



A HISTORY  
OF NASS



# THE FOUNDING OF THE ASSOCIATION

**T**HE NATIONAL ASSOCIATION of Secretaries of State is the oldest organization of major public officials in the United States. It was formed during the Saint Louis World's Fair in 1904. During the fair, Secretaries went to Brookings Hall to get permission and make arrangements to use a facility at the fair to assemble and meet. An appropriate facility was found and on September 28, 1904, the Association was formed at a meeting held in the Tennessee Building.

There are no minutes in the Records of the National Association of Secretaries of State for the years 1915–1930. There is, however, a short history of the association which was submitted by Enoch D. Fuller, Secretary of State of New Hampshire, on August 27, 1953. The history has appeared in several copies of the NASS Handbook. This history allows for some insight into the early years of the association. The following is a reprint of his paper.



*Brookings Hall, where arrangements for the secretaries to meet were made—now part of the campus of Washington University.*

The first Conference of the Association of American Secretaries of State was held in Cincinnati, Ohio, on October 21–22, 1915. Stuart F. Reed, Secretary of State of West Virginia, was the founder and first president of the Association. The name of the organization remained “The Association of American Secretaries of State” through the first four Conferences and in 1921 the name “The National Association of Secretaries of State” was adopted and has been the association name since that year.

The 1919 conference held at Washington, D. C., voted as follows:

An amalgamation of the National Association of State Treasurers, State Auditors and State Comptrollers and the National Conference of State Purchasing Agents with the Association of American Secretaries of State was agreed upon unanimously. Hereafter, the three organizations will hold their annual conventions together but will act separately.

In 1924 the National Association of Secretaries of State met with the National Association of State Auditors, Comptrollers and Treasurers, and with the National Association of Governmental Purchasing Agents at Salt Lake City, Utah, as the first and only conference of the “National Association of Financial and Administrative State Officials.” Harry R. Salter, State Auditor of



*The Tennessee Building, where NASS was formed, as it looked in 1904.*

New Jersey, was the president of the National Association of Financial and Administrative State Officials. The National Association of Secretaries of State at its separate session at this time elected the Honorable Mike Holm of Minnesota as president.

*Secretaries of State attending the first conference:*

Charles D. Burns, Connecticut	J. T. Botkins, Kansas
Coleman C. Vaughn, Michigan	J. L. Lyon, Oklahoma
B. O. James, Virginia	John G. McKay, Texas
F. M. Rood, South Dakota	W. S. Allen, Iowa
R. P. Graham, Maryland	Charles Q. Hildebrand, Ohio
David Mattson, Utah	Stuart F. Reed, West Virginia
C. J. Crecelius, Kentucky	R. R. Sneed, Tennessee

A small booklet and an invitation was sent to each Secretary of State in late August and early October, 1915, by Stuart F. Reed. The following resolution was adopted at the conference on October 22, 1915.

We desire to express, and we do hereby express, our appreciation of the efforts of Honorable Stuart F. Reed of West Virginia in bringing about this first Conference of American Secretaries of State.

This resolution, the fact that he extended the referenced invitations and served as temporary president until his election at the first conference, indicates that Mr. Reed had the original idea for the Association.

The following slate was elected at the 1915 conference: President, Stuart F. Reed; Vice President, Charles D. Burns; Secretary Treasurer, Charles Q. Hildebrand. (This office could, in the discretion of the Association, be held by one person.)

Article V of the Constitution and bylaws of the conference is as follows:

The meetings of the Association shall be annual and shall consist of at least four sessions of not less than two hours each. The time and place of meetings shall be fixed and determined at the next preceding meeting of the Association.

Topeka, Kansas was selected as the place for the second meeting of the association, the time to be fixed by the Executive Committee.

# HISTORY AND RECORD OF THE NATIONAL ASSOCIATION OF SECRETARIES OF STATE

*To be something, you must do something.*<sup>1</sup>

—Bill Graves, KS, 1991

**T**HIS WAS NOT the motto at the formation of the National Association of Secretaries of State (NASS) in 1904, but it eloquently and accurately sums up a century of NASS activity. Dedicated originally to the promotion of excellence in public administration, the focus of NASS broadened considerably over the years, its attention turning increasingly to the democratic process.<sup>2</sup>

Over the course of this century, as the meetings attracted more and more interest, opportunities to voice an opinion in policy-making at the state and federal government levels arose. Early on, NASS developed the resolution process as a means of representing views held by the association to both federal and state governments. Because of the general duties of the office, the Secretary of State is in a position to acquire a thorough knowledge of the entire structure of government, state and federal. Through participation in the oldest organization of constitutional officers, the Secretary is able to play a vital role in public policy-making.

“The National Association of Secretaries of State is equipped to study, and entitled to make known, its wishes as a group to the state and federal governments. Such matters as elections, the registration and regulation of corporations, the registration of trademarks and state publishing are matters almost exclusively within our jurisdiction the country over,” claimed Missouri Secretary Dwight H. Brown, at the annual meeting in 1940.<sup>3</sup> The long history of NASS is proof that this statement was not merely one of boastful pride, but one that Secretaries have taken to heart and acted upon throughout the years. What follows is a look at the evolution of the association from its beginnings to the substantive organization it is today. Indeed, in order to be a national voice in the forefront of legislative decisions, NASS has certainly done a great deal.

## *Beginnings of the Association*

*“ . . . this Association has been and is and should continue to be a delightfully informal meeting ground for overburdened state constitution officers, where each may learn to know the other as an intimate friend. . . ”*<sup>4</sup>

—John B. Wilson, GA, 1940

Although there are no minutes from the originating session, NASS history holds that the idea for the National Association of Secretaries of State, the first national organization of constitu-

tional officers in the United States, came about at a meeting held in the Tennessee Building at the St. Louis World Exposition in 1904. Arrangements for that meeting were made in Brookings Hall, now part of Washington University in Saint Louis. The first NASS conference was held in Cincinnati, Ohio, in October of 1915. West Virginia Secretary Stuart F. Reed is acknowledged as founder of the Association, and served as its first president. He was responsible for organizing the first meeting and sending out the notices and invitations. For the first five years of the organization, it was known as the “Association of American Secretaries of State”; in 1920, the name “National Association of Secretaries of State” was adopted.

There are no minutes for the first fifteen years of NASS, making it impossible to determine the specific reasons for its creation. Certain assumptions can be made, however, as to Secretary Reed’s desire for such an organization. The desire may have been precipitated by the Progressive Era. In his book, *America*, George B. Tindall identified the progressive era reform movement as one that touched on virtually every aspect of society. Political progressives considered themselves to be “engaged in a democratic crusade against the abuses of urban political bosses and corporate robber barons.”<sup>5</sup> The primary progressive goals were “greater democracy, honest government, more effective regulation of business, and greater social justice.”<sup>6</sup> A businesslike and efficient approach to reform was a hallmark of the era; efficiency and organization were strongly emphasized.<sup>7</sup>

Secretaries, and their counterparts throughout the United States, such as Lieutenant Governors and Elections Directors, were grappling with elections, trademark registration, corporation regulation, and other miscellaneous administrative duties. The spirit of reform, marking the progressive era and subsequent period of political reform in state governments, may have convinced Secretary Reed of the need for the Secretaries to interact in order to solve these common problems efficiently. Major targets of national reform, such as elections and regulation of corporations, were the first areas under discussion at NASS meetings.

Formed for the purpose of reforming and improving public administration in the fields in which the Secretaries work, the organization has established facilities for the exchange of information among the Secretaries and provides a means whereby formal and informal cooperation among the state governments can be furthered and nurtured.

## *The Early Years*

*“And this value of our Association to the advancement of public administration . . . must remain our greatest contribution.”<sup>8</sup>*

—Gov. Dennis J. Roberts, RI, 1952

The “contributions” began at the first annual conference on October 21, 1915. Unfortunately, there are no records of the early conferences, so what was accomplished there is unknown. It is probably safe to say, however, that the general framework of the meetings and topics of discussion were established during those early years.

