



ELECTION LAWS STUDY

INTRODUCTION

Informed and active participation of its citizens is a hallmark of a democratic government. Fundamental to this participation is equal access to the ballot for all eligible citizens and election procedures which are simple, fair and efficient as possible.

The Oregon Constitution requires all elections to be free and equal. The voter registration system was established in 1899, and the first *Voters' Pamphlet* to provide voter education was issued in 1904. Voter registration by mail was authorized by the 1975 Legislature, and vote-by-mail was adopted by the 1981 Legislature.

In 1987, after an extensive study of Oregon election laws, the League of Women Voters of Oregon (LWVOR) adopted a position on Election Laws which included support for voter education to provide information about registering, notice of election dates, and ballot content; support for vote-by-mail as a pilot project; support for certification of county clerks; and concern about the appropriateness of the 20-day registration cutoff date.

The 1995 Convention of the LWVOR directed a one year review of this League position for possible revision. A LWVOR committee examined current election law statutes in areas of concern to the League: specifically the 20-day registration cutoff, vote-by-mail, uses of the *Voters' Pamphlet*, and several miscellaneous items. The committee sought opinions and information from state and county elections officials, journalists, political analysts and political scientists in the area of elections and voting behavior. This, along with the League's background and experience with elections issues and voting behavior, combine to provide the following analysis of the issues.

This report includes discussions of Oregon election laws, policies and procedures for the following:

Registration Process
Elections Process
Voting Process

Voter Education
Certification of Election Officials

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DEFINITIONS

- Closed Primary:** The Primary election is conducted to nominate members of the major parties for legislative, statewide, and precinct offices. Only citizens registered as party members can vote for that party's candidates. Voters registered as independents cannot vote for party candidates.
- Open Primary:** A party candidate ballot can be requested on election day at the polls by any registered voter regardless of party affiliation or non-affiliation. At a mail only election any voter registered in one party who desires a different party ballot or anyone registered as an independent would have to make the ballot request at the elections office on election day.
- Blanket Primary:** Voters are allowed to vote for candidates other than those of their registered party, and in states allowing cross-over voting, all candidates appear on one ballot. There are several variations in use.
- Vote-by-Mail:** In elections conducted through ballots mailed to registered voters the ballots can be returned to the appropriate elections office by mail, in a drop box provided by the elections office, or to the county elections office by the announced closing time for the election.
- Absentee Ballot:** Any registered voter can request an absentee ballot for a specific election. The absentee ballot application must be signed for comparison with the signature on the registration card on file with the elections office, along with the address to which the ballot should be mailed. In Oregon, a voter may apply for and receive an absentee ballot up to 8 p.m. on election day, but it will not be mailed to the voter if the request is received less than 6 days prior to the election and must be picked up at the elections office.
- Permanent Absentee Ballot:** If the voter wishes to become a permanent absentee voter, the appropriate box on the absentee ballot application can be checked. The application then becomes valid for every subsequent election until the voter notifies the county elections office to cancel, or moves out of the county.
- National Voter Registration Act:** Congress passed NVRA in 1993. (Oregon passed its version in 1991 and began implementation prior to the rest of the country.) Main provisions include ability to register when applying for or renewing vehicle and driver's licenses (known as "motor-voter" registration), forms available in specified state agencies, and mail-in registration.
- Fail-safe ballot:** This ballot contains only federal offices, statewide offices, and statewide measures. It is available to registered voters who update information (address, name) in the week preceding the election.
- Update of Registration:** After the 20-day cutoff, registered voters can "update" their personal information such as name or address change and still vote. This does not apply to party registration changes.

REGISTRATION PROCESS

In Oregon, you are eligible to vote if you are a citizen of the United States; a resident of Oregon; and you will be at least 18 years of age by the election date.

Oregon has used mail-in registration cards since 1976. Voter registration cards can be obtained from any county

elections office, most banks and post offices, some state agencies and may be found in many telephone directories. Also, many civic and student organizations conduct voter registration drives prior to primary and general elections.

