to state and federal agencies to assist constituents.¹⁰

The strong pressure on individual legislators to conform to legislative priorities of their caucus is well recognized. Shortly after his 2006 election, then-freshman Democrat Ben Cannon was advised by a more senior legislator that he should support decisions of the Democratic caucus.¹¹ Senator Charlie Ringo, a Democrat from Beaverton, also commented on the power of the Democratic caucus leaders to dictate a legislative agenda for its members.

Legislators will naturally be sensitive to how their legislative decisions may be judged by their constituents in the next election. Caucus leaders can use the specter of defeat in the next primary election to bring their members into consensus on key issues for the party. Dave Barrows described how an outside campaign consultant managed the agenda of the Republican caucus during the 2005 session, insisting that members “sing from this hymnal,” which was perceived by some as coercive and excessively partisan. Several witnesses also pointed to the example of House members Cheryl Walker and Vic Backlund, both Republicans, being targeted in the primary because of disagreements with their caucuses on budget and tax issues.

In the 2007 session, the House Republican leadership effectively used caucus meetings to “lock down” votes against revenue bills that enjoyed, at least initially, bipartisan support. House

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Republicans assembled the necessary votes to block passage of bills to raise the corporate minimum tax, to create a dedicated tax for affordable housing, and to raise the cigarette tax to fund children's health coverage. All of these bills initially appeared to have enough Republican support to pass, but after a caucus meeting, the support disappeared.

The principal power exerted by presiding officers and caucus leaders comes from their control over the distribution of campaign money.

Special interests contribute money to leadership PACs that are largely controlled by the caucus leaders or presiding officers. Those officers then have the power to divide the funds among their parties' candidates.

The leaders can reward loyal party members with greater contributions and refuse to assist candidates who are perceived not to be toeing the party line. The considerable financial power of legislative leaders over potential campaign funds is a tool that can be used in excessively partisan ways to secure loyalty from party members in the Legislature. Your committee agreed with the concern expressed by Governor Barbara Roberts over the current power of the caucuses and the leadership PACs,

and the fact that the leadership can use the PAC, virtually unfettered, to ensure continued leadership and to reward loyal party members and punish disloyal party members.

Interest Groups

While interest groups are an essential component of a robust democracy, they nonetheless play a significant role in fueling excessive partisanship. They do so in a number of ways. Interest

groups serve as a principal source of funds for leadership PACs, they provide funds to candidates who support their causes, and they hire lobbyists to influence legislators.

Before discussing in more detail how interest groups often serve to promote excessive

partisanship, a few definitions relating to interest groups are in order. An interest group itself is an organized group of people with common interest in some particular political issue. There are at least two different types of interest groups. An interest group may represent constituencies of people organized by occupation, like teachers or building owners. An interest group may represent people who share a similar value, like environmentalists or tax reformers. Both types of interest groups may be

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involved in advocating for or against issues that are particularly divisive or controversial and in ways that are not susceptible to compromise. The more interest there is among public members in the issues advanced by interest groups, the more likely the group will be able to accumulate the funds and influence that it may use to advance its goals with legislators. These are fundamental elements of democracy: constituents telling their representatives what they want through the medium of organized interest groups.

Many interest groups hire lobbyists to serve this function. More than 300 hundred groups have registered lobbyists at the state capitol. Oregon ranks twenty-second in the nation for the number of entities that use lobbyists. The number of lobbyists working in the state capitol also seems to be growing. The association of Oregon lobbyists, known as the Capitol Club, listed 385 members in 2001 — a considerable increase from 300 in 1991.¹² Many political watchers are uncomfortable with this apparent increase in the number of lobbyists working on behalf of interest groups in the state capitol. At the same time, as one observer said, one cannot bemoan the rise of interest groups if one favors greater civic engagement on the part of the public.

Interest groups and their lobbyists play a number of different roles with regard to the Legislature. Lobbyists often make a positive contribution to the Legislature because they study policy issues and inform legislators who

themselves have neither the time nor staff to research every policy issue that comes before them. The most effective lobbyists are those who have developed a reputation for honesty, and lobbyists who are not candid with legislators lose the trust of those legislators.¹³ Interest groups often do more than just talk to legislators — they also make campaign contributions and mobilize voters in elections.

This report focuses on interest groups that are aligned with one or the other major political party, and your committee calls them “partisan interest groups.” Your committee distinguishes those groups from interest groups that donate money to both Republican and Democratic candidates even-handedly in order to gain access to whichever candidate is elected. Partisan interest groups that consistently support only Democratic candidates or only Republican candidates function essentially as extensions of the parties. They may provide support not just through campaign donations but also by mobilizing their members to vote for the party’s candidate and, in some cases, even campaigning directly for the candidate.

Partisan interest groups generally include those with large, or very well-funded, constituencies and those with an ideological focus. Some examples on the Democratic side are public employee and other labor unions, environmentalists and pro-choice supporters. On the Republican side are social conservatives, some business interests, anti-tax groups and pro-life supporters. This does not

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mean, for example, that there are no Democrats who are pro-life and no Republicans who are pro-choice. However, Republican and Democratic legislators tend to align with particular groups, which in turn support them with money and volunteers.

Partisan interest groups have significant influence and impact. Almost half of those interviewed expressed the view that partisan interest groups controlled party agendas and that interest groups were more powerful than state parties. Interest groups, they argued, play a strong role in promoting excessive partisanship in the Legislature. The concern that contributions from interested parties may taint a legislator's judgment is reflected in the fact that there are stringent reporting requirements for all legislators who receive contributions during the legislative session.¹⁴

Your committee concluded that partisan interest groups interfere with deliberation and compromise between legislators of opposite parties in two principal ways:

First, as will be discussed in more detail in the chapter on campaigns and elections, since aspiring legislators must run for election first in a partisan primary, they are hard put to suggest compromises that displease their party's base. Interest groups play a key role in primary elections, potentially providing both financial and volunteer resources. In addition, interest groups can recruit and support challengers to incumbents in the primary where the groups per-

ceive that the incumbent has not been faithful to the special interest group's needs. Two of Oregon's larger labor unions — the SEIU and the Oregon Education Association — together gave over \$350,000 to Representative Greg MacPherson's opponent, John Kroger, in the 2008 Democratic primary race for Oregon's attorney general. This dollar figure amounted to almost half of the total funds that now-Attorney General Kroger raised for the primary campaign. Many political observers speculated that these unions gave this significant amount of money to Mr. Kroger as "pay-back" for Representative MacPherson's role in drafting and promoting legislation in 2003 that changed the public employees' retirement system and cut public employee benefits. The unions had adamantly opposed this legislative effort.

Second, partisan interest groups tend to characterize issues in a black-and-white, good-versus-evil manner, thus encouraging ideological rigidity and making it difficult for legislators of opposing parties to talk about controversial issues productively. When partisan interests demand a specific legislative result, which they often do, they may tolerate no compromise by their allies in the Legislature. The resulting legislative discussion focuses not on finding a reasonable solution but on achieving a specific and pre-approved result. For a legislator to participate in an open or exploratory dialogue regarding the issues affecting partisan interests suggests that compromise is possible and

thus sends a worrisome signal to the concerned partisan interests. Political discourse in these situations is therefore reduced to well-worn sound bites, with the goal of pushing a partisan agenda rather than engaging in the process of finding a solution. The result is a situation in which each side sees the legislative process as an “all-or-nothing” effort, with victory possible only through the absolute defeat of one’s opponents. The polarization can then extend to less controversial issues, as legislators who see each other as “the enemy” lose the ability or interest to work together.

Your committee concluded that partisan interest groups often reinforce excessive partisanship. The legislative process attracts partisan interest groups that push their individual and sometimes uncompromising agendas. Industry groups, labor unions, religious conservatives and other interest groups use their issues to energize their constituents and apply pressure on individual legislative members. These interest groups can sway legislators because there may be a high political cost for rejecting their uncompromising positions.

- ▶ Legislative caucus leaders and presiding officers possess more power than state parties when it comes to pressuring legislators to support partisan agendas.
- ▶ Strong interest groups aligned with either the Democrats or the Republicans often reinforce excessive partisanship by pressuring legislators to commit to uncompromising agendas.

Chapter Conclusions

- ▶ Oregon’s Republican and Democratic state parties are grassroots organizations that serve the valuable function of involving citizens in the political process, but they have little involvement in the Legislature.

LEGISLATIVE RULES, LEADERSHIP AND NONPARTISAN STAFF

Anyone can be tempted to abuse power for partisan advantage, and many witnesses explained that Oregon's legislative leaders have frequently succumbed to this temptation. The temptation stems primarily from the nature of the legislative rules that govern the legislative process. In contrast to some other states, where legislative rules are defined in statutes, most rules that regulate Oregon's legislative process can be modified by simple-majority vote of the House or the Senate. Leaders of both parties — while they enjoy their majority status — have regularly chosen to interpret legislative rules in their own favor or to modify them through simple-majority vote in order to consolidate power and to exert partisan control over committee assignments and the

“Leaders of both parties – while they enjoy their majority status – have regularly chosen to interpret legislative rules in their own favor or to modify them through simple-majority vote in order to consolidate power and to exert partisan control over committee assignments and the movement of legislation.”

movement of legislation. This form of excessive partisanship rewards the consolidation of party power rather than meaningful deliberative processes.

Your committee concluded that two particularly clear manifestations of excessive partisanship are apparent in the Legislature.

First, the majority has the power to use the rules to reduce the minority's involvement in the legislative process. This is excessive partisanship in its clearest form. Second, the powers that come with the leadership offices in the Legislature reinforce the incen-

tive for each party to seek and maintain majority status. Your committee examined these two manifestations of partisanship and considered legislative rule changes that might at least dispel

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the temptation for the majority to abuse its power at the expense of the minority.

Background

As stated earlier in this report, in Oregon, the members of a particular house choose the presiding officer of that house: the President of the Senate and the Speaker of the House of Representatives. The majority and minority party members meet in caucus to coordinate their votes for the leaders. The majority party members can also change their leaders if they are displeased with their performance. For example, at the beginning of the 1999 session, the Republican caucus removed the sitting Speaker, Lynn Lundquist, because he had been too supportive of Democratic legislation.¹⁵

The President and the Speaker enjoy tremendous discretionary power and typically demand that their party members support them 100 percent of the time on procedural votes. Therefore, these leaders have considerable discretion to change the rules to strengthen their control. As mentioned above, changing the rules of the legislative bodies requires only a simple-majority vote.

The most important powers of the presiding officers relate to committees. The presiding officer

determines the number of committees, selects the committee chairs, appoints members to committees and assigns bills to committees for consideration. As Oregon's Legislature has a strong committee system compared to other legislatures, this system ensures that presiding officers will have extraordinary authority over the legislative process.

The bulk of legislative work occurs in committees. In either the House or the Senate, the committee chair may schedule meetings on bills, and a majority of committee members may make a formal request for a work session or hearing on a bill to the committee chair. Bills may be reported out of committee either with or without minority reports, and the rules provide a means for amendments to be made. Bills reported out of committee ultimately go to the floor for a vote.

Powers granted by the rules and options for the presiding officers to use these



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powers can vary between the House and the Senate. Many witnesses were of the opinion that the Speaker wielded too much power over the agenda in the House in 2005, particularly in regard to committee appointments and the routing of bills to those committees. However, according to Representative Sal Esquivel, then-Speaker Minnis' efforts to incorporate members of the minority were not appreciated in her first session as Speaker of the House; when she tried to appoint Democrats to subcommittee chairs, the Democratic leadership would not cooperate. Some witnesses also acknowledged that more control might be appropriate in the House because of important differences between the House and Senate. Judy Hall, Secretary of the Senate, quoted Senate President Peter Courtney's characterization of the House as a "barroom brawl" and the Senate as a "church." Because it is twice as large, the House is more difficult to organize; greater efforts are required to move the agenda forward. Since Senators serve longer terms, and many have had experience as representatives in the House, the Senate requires less organization because of the greater experience of its members and stronger relationships among them.

Some witnesses spoke in favor of strong leader control in both houses, arguing that it is inefficient to do everything by committee in a citizen legislature. Those witnesses placed great reliance on the character and leadership skills of the presiding officers and reasoned that poor leaders would be voted out.

Other witnesses, however, argued that a strong presiding officer system makes it too easy to exclude the minority from any meaningful participation, and noted that there will always be partisan pressures to do exactly that.