By the time of the first documented conference in 1931, it is obvious that the men and women of NASS had accomplished Secretary Reed’s first goal—that of developing friendships, free of political bias, within which context valuable information could be shared. The Secretaries exhibited a rapport that showed their obvious enjoyment in seeing old friends again and discuss-

ing new topics of public administration. Good-natured jokes and stories about “my great state” are sprinkled throughout the early transcripts, along with the more serious and timeless topics of elections, corporations, motor vehicle registration, and trademarks. The “delightfully informal meeting ground” was firmly established.

The Thirties, in the memory of many people, remain one of the darkest periods in the history of the United States. This tragic period exemplifies the failure of an unregulated market economy. The Secretaries of State supported government intervention and control, but at the state level. Secretary Richard J. Beamish of Pennsylvania “expressed the view favoring a federal statute governing corporations and also expressed the need for more stringent laws regulating corporations.”<sup>9</sup> He also suggested “the tendency was toward federal regulation.”<sup>10</sup> Several Secretaries acknowledged the tendency but rejected the practice. This example is the first recorded rejection of usurpation of their power, but certainly not the last. The Secretaries supported measures that would increase hiring and reinvigorate the economy.

The Association reflected a movement that would gain momentum when it supported measures designed for the protection of corporations and consumers. During this decade, discussions were initiated dealing with the rights of the individual in relation to corporations. It was believed that “corporations were artificial persons and that there could be criminals among them the same as among natural persons, and that where they showed criminal records they should be punished.”<sup>11</sup> Measures ranging from registration and licensing of corporations to registration of trademarks and trade names were taken to protect both parties.

The decade of the Thirties was a time of economic rebuilding and rejuvenation. It was also a time when federal and state governments intervened in what had previously been a private sector. The respective Secretaries of State, in many instances, were forced to choose between what was best for them and their administrations and what was best for the lagging economy. In all instances, the Secretaries weighed the immediate advantages against the precedents that would be set by enabling the federal government to intervene in state and local sectors.

One example was a proposal for federally licensed corporations, which was ultimately thwarted. Public sentiment during the Depression forced Congress to give the president almost unlimited power. The Secretaries sought not only to promote an economic recovery, but to preserve the Constitutional powers which rightfully belonged to the states. The members of the National Association of Secretaries of State can be seen as guardians of the rights of individuals and corporations and their interaction.

## *War and Voting*

*“The care of all of us is that the individual shall be informed. The concern of all of us is that every voter shall vote.”*<sup>12</sup>

—Frederic Cook, MA, 1937

Also firmly established in the early meetings was the intense determination on the part of the Secretaries to preserve the fundamental right of voting for those eligible.

In most states, Secretaries have responsibility to administer election procedures. Armed with this duty, and with the firm conviction that election day is the “real Independence Day,” the Sec-

retaries set out to protect and encourage the fundamental liberty entrusted to their care.<sup>13</sup> It is in the area of elections, including voter education and fair election practices, that NASS made some of its greatest and longest-lasting contributions. As state elections officers, the Secretaries were in a position to understand the problems citizens encountered when exercising their voting rights. By vocalizing these concerns to the U.S. Congress, NASS encouraged several election reforms, including lowering the voting age, shortening residency requirements for federal election voting, registration reform, work on uniform poll closing, and limitations on campaign finance expenses. Election reform debates began as early as the 1930s, when Massachusetts Secretary Frederic Cook summed up the situation in 1930s election practices by referring to the complete “. . . lack of uniformity of election laws in our states.”<sup>14</sup>

Although a reason for this early interest in election procedures by NASS cannot be ascertained, it is a legitimate interest, for it falls within the scope of responsibility of the Secretaries of State. Secretary of State Earl Griffith of Ohio stated, “By virtue of the laws of our state, the Secretary of State of Ohio is the chief election officer and the supreme election authority. It is his primary obligation and duty to direct the election machinery, to preserve the integrity of the ballot and to safeguard the rights of electors.”<sup>15</sup>

Possibly the fervor of NASS members in support of strong, enforceable and uniform election codes stemmed from their desire to forever place in the past the extensive political corruption witnessed at the turn of the century. America was moving toward a predominantly urban existence, and the need for reform was evident. The primary and convention nomination systems came under scrutiny along with the Corrupt Practices Act.

The Secretaries sought new and innovative ways to wipe out corruption. Indeed, as early as 1939, the possibility of using voting machines was discussed.<sup>16</sup> Procedural changes were demanded with regard to recounting ballots. Even the voting age was questioned some 37 years before it was lowered.<sup>17</sup> The importance of elections within the office of the Secretary of State is evidenced by the recurrent discussion of this topic throughout NASS conferences.

As America withstood the turbulence and change of the Thirties a new storm arose on the horizon which would further try human endurance, ingenuity and commitment. Few will disagree that the decade of the Forties was the single most important era in the United States’ “rise to globalism.” This period forced drastic changes in the outlook of the public and altered the position of the United States on the world scene.

With the threat to American allies in Europe, Americans in 1939 became aware of an ominous tide originating in Germany. Still feeling the effects of World War I, many were leery of any overtures which might require participation in this latest conflict in Europe. Certainly many citizens remembering the horrors of “the Great War” were vocal advocates of an isolationist policy. Astute individuals began to perceive the threat of Hitler’s National Socialist Party (Nazi) was one that could not be ignored. Many, witnessing the buildup and rearmament of Germany, were vehemently opposed to America’s passive isolationist policy.

As early as 1934, Secretary Beamish of Pennsylvania observed the promotion of the governmentally supported youth movement by Chancellor Adolf Hitler in Germany. This youth movement was the seed for Hitler’s later aggression, and Secretary Beamish “called attention (to the fact) that the three great autocracies of the world, Russia, Italy and Germany, were stressing the youth movement with relation to government while the three great democracies of the world, America, England and France, have not done much in this line except the Boy Scout work.”<sup>18</sup> He



further “expressed the view that reducing the voting age, while not a complete answer, was the beginning of an answer.”<sup>19</sup> Beamish’s astute observance of Germany’s youth movement foreshadowed events to come.

The National Association of Secretaries of State maintained an active role in the overall security of the United States and its national defense policies. On August 27, 1941, less than four months before Pearl Harbor, the Association held its annual conference. At this meeting, NASS was addressed by Professor Samuel C. May, director of the Bureau of Public Administration, University of California, on “The State as an Agency for National Defense.” Professor May stated that “the policy of our government has always been to keep political organization on a small scale and to decentralize so far as possible. In an emergency, the entire structure must be organized on a national scale in order that there may be the fullest mobilization.”<sup>20</sup> This is the essence of the national policy. Too many people were lulled into complacency by the upswinging economy and the historic invulnerability of the United States.

The primary responsibilities of the respective states included assisting in production conversion, civilian defense, airplane warning service, the draft, rationing and civilian morale. These responsibilities were set forth in a memorandum to the State Council of Defense on August 2, 1940. Professor May pointed out the problems at that time: “Generally speaking, there is no difficulty in maintaining morale at a high level once a nation is actually engaged in war. In the present emergency, however, the problem is very difficult because of our proneness to maintain business as usual.”<sup>21</sup> The 24th conference is a testament to the timely action of the National Association of Secretaries of State.

