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FRIDAY, FEBRUARY 14—12:10

Speaker

EDWARD L. WELLS
Meteorologist
U. S. Weather Bureau, Portland, Oregon

Topic

“How the Weather is Made”

Weather and weather forecasting are two very important problems that continually confront military strategists in Germany. Meteorologists in this area are seriously handicapped by lack of weather reports from ships at sea which they must have for accurate forecasting, as weather moves from west to east in temperature latitudes.

Mr. Wells, a City Club member for over 20 years, is making his second appearance before the Club.

Also

W. L. GOSSLIN
Committee Chairman

“The Oregon Voters’ Pamphlets”
A Report by the Section on Government Organization printed in this issue

THE OREGON VOTERS’ PAMPHLETS

A Report by the City Club Committee on Oregon Voters’ Pamphlets

The Measures Pamphlet

Oregon, in 1907, first enacted laws providing for measures pamphlets. Today six other states also publish and distribute measures pamphlets to each voter: Arizona, California, Massachusetts, Ohio, Utah and Washington. Nebraska and Oklahoma publish the text of the measures and the arguments thereon in newspapers.

The Oregon provisions are especially worthy of note, as being the model for other states. At least thirty-five days before a regular general election or thirty days before any special election at which any measure or constitutional amendment is to be submitted to popular vote, the Secretary of State must cause to be printed a true copy of each measure to be voted on, with the number and form of its ballot title. When the...
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THE OREGON VOTERS' PAMPHLET
Continued from preceding page

initiative is used, those responsible for the measure, but no others, may file a written argument advocating the measure with the Secretary of State for filing. This must be done at least ninety days before the general election at which the measure is to be voted upon. Anyone wishing to oppose the measure may file a written argument for publication at least seventy-five days before such election. For measures submitted by the Legislature or by referendum petition, arguments for publication may be filed by anyone within the time period designated for initiative measures; or in case of a special election, sixty days before. The Secretary of State then collects and compiles all measures with the arguments pro and con, prints them in a pamphlet six by nine inches, and at least fifteen days before the regular general election or ten days before a special election, mails postage prepaid, a copy to every registered voter.

The cost of printing, binding, and distributing the measures, and binding and distributing the arguments is borne by the state. In every case, however, the person or persons offering such arguments for printing and distribution are required to pay to the secretary of state sufficient money to pay all the expenses for paper and printing the arguments. (Section 81-2105, O. C. L. A.)

A second type of measures pamphlet is that published by the state of California since 1909. The California law provides an elaborate system designed to ensure that arguments on each side of every measure referred to the electorate will be published in the pamphlet, together with the text of the measures, and provision is made for the preparation of the arguments, pro and con, by the members of the Legislature or other responsible persons. The entire cost of the measures pamphlet is borne by the state and no charge is made for the insertion of arguments. (Session Laws 1939, Chapter 26, Sections 1500-1515.) Massachusetts, Ohio and Washington likewise make no charge for arguments.

At the November 5, 1940, general election, the people of California voted on seventeen measures and the people of Oregon on nine measures. The California measures pamphlet had arguments on both sides as to nine measures and arguments on one side only (favoring enactment) as to eight of the seventeen measures. The Oregon measures pamphlet had only one of the nine measures with arguments on both sides; two measures had no arguments at all, five had only arguments favoring enactment.

In 1938 only three of twelve measures in the Oregon Voters' Pamphlet had arguments on both sides; four had no arguments at all, and five had only arguments favoring enactment. Payments by citizens for space for arguments in the general election voter's pamphlet amounted in 1936 to $2300; in 1938 to $1820; and 1940 to $900. Admittedly, these payments represent only a small fraction of the total cost.

Conclusions As To Measures Pamphlet
Your committee feels that the value of the Oregon measures pamphlet would be greatly increased by adopting certain features of the California law to the existent provision. It is felt that Section 81-2109, O.C.L.A., should be amended to provide that in the event one or both arguments on any measure are not filed within the time limited by law, then the Secretary of State shall designate one or more members of the Legislature, or other responsible persons, to prepare such argument for publication without charge.

Section 81-2109, O.C.L.A., gives the Secretary of State no right to refuse to accept filing of an argument which contains any obscene, vulgar, profane, scandalous, libelous, defamatory or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language calculated to incite the circulation of a paper which through the mails is prohibited by any act of Congress, such as is given by the law in the State of Washington. (Remington's Revised Statutes, No. 5422.) The Washington law provides that the person submitting such argument for filing may appeal to a Board of Censors consisting of the Governor, the Attorney General and the Superintendent of Public Instruction, and that the decision of a majority of such board shall be final. A recent letter from the Superintendent of Elections of the State of Washington advises that during the past eight years the Secretary of State's office has had no experience with the Censor provision of the Washington law. Apparently the mere existence of the law is sufficient to discourage the presentation of any improper arguments. Your committee believes that Section 81-2109, O.C.L.A., should be amended so as to include the Censor provision of the Washington law with certain additions hereinafter noted.