Applicants must affirm that they are U.S. citizens, 18 years old, and a resident of Oregon; they must give name, address, date of birth and party affiliation. There is a check-off for permanent absentee ballot and information as to prior registration. Some efforts have been made to simplify the registration card, such as removing requirements for naming the registrant's parents and spouse and eliminating birth information. However, the birth date information is important in verification of voters who share the same name, and county clerks expressed concern over discussions of eliminating birth information. Although the system provides easy access for registrants, the paper quality in registration forms in phone books and in the motor-voter version of the forms differs from the standard mail-in card provided by the Elections Division. This causes some problems in filing.

Registered voters must update their registration by filling out a new card at least 8 days prior to the election date when:

- * they change their residence address;
- * they change their mailing address;
- * their name is changed by marriage or court order;
- * If they want to change their political party affiliation it must be done 20 days prior to the election.

In Oregon, voter registration records are kept at the county elections office. Some counties elect county clerks who have the responsibility for elections; in other counties, an elections director is usually part of a larger department. Each of the 36 counties exercises its elections responsibility with a separate data base and little interchange of information. Oregon does not have a statewide voter registry. Minnesota has adopted a centralized system, and several other states are considering it. Technology now exists to create a state registration list. At issue are the costs of establishing and maintaining such a record, and the responsibility of counties in continuing the initial registration and updates.

During the last decade, a number of registration-related issues have surfaced. These include (1) implementation of the NVRA; (2) 20 day cut-off prior to elections; (3) accuracy of information; and (4) under-represented groups of citizens. Analysis of these issues follows.

National Voter Registration Act

Under the National Voter Registration Act of 1993 (NVRA) new standards of accessibility in election administration were established to make it easier for citizens to register and to vote.

The NVRA requires that citizens who are already registered to vote may update information on their registrations through election day and still be able to cast a ballot. Additionally, the Act is designed to increase the number of Americans registered to vote by allowing initial registration or updating when obtaining a vehicle license and/or a driver's license. The information is forwarded to county elections offices as are registration cards filled out at public agencies such as employment and welfare agencies.

Seven states challenged the Act in federal courts, but each challenge has been denied and all states have been directed to implement it. In committee discussions about NVRA with county elections personnel, state election officials, legislators and journalists, the consensus was that the "motor voter" Act is registering citizens who might not otherwise be motivated to register. But there are some problems. While the Department of Motor Vehicles (DMV) and state agencies forward registration cards to the county offices, apparently there are many incorrect addresses and incomplete information which result in undeliverable ballots and/or precinct voter cards. There was criticism that agency personnel are not trained or motivated to assist with voter registration, and sometimes there is a significant time lag between the filling out of the form and delivering to the elections office. There also were comments that registration cards are inappropriate in such agencies because clients might feel pressured or insecure about confidentiality.

Oregon's Secretary of State has suggested several improvements to the Oregon Congressional delegation. These include: 1) ensuring that the Post Office provide first-class service at third-class postal rates for official elections mailings. Large counties have seen significant savings with the third class rate and good delivery service, but officials in smaller counties and some states think the postal service is not abiding by Congressional intent to provide first-class service at third-class rates; 2) making procedures to cancel registrations more flexible so that voters in states with different registration procedures may have equal treatment with states which cancel registrations upon receipt of undeliverable notices to new registrants and have a positive purge program; 3) rewording the form on which clients can decline to register or eliminating it because clients are confused and the statement is too complex; 4) reducing Federal Elections Commission reporting forms; 5) mandating agency registration only for specific agencies; 6) and providing start-up federal funding for states to initiate statewide voter registration.

20-Day Cutoff

Oregon eliminated election day registration in 1986, and established a 20-day cutoff prior to election day. It requires registration by 5 p.m. of the 20th day prior to election or a valid postmark of the 21st day for a card received after the deadline. County election clerks support this time frame because they believe it provides a safeguard for the integrity of voter registration records and gives ample time for signature verification and residency checks. Most agree that the fail-safe ballot allows adequate participation in statewide and federal elections for some registrants who could not ordinarily vote, such as persons delayed in another county by weather who can request a ballot in the county where they are on election day.