With the declaration of war on December 10, 1941, the United States entered into one of the most complex administrative and logistical undertakings in history. Topics of the 25th conference focused entirely on the war effort and the responsibilities of the Secretaries of State. The membership of NASS was committed not only professionally but morally and ethically to the fulfillment of their increased duties precipitated by the war effort. Secretary Thad Eure of North Carolina, acting president of the Association, stated emphatically:

This is no time for beautifully prepared manuscripts with high-sounding rhetoric . . . We assemble now for conference, discussions and planning for immediate action. Despite global warfare of such extraordinary proportions as to confound our imagination, we have been able to change our tempo from one of armed expectancy to total warfare, with accompanying shift in viewpoint and firmer determination of purpose.<sup>22</sup>

There was much consternation and discussion during the executive committee meeting as to whether the conference should convene. The executive committee concluded that it could best serve the respective states if the Secretaries could meet and reach an agreement on a course of action and operating procedure.<sup>23</sup>

And meet they did, with the usual atmosphere of camaraderie and goodwill but with an overriding resolve and sense of purpose. Secretary Eure expressed the charge of the conference when he stated:

There can be in this hour just one keynote to our conference. That is: We as individuals and as executives and administrative officers in the governmental setup of the various states in our Republic, and as an organization pledge the full weight of our thought, influence and energy to the prosecution of this war

to victory—a victory which will mean the destruction of forces seeking the enslavement of liberty-loving peoples the world over.<sup>24</sup>

The total sense of united commitment and devotion during World War II had, up to this point, never been realized. Although political factionalism was sparse in the early years of the Association, it was nonexistent during World War II.

Just as the soldiers sought to protect the United States and preserve the freedoms guaranteed under the Constitution, the guardians of the electoral process felt that the voting rights of United States soldiers around the world should be maintained. The Secretaries realized that it was imperative that soldiers be able to participate in the process they were defending with their lives. At the time of the 25th conference, all but three states had some form of absentee voting laws. These states were subsequently asked to develop standardized procedures. As the Secretaries began to think about the magnitude of the logistical problem of ensuring the voting rights of each soldier, they discovered problems from the outset.

Obtaining a list of servicemen and their established residency posed a problem. Until cooperation could be secured from the War Department, election officials had to rely upon sometimes-unproven sources including newspapers, local officials and local draft boards. These lists were not comprehensive even when cooperation was obtained. The difficulty in obtaining these lists was compounded by the fact that each branch of the service represented its own personnel. There was no central agency controlling soldier voting.

Additional problems existed which were very broad in scope and not easily resolved. Who would control the voting process, the Adjutant General or the respective Secretaries of State? Who would provide information on elections and their procedures? Who would deliver and return ballots? Who would pay the postage? What type of ballot should be used? Who, if anyone, would notarize the ballots? What about primaries? And finally, who would answer these questions?

A central controlling body was needed. Several bills were introduced in Congress attempting to rectify this problem. On September 16, 1942, the Ramsey Act was adopted, encouraging servicemen to utilize the absentee ballot of their respective states. This act promoted the use of state “war ballots” but met little success, for it did not address the many other problems surrounding servicemen’s suffrage. Policymakers and legislators alike debated several proposed bills, to little or no avail. In 1943, the members of NASS deliberated over proposed legislation which, among other things, would create a central organization known as the United States War Ballot Commission.

Many members felt this bill was a direct usurpation of the states’ constitutionally granted powers. Others felt that adoption of such a measure was inevitable and refutation of this proposal would negate any positive influence the members of NASS could provide. Other members believed that the “end justified the means.” Secretary Frederic W. Cook of the Commonwealth of Massachusetts embodied the latter belief when he stated:

Much as we dislike this sort of resolution and much as we dislike that the Federal Government is going to dictate, we are given an opportunity of working this out here . . . This is a question of liberty, and it is a vital question, the subject of a ballot, and we should work out some definite answer here. The world

is looking to us for a solution of this. Here are our boys in the fox holes, risking their necks while we are at home, safe, and arguing this point.<sup>25</sup>

There is some indication that much of the debate was rather heated as the record shows periods of “off record discussion.” The Secretaries finally reached a consensus and a recommendation was then forwarded to the appropriate powers. The proposed legislation creating the War Ballot Commission was soon after adopted by the United States Congress. The membership of this central body included the Secretary of War, the Secretary of the Navy, Administrator of the War, Shipping Administrator, an executive officer and an administrative officer.<sup>26</sup>

The commission served all branches of the military. Its powers were extremely limited and the majority of responsibility still lay with the respective services. The basic responsibilities of the commission were “1, to consult with the state officials . . . and 2 after the elections, to report to the Congress on the administration of the law.”<sup>27</sup> Although this commission was far from perfect, it succeeded in providing satisfactory answers to many questions that plagued soldier and sailor voting procedures. The commission was successful in handling certain problems that were difficult for the various states to overcome, such as postage, informing soldiers, securing cooperation of military personnel and the timely transportation of ballots.

When the same problems arose in the early 1950s with soldiers stationed in Korea, Louisiana Secretary Wade O. Martin reminded NASS of the actions taken during World War II. “At the outbreak of World War II the question of soldier-sailor voting and military voting was paramount in this nation . . .,” he remembered, adding, “The laws passed by Congress relative to the transmission and return of ballots . . . tied in very nicely with the laws of the states; so in a large measure the success of the military soldier voting laws was due to this Association.”<sup>28</sup> NASS used the occasion of the war in Korea to improve “Soldier Voting” statutes and sought to establish some uniform laws concerning voting in federal elections.

Soldiers were not the only ones living with the threat of disfranchisement. During World War II, concern was voiced for the soldiers’ families and displaced factory workers who were not eligible to vote because moving from one factory job to the next made adhering to residency requirements difficult, if not impossible. NASS developed model legislation, to be modified on the individual state level, which would preserve voting rights for displaced Americans voting in the general election for President and Vice-President.<sup>29</sup> It was agreed that while residency requirements were necessary for informed voting decisions in local elections, the opportunity to hear the issues on the national level existed and was available to any citizen.

The United States Congress enacted the Federal Voting Assistance Act in 1955, providing for absentee voting in federal elections, in peacetime and war, by the military, overseas federal government employees, members of religious groups or welfare agencies attached to the armed forces, and for spouses and dependents. The Act also made recommendations to the states that voting laws be amended in order to provide a simplified method of absentee registration and voting in any state election and that the states accept a unified federal form as an application from such voters for both registration and the ballot.<sup>30</sup> While some states did not totally agree with the congressional act, NASS’s untiring and vocal efforts on the behalf of disfranchised voters played an important role in its development and subsequent amendments.

The Defense Department recognized NASS in 1959 with a special citation for its efforts in supporting soldier voting and the absentee ballot. Assistant Secretary of Defense Charles Fi-

nucane declared, "The Federal Voting Assistance Program is a great national asset, both to the Armed Forces and to the country which they serve."<sup>31</sup> He went on to express the official thanks of the Department of Defense for NASS assistance in making the program a success.

More praise for NASS efforts in the area of voting was forthcoming. In 1962, Assistant Secretary of Defense Norman S. Paul commended NASS, saying, "In the field of absentee voting, in particular, the men and women who serve America in its Defense forces have benefited from your frequent support of improved and simplified legislation . . ." <sup>32</sup> By that time, thirty states had accepted all or a major portion of the recommendations contained in the Federal Voting Assistance Act, and the other twenty states had modified their laws in some way to accommodate the absentee voting program.<sup>33</sup> NASS continues work today with the Department of Defense on overseas voting to allow those in the armed services, and other U.S. citizens living abroad, the means to participate in the election process.<sup>34</sup> Today, each state provides for absentee voting in each election and all accept the Federal Post Card Application form as a request for registration and/or ballot.

The Secretaries of State were also involved in the rights of noncitizens. During the war with Japan, it was unfortunately deemed necessary to take certain security precautions with regard to "aliens" or rather those non-citizen residents in the United States. The federal government pursued measures to help ensure the security of the United States against internal subversion and sabotage from persons classified as "enemy aliens."