Members of the minority have some limited rights even in the face of the majority's determination to exclude minority participation. Minority members have the right to debate any measure on the floor. They also have the power to propose amendments in committee. In addition, if they do not support a bill that has been approved by the committee and sent to the floor for a vote, they may file a minority report to be considered on the floor along with the approved bill. Often minority reports are filed to make a political statement or to force the majority party members to take a position on an issue, but sometimes minority reports gain serious consideration and even pass. However, these minority rights, which are conferred only through legislative rules, can be changed by a simple-majority vote of the legislative house. For example, at the beginning of the 2008 special session, the Democratic majority adopted rules on a party-line vote that prohibited the filing of minority reports unless a majority of House members signed on to the report. Republican lawmakers argued that such a rule essentially eliminated their right to have alternative legislation considered on the House floor.

The minority generally does not possess the right to force consideration of a bill, either in committee or on the floor. This

right belongs exclusively to the majority. The Legislature traditionally has maintained rules allowing a majority of legislators, from either party, to call for a vote on a bill without the agreement of the presiding officer. In the House this rule is called the “Rule of 31,” because 31 votes constitute a majority. At the very end of the 2005 legislative session, however, this rule was changed so that only the presiding officer could bring a bill to the floor for a vote. The Democratic members of the

House, who were in the minority at the time, opposed the measure and argued that the purpose for the rule change

was to prevent the House from debating and voting on the Senate-passed civil unions bill. Then-Speaker Minnis disagreed, stating that the reason for the change was to prevent House members from wasting time by bringing bills to the floor that had little or no chance of passage simply for political purposes. At the beginning of the 2007 session, the House voted to restore the Rule of 31. Six bills were pulled from committee and considered on the House floor pursuant to this rule during the 2007 session.

The power of the leadership to control the agenda is complicated when different parties control the Senate and the House. This situation can lead either to bipartisan cooperation or partisan stalemate, with each house rejecting bills passed by the other house. Several witnesses noted that during recent

sessions, when party control was split between the two houses, House and Senate leaders were forced to work together in order to pass a budget and other priority legislation. On the other hand, some witnesses reported that the presiding officers at times would refuse to consider legislation passed by the other assembly — even bills that would have been supported by a majority of members — a practice that will be discussed in more detail below.

“Rules that guarantee meaningful participation for members of the minority party should be in place.”

Your committee concluded that legislative rules and procedures have been misused by leadership of

both parties for excessively partisan purposes, that the powers of majority control are so great that party leaders become overly focused on maintaining or achieving power in the next election, and that this focus interferes with the cooperation and compromise often necessary for good public policy. Rules that guarantee meaningful participation for members of the minority party should be in place. Your committee found the most partisan legislative maneuvering in two areas: committee assignments and the assignment of particular bills to committees. Rules that restore more rationality and less gamesmanship to committee assignments and that limit some of leadership’s power over assignment of bills to committees could help to alleviate the excessively partisan atmosphere. Your committee also found, as discussed further below, that having professional nonpartisan staff serving

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the legislative body contributes to an environment where greater collaboration is likely to occur.

The PCOL noted many of the same concerns, concluding that “some rules and practices of the Legislature promote excessive partisanship and prevent problems from being addressed efficiently and effectively.” The PCOL urged that the rules of the House and Senate not be used to prevent consideration of significant policy issues and exhorted presiding officers to represent the body as a whole and not to use their authority to prevent debate on policy matters. It also encouraged majority and minority leaders to develop a more collaborative environment for discussing legislative priorities and establish collaborative processes that include the minority in session management. (See Appendix D.)

Your committee considered the best manner to implement legislative rules that might in turn foster such a collaborative environment and process. The current manner of legislative rule-making is clearly flawed, as it is possible for the Legislature to make changes to the rules with very little deliberation and by mere simple-majority vote.

One alternative — transforming all rules into statutes — also has its drawbacks. While there are numerous legislative processes incorporated into statute,* your committee and witnesses were resistant to the idea of

incorporating all rules into statutes. The concern was that if rules were made into statutes, the Governor could veto subsequent legislation designed to change a rule, raising legitimate questions of separation of powers.

Your committee thus reached a compromise recommendation: the Legislature should incorporate into statute certain language relating to how rules would be created, changed (e.g. by simple or super-majority vote) or superseded. Your committee also decided that rules protecting the minority’s rights of participation should require a super-majority to change.

Control of Committee Assignments

As has been noted, Oregon’s legislative presiding officers have discretionary power over all committee assignments. A key assignment is the position of committee chair. Committee chairs have considerable authority to adopt procedural rules and decide which proposed bills will be considered by the committee. In Oregon’s strong committee system, the chairs direct much of the legislative process. Although the House Speaker and Senate President do not directly control committee process, committee chairs serve at the pleasure of the presiding officers. Also, the presiding officers decide which bills to assign to which committees, giving them considerable influence over the flow of legislation.

* For example, ORS 171.555 creates the Joint Ways and Means Committee, sets out the means for establishing the committee’s membership, and identifies many of the procedures for the committee.

Oregon's committee assignment process differs from the process in the U.S. Congress in a way that gives presiding officers in the state Legislature far greater power. In the U.S. Congress all legislators, including members of the minority, once appointed to a particular standing committee, have a proprietary right to their committee positions and can move up the ranks through seniority. No such right exists in the Oregon Legislature, where presiding officers have near complete authority over committee assignments. As a result, the Oregon system can lead to a loss of expertise on committees if someone or some party falls out of favor and the experienced members of the committee are reassigned. In the 2005 session in the House, the Speaker made all committee assignments, usually without conferring with minority leadership. A more equitable state of affairs existed in the Senate, where the President consulted the minority leadership about committee appointments and ensured that all appointments, including those to the important Ways and Means Committee and the Emergency Board, were proportional. In the House, by contrast, committee composition was not always proportional. For example, during the 2005 session, when the House had 34 Republicans and 26 Democrats, the Speaker assigned

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seven House Republicans and only three House Democrats to the Joint Ways and Means Committee and six House Republicans and only two House Democrats to the Emergency Board.¹⁶

Besides resulting in a loss of proportional party equity on committees, such arbitrary committee assignments frequently rob committees, and ultimately the Legislature itself, of considerable expertise. Several witnesses complained

that when the presiding officers assign minority committee members, legislators with special experience, education, or professional training are not assigned to committees in which their knowledge would be valuable. Then-Senator Westlund

noted, for example, that Representative Alan Bates, a Democrat from Ashland and a physician with the expertise and the desire to work on health policy, was not assigned to the committee that dealt with health matters while he was in the minority party.

The House Speaker has not always made committee appointments unilaterally. Sal Esquivel noted that when Hardy Myers served as Speaker of the House from 1979 to 1983, he established rules that committee membership would be proportional and that the party members would select the specific com-

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mittee members so that the Speaker would have no role in choosing minority members of committees. In the past, the minority party also had the right to name vice-chairs of committees. Former Speaker Vera Katz, however, altered the committee assignment process in a way that exhibited excessive partisanship. When she presided as Speaker, she personally made all committee assignments, even for the minority party. The change benefited the Democrats for the two sessions Katz served as Speaker, but then gave Republicans the same advantage when they took majority control of the House. This example illustrates how the manipulation of power by the majority party often leads to the same manipulation when the minority becomes the majority.

As legislative processes are inherently partisan, finding a way to meld partisan maneuvering with the obligations of effective lawmaking will always be a challenge. A minority party, for example, may be best served politically by being perceived as having little say in legislation that the minority does not support and believes is not in its best political interests. By contrast, a process that allows the minority party to have some influence creates real opportunities for meaningful contribution to legislation. Your committee believes that active and constructive participation is a responsibility of elected office. In the balance between political posturing and effective legislative process, your committee found value in having majority and minority members constructively engaged in the work of committees.

Your committee concluded that committee assignments have increasingly become political tools that both parties have used to their advantage. Because the committee structure is so critical to the legislative process, the manipulation of the rules surrounding committee assignments for political purposes has heightened the sense of excessive partisanship in the Legislature and discouraged bipartisan cooperation. Restoring the prior rules on committee assignments could help alleviate these problems. Members of the minority should be given the opportunity to contribute in a meaningful way to deliberating legislation. The House in 2007 took a significant step in this direction by restoring the rule that all committee appointments must be made proportionally. Your committee recommends that legislative rules in both houses be amended to require proportional representation of party members on committees, as the rules of the House presently require. Your committee also agrees with the PCOL's specific recommendation that the Legislature adopt rules to "empower leadership of the minority party to select minority representatives on legislative committees" and to "require that Vice-Chairs of legislative committees be from minority parties." (See Appendix D.) Finally, your committee recommends that the legislative leadership take into account experience, interest, and seniority in determining committee assignments.

Control of Legislation

Besides deciding the number, membership and leadership of committees, the presiding officers also have considerable power over the movement of bills into and out of committee. First, the presiding officer appoints the members of the committees as well as the chairs and vice-chairs. Second, although the rules of each legislative body require that the presiding officer refer each bill or measure to a committee

within seven days of its first reading, the presiding officers are free to decide to which committee the bills or measures will be assigned. Third, subject to a major-

ity of the committee's request that a bill or measure be acted upon, the presiding officers can pressure committee chairs to give hearings to, or bring to the floor, the bills favored by the leadership. Finally, the President of the Senate is an ex-officio member of each committee with the right to vote. Clearly, the authority of presiding officers can be used in excessively partisan ways to prevent bills sponsored by members of the minority party from being passed or even debated.

Caucuses also have considerable sway over the committee process. Duncan Wyse, who has worked with the Legislature as president of the Oregon Business Council since 1995, noted that, over the last ten to fifteen years, there has

been a shift of power from committees to caucuses. At one time, "you would go before a committee and feel that if convinced, the committee could get the bill through, thus it was worth spending time testifying and educating them."

Troy Nichols, chief of staff to Speaker Minnis during the 2005 session, linked the rise in caucus activity to the period of term limits. Recently, the unspoken rule has been that a bill must have the support of the majority of the ma-

majority caucus before it can come to the floor. Wyse cited his own experience with the sunset renewal of the Oregon Progress Board, which passed out of committee

unanimously but did not get to the floor because it did not have the support of the majority of the Republican caucus. He noted that the effect of caucus decision on bills meant that a minority of the body — a majority of the majority caucus, which could amount to only 26 percent of the legislators — has disproportionate power. As noted above, the reinstatement of the Rule of 31 in the House should alleviate some of the problems noted by Wyse and others.

The PCOL recommended that the Legislature adopt rules to allow measures with demonstrable evidence of a majority of members of the chamber in support to move to the floor for debate and vote. (See Appendix D.)

"[T]he authority of presiding officers can be used in excessively partisan ways to prevent bills sponsored by members of the minority party from being passed or even debated."

Following the release of the PCOL report in 2006, Republican Representative Sal Esquivel and Democratic Representative Peter Buckley drafted rules that were adopted by the Oregon House of Representatives as the “Teamwork Bill.” The new rules entitle each House member to have a hearing and work session for two bills so long as the member can obtain two chief co-sponsors from each party.¹⁷ Seven bills were designated as teamwork bills during the 2007 session.

Your committee agreed with the analysis underlying the PCOL’s recommendation — that the strong control exercised by leadership over legislation prevents important policy issues from being aired and obstructs passage of good laws that would be widely supported. Your committee also applauds the House for passing the Teamwork Bill. Your committee proposes additional specific recommendations to provide a check on the leadership’s power. First, the House and the Senate should adopt and maintain rules allowing each member of the Legislature to require a committee hearing on a predetermined and limited number of bills each legislative session. Second, the Senate should follow the House’s lead and adopt and maintain rules, similar to the Rule of 31, which permit a majority of members, regardless of party affiliation, to require a committee or floor hearing

on a bill. Third, the House and Senate should adopt and maintain rules permitting a substantial minority of each of their members to require a committee or floor hearing on a bill that has already been passed by the other chamber.

Nonpartisan Staff

Presiding officers, committee chairs and majority caucuses also exert power over legislative processes through their

control of staff resources. The most important staff positions are the Secretary of the Senate and the Chief Clerk of the House. They keep official records, advise the presiding officers and members on parliamentary procedure, and

oversee a number of employees. Both of these positions are elected by a majority of votes from each chamber. The two current officers have both been in place for several sessions. While they each serve all the members of their chamber, they work most closely with the presiding officers.