Student activists, some civil rights leaders, editors and political scientists believe the cut-off should be shortened to encourage increased participation from previously unregistered citizens who decide late that they want to vote and, generally, to keep the system as open as possible. A concern was also expressed about providing access to registration and voting for the homeless under the present system.

The NVRA and vote-by-mail have redefined the voter registration process, and updates can be provided up to election day so actually the cut-off affects only new voters and party changes.

Accuracy of Information

County elections personnel take ensuring the accuracy of voter records very seriously. This includes verification of signatures and correct addresses in the poll books, files and on computers in the counties that have them. Election laws are delineated to combat fraud on the part of the voter, the election/counting board or the county clerk. Oregon voters are required to sign the poll book and orally give their address when voting. Decisions about the validity of residency information are made by the county clerk. With absentee ballots and in vote-by-mail elections, the voter must sign the back of the return envelope, and each signature is compared with the registration card manually or on the computer screen. Detection of voting fraud has been primarily through this process. Elections offices hire many part-time aides to process absentee and vote-by-mail ballots. Much time is spent after the registration cut-off in verifying addresses on cards that have been returned as undeliverable.

The adoption of computerized voting systems in most Oregon counties has decreased the opportunity for human error during the counting process and also speeded up ballot tabulation. The major concerns of several elections officials were the changes in people's signatures over time and the need to update registration cards for long-time voters. With the advent of many thousands more voters on the permanent absentee ballot list, careful checks must be made against poll books before such ballots can be counted to prevent conscious or unconscious duplicate voting. Some counties stamp "absentee" in the poll books prior to distribution to the polling places. Most clerks cited problems with the dual poll and absentee "mail" ballot elections, including the expense and counting delays required for validity of the count.

Under-represented Citizens

Citizen surveys and opinions of political observers often comment that some groups of people are under-represented

as part of the voting public. Most often named are ethnic populations and those between the ages of 18 and 30. However, there is a lack of data regarding registration in specific categories because, except for birth date, no other personal information is required. Efforts to increase registration are mixed across the state. Several county clerks report excellent cooperation with high school teachers in providing registration materials and information; others, though interested, report a lack of time or resources to implement such projects. A number also commented that voting preparation and citizenship needs to be started in grade school. Clerks in areas with college campuses discussed the strong efforts to get young people registered, but strategies are needed to get students to actually vote.

One political party leader emphasized the need to provide information about candidates and issues in several languages to promote interest and encourage registration, but believed that only those with a knowledge of English should vote. In some areas where there are people of specific cultures, elections officials said precinct records show high registration and voter participation. There is a perception, however, that there is a high rate of non-registration among such groups as African Americans, Hispanics and Native Americans but it cannot be accurately proven or disproved. Few of the study interviewees indicated factual knowledge about the subject. Most agreed, however, that continued efforts to motivate citizens of all ages and backgrounds to register to vote was important.

ELECTIONS PROCESS

All elections in Oregon are held on one of four days, except in the case of emergency (special). The four elections are held on the fourth Tuesday in March; the third Tuesday in May and September; and the first Tuesday after the first Monday in November. Those in May and November of even numbered years are specified as the Primary and General elections at which time political party candidates for local, state and federal offices are nominated (May) and elected (November). Non-partisan candidates also appear on these ballots. Examples of recent special elections include the U.S. Senate primary in December, 1995, and the U.S. Senate general in January, 1996, to replace Robert Packwood, and the Presidential Primary the 2nd Tuesday in March. Special elections may be called by the Governor, the Legislature and local governmental units.

The Primary and General elections are held at polling places while the majority of all other elections are now conducted by mail. The use of vote-by-mail was first approved for demonstration elections by the 1981 Legislature and made permanent in 1987. Statewide standards and procedures for mail balloting were established by the Secretary of State following the 1987 legislative action. The first statewide vote-by-mail was a special Legislature-authorized sales tax election held in 1993. Oregon was the first state to hold statewide vote-by-mail elections for a federal office (U.S. Senate) in 1995 and 1996.