Under this federal program there were subdivisions in the "enemy alien" classification which would more accurately depict the actual severity of the subversive concerns.<sup>35</sup> Under the program, there were certain to be inherent abuses and it was so recognized. Earl G. Harrison, commissioner of the Immigration and Naturalization Service Department of justice, enlisted the assistance of the membership of NASS to help in prevention of prejudice and discrimination against those classified as "enemy aliens." Commissioner Harrison recognized the influence wielded by the Secretaries and seized upon the opportunity to secure their assistance in attempting to reduce this predestined problem of discrimination against "aliens" friendly or otherwise. Commissioner Harrison realized the delicacy of this matter when he stated "As is true of so many national 'problems,' whether peacetime or wartime, any problem which involves the noncitizen requires the fullest understanding and agreement on the part of federal, state, and local governments."<sup>36</sup>

The membership of NASS was composed of analytical men who were experienced, knowledgeable leaders with vision. Their prosecution of "Every American is duty-bound to live and think and fight for his nation . . . no matter if he be in uniform or out" the war effort with the single-minded determination toward victory was inspiring. Realizing the inevitable end of the war, the Secretaries began planning for the postwar era. Preparation for the ultimate victory to come can be seen as early as 1942.

During the 25th conference, a session was scheduled for a discussion on "PostWar Planning." Sidney Thomas, chief of the State and Local Programming Section, National Resources Planning Board, addressed the conferees restating the policies of the NRPB and recommending certain goals that would facilitate postwar transition:

- 1) Assume the leadership in preparing well thought-out programs of public works, developing such programs for the state itself.
- 2) Make available to localities the assistance and advice of state planning or other agencies so as to encourage and aid them to do the same.

- 3) Accumulate financial reserves rather than succumb to the temptation to dissipate growing surpluses or reduce taxes during the war period.
- 4) Enact legislation which will permit local governments to likewise put their financial houses in order and to participate to the fullest extent in the postwar effort.<sup>37</sup>

During the conference of 1943, there was again discussion of the "PostWar Problems of the States." Frank Bane, executive director of the Council of State Governments, addressed the Secretaries on this topic. The presentation was centered on two issues that had been recently passed by Congress: War powers for governors and surplus financing by the states. These topics proved to be as controversial as they were necessary for the Congress. It was felt that for reasons of expediency and security, the governors should have extended powers during time of national emergency and postwar economic revitalization. Surplus financing was necessary for reconstruction after the war had been won.

Expansion of services was not the only form of action taken with regard to postwar economic reconstruction; there was discussion on limiting powers held by major corporations. It was the general feeling that in order to promote economic growth, both legislative and administrative action needed to be taken. Because of corporate patent rights and corporate formation of cartels, maximum economic recovery was inhibited. Secretary Thomas Elmo Jones of Maryland delivered a report on cartels and their role in postwar planning. He pointed out that many of the largest cartels seemingly operated as separate states following their own statutes and rules of decorum. He noted that in Europe and especially Germany, the use of cartels as an instrument of the government was common. He described attempts by German-owned cartels to implement a defacto embargo on war items, particularly synthetic rubber, to the United States. Secretary Jones stated that the same power leveled against the United States could be used against other corporations by takeovers, prohibiting entrance into industry and monopolizing patent rights. For these reasons, it was deemed necessary to enact certain legislation and administrative rules that could bring these cartels under rein. The Senate's special PostWar Economic Planning Committee recommended that the following action be taken:

- 1) Enact a federal charter law to define the powers and responsibilities of corporations, so drawn as to enable big and small businesses to bring to the market the goods and services which must be produced if the national debt is ever to be paid.
- 2) Revise patent laws to limit the monopolistic use of patents.
- 3) Undertake a thorough study of incentive taxation to stimulate the investment of private funds in productive enterprise.<sup>38</sup>

Senator O'Mahoney, who presented the Senate report, states, as related by Secretary Jones, that "private enterprise cannot endure competition of either monopoly or government."<sup>39</sup>

In 1943, NASS was honored by the presence of Senator Harry S. Truman from Missouri. Senator Truman had distinguished himself by his investigation of military spending, but was not yet cognizant of just how important a role he would play in the years to come when he delivered his message on the "Post War Worlds." He was introduced as a "man who in the years he has served the nation and in the Senate has become international copy."<sup>40</sup> Truman stated:

This is no time for petty thinking or narrow programs. Every American is duty-bound to live and think and fight for his nation, no matter what his sphere of service—no matter if he be in uniform or out.<sup>41</sup>

Truman has been recognized as a man of more-than average ability with the skill to get to the heart of the matter. Indeed, he recognized the importance of those members of the conference when he stated:

We meet today at a critical time in America's history. You are the architects of the wartime functions of our 48 states. What you decide at this convention, therefore, will shape our national destiny more than any of us realize. I believe that your deliberation held here in wartime, will do far more than solve your own immediate problems. I believe your decision can affect the outcome of the war.<sup>42</sup>

Senator Truman offered to the membership of NASS the following recommendations:

- 1) Carry unity of the states into the postwar period.
- 2) End the 'Washington will do it' attitude.
- 3) Encourage patterns of cooperation between states.
- 4) States can "Become arsenals of the spirit that will win the war and ensure a just and lasting peace."<sup>43</sup>

Less than two years later, Truman was elevated into the office of the president by the death of Franklin Roosevelt.

At the 27th annual conference in August of 1944, the end of the war was in sight. This brought about increased fervor for reconstruction planning.

In an address from William L. Batt, vice chairman, War Production Board, the members of NASS were once again called upon to address existing and forthcoming problems. Vice Chairman Batt outlined the problems of wartime production explaining that "to too many of us, the war is in the bag"<sup>44</sup> Mr. Batt indicated that this type of thinking was inaccurate and potentially dangerous. Problems existed in the supply of manpower because of the depletion of men caused by the draft. He then outlined the many problems confronting the postwar reconstruction period including the surplus of materials that would never be used by a civilian economy. He discussed the industries created by the federal government and what might be done to ensure that these plants were utilized by private industry for the benefit of all parties. Mr. Batt touched on other facets of economic revitalization that would have to be realized before the postwar recovery would be complete.<sup>45</sup>

Postwar recovery was taken up in the regular session under the heading "Organizing the States for the Future." The discussion included several reports, one of which was delivered by Secretary Frank M. Jordan of California outlining his state's preparation. California had experienced an increase in population of 22 1/2%, some 500,000 people, since 1940.<sup>46</sup> Secretary Jordan outlined the program as follows:

- 1) \$25 million appropriation for postwar buildings and roads, not including parks.

- 2) \$30 million land issue for veterans' homes and farms.
- 3) \$20 million for additions and improvements for state prisons, hospitals, etc.<sup>47</sup>

He prophetically understated, "We are going to have a big state out there in a few years."<sup>48</sup> Secretary of State J. A. Brophy of New Jersey outlined his state's policy:

The time is approaching when the postwar world will be a reality. Its problems will be as real as the problems of war, and their solution will likewise be largely of our own making. If we are to solve them wisely, we must make preparation for them now.<sup>49</sup>

Secretary Brophy told of the creation of an Economic Development Department which would encompass the Division of Veterans' Services, a Division of Planning and Engineering, a Division of Municipal Aid, a Division of Commerce, and any division that the commissioners might see fit to add. The Economic Development Department would basically oversee and supervise comprehensively the economic recovery programs.<sup>50</sup>

Ruth M. Miner, the Executive Deputy Secretary of State of the state of New York, gave an overview of what New York had done in the way of postwar recovery. She stated that "New York State had formed a Division of Commerce in 1941—this was before Pearl Harbor—because we not only saw that war was inevitable, but we saw that we could not be surrounded by war without having tremendous problems within the state."<sup>51</sup> Their program was similar to New Jersey in its purpose and function. Economic recovery was foremost in the minds of those who believed that victory was inevitable.