In the 2005 Session Speaker Karen Minnis proposed a rule change that would have given the Speaker the sole power to hire and fire the Chief Clerk, but she faced resistance from the majority caucus. A modified rule change was adopted, giving the Speaker the power

“Staff have a duty to serve all legislators, but committee staff report to the committee chair. As a result, minority party members sometimes have difficulties getting staff support and are hampered in their ability to craft legislation for committee consideration.”

to terminate the Chief Clerk but requiring the full chamber to elect a successor. This event highlighted the tension between serving the entire legislative body and serving the majority leadership. In 2007 the House restored the rule which places the right to hire or terminate the Chief Clerk with the membership of the House and not just the Speaker.

Committee members depend on the policy work of staff members who provide analysis for committees. Staff have a duty to serve all legislators, but committee staff report to the committee chair. As a result, minority party members sometimes have difficulties getting staff support and are hampered in their ability to craft legislation for committee consideration. The PCOL recommended that the Legislature professionalize issue-area staff to make them more accessible to all members. (See Appendix D.)

Your committee found that staff resources are unreasonably and unevenly distributed between the majority and minority parties and, therefore, their ability to analyze and propose meaningful legislation varies accordingly. Your committee agrees with the PCOL and recommends that administrative officers and committee staff in the Legislature be nonpartisan professionals serving members of both parties; they should not serve at the sole discretion of the majority party.

Chapter Conclusions

- Because of the structure of Oregon's Legislature, which is characterized by a strong-leader system, the leaders have tremendous discretion and set the tone for partisanship or collaboration.
- As most of Oregon's legislative rules are subject to revision by simple-majority vote, they can be — and have been — easily manipulated to satisfy the immediate demands of the majority party in a particular house.
- Oregon's legislative rules grant its presiding officers generous powers that they can easily use to control both committee assignments and the movement of legislation in a way that demands loyalty from majority party members and that excludes members of the minority party from a meaningful role in the legislative process.
- The strong leader system fosters excessive partisanship by rewarding a winner-take-all approach to controlling the Senate and House of Representatives.
- Ostensibly nonpartisan administrative staff officers are subject to the imperatives of the party in control of a particular house.
- While committees remain important in the Legislature, their power has somewhat diminished because of the increasing power of the caucuses.



Chapter Recommendations

- The House and Senate should adopt and maintain rules that establish proportional representation of party members on committees and permit the leaders of each caucus to determine which of its members to appoint to committees. When making committee assignments, caucus leaders should take into account the experience, interest and seniority of legislators.
- The House and Senate should adopt and maintain rules that require the vice-chair of each committee to be a member of the minority party, and committee chairs should consult with vice-chairs in developing committee agendas.
- While the House's Teamwork Bill is a step in the right direction, the House and Senate should adopt and maintain rules that allow each member of the Legislature to require a committee hearing on a predetermined number of bills during each legislative session.
- The House should maintain and the Senate should adopt rules permitting a majority of each of their members to require a committee or floor hearing on a bill. In addition, the House and Senate should adopt and maintain rules permitting a substantial minority of each of their members to require a committee or floor hearing on a bill that has already been passed by the other chamber.
- The House should maintain and the Senate should adopt rules ensuring that the Secretary of the Senate and the Chief Clerk of the House are nonpartisan and serve members of both parties, and not serve at the sole discretion of the presiding officers. In addition, the House and Senate should employ permanent staff with knowledge of substantive policy areas to support the work of committees.
- Once the above rules are adopted, the House and Senate should require a supermajority to change these and other rules that protect each member's right to participate in the legislative process.

LEGISLATOR RELATIONSHIPS AND CIVILITY

The Importance of Relationships and Civility in Legislative Deliberation

The Oregon Legislature works best when individual legislators have personal and respectful relationships with each other. A number of witnesses testified that they believe those legislators who know each other well and who respect one another are more likely to work together courteously and effectively. Similarly, witnesses expressed the opinion, and your committee concurred, that courtesy and good relationships between legislators contribute to positive deliberation.

Witnesses suggested that the Senate generally fosters better relationships between individual legislators than the House for the reasons also discussed in the previous chapter. Because the Senate is smaller and senators serve longer terms, they tend to get to know each other better. Senators also typically possess more experience, as many of them served in the House before coming to

the Senate. In addition, senators are less likely to be excessively partisan than representatives because senators are elected from larger districts and must therefore appeal to a greater variety of people.

There are instructive examples of how legislators, particularly those from the same geographic area, have been able to put aside partisan concerns to work for the common good of constituents. Representative Sal Esquivel, a self-described “moderate Republican,” commented that he and Representative Peter Buckley, a Democrat, were able to develop strategies for working together to promote common interests. Esquivel and Buckley, for example, drafted rules that were later adopted to ensure that each House member is able to bring forth at least two bills and have those bills debated in committee, regardless which party is in power, so long as each bill has two sponsors from each party, as discussed previously.

A number of witnesses commented that the governor has an important part to

play in alleviating excessive partisanship. Witnesses commented on the styles of recent governors and noted that some styles may be more effective than others in mitigating the negative consequences of partisanship. Lobbyist Dave Barrows pointed to Governor Neil Goldschmidt as an example of a governor who played a useful role in combating excessive partisanship. Although he lacked legislative experience prior to becoming governor, he quickly learned the importance of consulting the legislative leadership soon after calling a special session without having had such a consultation. After that experience, Governor Goldschmidt made a practice of casually visiting legislators in their offices, regardless of their party affiliation, in order to get to know them personally. His close relationships with these legislators eventually worked to help facilitate passage of legislation that he supported.

Former legislative staffer and current member of the lobby, Pat McCormick, considered Republican Governor Victor Atiyeh the best governor with whom he had ever worked, in large part because the governor met weekly with the majority and minority leadership of both houses and maintained an open door to any legislator who wished to discuss matters with him.

Several observers noted favorably that Governor Kulongoski made a greater effort to build relationships across party lines during the 2007 session than in the 2005 session. One lobby newsletter noted that he “weighed in judiciously on

his list of priorities, as well as played a key role in brokering compromises when needed.”

The Experiment with Term Limits

Witnesses pointed to the imposition of term limits in 1992 as a factor that has prevented many legislators from developing lasting and positive relationships. Oregon voters approved legislative term limits in 1992. The Oregon Supreme Court later ruled in 2002 that the ballot measure establishing term limits was unconstitutional in the way it was drafted.¹⁸ Although term limits have been abolished now for several years, many witnesses felt that their negative effects carried over into recent sessions.

Without exception, all witnesses who commented on term limits agreed that the period of term limits contributed to excessive partisanship. The imposition of limits meant that the most experienced legislators in the House served a mere four years. Sal Esquivel, a Republican member of the House who represents the Medford area, pointed out that term limits led to a dramatic loss of institutional memory among legislators. This loss of institutional memory meant that inevitably inexperienced legislators were forced to rely heavily on party caucuses and lobbyists for information about policy matters and legislative process. As a result, legislators were less able to develop well-founded and independent proposals on various subjects.

Furthermore, because legislators were less familiar with legislative processes,

they often tried to force proposals through the Legislature in a way that merely produced gridlock. Mark Simmons, the Republican Speaker of the House in 2001, concurred with Esquivel. Although he said he voted for the limits in 1992, he was glad when Oregon courts ruled them unconstitutional a decade later: “I saw that term limits take power from the elected legislators and give it to the lobby and the bureaucrats — the people in the building with all the experience.”¹⁹ Simmons added that term limits also prevented legislators from gaining the experience often required for genuine leadership. “Under term limits,” noted Simmons, “nobody can be really ready to be Speaker.”

Oregon’s Citizen Legislature

Some witnesses pointed to the very existence of Oregon’s “citizen legislature” itself as an engine of excessive partisanship. In a “citizen legislature,” legislators convene for a few months every year or two and are expected to keep their outside jobs and support themselves primarily from outside income. By contrast, in a professional legislature, legislators are paid a salary to work year-round and are expected to give up outside jobs when elected. Even setting aside the effects of term limits, many witnesses claimed that there are too many “amateurs” in Oregon’s Legislature who are overly reliant on lobbyists and special interests. Pointing out the enormous and expanding responsibilities of the Legislature, they questioned whether the state’s citizen Legislature,

as opposed to a professional legislature, can cope with the intricacies and growth of the state budget and with the increasing length of the sessions.

The Deterioration of Relationships among Legislators

Many witnesses voiced the opinion that there has been an unraveling of personal relationships in the Legislature, which has affected the Legislature’s ability to deliberate on major issues. Witnesses identified a number of contributing factors in addition to term limits, some of which were discussed in the first part of this report: uncompromising ideologies that have become more widespread both in the public and among politicians; the influence of a national political culture that brands members of the opposing party as enemies; and sociological changes in Oregon that have created a divide between urban and rural populations. Additional societal factors were also mentioned, including a general decline in civility and greater diversity in the people who serve as legislators.

Some witnesses pointed to the changing lifestyles of legislators, with more of them interested in being at home with their families than socializing with fellow legislators. Former Senator Mike Thorne noted: “I can recall getting together in the evening with people I had gone head-to-head with that day. The next day we might be together on another subject.” Since legislators tend to socialize less during the session now,

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they rarely develop the same level of respect and understanding that members shared in the past. Several witnesses even pointed to changes in the physical structure of the Capitol in Salem as having adversely impacted the development of strong personal relationships among legislators. Before the addition of the Capitol wings, legislators did not have separate offices, but worked from their desks on the House and Senate floors where they constantly interacted. In the new wings, legislators are isolated in their own offices and much less interaction occurs across party lines. Political writer Juliet Eilperin notes the same trend in Congress where fewer House members move their families to Washington, D.C., instead spending as short a week as possible in the capitol and returning home for extended weekends, a trend which she suggests has “made it more difficult for House members to

understand each other and their differing points of view.” Eilperin quotes U.S. Representative Barney Frank as commenting that even the tables in the lunchroom are divided by party.²⁰

Numerous witnesses argued that negative campaigns make it hard for legislators to form relationships with members of the opposite party once they get into office. Other witnesses noted that normal tensions arising from campaigning are exacerbated by the intensity, frequency and duration of campaigns. One witness pointed out that members of the House are almost always campaigning because they have only two-year terms, thereby constantly stoking the fires of excessive partisanship.

There were also examples of caucus leaders discouraging efforts to build relationships between Democrats and Republicans in the Oregon Legislature. A few years ago, a number of freshman legislators developed a bipartisan freshman caucus after attending a pre-session conference together. Their intention was to work together to develop positive relationships and gain valuable expertise. The legislative leadership, however, strongly disapproved of this caucus. When the staff tried to repeat the conference for freshman legislators before the next session, the leadership quashed the idea.

Your committee concluded that poor working relationships have contributed to the Legislature’s inability to address critical and pressing issues facing Oregon. In addition, many witnesses reinforced the conclusion that Oregonians tend to believe that legislators cannot work well together, which may have the effect of causing the public to become disengaged from politics. For all of these reasons, your committee concluded that potential solutions should be considered to remedy this lack of civility in the Legislature.

An Analysis of Potential Solutions

Your committee considered a number of reforms that might reduce the excesses of partisanship and strengthen positive working relationships within the Legislature. These potential solutions are described below.

Longer Terms for Legislators

Several witnesses supported longer terms for legislators. Former Oregon Supreme Court Judge Hans Linde, also a member of PCOL, noted the advantages of six-year terms in the U.S. Senate, which gives senators time to build relationships and accept the obligations of statesmanship. Short terms, he said,

are not “good personnel policy and not a good investment.” “It takes time,” he added, “to figure out how government works.” In other words, legislators would benefit from greater expertise and institutional knowledge. Longtime professional staff in the Oregon House of Representatives agreed, noting that in each session, they work with a different body of members, making it difficult to establish long-term working relationships: “You get to know them and then they go home.” Exacerbating

the problem is the two-year election cycle for the House of Representatives. Representatives seeking reelection every two years are forced to campaign perpetually to enhance the likelihood of reelection. This constant campaigning increases their dependence on interest groups, decreases time spent

on legislative work, and diminishes cooperation often necessary to achieve results.

Your committee therefore recommends extending legislative terms in the House to four years and extending legislative terms in the Senate to six years.

Annual Legislative Sessions of Limited Length

Several witnesses, including former state legislators Eileen Qutub and Max

“Representatives seeking reelection every two years are forced to campaign perpetually to enhance the likelihood of reelection. This constant campaigning increases their dependence on interest groups, decreases time spent on legislative work, and diminishes cooperation often necessary to achieve results.”