Current concerns about the Oregon elections process and structure include these issues: (1) Primary Elections; (2) Campaign Finance Reform; (3) Costs of Elections; (4) Filling of Vacancies; (5) Term Limits; and (6) Technology.

Primary Elections

Open Primary

In the words of the Secretary of State, "Primary elections are complicated." There is continuing and growing discussion about the role of the Primary election as the political parties' nominating vehicle. An increasing number of voters are registering as Independents, almost 30 percent in some counties, and they are interested in participating in an open primary. As of now, Independents may vote for any nonpartisan candidates and on any measures appearing on the ballot. An open primary would allow non-affiliated voters to choose one of the major party ballots and select candidates for nomination. Some states allow Independents to request a party ballot at the polls

There is no agreement among the various groups interviewed - county clerks, editors, political scientists, party officials, state officials - about opening the Primary to non-affiliated voters. Some felt strongly that the party system for nominations would be abridged and make the Primary another General election. Supporters believe that Independents are tax paying citizens who should have the opportunity to participate fully. Opponents pointed out that

a voter with no party affiliation can register to vote as a party member for the Primary and then re-register as an Independent. Supporters felt the closed Primary could be challenged legally. There was agreement, however, that the decision should be up to the parties as provided under federal law.

Blanket Primary

The concept of cross-over voting was not supported, primarily because it would make the system more complex and costly, but also because it would undermine the party system. Comments were made that political parties traditionally have not been particularly strong in Oregon, and that they should not be further weakened. The Blanket primary, as in Washington, provides one ballot with all candidates listed, and voters simply pick out their choices from the entire list.

Timing

Discussion of the timing of the Oregon Primary in May brought forth opinions that it might better be held in September to shorten the time for campaigns prior to the November election. That time frame, however, would make it very difficult to produce two *Voters' Pamphlets*, and county clerks pointed out the difficulty of holding two major elections in less than two months. Some raise the question of the wisdom of holding the 1996 Presidential Primary in March -- a special election costing about \$700,000 -- instead of the usual presidential primary election in May. The 1995 Legislature set the March date hoping Oregon would draw more candidate attention if the election were held earlier and closer to primaries in other states.

Campaign Finance Reform

In 1994 an initiative measure that sharply curtailed campaign contributions to candidates for state offices by individuals and special interest groups and established voluntary spending limits passed by 72 percent. Procedures for its implementation have been established by the Secretary of State. The limitations on contributions apply to all candidates, but there was little anticipation of difficulty for local candidates - for county and city offices primarily. However, county clerks indicate that local candidates and their campaign treasurers are having trouble fulfilling terms of a new statute that requires contribution and expenditure reports and find the requirements for background information intimidating.

The Elections Division and county election offices have conducted training sessions and sent out information. The state Elections Division explained that the new forms and explanations, contained in two campaign finance manuals for candidates and political committees, are easy to understand and most local candidates should find them less complicated than before. Included in each manual is a matrix which shows which forms apply to which level of candidates and the time frames for filing. One problem is with the accuracy review of the C and E reports of miscellaneous local campaign committees addressed in the new legislation. This has added to the work of county election offices, many of which are understaffed.

With the exception of the county elections officials, most of those interviewed took a "wait and see" attitude about campaign finance. Many felt the contribution limits were too low and would favor incumbents or the wealthy but supported some type of reform. Monitoring of the 1996 election cycle to see if changes are needed in the legislation was mentioned by several. A few felt the legislation will be declared unconstitutional by the Oregon Supreme Court when a pending case is decided.

Costs of Elections

Oregon counties bear the costs of regular primary and general elections down to the precinct level. The state reimburses the counties for the counties' costs in special elections for U.S. Senator or Representative, and the recall of statewide elected officials. County clerks cited slow payment by the state as a problem, partly because in most

county elections offices have minimal staffing. Since the Primary election is one to nominate party candidates, there was a question about requiring the political parties to pay for these elections. There was no sentiment for the parties to pick up the costs because, realistically, they do not have the funds to do so, and because elections are part of the democratic process and should be paid for by governments. There was, however, consideration of parties covering part or all of the costs for precinct committee ballots, especially since there are often uncontested elections, write-ins or no candidates.