By the 28th annual conference held in October, 1945, the surrender of Germany and Japan was complete. Economic recovery programs were in full motion. The lack of discussion with regard to the war indicates a desire to put the horrors of war in the past and move forward with the more traditional role of the Office of Secretary of State. The Secretaries displayed a tremendous amount of cohesion and dedication during the four-year ordeal. The decisive action and enthusiastic prosecution of the war program offers a glimpse into the depth of character that defines the members of the National Association of Secretaries of State.

Throughout the years of the Great Depression and then continuing on through the duration of the war, there was a growing trend toward federalism. Much of this trend was due to the extreme circumstances of the time; however, it was felt that the national emergencies had ended and the time for state retrenchment was at hand. The members of NASS had maintained that the creation of bureaus and commissions with sweeping executive, judicial and legislative jurisdiction had been best for the country during the turbulent years of the Depression and war. But those times had passed; the Secretaries lost no time in expressing their unhappiness with the unnecessary "usurpation of rights that had previously been reserved for the states."<sup>52</sup>

Secretary of State Walter Wood of Mississippi delivered a report on the "Miscellaneous Problems of the Secretary of State." In this report, he discussed the loss of certain powers and those rights reserved for the states. Secretary Wood stated:

Our forefathers were wise in writing into the United States Constitution Article 9 in the following words: "The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the

people.' By doing this they said forcefully to our national government that its powers were only those enumerated in the Constitution, and unless they are enumerated therein the power remains in the people.<sup>53</sup>

Secretary Wood pointed out the changes in the loss of state jurisdiction and its direct conflict with the constitution. At this time there was a movement in Washington for the reorganization of the federal government. These changes would include the creation and consolidation of bureaus and commissions that would oversee many functions previously performed by the state. The Secretaries expressed a fear that these bureaus and commissions would do the one thing that they did best—grow. Secretary Wood stated, “We have entirely too many boards and commissions overlapping the constitutional authority of departmental heads of state government.”<sup>52</sup> It was felt that these boards and commissions were out of touch with the people and therefore their ability to serve them impaired.

Secretary Wood drew attention to two areas of federal expansion that would later explode into national controversy—education and transportation. In reference to the attempted expansion into the realm of education, Secretary Wood declared:

Education is one of the major departments of state government. No doubt you are aware of the growing agitation for national legislation on this subject. National legislation would be fine if it was such as to safeguard the rights of the states. The danger in this kind of legislation is the encroachment on the national government of states' rights. Any such legislation or appropriation should be such as to assist the various states in educating their children without any control by our national government except to see the money is economically and honestly spent.<sup>54</sup>

Federal intervention in education as early as 1945 foreshadowed events that would build to a crescendo by 1954 with *Brown vs. the Board of Education*.

Secretary Wood spoke against control of transportation programs referring to the federal government charge to “assist” the states. He believed that the federal government should prevent abuse and extravagant spending but program administration should be a state responsibility.<sup>55</sup>

In the 29th annual convention held in 1946, a forum was held on the question: “Should State Governments be Streamlined?” The forum was in response to a resolution passed by Congress to allow the president to appoint a commission to study the failures and inequities of the current federal programs and to make subsequent recommendations on how they might be alleviated. It was suggested that the states, too, would be included and possibly forgotten in this “streamlining.”<sup>56</sup>

Executive Deputy Ruth Miner led the discussion by pointing out that streamlining was needed, but at the federal level. She intimated that the federal government had grown into a clumsy, muscle-bound colossus of unmanageable size.<sup>57</sup> The exact duties and jurisdictions of the infinite number of bureaus and commissions were not often discernible. It was also believed that the blurred federal jurisdictional boundaries had crossed into state government territory. Miss Miner believed that the federal government could streamline itself after the example set by the state governments. She offered as an example of self-admitted inefficiency, the creation of a joint



committee in Congress to look into its own organization and possible plans for reorganization. Miss Miner stated that:

There is a definite, clarified line in state governments with a definite commitment to simplicity and responsibility to the people a willingness to submit their endurance and their sufferance to the choice of the people, and I feel that the spirit of the individual states is certainly sure and wise and hopeful.<sup>58</sup>

Miss Miner's report and the conference's posture with regard to expanding federalism shows a reaffirmation of the Secretaries' commitment to the preservation of states' rights.

The period following the war was a time of high hopes and great expectations. It was a time that America was again strong militarily and economically. Many Americans believed that because of a victory in the war, America stood astride the world beyond dispute. Americans were afflicted with a chronic case of hubris which would be abruptly shattered in the years soon after the war. It became obvious to most Americans that the expectation of the spoils of war were in fact illusions. The relationship with the Soviet Union became increasingly frigid as it became apparent that the Russian designs on the world were of a grand scale. The failures of several conferences, including Yalta and San Francisco, fueled the skepticism and suspicion already surrounding Soviet leadership.

The events in Asia involving Chinese Communists caused America to begin to look for reasons for America's loss of face. The division of Korea by the United States and the Soviet Union resulted in the existence of two separate governments. Four months prior to the 31st convention, the Soviets blockaded Berlin forcing the hand of the United States. It became apparent that the United States was not in control of the world scene, as many had believed. Americans began to question why America had fallen from her place in unitary prominence. One explanation offered, and quickly espoused by the unquestioning masses, was the conspiracy theory. Many astute individuals pointed out that communism had gained the upper hand in several countries through infiltration and subversion, suggesting that the same thing might be occurring in the United States. Indeed, these beliefs were given validity by the United States government through the creation of a Loyalty Review Board.

In 1940, prior to the declaration of war, Secretary Robert A. Gray of Florida expressed a concern over the participation of "unrecognized" parties in their primary elections. In the case of Secretary Gray he was speaking, not of the Nazi Party, but of the Communist Party which was a significant force during this time. Secretary Gray stated "some of you are doubtless having trouble with the Communist Party."<sup>59</sup> The Secretaries were somewhat less concerned with subversion than they were with the disruption of the established political process, but this concern was juxtaposed after the War.

The Secretaries of State reflected the fears of the country at their convention in 1948. Secretary of State George G. Hatcher of Kentucky made the observation that "there has been and still is at present a great amount of infiltration into state governments of people and groups who are trying to destroy the State Constitution or have them amended, in order to secure power for these peoples or groups."<sup>60</sup> These concerns were echoed by several other Secretaries. A representative from Ohio stated "Communism in Ohio is an obvious thing, and not something that is hiding in fear."<sup>61</sup>

In 1950, Senator Joseph McCarthy stated “The reason we find ourselves in a position of impotency is not because our only powerful potential enemy has sent men to invade our shores, but rather because of the traitorous actions of those who have been treated so well by this nation.”<sup>62</sup> He added, “The State Department was infested with communists.”<sup>63</sup> Six months later, NASS held its 33rd conference and passed a resolution stating that it would combat communism in all forms and would prohibit this party from appearing on the ballot. To the credit of the association, there was little mention of the “perceived” infestation of communism in America after the initial hysteria. There were more real threats to the American way of life that needed the attention of the Secretaries. The threats posed by communist subversion and infiltration were as fabricated as the threat of atomic war was real.

In 1949, the Soviet Union detonated its first atomic bomb, and with it exploded America’s nuclear monopoly. No longer was America the only country toting an atomic visa. The strain on Soviet/U. S. relations had grown to belligerence. From recent events, America had gained a distrust for and apprehension about Soviet designs. It was believed that with this newly acquired capability the Soviets would not hesitate to initiate a nuclear war.