Williams, both Republicans, suggested that meeting every year — as opposed to every other year — would allow legislators to develop policy and institutional expertise and would promote better working relationships. While some witnesses thought annual sessions would eliminate too many potential legislative candidates from the process because of the increased time demands, this concern could be ameliorated by limiting session length. Under such a proposal, the Legislature would have a regular session during odd years and a short budget session in even years. The PCOL recommended that the Legislature experiment with annual sessions by convening both in 2007 and 2008, then deciding whether to institute annual sessions permanently. (See Appendix D.) The Legislature has acted on this recommendation and held a limited session in February 2008.

Your committee recommends amending the Oregon Constitution to allow for annual sessions of prescribed length.

Change in Timing of Session

Ramona Kenady, who has served as Chief Clerk of the House since 1985, suggested shifting the start date of the session from January to March. The extra time would give legislators a cooling-off period after inherently partisan campaigns, as well as more time to prepare for the session. This additional period would also permit legislators to receive more training and get to know each other better. Witnesses specifically

recommended a March date because the state Office of Economic Analysis releases revenue projections on March 1.* Much of the Legislature's important business awaits that information.

The PCOL recommended that the Legislature establish a new date for the beginning of the legislative session. (See Appendix D.) Your committee specifically recommends that the session begin in March.

Improved Training and Relationship-Building for Legislators

Many of your committee's witnesses recommended pre-session conferences and retreats as a way for legislators to get to know one another better. In the past, they noted, such gatherings helped build collegiality and trust. Professional legislative staff, including Chief Clerk of the House Ramona Kenady and Secretary of the Senate Judy Hall, were the strongest advocates for such pre-session conferences and retreats. They argued that better orientation and socialization before the session helped legislators gain a deeper understanding of each other and each other's issues. Those witnesses pointed out that a pre-session conference would also allow the two houses to facilitate the upcoming session by electing their leaders, appointing committees and educating members

* The Legislature also receives information throughout the session about the fiscal impact of proposed legislation from staff members in the Legislative Fiscal Office and the Legislative Revenue Office.

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on both the legislative process and the key issues. The PCOL similarly recommended that the Legislature enhance legislator orientation curriculum to include more training in subject matter and procedural areas. (See Appendix D.) A pre-session conference would also provide an opportunity for the Ways and Means Committee to examine the budget and the economic forecast carefully before the session begins.

Your committee recommends that both legislative houses organize annual pre-session conference retreats to promote positive legislative relationships and to prepare for the subsequent legislative session.

Increased Salaries for Legislators

A wide cross-section of your committee's witnesses supported increased salaries for legislators. Judy Hall, Secretary of the Senate, said that legislators should earn a decent salary, and noted they make far less than they should considering the work they do and the hours they work. Members of the Legislature are compensated \$19,884 per year, plus \$109 per day they are in session.²¹ Since the average odd-year regular session lasts about six months and even-year special sessions appear to last about 20 days, each member receives approximately \$34,000 during odd years and \$22,000 during even years. This averages out to \$28,000 per year.

The PCOL specifically recommended that salaries for state elected officials, including legislators, be set by an

independent commission at a level that attracts well-qualified candidates. (See Appendix D.)

Your committee considered the argument that low salaries might discourage otherwise competent people from running for office and that increased salaries would broaden the pool of people willing and interested in becoming legislators. Furthermore, your committee also considered the argument that a significant increase in salary might send the message that the public expects the Legislature to act in a more professional manner. Nevertheless, your committee concluded that it could neither make nor rule out a connection between salary and excessive partisanship.



Chapter Conclusions

- Courteous and extensive working relationships among experienced legislators contribute to good deliberation.
- The Legislature has experienced an unraveling of relationships, which has inhibited its ability to function well as a deliberative body.

Chapter Recommendations

- The Legislature should refer to voters a constitutional amendment that would establish four-year terms for members of the House of Representatives and six-year terms for members of the Senate.
- The Legislature should refer to voters a constitutional amendment that would establish annual legislative sessions of limited length, commencing in March, shortly after the state Office of Economic Analysis releases its first revenue projections for the year.
- The Legislature should hold pre-session conference retreats to provide more training and more opportunities for legislators to forge productive professional relationships across party lines.

EXCESSIVE PARTISANSHIP IN CAMPAIGNS AND ELECTIONS

Your committee recognized that political campaigns are inherently partisan. Competition between parties highlights major issues, excites public interest, and provides voters with clear policy alternatives. No election system is perfect and each involves trade offs. While your committee heard numerous criticisms about how the current system frequently contributes to excessive partisanship, your committee did not have sufficient evidence to conclude that any alternative election system is clearly preferable. Nonetheless, several aspects of elections contribute to excessive partisanship and ought to be considered.

The current system of holding “closed” partisan primary elections before the general election gives voters who register with the two major parties greater influence than voters who choose to remain independent. As independent voters are not allowed to participate in the major partisan primaries, those voters receive the implicit message that they must be on one of the two major “teams” to be real “players.” Candidates

who want to run as independents and who may be less beholden to partisan interest groups also face an uphill battle because of the risk that voters will consider them “spoilers.” Voters who would ideally prefer to support such candidates frequently choose not to do so for fear of tipping the election toward the major-party candidate they like least.

In addition, in districts where one party has a “safe” majority, elections are essentially decided in the primary, leaving members of the other major party and independents (about 21 percent of Oregon voters) without a meaningful vote.²² During the redistricting process, competitive districts can be transformed into safe districts for the benefit of incumbents and the party in power. When the state is divided into many safe districts, winning candidates tend to be more partisan, as successful candidates appeal to partisan voters in the primary election rather than appealing to a mix of partisan, independent, and cross-over voters in the general election. As a result, staunch conser-

vatives and liberals are more likely to win election than centrist or moderate members of each party, not to mention independents. Voters who have a less ideological orientation — even when they comprise a significant portion of a district’s population — feel under-represented and often view the Legislature as overly polarized and partisan.

Finally, the high cost and lengthy duration of campaigns make candidates dependent on

interest groups and party leaders, which reinforces excessive partisanship. Each of these factors, along with a number of potential reforms, will be addressed in this chapter.

The Electoral Process

Your committee is of the opinion that the Legislature benefits from the presence of members of both parties who are willing to consider supporting legislation proposed by members of the opposing party and who can serve to broker compromises on contentious issues. Your committee is convinced that the presence of such members often makes the difference between a truly deliberative body and one in which the majority party forces through as much as it can while the minority party blocks as much as it can. For that reason,

your committee evaluated whether our electoral process makes it difficult for candidates to succeed if they do not engage in excessively partisan behavior. Your committee concluded that it does. This is not meant to assert any preference for centrists as opposed to staunch conservative or liberal office-holders, but rather for an electoral system that does not systematically disadvantage any one part of the political spectrum.

“Your committee...does... [n]ot assert any preference for centrists as opposed to staunch conservative or liberal office-holders, but rather for an electoral system that does not systematically disadvantage any one part of the political spectrum.”

Election observers often note that candidates position themselves as staunch conservatives or liberals to win the primary and then swing back to the center to win the general election. While the apparent duplicity

of such posturing may be troublesome in itself, it reveals a more fundamental problem. Candidates often must make commitments to gain the support of party faithful in the primary. Once elected, such commitments tie their hands when the Legislature confronts difficult and controversial policy issues that cannot be resolved without some compromise. In addition, legislators who strive to serve their entire districts and support legislative compromises can be forced out of office by a majority of the voters in their party’s primary, even if a majority of their constituents would re-elect them.

Most of the remainder of this chapter will be devoted to examining reforms of the redistricting process, campaign finance, and the election system to decide whether they would likely help to redress the tendency of the current systems to exclude those in the middle and to help mitigate excessive partisanship. Before analyzing those reforms, however, your committee briefly comments on the initiative and referendum system, which a number of witnesses tied to excessive partisanship.

The Initiative and Referendum

A number of witnesses, including former Senator Ben Westlund and former Representative Max Williams, pointed to the frequent use of the initiative, referendum and legislative referral systems as supporting excessive partisanship in that the process provides legislators with little incentive to compromise on tough issues. Williams suggested that initiatives, referenda and referrals transfer legislative responsibilities directly to voters and allow legislators themselves to avoid engaging in meaningful deliberation. He asked, “How do you position yourself around an issue that you can’t control?” Similarly, Eileen Qutub, a Republican who served as both a representative and a senator, noted that the availability of the referendum often means that legislators themselves do not have to vote on complex or controversial issues.

Oregonians established the initiative and referendum systems early in the twentieth century, when public distrust of politicians was at an all-time high, in an effort to return a degree of political authority to the citizenry. Unfortunately, the initiative and referendum have not proven to be a good means of developing creative solutions to complex and difficult problems. With the initiative process, voters are presented with a simple yes or no choice on issues proposed by an individual or group interested enough to fund a successful petition signature-gathering effort. Conversely, when a legislator knows that hard work and compromise on controversial issues might not please politically active voters and can be overturned through the initiative or referendum process, and when that legislator knows that the voters may use the ballot to punish the legislator for addressing those issues, few legislators are willing to take risks.

The initiative and referendum processes have contributed to excessive partisanship by casting issues in black and white and inhibiting nuanced understanding and compromise on important issues. The PCOL recommended that the initiative be reformed to “[e]stablish a regular process for considering and possibly taking legislative action on initiative proposals.” The PCOL also recommended several reforms to address the problem of the sponsorship and financing of initiatives by out-of-state interest groups. (See Appendix D.) More recently, City Club of Portland specifically recommended the implementation of

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an indirect initiative system* to improve legislative governance in Oregon.²³ Your committee believes that such a system would mitigate excessive partisanship by creating opportunities for deliberation and compromise in the Legislature before an issue is put to the voters.

Redistricting

The Present System

The Oregon Constitution requires the Legislature to re-draw districts for Senators and Representatives according to population in the first session after each U.S. census. The Constitution also specifies that the Supreme Court has original jurisdiction to review any reapportionment enacted by the Legislature. If the Legislature fails to complete the task by the close of the legislative session, or if the Supreme Court rejects the proposed reapportionment plan, the responsibility defaults to the secretary of state who has forty-five days to propose new districts.²⁴

* The specific recommendation for implementing an indirect initiative system is as follows: "In order to enhance public debate, consideration and study prior to a vote of the people, require legislative deliberation with attendant public hearings for all citizen initiatives after they have qualified for the ballot. If the Legislature accepts a statutory initiative as proposed, the Legislature enacts it into law. If the Legislature accepts a constitutional initiative as proposed, the constitutional change must still be referred to the voters for adoption. Any initiative the Legislature rejects (regardless of subject) would be submitted to the voters in the next election. In that case, the Legislature could take no further action, could enact its own law on the subject, or could refer a competing alternative to the voters."

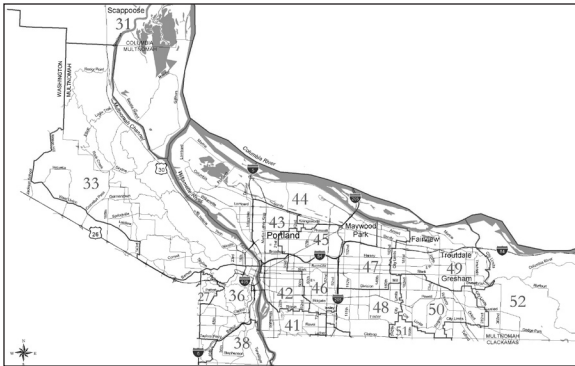
ORS 188.010 also establishes nonpartisan criteria for redistricting:

1. Each district, as nearly as practicable, shall:
 - a. Be contiguous;
 - b. Be of equal population;
 - c. Utilize existing geographic or political boundaries;
 - d. Not divide communities of common interest; and
 - e. Be connected by transportation links.
2. No district shall be drawn for the purpose of favoring any political party, incumbent legislator or other person.
3. No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.
4. Two state House of Representative districts shall be wholly included within a single state senatorial district.²⁵

Although ORS 188.010 specifically prohibits redistricting to favor any party or person, your committee concluded that it was probably impossible to avoid at least the perception that redistricting is used for partisan purposes as redistricting in Oregon is in the hands of party-affiliated elected officials. The party controlling redistricting can gain political advantage by drawing the district lines so as to favor that party's candidates. That party may do so in three principal ways: (1) packing voters of the minority party into as few districts

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as possible, leaving a larger number of other districts favorable to the majority party; (2) redrawing districts so that two minority party incumbents are in the same district where no more than one can be elected at the next election; and (3) redrawing the borders so that the incumbent from the majority party has a “safe” margin of victory in future elections. Such tactics allow the majority to obtain an electoral advantage out of proportion to the majority’s level of support among voters statewide.