With an increase in the number of absentee ballots requested and voters with permanent absentee status, a new cost problem has arisen about regular polling place elections. Provision must be made for polling places as well as for additional staff to sort, check signatures and count absentee ballots. In other words, counties must implement a dual system. Polling places must be rented; election boards recruited, trained and paid; and poll books updated; and equipment for polling places, including ballot boxes, must be delivered and picked up. Additionally, part-time personnel must be hired and trained to open absentee ballots, check the signatures on the envelopes with the registered voters signatures, and sort the ballots by precinct in order to check each poll book to verify that an absentee ballot voter has not also voted at the precinct polling place. County clerks indicate the costs of an election can almost double under these circumstances.

Another election cost stems from special districts -- such as rural fire, water, and cemetery -- where there may be an uncontested election or no candidate at all for the vacancy. Election costs could be saved if the boards of special districts were allowed to fill vacancies by appointment if no candidates or only one candidate files for the position.

Filling Vacancies in Federal Elective Offices

The Secretary of State pointed out the difficulty in filling federal offices which have been vacated by death, resignation, recall or for other reasons. There are two legal options for nominating a Congressional vacancy. Candidates for the mandated Special Election to fill the vacancy can be selected either by a Special Primary Election called by the Governor or be chosen by the political parties. There is a 90 day time frame for filling the vacancy, leaving an office vacant for at least three months. If the regular term will end in a few months, the replacement often must file for regular election almost at the same time as being appointed, and other candidates must make decisions to run. The vacancy in the Oregon third congressional district in 1996 is a case in point. Discussion should take place as to the most appropriate method to fill a vacancy -- election or appointment and about the timing constraints.

Term Limits

According to those interviewed, the effect of term limits is that legislators are choosing not to continue serving even though they could have additional terms, and it may also be more difficult to attract candidates. Oregon voters amended the state Constitution in 1992 to provide term limits for state legislators, the limit being 12 years of total service, but no more than 3 terms in the House or 2 terms in the Senate. The general assessment is that term limits will create more open seats but at the cost of thinner ranks of experienced people for higher office and loss of institutional memory, while at the same time empowering lobbyists and bureaucrats. The motivation of candidates will be different as they consider short-term policy and moving special interest agendas. The long-term effect on representative government makes it appropriate to consider possible adjustments and modifications to the constitutional amendment. A number of those interviewed felt that regularly scheduled elections are already limiting terms, but some expressed concern that term limits may diminish voter participation if voters feel term limits are taking care of longevity in office.

Technology

With the constantly changing range of technological advances, it becomes possible to look at different ways of conducting elections and keeping records. A statewide voter registry could eliminate duplicate registrations and limit fraud. Minnesota implemented centralized registration in 1987. Duplicate registrations have been virtually eliminated, only 250 out of 2.7 million registered voters, according to the Secretary of State. The list is purged every four years.

Minnesota has a population of 4.5 million. The initial cost was \$1.5 million which purchased a terminal and printer for each of the 87 counties. The system was fully developed in four years at a cost of \$3.5 million, with annual operating costs of \$950,000. Counties are paying less per year for registration than previously. The state pays for equipment, network costs and maintenance. Standardized equipment among Oregon counties could allow interchanges of information regarding voter names and addresses, and would also eliminate duplicate records and possible voting irregularities. The possibility of registering and voting electronically is closer to reality. The County Clerks Association is already discussing these issues, including costs of equipment, staff training, feasibility, formats and confidentiality. Not all county clerks are interested in moving ahead rapidly.

VOTING PROCESS

In some respects, Oregonians have come a long way in voting procedures. From wooden boxes on saw horses which served as voting "booths", to standing voter's compartments equipped with computer card slot. The past 25 years have witnessed the decline of paper ballots, the rise of the stylus-punched ballots and optical scan processes; and the requirement that polling places must be accessible to all voters. Polls are open from 7 a.m. to 8 p.m. Significant changes within the last 10 years are creating new challenges. Voting process issues include the absentee ballot increase, vote-by-mail, and poll voting.