The situation in Korea further exacerbated the strained Soviet-American relations. The Secretaries of State used the opportunity of the Korean War to improve their “Soldier-Voting” statutes. They had, during the period between wars, worked to guarantee the right of franchise to soldiers and sailors across the sea. Korea was not viewed with the same intensive nationwide concern as was World War II. As U. S. involvement increased and Soviet backing became increasingly evident, the fear of communist takeover and Soviet attack grew. Among the resolutions passed at the conference in 1950 was one pronouncing “whole-hearted opposition to one person or political party that advocates the overthrow of our form of government . . .”<sup>64</sup> The contention preceding the resolution stated:

Whereas, the United States together with other members of the United Nations are now engaged in a battle with Communism; and Whereas, many of our sons have paid the supreme sacrifice in Korea fighting to preserve our freedom . . .<sup>65</sup>

Believing that an attack was imminent, the United States began to take measures in preparation. NASS responded quickly. As early as 1950, preparation for nuclear war could be seen. Among topics of discussion at the 33rd annual convention was a “Plan for Mutual Aid Compacts Between States.” The realities of nuclear war, its scope and devastation can be seen in a letter urging NASS to develop a mutual aid plan. In the letter, James H. Duff, Governor of Pennsylvania, asserts:

It has become crystal clear to us that Communism, the atom bomb and the H-bomb adds up to total war, in which civilians are totally involved. Americans must not be lulled into a false security by recent military successes. The United States is not free from the danger of a sudden, cruel and catastrophic attack. Such an attack would be against all the people, and therefore the defense against it must require the coordinated effort of all the people.<sup>66</sup>

At the 34th annual conference, the threat was evidenced through the discussion of microfilming and preservation of records. It was believed that an attack would occur at any time and mea-

asures should be taken to facilitate reconstruction following the attack. "Civil Defense has turned into a tremendous factor—going into millions of dollars, and one of the items which is being stressed is the reproduction of your vital documents for safekeeping."<sup>67</sup>

In 1961, NASS was addressed by a representative from the Office of Emergency Planning which had recently been changed to the Office of Civil Defense. Mr. Frank Burton Effis addressed the conference in a feverish tone. As an appointee of President Kennedy, he sought to strengthen the bargaining position of the United States by making the public less vulnerable to nuclear annihilation. Mr. Effis pointed out the stark contrast between the level of preparedness of each country. He made a passionate appeal to NASS members for their assistance in promoting civil defense. Bringing the true gravity and timely nature of the effort toward preparation for war, Mr. Effis pointed out:

President Kennedy has made it very plain that since Laos, since the crisis in Cuba, since the difficulties and trouble in other areas of our trouble-ridden world, the President has decided . . . that there will be no backup in Berlin.<sup>68</sup>

And indeed there was "no backup" in Berlin. Mr. Effis went on to point out: "We did not create the situation that exists there. It was created by Krushchev and it is he who has put us on a collision force (sic)."<sup>69</sup>

Mr. Effis outlined his request to the membership of NASS and pointed out what they could do to prepare for nuclear war. He asked that full cooperation be given to the Department of Defense engineers. He then asked that the Secretaries urge the population to build their own shelters by offering monetary incentives in the way of low-interest loans through the many banks over which the Secretaries maintain influence. Finally he appealed to the Secretaries to build their own shelters. Mr. Effis' concern for increasing the bargaining power can be seen when he stated, "I hope in a year from now that when Dean Rusk sits at the conference tables of the world that he can say a hundred million people in America will survive."<sup>70</sup> Mr. Effis, in a statement which had already been proven, believed that ". . . we are in for a long period of extended cold war . . ."<sup>71</sup>

From the question-and-answer session that followed Mr. Effis' appeal, it is apparent that the threat was as real as the cooperation that was given. The Secretaries posed questions with relation to shelters, microfilm storage and temporary seats of government. Mr. Effis' presence and the charge which he granted to the members of NASS are evidence of the stature and credibility maintained by the Association. The influence of the Secretaries was believed to be at both the grassroots and administrative levels and indeed it was. It is certainly evident today that there is no single branch of state government that can reach so far up and down. The responsibility and influence of the Office of Secretary of State is wide-ranging.

Tensions with Russia continued in the same vein through the Sixties during America's involvement in Southeast Asia. Mr. Effis mentioned in his address at the 44th conference that General Maxwell Taylor had recently been sent to Viet Nam. Mr. Effis embodied the feelings and motivation of the country when he stated:

The Russians are continuing to put pressure on us. They probably felt that, because of the big Berlin noise, we'd pay no attention to our southeast Asian commitments. But we are going to stick by our SETO (sic) Alliance and our SETO friends . . .<sup>72</sup>

Neither Mr. Effis nor the members of NASS appreciated the full significance of this statement.

During the 48th conference held in 1965, a resolution was presented supporting the American policies in Viet Nam. The resolution evoked endless controversy due to certain language that was perceived to be offensive. As presented in its entirety the resolution reads:

Whereas, there has been much controversy in the newspapers, magazines and other news media over Viet Nam—some contending that the United States' participation was too great, and others that the United States commitment was too little; and

Whereas, there have been numerous demonstrations by the unpatriotic, un-informed, and publicity-seeking, irresponsible groups and ill-advised organizations; and

Whereas, it is necessary that all economic and military efforts should be made to prevent the spread of the cancer of communism; and

Whereas, traditionally the United States has aided small nations in the preservation of their sovereignty and has decried exploitation of them by large or small powers, and infiltration of them by tyrannical "isms," and so long as the United States constitutes a nation, it shall continue to do so; and

Whereas, the members of the National Association of Secretaries of State sincerely believe that all local citizens and recipients of our country's bounty should not hesitate to express their feelings on the situation and should make known that a solid majority of the citizens of the United States support the United States policies in Viet Nam;

NOW, THEREFORE, BE IT RESOLVED by the National Association of Secretaries of State, in meeting assembled, that it hereby expresses its complete approval of the policies of the United States in carrying on its operations in Viet Nam; that it condones no interference in them and that, if necessary, it hopes that additional aid is offered to bring an early and victorious end to the conflict; and

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the President of the United States by the President of the National Association of Secretaries of State and, upon returning to their respective states, each member of the National Association of Secretaries of State send a copy of this resolution which expresses unanimous feelings to their respective Senators and Representatives in Congress.<sup>73</sup>

Heated discussion followed but the second paragraph created the most tension. The language could be seen as rather subjective. Many Secretaries found the resolution too offensive to support as written. Amendments to delete and rephrase the resolution were offered but to no avail. This resolution was neither passed, tabled, nor failed. It was the judgment of the chair that it should be removed from consideration. The topic proved itself too volatile to be addressed by the association. The ambiguity of NASS cannot be criticized, for it was this same ambiguity that had engulfed the country.

In 1966, Secretary of State John Lomenzo of New York presented a resolution that would in essence call for an investigation into certain abuses. The first paragraph stated:

Whereas, responsible news media have reported that much of the American aid and assistance for the economic rebuilding of Viet Nam as well as American military supplies had been misappropriated and misused. . . .<sup>74</sup>

The resolution met with a formidable and vocal opposition. The faction which opposed the resolution felt that, although the news organization which had conducted the investigation (the Associated Press) was reputable, the resolution would cast undue suspicion and negative feelings upon the Department of Defense. Secretary Lomenzo's vehement defense of his resolution pointed out,

From official reports, in the first two years, as much as 40 percent of the total supplies sent to Viet Nam in the form of aid to the South Viet Nameese people, as well as military aid, have turned up in the open black market.<sup>75</sup>

The conference of the National Association of Secretaries of State was split; both factions maintained valid arguments. The resolution was ultimately tabled again illustrating the ambivalence of the association and America in general, with regard to the prosecution of the war in Viet Nam.

During the final session of the conference, a resolution was submitted which partially stated "We support our president and the policies of the American government in Viet Nam."<sup>76</sup>

The resolution passed unanimously. It appeared that, although the prosecution of the war was in question, the actual policy of the United States was wholeheartedly supported. Although Viet Nam was foremost in the minds of many Americans, for others the attainment of civil rights was the most important issue.