The Oregon Legislature has repeatedly failed to redistrict. In fact, “[t]he battle over redistricting is so contentious,” writes Professor Clucas, “that the Legislature has not actually completed redistricting since 1911.”²⁶ For example, in 1971 and 1991, the Legislature failed to complete its redistricting plan on time because in each of these years the two legislative houses were controlled by different parties. In 1961 and 1981, legal challenges tied up the plan.²⁷

In 2001, the Republican-controlled Legislature in Oregon passed a re-

districting plan that was promptly vetoed by Democratic Governor John Kitzhaber. As the Republican majority in the Legislature failed to overturn the governor’s veto, the redistricting task fell to then-Secretary of State Bill Bradbury, a Democrat. Ted Ferrioli, Senate Republican Leader, claimed that Secretary of State Bradbury’s redistricting plan exhibited a greater degree of partisanship than the prior plan by former Democratic Secretary of State Phil Keisling, because borders were allegedly moved very small distances for no clear

reason other than the Republicans’ resultant loss of control of the Senate. An editorial in *The Oregonian* echoed Ferrioli’s claim: “Republicans have been furious at [Secretary of State Bill] Bradbury ever since he sketched an overtly partisan redistricting map that helped Democrats reclaim the state Senate.”²⁸

Bradbury proposed a reapportionment that fourteen separate groups challenged. In *Hartung v. Bradbury*, the Oregon Supreme Court rejected all the challenges but one relatively minor one.²⁹ In particular, the Supreme Court rejected a challenge that the secretary of state violated the Oregon statute discussed above that prohibits drawing districts to benefit any particular political party.

Examples of redistricting abuse from other states abound. The highly contentious 2003 Republican-controlled redistricting process in Texas enabled

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Republicans to gain 6 additional seats in the U.S. House of Representatives. In 2002, Maryland's Democrats redrew the district lines and picked up two U.S. House seats. In 2001, Virginia's Republicans took control of the redistricting process and increased their control of the state house from just over one-half to two-thirds, even though a Democrat won the statewide race for Governor.³⁰

Your committee concluded that it will always be impossible to determine the motivations of legislators in passing or not passing a plan for redistricting, of the governor in vetoing or not vetoing a plan passed by the Legislature, or of the secretary of state if the work should fall to that office. But as long as the redistricting process is controlled by partisan elected officials, the perception — if not the reality — that the process is characterized by excessive partisanship will be a perennial problem. The perception alone can give rise to unnecessary animosity between the parties and prompt even more excessively partisan behavior.

In addition to examining whether excessive partisanship characterizes the redistricting process, your committee also considered whether non-competitive districts resulting from partisan redistricting reduce the likelihood of the election of moderates. As a matter of logic,

such a conclusion makes sense. Take for example a region with equal numbers of Democrats and Republicans that must be divided into two electoral districts. If the lines are drawn so that both districts have equal numbers of Democrats and Republicans, then it seems likely that their elections will result in contests between a moderate Democrat and a moderate Republican, and the winner will be someone who can appeal to independents and moderate members of the other party. On the other hand, if the region is split so that one district has all

“[A]s long as the redistricting process is controlled by partisan elected officials, the perception — if not the reality — that the process is characterized by excessive partisanship will be a perennial problem.”

the Democrats and one district has all the Republicans, then the real contest in each district will take place during the primary. The winner in one district will be the Democrat who has the most support among Democrats,

while the winner in the other district will be the Republican who has the most support among Republicans.

Although some scholars contend that no causal relationship exists between less competitive districts and polarization, most authorities agree that competitive districts make it easier for moderate candidates to win elections. In their article on electoral competitiveness, Professors Mark Kayser of the University of Rochester and Drew Linzer of Emory University cite research finding

that politicians elected from competitive districts are more responsive to their median constituents.³¹ Similarly, legal analyst Jeffrey Toobin writes that scholarly research supports the conclusion that partisan gerrymandering leads to the election of more ideological candidates who appeal to their party's base. Toobin observes that redistricting has transformed American politics, making the U.S. House of Representatives in particular more entrenched: "Members of the House now effectively answer only to primary voters, who represent the extreme partisan edge of both parties. As a result, collaboration and compromise between the parties have almost disappeared."³²

A 2005 conference hosted by The Council for Excellence in Government and The Campaign Legal Center reached similar conclusions about polarization which results from excessively partisan redistricting. The argument might be applied to the impact of excessively partisan redistricting in Oregon:

"A clear connection exists between the geopolitics of redistricting for partisan safety and the growing partisanship in the House of Representatives and in many state legislatures. In safe districts, the party primary is the key election and even that often is not very competitive. In safe districts, the small primary turnout of a party's most ardent partisans determines who goes to Washington (or the state-house), and these core partisan

voters usually select candidates similarly close to their parties' ideological extremes. This leaves fewer members of Congress in the political center, or with any incentive to work toward bipartisan solutions. Conversely, in competitive districts, it's the general election that matters, when candidates must appeal to independents and cross-overs to win. Candidates who can build such bridges with the electorate are more likely to do the same with colleagues from the 'other side' once in office."³³

Your committee concludes that there exists — at minimum — a widespread perception that excessive partisanship characterizes the redistricting process. Your committee also concludes that excessively partisan redistricting, when it does occur, generally results in the creation of "safe districts" where candidates who are less partisan face greater obstacles to winning elections.

Proposed Redistricting Reforms

Although the House and the PCOL have both made proposals to minimize partisan abuse of redistricting, neither proposal has been implemented. In the 2005 session of the Oregon Legislature, Representative Debi Farr, Democrat from Eugene, introduced a Joint Resolution (HJR 39) to establish an independent redistricting commission. Had it been enacted, the resolution would have created a five-member redistrict-

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ing commission of state and federal judges. The bill passed the House but died in the Senate Rules Committee. In 2006 the PCOL recommended creating a nonpartisan State Controller to manage, administer, and oversee state elections, election policy, campaign finance administration, and investigations including elections and ethics issues. Management, administration, and oversight responsibilities would also include legislative redistricting. The State Controller would appoint a five-member redistricting commission, consisting of individuals who have not held public office or political party office within two years of their appointment. The State Controller would have at least a six-year term and be prohibited from seeking statewide elective office for two years afterward. (See Appendix D.)

Given the pervasive abuse of partisan redistricting across the nation, twenty states have established commissions to help in the redistricting process. In twelve of these states, the commissions have primary authority for redistricting. Three state commissions are advisory and develop plans that are submitted to the Legislature for approval. Five state commissions prepare redistricting plans if the legislatures are unable to agree on plans within the allotted time. The commissions in these various states have between three and fifteen members. In all these states active politicians and party leaders play a part in selecting commission members. Otherwise, existing state redistricting commissions vary widely in make-up and responsibilities.

Your committee recommends the establishment of a nonpartisan redistricting commission in Oregon because such a commission would not only be more effective than the current system, which has not worked since 1911, but would also reduce the abuses of excessive partisanship. While not a perfect solution, a nonpartisan redistricting commission, made up of members with a cross-section of political beliefs, would be the best way to prevent excessively partisan redistricting and address the perception that redistricting decisions are motivated by partisan concerns.

If Oregon establishes a redistricting commission, many details will need to be addressed, such as the number of members and their qualifications, the appointment process, and procedural rules and timelines. An important subject that must also be addressed is what roles the legislative, executive and judicial branches will play if there is a commission with primary responsibility for redistricting. The twelve states with nonpartisan redistricting commissions have set up their commissions in different ways, and there is extensive literature comparing and analyzing them. Because of the complexity of the subject, your committee recommends that City Club establish another research committee to prepare a more detailed recommendation on the form and function of a nonpartisan redistricting commission.

Campaigns and Campaign Finance

How Rising Campaign Costs Have Fueled Excessive Partisanship

Many witnesses identified the increasing cost of elections, with the resultant need to raise more funds from interest groups, as a reason for excessive partisanship. House campaigns now cost between \$300,000 to \$400,000 and Senate campaigns cost between \$750,000 to \$1,000,000.³⁴ On a per capita basis, this cost ranges between \$5.50 to \$8.00 per district resident. Hotly contested campaigns can be much higher. The high cost of campaigns has meant that legislators are constantly concerned with raising money. Besides distracting them from the deliberative process, such reliance on campaign funds also threatens to make legislators less likely to assert their independence when it comes to making legislative policy choices.

The cost of campaigns has risen dramatically for a variety of reasons. Vote-by-mail, an Oregon innovation, has increased costs because candidates need to keep their message in front of voters for an extended period of time as opposed to concentrating it in the days immediately before election day. Another reason for the increased cost of campaigns is that campaigns have become more professional, with paid consultants shaping the message and content.

Reliance on money from partisan interest groups can polarize the campaign



debate. As noted earlier in this report, much of the money for campaigns comes from the lobby and interest groups, which support candidates in order to obtain access to the candidate once elected. Once a candidate becomes dependent on these funds, he or she then has a difficult time taking a position or making a statement at odds with that group's particular agenda. Candidates receiving large sums of such money are often expected to make very specific and uncompromising statements in support of the interest group's positions. While such absolute and certain statements can be helpful to voters trying to identify a particular candidate's stance on issues, they can also lead to excessive partisanship. When a candidate takes an uncompromising position during a campaign, opponents of that position have very little hope to be able to work with that candidate should he or she get elected. Such rigidity raises the stakes of the election for these individuals and fosters a win-at-all-

costs mentality. A much more divisive, personal and bitterly fought campaign usually results, making reconciliation with one's opponents extremely difficult after the election.

In addition to the growing costs of campaigning and the increasing dependence of candidates on their financial contributors, witnesses also reported increased caucus control over campaign funding. If a legislator crosses the party line, or insufficiently supports the party's agenda, that legislator may not receive adequate financial support from his or her caucus in the next election. Former representative Tony Van Vliet of Corvallis observed that the challenge is getting people "who will really level and work toward solutions" and that the main barrier to making this happen is caucus control over campaign funding.

Your committee concluded that the financial imperatives of legislative electoral campaigns lead to reliance on money from partisan interest groups and the caucus leadership, which in turn leads to excessive partisanship, and that a number of potential campaign finance reforms should be considered.

Analyzing Campaign Finance-Reform Options

Your committee focused on three options for addressing the negative impact of campaign costs on partisanship: (1) public ownership and financing of elections, (2) campaign contribution and spending limits and (3) greater cam-

paign-finance transparency. The PCOL did not make specific recommendations on any of these topics. Rather, it recommended that a commission be formed to examine the role of campaign finance in legislative decision-making, that the Legislature reform the use of campaign funds by candidates and elected officials, and that consideration be given to moving the primary election date later to shorten the campaign season. (See Appendix D.)

Public Ownership and Financing of Elections

While the proposal for public financing of elections met with general support from journalists, lobbyists and other witnesses, these witnesses invariably pointed out that the proposal lacks public support and that a very vocal minority opposes it. In 1976 two of your committee's witnesses, Attorney General and former Speaker of the House Hardy Myers and former Oregon Supreme Court Judge Hans Linde, were instrumental in qualifying a ballot measure — Measure 7 — for a constitutional amendment to provide partial public financing of elections, but voters defeated this measure 659,327 to 263,738.

Your committee concluded that public financing of elections might potentially minimize excessive partisanship, but your committee did not obtain enough evidence or conduct sufficient research to conclude that adopting such a system would successfully reduce the influence

of those who have substantial money to spend on elections. Furthermore, your committee doubted that sufficient political will and public support existed to institute such a system state-wide. However, if the City of Portland's "voter-owned elections" system proves to work well, that success might make it worthwhile to consider adopting a similar system for state elections.

Limits on Campaign Contributions and Spending

Various provisions for campaign contribution or spending limits in Oregon have been proposed over time. In 1997, the Oregon Supreme Court struck down limits on campaign contributions and expenditures as violating the right to engage in political speech protected in the Oregon Constitution.³⁵ The following year proponents of campaign finance reform passed Measure 62, which sought to amend the Constitution, but the Oregon Supreme Court invalidated that measure because it unconstitutionally violated the separate vote requirement of the Constitution.³⁶ More recently, in 2006, proponents of campaign finance reform succeeded in placing Measures 46 and 47 on the ballot. Ballot Measure 46, which did not pass, proposed amending the Constitution to allow campaign contribution and expenditure limitations. Ballot Measure 47, which did pass, proposed the specific limitations. Since Ballot Measure 47 was dependent upon the passage of Measure 46, these limitations have not become law.