Authorities seem to be agreed that the measures pamphlets are of great value. A recent letter from the Secretary of the State of California advises: "While it is impossible to ascertain how extensive they (the measures pamphlets) are read, we do know they are in great demand by clubs and various organizations for analyzing and discussion of the proposed measures. Perhaps our proposition pamphlet would prove of little value to the average voter if it were not for the fact that the pamphlets contain arguments for and against the proposed measures. We believe the arguments are read to a greater extent than the text of the proposals for arriving at a conclusion."

The effectiveness of the measures pamphlet is in inverse ratio to the burden placed upon it. The more measures the voters are required to study the less wise and accurate are their de-
apparently fallen into disuse.

In the Oregon general election of November 5, 1940, one hundred and eight of a total two hundred and thirteen candidates took space in the candidates pamphlet. A greater proportion of candidates was represented in the pamphlet than in prior years due in part to the 1939 reduction in the rate for legislative candidates.

Cost of Voters’ Pamphlets

The cost of printing and distributing the candidate pamphlet to 276,367 registered Republicans and 254,814 registered Democrats in the primary election of May 17, 1940, was $19,873.99 less $5,265 paid for candidates for space therein, or a net total of $14,518.99. The total cost of the combined measures and candidates pamphlets sent to 613,428 voters in the general election of November 5, 1940, was $36,793.57 less $900 paid for arguments on measures and less $2320 paid for space for candidates, or a net total of $35,673.57.

It is estimated by Mr. David O’Hara, head of the Elections Division of the Department of State, that had the candidates’ statements been eliminated from the general election pamphlet, a saving of approximately $7500 would have been effected, and that if the candidates pamphlets for both the primary and general elections of 1940 were done away with, the saving would have been approximately $22,000. It is possible that all of the actual cost of the State’s Voters’ Pamphlets is not included in the above figures. The determination of that question would require the services of an expert accountant to analyze appropriations made to the State printing department. The cost at face value, the cost to the state of sending a candidates pamphlet to the Republican and Democratic registered voters in the 1940 primary was 24c per voter, and the cost of sending the candidates portion of the general election pamphlet was 14c per voter. Mr. O’Hara estimated that the 1939 law reducing the rate for legislative candidates’ statements in the general election pamphlet from $50 to $10 increased the cost of the pamphlet to the state approximately $5000. Mr. O’Hara estimated the cost of the 1940 general election—combined candidates and measures—pamphlet for paper and printing alone to be $245 per page. Here again the committee felt that the services of a qualified accountant would be required before this figure could be accepted at face value. The figures, however, serve to indicate the obvious fact that the candidates as a whole are paying only about one-third of the cost of the primary and general election candidates pamphlet.

Conclusion As To Candidates Pamphlets

In 1923, the chairman of your committee, while a student of Stanford University made a study of the Oregon parliamentary pamphlets, entitled “Publicity Pamphlets With Special Reference to Those Published by the State of Oregon.” In commenting upon the value of the pamphlets the report states: “The human animal is peculiarly susceptible to things coming through the mail and with an official stamp upon them. Although there are no statistics, or possibility of such on this subject, we might be justified in presuming that maybe 50% of the registered voters receiving these pamphlets peruse them,—glancing over them, looking at the pictures of the various candidates, and perhaps reading the statements of candidates in whom they are personally interested. The same is true of the measures pamphlets... Coming as they do from official sources, they may be presumed to attract more attention and to exert a greater influence than probably any other single source of electoral publicity. All candidates are placed on an even plane of equality... Each is limited to four pages... The candidates’ pamphlets for both primary and general elections also give independent groups or candidates a fair chance to present their case, a chance which is not offered by most newspapers. There is, too, an opportunity to attack and unmask dishonest candidates or parties; to expose inefficiency in public officers coming up for re-election... It thus enables the voter to compare the merits and qualifications of individual candidates and of the candidates of different parties. It stimulates the voter to investigate and to vote, not according to mere party designation, but according to merit. A truly effective candidates’ pamphlet would eventually force parties to put up only the best men. Even as it now is, the candidates’ pamphlet acts as a public search-light on primary and general elections... The principle,—of the State itself furnishing information to the voters,—is, we believe, essentially sound; the application of this principle is the problem. It is the feeling of two members of your committee that either the candidates should be required to pay the entire cost of the candidates pamphlet or that the candidates pamphlet should be abolished. However, it was the conclusion of the four remaining members of the committee that the candidates pamphlet should be retained and that no change should be made in the rates for space. It was the feeling of some members in the latter group that the committee had no information sufficient to enable it to determine rates based upon the actual cost to the state of the candidates pamphlets. This difference of opinion has been due to disagreement among the members of your committee as to the real purpose of the candidates pamphlets. One member regards the pamphlets as merely another form of publicity to be used by candidates for more or less personal advantage, in which public officers advance their own political fortunes. On the other hand, the substantial majority of your committee believes that the candidates pamphlet is an instrument designed to inform the voters of the candidates and to enable them to make a better selection of public officers. If this last view is correct, then it would seem that the state is justified in making
up the deficit in the cost of publishing and distributing the candidates pamphlets and correspondingly should have a right to exercise legitimate control over the material inserted in the candidates pamphlets. It would also seem that if a state makes its election machinery available to a candidate for public office, the state is justified in requiring every candidate to cooperate with the state in the highest fulfillment of the election procedure and to furnish a portrait cut, simple biography, platform and other information needed to give the voters an understanding of his qualifications for the office he seeks, and to prevent confusion on the part of the voters as to the identity of the candidate. It would also seem that to require every candidate, except those whose nomination or election is not opposed, to take at least one page in the candidates pamphlet, would be entirely a reasonable requirement.