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Civil rights became a major reform movement during the late Fifties and early Sixties. Both Presidents Kennedy and Johnson pledged their administrations to the promotion of civil rights. In 1964, the 24th Amendment to the Constitution was ratified which prohibited a state poll tax in federal elections. Although the poll tax was eliminated to correct discrimination, it was seen by some of the members of NASS as an encroachment on states' rights. Secretary of State Wade O. Martin from Louisiana delivered the report of the election committee and at several points he commented on the perceived encroachment. At one point he stated:

While your committee feels that qualifications for registration and other prerequisites for voting should remain the sole function of the individual states, requirements for voting should be reasonable and logical.<sup>77</sup>

Although very aware of the encroachment on states' rights, the members of NASS were also sensitive to the much-needed progress in the realm of civil rights.

The Civil Rights Act of 1964 outlawed discrimination in public accommodations, empowered the Attorney General to bring cases on behalf of individuals and strengthened efforts to register black voters. The Secretaries of State pledged their cooperation during the 48th conference held in 1965. The Secretaries assisted the civil rights movement by:

Assuming a posture of leadership within their respective States to the end that all of our citizens shall enjoy the full rights and privileges of citizenship without regard to color, creed, or national origin.<sup>78</sup>

The resolution was unanimously adopted.

Concern for the advancement of civil rights was again evident at the NASS golden anniversary convention in 1967. Dr. Frank Stanton, president of CBS, addressed the conference. He stated ‘We are justly disturbed that, for all reasons, more than four million Negroes of voting age cast no ballots in 1964.’<sup>79</sup>

In 1969, Heber Ladner, Secretary of State from Mississippi, made what he called a “plea for reason.” He believed

... that if we do not change our course ... this nation will become so involved in riots, in arson, in every form of crime that we’ll do just as did the great civilization of Rome: We’ll fade from the picture as the leader of the nations.<sup>80</sup>

Secretary Ladner went on to say: “The Holy Scripture says you can come at the eleventh hour and be saved. And the time is here for these officers—fifty Secretaries of State—to stand up and be counted.”<sup>81</sup> Secretary Ladner expressed the exasperation felt by many leaders during this turbulent time. This was a time of race riots and war protests, a time of generation gaps and lost hopes. It was pointed out that there were in excess of one million young men and women in America who “we refer to ... as beatniks and freeknicks.”<sup>82</sup> Secretary Ladner expressed what many in the Association believed, that the moral discipline in America had deteriorated to a point as to present a danger to the country as a whole.

An appeal was made to the Secretaries to plead with their congressmen, tell them “Let’s right these great wrongs!”<sup>83</sup> The turbulence of the Sixties reached its pinnacle in 1969 and slowly but surely began to subside. The concern and efforts of many leaders helped to turn the tide. The National Association of Secretaries of State mirrored the genuine concerns expressed by many great leaders during this period.

During the Viet Nam War there was a movement to lower the voting age from 21 to 18. Age requirements had traditionally been a matter of state jurisdiction. Proposals to lower voting age requirements were presented to the NASS conference in 1935 and 1953, but met with little interest. Now, it appeared, to the Secretaries that Congress would once again overstep its constitutionally granted rights and pass legislation making an across-the-board reduction in the voting age. Some states had already lowered their own voting age requirements. The nation had been engulfed by a youth movement and greater awareness of constitutionally granted civil rights. This would be compounded by the fact that men, or rather boys, had been fighting and dying for a government in which they could not actively participate as voters.

On July 1, 1971, the 26th Amendment to the Constitution of the United States of America was ratified. This amendment enabled those American citizens 18 years of age or older to vote in fed-

eral elections. It presented several problems to those who were to administer the laws. Problems of domicile and registration presented themselves and were eventually overcome by the Secretaries during work sessions with much dialogue at the NASS conference.

Further election reform dominated the decade of the Seventies. Discussion topics included the Electoral College which was reviewed through several of the NASS meetings and efforts by Congress to create a national voter registration system.

The members of NASS took offense at the federal government's encroachment on states' rights in election procedures. The members once again chose to be pragmatic rather than needlessly proud and chose to support the best option offered, ever mindful of the source of the options. After extensive debate, the Association came to the conclusion that it would support the "concept" of registration by mail but only as one of the viable options. It was felt that congressional intervention in the area of election laws infringed on the rights of the states.

It would be more prudent to participate in the formulation of the law that would greatly affect the Secretaries rather than abstain and be mandated an illogical policy formulated by those without practical experience.

In 1975, a report by Secretary of State James C. Kirkpatrick of Missouri, chairman of the NASS Federal Election Committee, suggested grants-in-aid should be provided to improve the states' registration systems. The imperative nature of the registration was precipitated by mandate of the federal Attorney General's office. At the 58th annual conference, Secretary Kirkpatrick made a poignant statement with regard to urging individuals to vote by mail. He stated:

In 1970, the Harris Poll reported that 17,400,000 Americans over the age of eighteen are functionally illiterate. There are approximately 40 million unregistered voters, thus proving that nearly 45% of the people we seek to encourage to vote with a mail form will not be able to read it.

In 1978, Senate Bill 708, otherwise known as Public Law-95-593, was discussed. This law basically prohibited imposing a federal, state or local tax on citizens that seek to vote in a federal election. It also provided for free postage to military personnel but not from them.

Many sessions centered around the voter, ever mindful of educating and accommodating the electorate and the problems of how the elderly might be better served. There were discussions on locations of voting places, whether election days should be federal holidays, campaign spending limits, contribution limits and more disclosure requirements.

During the 58th conference held in 1975, NASS was approached with the question on the Equal Rights Amendment. At the time, 34 states had approved the amendment. Ms. Joan Growe, Secretary of State of Minnesota, authored the resolution which declared the Association in favor of ratification of the Equal Rights Amendment.<sup>84</sup> Several NASS members lent their vehement support to the passage of this resolution. Debate grew out of the appropriateness of the resolution within NASS. Mrs. Pat Perkinson, Secretary of State from Virginia, declared:

I do feel that it is perhaps inappropriate for us to adopt a resolution on a matter that is really a concern of the legislators and has nothing to do with the functions of our office. It's a very controversial issue in the states where it has not passed as of this date, and as the resolution is worded, it commits members of this organization to support the ERA. I submit to you that I would not want

to speak for you in this regard, and I appreciate you not speaking for me in this regard. I would like to see this defeated.<sup>85</sup>

Others expressed this same concern, but to the majority, the content and message of this resolution was of overriding importance. This resolution was ultimately passed.

The following conference reflects NASS' commitment to anti-discriminatory policies. The Constitution and Bylaws Committee proposed that 'Wherever the word 'he' or 'him' appears to be changed to 'his/her.'"<sup>86</sup>

Several meetings in the Seventies held discussions on the role of notaries public and their regulation. A Notary Committee was created and reported on the qualifications needed to be a notary. The background investigation was questioned as to its constitutionality. Many Secretaries expressed a concern about granting notary public commissions to persons with "pecuniary or built-in conflicts of interest."<sup>87</sup> There were questions surrounding the use of witnesses. Dan L. Kirby, general counsel for Western Surety Company, supported NASS conclusions that a \$10,000 surety bond was a minimum requirement for all notaries public. He stated that lower bonds did not afford the protection to citizens that was needed. These discussions often precipitated change throughout the various states that benefited from attendance at the conference, and ultimately benefited the public served by the Secretaries.

Throughout the history of the National Association of Secretaries of State, the minutes reflect an acute awareness of the forces of change that directed the American evolution. From its inception, NASS served a single and overriding purpose: to assist the respective Secretaries of State in making decisions that would further America toward the destiny envisioned by the framers of the Constitution of the United States. The men and women of NASS displayed a tremendous amount of camaraderie, cooperation, altruism and deep-seated convictions while acting and reacting to the growing pains of the nation in the 20th Century. The Secretaries of State were, by choice, elevated to a position that demanded service on two levels. They were answerable to their constituents, the people whom they served. They were also largely responsible for the efficient operation of the government in which they were involved. These members were and are the pillars of public service on which a strong democracy is preserved. The achievements realized at the NASS conferences over the years would certainly have pleased Stuart F. Reed of West Virginia. From the Depression to World War II, from the Uniform Commercial Code, to Trademark legislation, the men and women of NASS have acted quickly and deliberately in the execution of their duties.