Absentee Ballot

County clerks support voting by absentee ballot, and many of them sent out new voter registration cards to all registered voters this year with a check-off for signing up as a permanent absentee voter. A significant percentage of citizens have responded, with counties showing from 25 to 60 percent of voters now receiving absentee ballots. This response has generated problems: 1) Ballots must be mailed out at least three weeks ahead of the election. 2) Most elections offices must hire additional help to prepare and mail an increasing number of ballots, verify signatures on their return and sort ballots by precinct. In some counties verification can be done by computer, but in many it is still a manual operation. After the election closes, they must check absentee ballots against precinct poll books to make sure no voters have voted twice. Some counties pre-stamp the poll book "absentee" to alert the precinct election board. 3) The great increase in absentee ballots has resulted in preliminary vote counts being delayed one to three days.

Vote-by-Mail

The major change in voting procedure has been vote-by-mail. Most local elections have been conducted in this way for at least 10 years. County clerks favor this voting method overwhelmingly and would like to see it as the only way elections are conducted. Others interviewed had mixed feelings, both about its use so far, and certainly about its use as the only voting method. Political scientists and editors feel the democratic tradition is somehow lost when people don't go to the neighborhood polling place, but they also note the increased voter participation as indicated in the special mail ballot elections. And some believe that voter response will drop once the procedure becomes commonplace. One of the reasons given for the increase in absentee ballots is preference for the mail vote.

When the Legislature authorized permanent vote-by-mail elections, the Primary and General elections were specifically excluded. The 1995 Legislature passed a measure adding these elections, but it was vetoed by the Governor. The reasons given for rejection were that people were not ready for all elections to be by mail, and there were not yet enough safeguards against fraud. However, four months later, the Governor decided to hold a Special Election to replace Senator Packwood, and the Secretary of State authorized a mail ballot Special Primary and General Election to fill the vacancy. The 66% percent return was considered excellent. A special Presidential Primary was held in March, also by mail, and the turn-out exceeded all other state primaries to that point. Analysts are predicting that the 1997 Legislature will pass a Primary Election vote-by-mail bill and that the Governor will sign it into law.

Perhaps the issue most discussed was the length of time between the mailing of the ballots by the elections office and

the deadline for return. County clerks argue that the full 21 days is necessary in order for verification of signatures, each of which must be compared to the voter's signature on file. In addition, staff needs adequate time to locate all voters whose ballots are returned as undeliverable. Most other interviewees thought the time should be reduced to no more than 10-12 days from mailing to election. This would enable candidates to narrow their specific campaign strategies and allow voters enough time to consider measures and candidate information. Some clerks agreed that the time could be cut, but staff limitations make it difficult.

Issues of possible fraud still cause some to view mail balloting with caution. County clerks and the state election officials feel the safeguards are adequate with the careful verification of signatures and addresses. Questions are raised, however, about coercion of individual voters as well as reports of "ballot" parties for the purpose of voting in groups. The latter is illegal and evidence of such activity can be reported to the Elections Division.

Also raised as an issue against vote-by-mail is the need to put a stamp on the ballot to return it. A few opponents feel this amounts to a poll tax, albeit a small one, and could discourage some voters. County clerks reported few complaints about stamps, possibly because of drop boxes around communities to accommodate deposit of ballots. Smaller counties have more difficulty because some public buildings are not open full time, and there are costs to having security for the boxes. One county has a mail slot in the elections office door where ballots may be dropped into a locked container at any time. Discussion about return postage on ballot envelopes and the costs needs to occur. Data indicates that the costs of mail ballot elections are considerably less than those of poll elections or the combination. Perhaps savings from such elections could finance postage costs.

Asked if there were problems with the post office in both delivering ballots and returning them to the elections office, most clerks reported little difficulty and evidence of concerted cooperation. In larger counties, regional postal facilities provided additional mail runs on election day. Undeliverable ballots need to be returned promptly so that calls for address verification can be made.