Some witnesses, including opinion researchers Tim Hibbitts and Bob Moore, maintained that campaign finance legislation would actually contribute to polarization. When direct contributions to campaigns are limited, more money flows to political action committees that are not responsible to any candidate and that frequently engage in malicious campaign advertising. The journalists Jeff Mapes of *The Oregonian*, Charles Beggs of the Associated Press, and Peter Wong of *The Statesman Journal* also pointed out that campaign finance limitations have not reduced excessive partisanship in Congress.

Your committee agreed that placing limits on campaign contributions would not alleviate excessive partisanship as money would likely be used in other ways by groups less accountable than candidates. Your committee was also concerned about the questionable constitutionality of restricting people's rights to support candidates or issues.

Greater Campaign Finance Transparency

In 2005 the Legislature passed HB 3458, directing the secretary of state to develop an electronic filing system where campaign committees would be required to file contribution and expenditure information. The system, called ORESTAR, became fully functional on January 1, 2007. The law creating ORESTAR required that:

- Candidates and political action committees file

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campaign finance information electronically with the secretary of state's office.

- Candidates and committees continuously report campaign finance information, with most reports due within thirty days of the transaction; in the six weeks prior to the election the filing deadline is reduced to within seven days of the transaction; and certain candidates and committees must report contributions during a legislative session within two days.
- Contributor and payee aggregates must be reported once specified thresholds have been reached.

In the words of Troy Nichols, chief of staff to former House Speaker Karen Minnis during the 2005 legislative session, the system would offer “real-time, prompt, frequent reporting that people can see and understand.” It would make candidates “think twice,” he added, “about taking that large contribution.”

The new web-based contribution reporting system certainly has provided increased transparency, but it is too early to tell if this greater transparency has diminished excessive partisanship.

Election Reforms

Your committee also examined a number of other potential election system reforms, including nonpartisan elections, the top-two primary, instant run-off voting, multi-member districts, and fusion voting, all of which will be

explained in more detail below. Your committee attempted to determine whether these potential reforms might reduce or increase partisanship by examining each reform against features of good electoral and legislative processes hurt by excessive partisanship.

As stated previously, these positive features include: ease of recruitment of well-qualified candidates for legislative office; high electoral participation, and the election of legislators who serve all voters, not just those affiliated with major parties or strong special interests; good relationships and civility among legislators; deliberation and resolution of policy issues with input from the majority and minority; and public respect for and confidence in the Legislature.

All of the reforms your committee considered have advantages over our current system and have the potential to mitigate excessive partisanship. This report provides your committee's analysis below but does not make a recommendation for any single one of them. Minimizing partisanship is not the sole criterion for a good election system, and a more comprehensive analysis should inform any decision to overhaul Oregon's elections system.

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Election Reform	Key Characteristic	Status
Nonpartisan Elections	Ballot does not identify party affiliation of candidates.	Nebraska possesses the only nonpartisan state legislature. Many county and city elections in Oregon and across the U.S. are nonpartisan. PCOL recommended consideration of this reform.
Top-Two Primary	All candidates participate in one primary, and the top two candidates advance to the general election.	Used in several states, including Washington. Recommended by PCOL in 2006. Ballot measure defeated in 2008.
Instant Run-Off / Ranked-Choice Voting	Voters rank all candidates on the ballot. Votes for the last-place candidate are reallocated to voters' next preferences. This process repeats until one candidate has a majority of the votes.	Used by a few local jurisdictions in the U.S., but none in Oregon. Advocates have introduced instant-run-off bills several times in the Oregon Legislature.
Multi-Member Districts / Proportional Representation	Legislative districts are made larger so that two or more candidates are elected from each district.	U.S. Senate districts have two members. The Oregon Legislature had multi-member districts prior to the 1970s.
Fusion Voting	A minor party can endorse the same candidate as a major party, and voters can select which party they prefer when they cast their votes for that candidate.	Legal in seven states, but only actively used in New York and Connecticut. The Working Families Party, which is active in New York, is advocating for fusion voting in Oregon.

Nonpartisan Elections / Nonpartisan Legislature

In a nonpartisan election, the ballot lists candidates without identifying their party affiliation. If a “primary” election exists at all, it is open to all candidates

and voters, and simply serves to narrow the field to two candidates for the general election. Only one state, Nebraska, holds nonpartisan elections for its Legislature and organizes its Legislature along nonpartisan lines. Nebraska’s Legislature has no majority or minority cau-

cuses. During the 2005 Oregon Legislative session, Democratic Senator Charlie Ringo sponsored legislation that would have made the Oregon Legislature nonpartisan, but the bill did not make it out of the Senate's Rules Committee. In 2006, the PCOL recommended that each house of the Legislature should be free to determine whether its members will be elected with partisan labels. (See Appendix D.)

Your committee is of the opinion that a nonpartisan legislature might result in better deliberation and resolution of policy issues because agendas and debates would not be controlled by party leadership — a type of control that your committee concluded had led to excessive partisanship in the past. In addition, your committee believes that a nonpartisan legislature would result in improved civility and better relationships between legislators of different political ideologies. But although independent voters and voters in the political minority would have a greater chance to participate, voters in general would have to make more of an effort to learn about policy issues and legislators' positions, as voters would not have the parties to define the issues for them. Your committee was concerned, therefore, that less motivated voters might pay insufficient attention to issues without some partisan guidance, giving activist voters and partisan interest groups greater influence, a factor that your committee concluded had led to excessive partisanship under the present system.

Top-Two Primary

In a top-two primary, all registered voters, regardless of party affiliation or non-affiliation, would receive the same primary ballot and would be free to vote for any candidate seeking to advance to the general election. The two candidates receiving the most votes would then advance to the general election. Those two candidates might be from the same political party, from different parties, or report no party affiliation at all.

In 2006, the PCOL recommended the creation of what it referred to as an "open" primary, but which in the political science literature is more commonly understood as a top-two primary. (See Appendix D.) Washington state held its first top-two primary in 2008.

In 2008, supporters of the top-two primary in Oregon succeeded in gathering enough signatures to place a top-two primary proposal on the ballot. A separate City Club committee recommended against supporting that ballot initiative. That committee expressed concerns that a top-two primary might decrease voter participation in the general election, as limiting the general election to two candidates might exclude some of Oregon's qualified political parties from the general election, making some voters affiliated with those unrepresented parties less likely to participate. The committee also expressed concern that moderate voters might run the risk of diluting their influence by spreading their votes among numerous moderate candidates, thereby allowing a minority

of diehard supporters of extreme candidates to advance their candidates to the general election. That committee also observed that national and societal influences contribute to excessive partisanship in Oregon and questioned whether electoral changes at the state level could ameliorate the problem.³⁷ The top-two primary initiative ultimately was defeated at the polls.

Although the 2008 City Club ballot measure report expressed concerns about the potentially negative unintended consequences of the top-two primary, the Washington top-two primary system, which has only been in place since 2008, provides a valuable opportunity for Oregonians to observe how such a system would operate in practice over time. Your committee encourages observers to pay close attention in particular to the following: (1) whether voter participation increases or decreases in the primary election and in the general election, particularly in districts that are predominantly Democratic or Republican, (2) whether vote dilution affects moderate candidates more than extreme candidates in the primary, (3) whether the general election winners in predominantly Democratic or Republican districts tend to be more moderate than in the past due to the influence of minority-party voters in the primary and (4) whether elected legislators who compromise with opposing party members on major policy issues are able to win reelection with the support of cross-over voters.

Instant Run-Off / Ranked-Choice Voting

In an instant run-off election, voters rank all the candidates on the ballot. Voters' first choices are tallied first. Then the candidate with the least votes is eliminated. The votes for that candidate are reallocated to other candidates based on voters' second choices. That process continues until two candidates remain. The candidate with more than 50 percent of the vote wins.

As an illustration, in an election with three candidates and one hundred voters, the initial tally might look like this:

- Candidate A (conservative) 40 votes
- Candidate B (moderate) 35 votes
- Candidate C (liberal) 25 votes

Candidate C is the first to be eliminated, and the 25 votes for that candidate are redistributed. If 20 of the voters who preferred Candidate C listed Candidate B as their second choice and the other 5 listed Candidate A as their second choice, Candidate B would be elected and the final tally would look like this:

- Candidate B (moderate) 55 votes
- Candidate A (conservative) 45 votes

In an instant run-off system, there may be only a general election, with no primary election. Another possible variation involves using the instant run-off method in the party primaries, as well as in the general election. A few local jurisdictions in the United States have adopted instant run-off voting, including San Francisco and Cambridge, Massachusetts.

Your committee believes that an instant run-off system would promote better dialogue during campaigns, as minor parties would more likely be involved and candidates would also likely need to reach out to a broader spectrum of voters in order to win “second choice” votes. Your committee also thought that the need to appeal to a broad spectrum of voters would make the Legislature more representative of the state as a whole. Your committee also thought that instant run-off elections had good potential to increase voter participation because all voters would be able to express their strongest preferences while also having a say about other candidates, potentially drawing in more supporters of minority candidates.

Multi-Member Districts / Proportional Representation

Proportional representation uses larger districts from which two or more members are elected, rather than one member of the Legislature being elected from each district. The U.S. Senate is organized along these lines, with two senators representing each state. In the past, Oregon legislators represented multi-member districts. The Legislature abolished multi-member districts in a special session in 1971.³⁸ Nineteen states currently have multi-member districts for their Legislatures, including Alaska, Nevada and Washington. Europe also has a form of proportional representation, where voters vote for parties rather than candidates, and the parties

fill seats from their candidates, typically according to a ranked candidate list.

Your committee saw some potential for proportional representation to improve voter participation and for the Legislature to become more representative of the population. Otherwise, your committee was divided on the potential impact of multi-member districts on excessive partisanship.

Fusion Voting

In fusion voting, a candidate can seek the nomination of both a major and a minor party. Voters supporting that candidate have the choice of casting their votes either on the major party ticket or on the minor party ticket. Therefore, voters can express their support of a minor party’s platform without “throwing away” their votes on a candidate who has no real chance of winning. In this way, fusion voting shares one of the main advantages of instant run-off voting. Fusion voting has been adopted in a few places in the United States, including New York State.

Your committee thought fusion voting would allow more viewpoints to be expressed during campaigns, but some of those views could be fringe or extreme, causing more division than dialogue. Your committee also thought that fusion voting could motivate more supporters of minor parties to participate in elections.

In summary, your committee concluded that all of the above alternative voting systems had the potential to minimize partisanship, but your committee also concluded that it did not currently have the tools to recommend for or against any of the specific alternatives. Your committee, however, believes that all of these alternatives are worthy of further study.

Chapter Conclusions

- ▶ Oregon's current election system contributes to excessive partisanship by disadvantaging independent candidates, centrist candidates, and candidates who are willing to compromise with members of the opposing party on major policy issues.
- ▶ Excessively partisan considerations frequently influence the redistricting process, giving the party in power at the time of redistricting a tool to increase its power in a way that does not accurately represent the political make-up of the voters.
- ▶ The need to raise campaign funds leads to excessive partisanship because legislators are dependent on party leadership and interest groups aligned with the parties.

Chapter Recommendations

- ▶ The Legislature should refer to voters a constitutional amendment establishing a nonpartisan redistricting commission.
- ▶ City Club of Portland should establish a research committee to prepare a detailed recommendation for a nonpartisan redistricting commission.
- ▶ City Club should establish a research committee to study alternative election systems.

HOW THE PUBLIC AND THE MEDIA FUEL EXCESSIVE PARTISANSHIP

This report has focused primarily on features of our electoral system and Legislature that contribute to partisanship. For the most part, these features can be modified through changes in law, procedure or administration. Many witnesses also commented on how the public and the media contribute to partisanship in the Legislature.

Your committee concluded that excessive partisanship can result in part from the public's lack of knowledge regarding legislative processes and that this lack of knowledge in turn stems from the relatively limited and poor quality of media coverage of the Legislature. While public attitudes and media coverage are generally beyond the reach of policy reforms, your committee provides here an analysis of how the media and public attitudes drive excessive partisanship.

“[E]xcessive partisanship can result in part from the public’s lack of knowledge regarding legislative processes and ... this lack of knowledge in turn stems from the relatively limited and poor quality of media coverage of the Legislature.”

Studies by the National Conference of State Legislatures suggest that the public neither understands how government works nor feels connected to those who get elected.³⁹ Therefore, excessively partisan pressure on the Legislature may, to some extent, result from the fact that the public does not fully ap-

preciate the difficulties of governance. When the public does not appreciate the costs, consequences or tradeoffs that come from adopting policies, the public can put enormous pressure on legislators to adopt uncompromising and exces-

sively partisan agendas that may not be entirely good for the state. Were the public to gain a deeper understanding of the workings of the Legislature and the issues the Legislature considers, the public might not insist on such partisan agendas or be so quick to punish those

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who compromise. This better understanding would give legislators more room to develop creative and effective solutions to policy and budget problems.