In the Republican candidates pamphlet for May, 1940, Kenneth A. Brown, seeking the nomination for congress in the first district inserted four pages of material bitterly denouncing the Jewish people. His statement was reprinted and sent all over this country as an extract from the official voters' pamphlet published by the state of Oregon. It then developed that the Secretary of State was powerless to exclude this or any material tending to promote race hatred or class war. In view of this situation your committee feels that the Censor provision of the Washington law with reference to the measures pamphlets should be adapted and applied to the Oregon candidates pamphlet.

RECOMMENDATIONS

With reference to the Oregon measures pamphlets, your committee recommends as follows:

(1) That Section 81-2109, O.C.L.A., be amended to provide that in the event an argument advocating or tending to provoke crime or a breach of the peace, or any argument opposing the measure, or both such arguments, shall not have been filed with the Secretary of State within the time limited by law, then the Secretary of State shall designate one or more members of the legislative assembly, or other responsible persons, to prepare such argument or arguments for publication in the measures pamphlet without charge.

(2) That Section 81-2109, O.C.L.A., be amended to provide that if in the opinion of the Secretary of State any statement offered for filing for or against a measure contain any obscene, vulgar, profane, scandalous, libelous, defamatory, or treasonable matter, or any language tending to provoke crime or a breach of the peace, or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility towards any group or groups of persons residing or being in this state, by reason of race, color, religion or manner of worship, or any language or matter the circulation of which through the mails is prohibited by any act of Congress, or any language advocating or tending to cause the overthrow of the government of the United States, or of any State or other governmental unit therein, by force or violence, the Secretary of State shall refuse to file such statement; provided, that within five days after such refusal the person or persons submitting such statement for filing may appeal to a board of review, consisting of the Governor, Attorney-General and Superintendent of Public Instruction, and the decision of a majority of such board shall be final.

As to the candidates pamphlets, your committee recommends as follows:

(1) That a law be enacted providing that if in the opinion of the Secretary of State any statement offered for filing, for or against any candidates in a primary or general election, contain any material similar to that mentioned in the measures pamphlets, the Secretary of State shall refuse to file such statement; provided, that within five days after such refusal the person or persons submitting such statement for filing may appeal to a board of review, consisting of three citizens and residents of Oregon, one each of whom shall be named by the chairman of the state central committee of the political party with the highest and second highest registration of voters at the last general election, the third member to be named by the two other members of the board, or, in the event of their failure to act, by the Governor of the State of Oregon; the decision of a majority of said board shall be final.

(2) That House Bill No. 397, limiting to one page, the space in the general election campaign pamphlet which may be purchased at the rate of ten dollars per page by a legislative candidate, be enacted into law.

(2) That a law be enacted requiring every candidate for nomination or election to any State or District office, when the District is composed of one or more counties, except when there is only one candidate for said nomination or election as the case may be, to pay for at least one page of space in the campaign pamphlet issued by the State in the primary or general election in which such person is a candidate, and to file with the Secretary of State within the time limited by law, a brief biography of such candidate, including the date and place of his birth, and a suitable portrait cut for publication in said campaign pamphlet. (Drafts of necessary bills to carry out the aforesaid recommendations are attached to the original report of the committee.)

Your committee suggests that copies of the report and of the bills be sent to the Governor of Oregon and to each member of the legislative assembly now in session.

Respectfully submitted,

W. L. Gossin, Chairman
Lyle Ashcraft
Frederic A. Fisher
William E. Lockwood
David Robinson
Ray Siegenthaler

Approved for transmission to the Board of Governors February 10, 1941, by John A. Beckwith, chairman of the section of Government Organization.

Approved by the Board of Governors, and ordered printed and submitted to the membership February 10, 1941.