Polling Place Elections

In their strong support for vote-by-mail, county clerks cited the difficulties with polling place elections. It has become increasingly hard to retain and recruit qualified election board members, as well as to provide training for them. Fewer people are available for the 14 hours required on election day or for the added training time. Often, available persons may not be able to function responsibly as elections personnel. Tremendous planning and effort also goes into equipping the polling places: voting booths, ballots, ballot boxes, facility rental, etc. What county clerks do not want are dual voting method elections.

VOTER EDUCATION

The primary voter education tool for the state is the *Voters' Pamphlet*. Oregon citizens have been receiving this kind of election information for more than 90 years. Not all counties provide a local voters' pamphlet. Where a county provides local information, it must be included in the state publication when mailed to each registered voter or household. Although various civic and political organizations provide voter material, the *Voters' Pamphlet* is the one which Oregonians indicate is their main source of election information. The majority of those interviewed support the publication and its purpose. There are issues of size, integrity and costs.

Size

The size of the *Voters' Pamphlet* has been increasing almost exponentially the past decade. For example, there were six ballot measures in 1984 and 12 pro and con arguments in the state publication. In 1994, there were 18 ballot measures and 244 pro and con arguments covering 168 pages. With 23 state measures for the 1996 General Election, the Secretary of State anticipates a two volume *Voters' Pamphlet*. There are no good ways to curb the number of measure arguments except by legislation to limit them, and the Legislature has been reluctant to act. Other states such as California and Washington, which also have numerous ballot measures, use measure matrices to show content,

main pros and cons, who supports and opposes, and where additional information can be found. Montana and other states use a summary for opposition and support, citing the major arguments, and allowing a rebuttal from each side. Editors and political scientists strongly support limits. County clerks also felt the pamphlet should be shorter, but were more concerned with facing mandatory requirements for a local publication in times of budget constraints. Of those counties which do provide a local pamphlet, clerks were very supportive. One of the discussion issues involves whether all counties should be required to provide voter education.

Integrity

Responsibility for publication of the *Voters' Pamphlet* lies with the Secretary of State through the Elections Division, and the integrity of the pamphlet is of increasing concern. Except for the wording limits for ballot measure arguments and candidate's statements, and some candidate information which must be provided, the Secretary of State has no control over the content of the publication. The accuracy of information is being questioned by supporters and opposers of ballot measures, citizens, editors, and competing candidates. Revelations about misstatements made by candidates in their personal material erode the credence of the pamphlet and lessen its value for voter education. Coalitions in support or opposition to ballot measures provide funding or actual statements to other groups or individuals for publication. It is difficult to trace the responsible organization or individuals. The underlying issue is one of freedom of speech, and there are no easy answers, but there was support for better disclosure.

Costs

The costs of publishing the pamphlet have been skyrocketing. While the Legislature has raised the cost per page for measure arguments to \$500, for legislative candidate's page cost to \$300, and for statewide candidate's page to \$1000, the actual cost per page is about \$3000. Discussion centers on whether the actual cost should be reflected in charges for the pages, whether counties should contribute to the state's publishing costs, or whether the Legislature should appropriate adequate funds to cover the state's responsibility for voter education. There was general agreement among the political scientists and editors that the cost is too great, and limiting of arguments is the best way to reduce the expense. Even party leaders agreed that the *Voters' Pamphlet* is being used by candidates as an advertising tool, and that perhaps candidates should pay the actual costs for their page as they would for other advertising.

CERTIFICATION OF ELECTIONS OFFICIALS

With the exception of the county clerks and state election officials, most interviewees had little knowledge about the certification and/or training of county elections personnel. Elections officials either strongly favored required training and certification, or they felt it either was unnecessary or should be optional, as it is now. Major reasons for opposition centered around available time for training and costs, both personal and job-related. Those clerks supporting certification pointed to other professionals such as county sheriffs and assessors who are required to meet certain qualifications within a year after taking office. They felt the training was important enough to merit taking personal time and money for it. The state Association of County Clerks has developed a certification and training program, but few elections personnel have used it.