Former Senate Majority Leader Kate Brown, a Democrat from Portland, thought the Legislature might educate the public and help mitigate excessive partisanship by holding more public hearings and meetings outside of Salem. Indeed, the Legislature has recently endeavored to do so. During the 2005 session, the Legislature held hearings in twenty-two counties where it heard testimony from more than a thousand Oregonians. The Legislature also changed the requirement for public notice before hearings from 24 to 48 hours, giving the public more time to prepare and respond.



The PCOL also recommended that the Legislature improve public access to the legislative process by providing better notice of meetings and bills under consideration, and that the Legislature contribute to funding a public broadcasting television channel for the 2007 session on a trial basis. (See Appendix D.) In response, the Oregon Legislature, Oregon Public Broadcasting, Southern Oregon Public Television, the Oregon University System and the Oregon Public Affairs Network joined together to form the Oregon Channel pilot project, which broadcasted gavel-to-gavel coverage of the 2007 Oregon Legislative session and other state government and public affairs events. Your committee concluded that the Legislature should continue its efforts to increase public knowledge of the legislative process and that the Legislature should continue to hold hearings around the state in order to expand opportunities for public participation in policy making.

Your committee also concluded that the amount and quality of media coverage of the Oregon political system must also be improved to help mitigate excessive partisanship. The number of reporters in Salem covering the Legislature and governmental issues has declined over the last several decades, leaving the public without sufficiently balanced and informative coverage of legislative policy issues and processes.⁴⁰ Several witnesses expressed the view that this media phenomenon is a part of the coarsening of society. Analyst Tim Hibbits tied it to increasing attention on ratings: “You

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don't generate high ratings by saying, 'Let's have a rational discussion.'"

The Center for Media and Public Affairs (CMPA) conducted an analysis of political advertising and political news coverage in the Chicago, Milwaukee and Portland markets, based on the month before the 2004 November election. During that month, of all the television news aired in the Portland market, only 4.9 percent of airtime was devoted to coverage of political campaigns and elections. Seventy-eight percent of this very limited coverage was devoted to the presidential race. Conversely, only 1 percent focused on state legislative or local candidate races. In fact, races in Washington state and other states garnered more coverage in the Portland television market than Oregon state and local races.⁴¹

This limited political coverage also lacked substantive content. CMPA found that over 60 percent of the local television election coverage focused on campaign strategy or the "horse race" aspect of campaigns. Only 24 percent of these stories focused on the underlying issues at stake in the election.⁴² These numbers suggest that the media is much more inclined to cover the tactics and poll-results of campaigns than they are to inform the public about the policy implications of their votes. One legislative veteran refused to blame the media, however, because "the public is hooked on the thirty-second sound-bite and is not very tolerant of much detail." Media outlets are simply not rewarded for in-depth coverage.

As traditional media have sought to remain profitable by decreasing state and local government news coverage, newsletters, talk radio commentators and blogs have sought to fill some of that vacuum. These alternate news sources tend to have different missions than traditional media. Some are providers of entertainment, such as talk radio, which mixes news and reaction. Others, like blogs, provide venues for discussion and opinion. These sources of "infotainment" and discussion do not have the degree of objectivity that the public expects from traditional media. In essence, a "buyer-beware" marketplace of opinions and ideas has been created. The multiplicity of sources may also make it harder and more time consuming to judge the credibility of a particular source of information. Moreover, excessive partisanship can be exacerbated by these information sources to the extent that people rely on others' strong opinions as news.

Although several witnesses expressed hope that the Internet and expanded use of blogs will increase information available to the public and improve the quality of political coverage, Professors Russ Dondero of Pacific University and William Lunch of Oregon State University, and political analyst Jim Moore, suggest that such optimistic claims may underestimate the public's desire to filter information sources to suit personal or ideological biases. Some newer forms of electronic media, such as blogs and list-serves, allow the public to seek information and then immediately

react to that information with their own thoughts and analysis.⁴³ As a result, news forums are experiencing increased editorializing. Like the consumers of political talk radio, readers of blogs and newer forms of electronic media must be more politically aware to understand the difference between these forums and mainstream news media.

Nevertheless, your committee recognized that this tendency for non-traditional media to exacerbate excessive partisanship may be offset to some degree by astute use of blogs. These resources allow readers to explore, weigh and compare numerous available opinions and discussions on a particular subject. The problem, of course, is that this approach depends entirely on the willingness of readers to seek out balanced perspectives and their ability to find credible material.

Your committee concluded that the multiplicity of non-traditional media might allow for the dissemination of a greater variety of views, but that this opportunity must be balanced by individual responsibility to use these resources wisely. The Legislature itself also has the opportunity, which many members have been using, to provide significant information through its web pages.

As explained above, a citizenry that appreciates the complexities of governance is less likely to insist on excessively partisan agendas and to punish legislators who make pragmatic compromises. The media clearly plays a crucial role in this regard. When media coverage focuses on

conflict and ignores nuanced deliberation, the public loses confidence in the Legislature and legislative processes. Balanced and thorough coverage of issues and policy positions, accompanied by accurate information about legislators themselves, is essential to the development of an informed citizenry that understands the complex deliberative processes that are essential to good lawmaking.

Chapter Conclusions

- ▶ Limited and poor media coverage of Oregon's political system contributes to excessive partisanship.
- ▶ A public that is poorly informed about legislative processes and policy issues contributes to political polarization.

Chapter Recommendations

- ▶ The Legislature should continue to build upon its efforts to conduct legislative business in communities throughout the state and to publish information and proceedings online.
- ▶ City Club should support efforts to increase substantive and objective policy news reporting in the media.

CONCLUSIONS

1. Partisanship serves to help develop and clarify competing visions of what is best for Oregon and it helps focus the activities of voters and legislators from different parties.
2. Excessive partisanship is widely perceived as having increased over the past several decades in Oregon.
3. Excessive partisanship is a problem in Oregon that should be addressed because it impairs legislators' ability to deliberate and collaborate on legislation, results in legislative gridlock, discourages qualified candidates from running for office and leads to voter disaffection.
4. Limited and poor media coverage of the political system in Oregon has contributed to excessive partisanship.
5. A public that is poorly informed about legislative processes and policy issues contributes to political polarization.
6. Oregon's Republican and Democratic state parties are grassroots organizations that serve the valuable function of involving citizens in the political process, but they have little direct involvement in the state Legislature.
7. Legislative caucus leaders and presiding officers possess more power than the state parties when it comes to pressuring legislators to support partisan agendas.
8. Strong interest groups aligned with either the Democrats or the Republicans often reinforce excessive partisanship by pressuring legislators to commit to uncompromising agendas.
9. Oregon's current election system contributes to excessive partisanship by disadvantaging independent candidates, centrist candidates, and candidates who are willing to compromise with members of the opposing party on major policy issues.
10. Excessively partisan considerations frequently influence the redistricting process, giving the party in power at the time of redistricting a tool to increase its power in a way that does not accurately represent the political make-up of the voters.
11. Legislators become dependent on party leadership and interest groups aligned with the parties because of the need to raise campaign funds.
12. Because of the structure of Oregon's Legislature, which is characterized by a strong-leader system, the leaders have tremendous discretion and set the tone for partisanship or collaboration.

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13. As most of Oregon's legislative rules are subject to revision by simple-majority vote, they can be — and have been — easily manipulated to satisfy the immediate demands of the majority party in a particular house.
14. Oregon's legislative rules currently give undue authority to its presiding officers, who can easily use these rules to control both committee assignments and the movement of legislation in a way that demands loyalty from majority party members and that excludes members of the minority party from a meaningful role in the legislative process.
15. The strong leader system fosters excessive partisanship by rewarding a winner-takes-all approach to controlling the Senate and House of Representatives.
16. Ostensibly nonpartisan administrative staff officers are subject to the imperatives of the party in control of a particular house.
17. While committees remain important in the Legislature, their power has somewhat diminished because of the increasing power of the caucuses.
18. Courteous and extensive working relationships among experienced legislators contribute to good deliberation.
19. The Legislature has experienced an unraveling of relationships, which has inhibited its ability to function well as a deliberative body.

RECOMMENDATIONS

Administration of the Legislature

1. The Legislature should hold pre-session conference retreats to provide more training and more opportunities for legislators to forge lasting and productive professional relationships across party lines.
2. The Legislature should continue to build upon its efforts to conduct legislative business in communities throughout the state and to publish information and proceedings online.

Legislative Rules and Procedures

3. The House and Senate should adopt and maintain rules that establish proportional representation of party members on committees and permit the leaders of each caucus to determine which of its members to appoint to committees. When making committee assignments, caucus leaders should take into account the experience, interest and seniority of legislators.
4. The House and Senate should adopt and maintain rules that require the vice-chair of each committee to be a member of the minority party, and committee chairs should consult with vice-chairs in developing committee agendas.
5. While the House's Teamwork Bill is a step in the right direction, the House and Senate should adopt and maintain rules that allow each member of the Legislature to require a committee hearing on a predetermined number of bills during each legislative session.
6. The House should maintain and the Senate should adopt rules permitting a majority of each of their members to require a committee or floor hearing on a bill. In addition, the House and Senate should adopt and maintain rules permitting a substantial minority of each of their members to require a committee or floor hearing on a bill that has already been passed by the other chamber.
7. The House should maintain and the Senate should adopt rules ensuring that the Secretary of the Senate and the Chief Clerk of the House are nonpartisan and serve members of both parties, not at the sole discretion of the presiding officers. In addition, the House and Senate should employ permanent staff with knowledge of substantive policy areas to support the work of committees.
8. Once the above rules are adopted, the House and Senate should require a supermajority to change these and other rules that protect each member's right to participate in the legislative process.

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Constitutional Amendments

9. The Legislature should refer to voters a constitutional amendment establishing a nonpartisan redistricting commission.
10. The Legislature should refer to voters a constitutional amendment that would establish annual legislative sessions of limited length, commencing in March, shortly after the state Office of Economic Analysis releases its first revenue projections for the year.
11. The Legislature should refer to voters a constitutional amendment that would establish four-year terms for members of the House of Representatives and six-year terms for members of the Senate.

Further Study and Advocacy

12. City Club of Portland should establish a research committee to study alternative election systems.
13. City Club of Portland should establish a research committee to prepare a detailed recommendation for a nonpartisan redistricting commission.
14. City Club should support efforts to increase substantive and objective policy news reporting in the media.

Respectfully submitted,

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CITATIONS

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APPENDIX A: COMMITTEE CHARGE, MEMBERSHIP AND PROCESS

After interviewing four leading Oregon political figures to understand better how partisan behavior influences the Oregon political system, City Club’s Research Board and Board of Governors charged your committee with determining if and when partisan behavior is an impediment to effective governance and, if so, what should be done about it. The primary objectives of the study were to “(1) define partisanship and investigate its impact on Oregon’s political system and state government’s ability to effectively govern and resolve key issues and (2) recommend possible solutions for any negative impacts of partisanship, as well as ways to support elements of the political system that should be continued.”

Your committee, which convened in October 2005, includes fourteen City Club members who applied for membership on the committee and were screened for conflicts of interest. Your committee includes members of both major political parties and nonaffiliated voters — registered voters who are not members of any political party. At the outset of this study, your committee acknowledged the difficulties inherent in analyzing partisanship without reference to individual beliefs or biases. Nevertheless, the members of your committee endeavored to conduct its inquiry in a fair and objective manner. Every effort was made to ensure that your committee’s research and deliberations reflected an open, honest and rigorous analysis of this complex issue. Your committee gave time and attention to understanding the perspectives of both major political parties, as well as the points of view of people from urban, suburban and rural Oregon.

Your committee met weekly to conduct its research and prepare this report. Your committee interviewed 41 witnesses including political scientists, lobbyists, pollsters, members of the Senate and House of Representatives, legislative staff, directors of political parties, members of the media, and former officeholders (Appendix B). Members of your committee participated in or observed meetings of different political groups. In addition, committee members considered relevant scholarly material and monitored media statewide for contemporary information related to the study topic (Appendix C).