The Secretary of State's office provides an informational class for clerks after each legislative session to review changes in election laws. Attendance is required. Proponents felt that general training for election officials should be mandatory. Others felt it was important and should be available, but not mandatory. In the interests of understanding procedures and consistency in performance of elections responsibilities, the Secretary of State feels emphasis should be given to certification for all clerks.

ACKNOWLEDGMENTS

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(BIBLIOGRAPHY) RESEARCH SOURCES

Interviews with County Elections Officials

Benton County - Daniel G. Burk, Director of Records and Elections, March 8, 1996
Clackamas County - John F. Kauffman, County Clerk, March 11, 1996
Columbia County - Elizabeth Huser, County Clerk & Thelma Hays, Election Supervisor, March, 1996
Coos County - Mary Ann Wilson, County Clerk, May 17, 1996
Deschutes County - Susan Penhollow, County Clerk, May 1, 1996
Grant County - Kathy McKinnon, County Clerk, April 30, 1996
Lane County - Annette Newingham, Chief Deputy County Clerk, March 19, 1996
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Umatilla County - Nancy Woods, Director of Elections, April 29, 1996
Union County - Nellie Hibbert, Elections Director, April 30, 1996
Washington County - Ginnie Kingsley, Elections Director, March 19, 1996
Yamhill County - Charles Stern, County Clerk, March 21, 1996

Interviews with Major Oregon Daily Newspaper Editors

Coos Bay *World* - Don Brown, May 18, 1996
Eugene *Register-Guard* - Don Robinson, Jack Wilson, Henry Willis, March 19, 1996
Medford *Mail Tribune* - Bill Manny, April 24, 1996
Pendleton *East Oregonian* - Dave Cash, April 29, 1996
Portland *Oregonian* - Robert J. Caldwell, May 17, 1996
Salem *Statesman Journal* - Julia Wallace, April 24
Bend *Bulletin* - Robert Chandler, April 9, 1996
Albany *Democrat Herald* - Hasso Hering, March 20, 1996
Astoria *Daily Astorian* - Steve Forrester, April 3, 1996

Interviews with State Government Personnel

Secretary of State Phil Keisling, Administrative Assistant Cynthia Griffith, Elections Division Deputy Scott Mctye, and Secretary of State Liaison to the Vote-by-Mail Commission, Rick Hanson; March 5, 1996

Elections Division Director Colleen Sealock

Vote-by-Mail Citizen Commission Coordinator Donna McNeil

Interviews with Political Scientists

Robert G. Mason, Oregon State University, February 28, 1996

Bill Lunch, Oregon State University, February 28, 1996

Interviews with Political Parties/Legislators

Senator Cliff Trow, Senate Democratic Leader, April 25, 1996

Oregon Democratic Party Chair, Rep. Margaret Carter, May 15, 1996

Oregon Republican Party Chair, Randy Miller, May 9, 1996

Others

Oregon Student Lobby, Ed Dennis, Executive Director, April 3, 1996

Written Sources

Oregon Secretary of State

Oregon Blue Book 1995-1996

Synopsis of Election Laws Enacted by the 1995 Legislative Assembly

Voters' Pamphlet Biennial Primary Election, May 21, 1996

Letter to Senator Mark Hatfield, August 24, 1995 re: NVRA Changes

Final Election Results 1990-1996 Primary Election Data

Campaign Finance Manual

Oregon Association of County Clerks *Certification Program* Revised 1994

LWVOR Education Fund *Oregon Election Laws* 1986

LWVUS *National Voter* June/July, 1996 "Motor Voter Survives Senate Threat"

Minnesota Secretary of State *Minnesota Voter Registration System* 1995

Deschutes County *Voter's Pamphlet* Primary Election, May 21, 1996

Umatilla County 1996 *Primary Election* May 21, 1996

Oregon Vote-by-Mail Citizen Commission - Minutes 1996 / *Final Report 1996*

University of Michigan and Oregon State University *Preliminary Report on the Characteristics of the Oregon Electorate Participating in the Special General Election for the U.S. Senate on January 30, 1996* by Michael W. Traugott and Robert G. Mason