Your committee also closely monitored the proceedings of the Public Commission on the Oregon Legislature. The Commission was created by the 73rd Legislature in Senate Bill 1084, which passed both houses and was signed by the governor in July 2005. All 30 members of the Commission were approved by both the Democratic President

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of the Senate and by the Republican Speaker of the House. The work of the Commission was the first review of its kind since 1974. It was given the broad charge of seeking ways to improve the Legislature's "administration, procedures, facilities, staffing and overall capacity" to ensure "that the Legislature can meet the increasing demands of legislative work and perform its functions as an equal and coordinate branch of state government." The Commission adopted its final report on November 13, 2006. Many of the subjects considered by the Commission were beyond the scope of your committee's study of partisanship. This report highlights those recommendations of the Commission that relate to the subject of partisanship. (See Appendix D.)

APPENDIX B: WITNESSES

Titles listed below are those held at time of interview:

Vic Atiyeh	Former Governor, State of Oregon
Vic Backlund	Former Representative, State of Oregon
Dave Barrows	Lobbyist, Dave Barrows & Associates
Charles Beggs	Former journalist, Associated Press
Bill Bradbury	Secretary of State, State of Oregon
Kate Brown	Senate Majority Leader, State of Oregon
Richard Clucas	Political scientist, Portland State University
Peter Courtney	President of the Senate, State of Oregon
Robert Eisinger	Political scientist, Lewis & Clark College
Sal Esquivel	Representative, State of Oregon
Ted Ferrioli	Senate Minority Leader, State of Oregon
Mike Greenfield	Former legislative administrator, State of Oregon
Paul Gronke	Political scientist, Reed College
Judy Hall	Secretary of the Senate, State of Oregon
Tim Hibbitts	Opinion researcher, Davis, Hibbitts & Midghall, Inc.
Phil Keisling	Former Secretary of State, State of Oregon
Ramona Kenady	Chief Clerk of the House, State of Oregon
Amy Langdon	Former Executive Director, Oregon Republican Party
Hans Linde	Former Supreme Court Justice, State of Oregon
Bill Lunch	Political scientist, Oregon State University
Jeff Mapes	Journalist, <i>The Oregonian</i>
Pat McCormick	Lobbyist, Conkling, Fiskum & McCormick, Inc.
Jeff Merkley	Speaker of the House, State of Oregon
Bob Moore	Opinion researcher, Moore Information, Inc.
Hardy Myers	Attorney General, State of Oregon
Troy Nichols	Staff, Oregon House of Representatives
Robert Packwood	Former state legislator and U.S. Senator
Norma Paulus	Former Secretary of State, State of Oregon
Neel Pender	Former Executive Director, Oregon Democratic Party
Eileen Qutub	Former Representative and Senator, State of Oregon
Charles Ringo	Former Senator, State of Oregon
Barbara Roberts	Former Governor, State of Oregon
Jim Scherzinger	Former member, Legislative Revenue Committee
Wayne Scott	Representative, State of Oregon
Lane Shetterly	Former Representative; Director, Land Conservation and Development Commission, State of Oregon

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Mike Thorne	Former Senator, State of Oregon
Tony Van Vliet	Former Representative, State of Oregon
Ben Westlund	Senator, State of Oregon
Max Williams	Former Representative; Director, Department of Corrections, State of Oregon
Peter Wong	Journalist, <i>Statesman Journal</i>
Duncan Wyse	President, Oregon Business Council

In addition, members of your committee attended the 2006 Dorchester Conference in Seaside, Oregon, where your committee hosted an open discussion of partisanship in the Legislature, and other members of your committee attended the 2006 Money In Politics Research Action Forum (MiPRAP) and the Oregon Alliance to Reform Media Conference, “Our Media Our Democracy Action Forum.”

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APPENDIX D: SELECTED RECOMMENDATIONS OF THE PUBLIC COMMISSION ON THE OREGON LEGISLATURE, 2006

The Public Commission on the Oregon Legislature made twenty-four recommendations. They are grouped into four main categories: Recommendations for Fundamental Reform, Recommendations for Institutional Reform, Recommendations for Reforming Legislative Operations, and Recommendations for Improving Facilities and Technology. The following are the recommendations relating to issues discussed in this report. The full list of recommendations made by the Public Commission is available at <http://www.leg.state.or.us/pcol/home.htm>.

Recommendations for Fundamental Reform

Open Primary*

- Oregon should adopt an “open” primary, allowing all Oregon voters to nominate two candidates to appear on the general election ballot regardless of political party affiliation, or lack of party affiliation, of the elector or candidate.

Nonpartisan Legislature

- Members of each house should determine whether they want to be elected with partisan labels. One house may choose to be nonpartisan and the other not. However, both houses and the Governor would need to approve legislation to modify the definition of “nonpartisan” office.

Nonpartisan State Controller

- Create a nonpartisan statewide State Controller, to be selected in a manner determined by law, to manage, administer and oversee state elections and elections policy, campaign finance administration, investigations including elections and ethics issues, and legislative redistricting. . . . Redistricting will be managed by the State Controller consistent with the recommendations made in a separate proposal for a five-member redistricting commission. . . . The State Controller’s

* The PCOL used the term “open primary” loosely. In essence, the PCOL called for what is more commonly understood, in the political science literature, as a “top-two primary”.

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term of office should be no fewer than six years. The office holder will be barred from seeking statewide elected office until two years after the expiration of the six-year term.

Redistricting Commission

- Establish a redistricting commission responsible for drafting legislative and congressional district plans under administration of the State Controller, a new position.

Initiative Reform

- Require citizen initiative or referendum chief petitioner(s) to be registered voters in Oregon. . . .
- Require a notarized statement indicating the identities and physical addresses of the top five contributors to a ballot measure signature-gathering effort to be disclosed in the Voters' Pamphlet. . . .
- Establish a regular process for considering and possibly taking legislative action on initiative proposals. . . .

Campaign Finance

- Appoint a Commission on Campaign Finance Reform to examine the role of campaign finance in legislative decision-making. Reform the use of campaign funds by candidates and elected officials. Improve legislator compensation in conjunction with reforms related to use of campaign funds by candidates and elected officials. Consider moving the primary election date to the first Tuesday in June or August.

Legislator Compensation

- The Public Officials Compensation Commission (POCC) should be given responsibility for establishing salaries for state elected officials, removing political consideration from that process. The commission will set salaries for: the Governor; Secretary of State; State Treasurer; Attorney General; Superintendent of Public Instruction; Commissioner of the Bureau of Labor and Industries; Judges of the Supreme Court; Judges of the Court of Appeals; Circuit Court Judges; Tax Court Judges; District Attorneys and Legislators. Salaries of elected officials should be based on the duties of the office and at a level that will attract citizens of the highest quality to public service.

Recommendations for Institutional Reform

Annual Sessions and Session Structure

- The Legislative Assembly should establish a new meeting time for the 2007 legislative session and hold a legislative session in 2008. The Legislature must determine how and whether it is desirable to have annual sessions beginning with the 2009 session.

Partisanship

- Presiding officers should, in practice, represent the body as a whole, and not use authority to prevent debate. Develop a more collaborative environment for discussions by majority and minority leadership regarding legislative priorities. Establish collaborative processes that include the minority in session management. Allow measures, with demonstrable evidence of a majority of members in support, to move to the floor for debate and vote. House and Senate Rules should not be used for the purpose of foreclosing access to significant policy issues. Require Vice-Chairs to be from minority parties.

Staffing Legislative Offices

- Separate issue-area staff and committee staff in an effort to professionalize issue-area staff, make them more accessible to all members, and acknowledge relationships between chairs and committee staff.

Public Access

- The Legislative Assembly should take steps to improve public access to the legislative process, including providing more notice about committee meetings and consideration of legislation.

Recommendations for Reforming Legislative Operations

Committees

- Enhance legislator orientation curriculum to include more training in subject matter and procedural areas. Require comprehensive work plans for interim committees that prepare members for upcoming sessions. Increase continuity of both members and staff from session to interim committees. Maximize use of work groups and emphasize breadth of membership to reflect as many viewpoints in a policy discussion as possible. Require minority parties to select their

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committee members in proportion to membership of the body. Require presiding officers and members of each body to “institutionalize” the appointment of one or more members of a minority party to chair one or more significant committees or subcommittees. Keep the ability to open or reopen committees when needed during session to ensure that legislators experienced in particular subject areas are working on related bills. Establish and adhere to deadlines for committee actions including bill introductions, hearing deadlines, work session deadlines and chamber cross-over dates. Make investments in the above items.

Recommendations for Improving Facilities and Technology

Oregon Channel

- The Legislature should assist in funding the Oregon Channel Pilot Program during the 2007 legislative session to determine the utility of unedited coverage of legislative meetings and other public affairs events, such as agency meetings or Supreme Court arguments on a dedicated Public Broadcasting television channel.

APPENDIX E: OREGON GOVERNORS AND LEGISLATIVE LEADERS, 1953-2009

Leg. #	Year	Governor	Senate President	House Speaker	Length of Session (Days)
47	1953	Paul Patterson (R)	Eugene Marsh, McMinnville (R)	Rudie Wilhelm, Portland (R)	100
48	1955	Paul Patterson (R)	Elmo Smith, John Day, (R)	Edward Geary, Klamath Falls (R)	115
49	1957	Robert Holmes (D)	Boyd Overhulse, Madras (D)	Pat Dooley, Portland (D)	128
50	1959	Mark Hatfield (R)	Walter Pearson, Portland (D)	Robert Duncan, Medford (D)	115
51	1961	Mark Hatfield (R)	Jean Lewis, Portland (D) & Ben Musa, The Dalles (D)	Robert Duncan, Medford (D)	124
52	1963	Mark Hatfield (R)	Ben Musa, The Dalles (D)	Clarence Barton, Coquille (D)	143
53	1965	Mark Hatfield (R)	Harry Boivin, Klamath Falls (D)	F. F. Montgomery, Eugene (R)	127
54	1967	Tom McCall (R)	E.D. Potts, Grants Pass (D)	F. F. Montgomery, Eugene (R)	157
55	1969	Tom McCall (R)	E.D. Potts, Grants Pass (D)	Roger F. Smith, Burns (R)	131
56	1971	Tom McCall (R)	John D. Burns, Portland (D)	Roger F. Smith, Burns (R)	151
57	1973	Tom McCall (R)	Jason Boe, Reedsport (D)	Richard Eymann, Springfield (D)	180
58	1975	Bob Straub (D)	Jason Boe, Reedsport (D)	Phil Lang, Portland (D)	153
59	1977	Bob Straub (D)	Jason Boe, Reedsport (D)	Phil Lang, Portland (D)	177
60	1979	Vic Atiyeh (R)	Jason Boe, Reedsport (D)	Hardy Meyers, Portland (D)	178

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Leg. #	Year	Governor	Senate President	House Speaker	Length of Session (Days)
61	1981	Vic Atiyeh (R)	Fred W. Heard, Klamath Falls (D)	Vern Meyers, Springfield (R)	202
62	1983	Vic Atiyeh (R)	Ed Fadeley, Eugene (D)	Grattan Kerans, Eugene (D)	187
63	1985	Vic Atiyeh (R)	John Kitzhaber, Roseburg (D)	Vera Katz, Portland (D)	159
64	1987	Neil Goldschmidt (D)	John Kitzhaber, Roseburg (D)	Vera Katz, Portland (D)	168
65	1989	Neil Goldschmidt (D)	John Kitzhaber, Roseburg (D)	Vera Katz, Portland (D)	177
66	1991	Barbara Roberts (D)	John Kitzhaber, Roseburg (D)	Larry Campbell, Eugene (R)	168
67	1993	Barbara Roberts (D)	Bill Bradbury, Bandon (D)	Larry Campbell, Eugene (R)	207
68	1995	John Kitzhaber (D)	Gordon Smith, Pendleton (R)	Bev Clarno, Bend (R)	153
69	1997	John Kitzhaber (D)	Brady Adams, Salem (R)	Lynn Lundquist, Powell Butte (R)	174
70	1999	John Kitzhaber (D)	Brady Adams, Salem (R)	Lynn Snodgrass, Clackamas (R)	195
71	2001	John Kitzhaber (D)	Gene Derfler, Salem (R)	Mark Simmons, Elgin (R)	181
72	2003	Ted Kulongoski (D)	Peter Courtney, Salem (D)	Karen Minnis, Fairview (R)	227
73	2005	Ted Kulongoski (D)	Peter Courtney, Salem (D)	Karen Minnis, Fairview (R)	204
74	2007	Ted Kulongoski (D)	Peter Courtney, Salem (D)	Jeff Merkley, Portland (D)	172
75	2009	Ted Kulongoski (D)	Peter Courtney, Salem (D)	Dave Hunt, Clackamas (D)	

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