But more important, and certainly less evident, was the knowledge and motivation gained through discussions and casual interaction. These conferences provided an invaluable service to their members. They acted as the lubricant needed for the proper functioning of an everchanging machine. They shared the experience and knowledge of veteran Secretaries with newcomers, assisting them in avoiding years of trial and error. The flow of fresh new ideas ran unceasingly as new members became part of the Association. Contacts were made with others who had similar responsibilities within their respective states. Contacts were made within the federal government which used NASS as a clearinghouse for policy change. Finally, contacts were made with private industry which introduced better and more efficient methods of administration.



## *To the Polls*

In the late 1960s, NASS members expressed concern about the various closing time of polls across the nation on election days. Polls on the East Coast closed three hours earlier than polls on the West Coast. This was to the detriment of West Coast voters, who, seeing nationally broadcast results, might decide not to cast their ballots. In 1966, NASS passed a resolution proposing that a uniform closing time of voting precincts be put into effect.<sup>88</sup>

The problem continued unresolved; in 1981, NASS requested that the major broadcast companies join and accept the duty and responsibility of initiating an examination to determine whether reporting of election results while some polling places are still open had any negative impact on voter turnout or behavior.<sup>89</sup> NASS appointed a “Uniform Poll Closing Hour Task Force” the following year to study exit polling and its impact on the electoral process. With this task force came a draft resolution to engage in dialogue with the national news services; the goal was to negotiate commitments to wait to broadcast results until after polls closed.<sup>90</sup> The task force was also charged with recommending legislation to the U.S. Congress relative to uniform poll closing times.

As NASS continued to protest the announcement of election results based on exit polling before the polls were officially closed, in 1984, the television networks announced their commitment to not announce the projected results of an election until all polls within the state have closed.<sup>91</sup> This commitment by the networks was taken in good faith as there were no, and still are no, national laws regarding uniform poll closing times. A priority issue in the 1990s continues to be NASS’s concern with the projection of election results before polls close in all jurisdictions across the United States. Led by the efforts of California Secretary Bill Jones, NASS repeatedly passed resolutions calling on the national television networks to refrain from projecting election results before polls closed on the West Coast.

## *Voter Education and Registration*

Voter education figures prominently in the election duties of the Secretaries. Included in this responsibility are public service announcements, voter information pamphlets, and seminars for election officials. Many states have undertaken innovative voter education programs in an effort to increase voter turnout statistics.

One of NASS’s primary missions is to assure the broadest possible participation in the election process. NASS resolved in 1979 that a special committee be appointed to work with a national advertising group to formulate a plan and associated materials for a “Get Out The Vote” campaign for the 1980 elections.<sup>92</sup> After selecting the Ad Council as a partner, the first NASS voter education effort was conducted in 1980.

The Ad Council is a private, non-profit organization that conducts public service campaigns that promote voluntary action in finding solutions to national problems. Started during World War II to help mobilize the civilian population and get energies devoted to the support of the war effort, at the war’s conclusion, the Ad Council turned its skills to peacetime issues.<sup>93</sup> Working with the Ad Council and the Department of Defense, NASS participated in the 1980 “Get Out The Vote” campaign which generated an estimated \$26 million in free media time devoted to

encouraging voter participation through an extensive multimedia advertising campaign.<sup>94</sup> NASS continued to work with the Ad Council on voter education efforts throughout the 1980s.

The Human SERVE (Service Employees Registration and Voter Education) Fund was founded in 1983 as an organization interested in voter registration procedures. Part of its work is advocating increased ease and flexibility in voting, as well as compiling statistics on voter registration and turnout. In 1986, the Human SERVE Fund and the National Center for Policy Alternatives commended NASS efforts in voter education. They suggested that since the role of the Secretary of State was increasing even more in voter registration and election administration due to the demands of technology, there was potential for the office to become an innovative leader in voter participation efforts.<sup>95</sup> In 1988, NASS established a “Task Force on Barriers to Voting” to urge enactment of legislation to expand opportunities for voter registration.<sup>96</sup>

That legislation arrived in the form of the **National Voter Registration Reform Act** (House Resolution 2190 and Senate Bill 874, 1991). This congressional act was designed to expand opportunities for eligible citizens to register to vote in federal elections, to ensure the maintenance of accurate and current voter registration rolls, and to facilitate election administration and avoid fraud. The act enabled eligible voters to be simultaneously registered to vote when applying for a driver’s license (hence the name “Motor Voter”). It also entitled eligible voters to register to vote for any federal election by mail or in person at state-designated offices and, upon mutual agreement, at federal and voluntary private agencies. A number of NASS Secretaries, led by Washington Secretary Ralph Munro, participated in advising the appropriate congressional committees on developing and revising provisions contained within the act. A 1989 NASS resolution acknowledged that while primary responsibility for elections rests with the states, Congress had the power to impose some requirements affecting national elections. To that end, NASS endorsed the act for reform in voter registration and expressed willingness to assist in perfecting the language of the legislation.<sup>97</sup> Congress passed the “Motor Voter” bill in 1993.

The culmination of a decade of NASS concern about, and efforts to improve, low voter turnout resulted in their support of national legislation. NASS also developed innovative programs that were initiated in the 1990s, including new voter education campaigns and Project Democracy.

## *Project Democracy*

Officially known as the *National Commission for the Renewal of the American Democracy*, “Project Democracy” was a bi-partisan commission of public officials and civic leaders. NASS’s primary impetus for creating the commission in 1992 was a report prepared by the Harwood Group for the Kettering Foundation entitled “*Citizens and Politics: A View from Main Street America.*” This report revealed that citizens were not apathetic about politics, but felt totally pushed out of the political process. People felt disconnected from their communities and their public officials, the report claimed, and they found that the political process failed to address the issues most important to them. Citizens felt there were no mechanisms through which to discuss and express their views, and believed that voting made little difference. Interestingly enough, the report maintained that citizens still wanted to participate in the political process, but did not know how.

Project Democracy, a multi-year effort, was created to tap the experience, knowledge, and

ideas of people in an attempt to reconnect citizens to the political process. Three long-term strategic areas provided the basis for work in Project Democracy. The first area, *reconnecting people with government*, was intended to promote meaningful and ongoing participation in the political process, giving the public an active role to play in discussing and making decisions about policy issues affecting their lives. Strategic area number two involved *educating the public for effective citizenship*. This involved moving the public beyond the traditional high-school civics courses to teaching them the skills needed to work with each other and with decision-makers in the political process. The third strategic area encouraged *using technology to connect people*, to draw people into the public arena and facilitate diverse public discussion.<sup>98</sup>

Co-chaired by Tennessee Secretary of State Bryant Milsaps and Nevada Secretary Cheryl Lau, the Commission held regional meetings in its first year to learn about state and local projects designed to bring people into the political process. One common refrain in those “Democracy Labs” was people asking, “Why are we so far apart; why are politicians not listening?”<sup>99</sup>

In addition to conducting the Democracy Labs, the Commission has repeatedly called for the elimination of barriers to the electoral process. States were urged to consider the National Voter Registration Act (1991) concerning “motor-voter” legislation and government agency voter registration. Additional areas of concern to Project Democracy and NASS continue to be ways of making registration easier, lengthening voting hours, increasing the number of polling places, simplifying ballot language, providing candidate and ballot question information, and campaign finance reform.<sup>100</sup>

## *Voter Education Partners*

NASS developed other professional affiliations in its goal of encouraging voter participation. In addition to the Ad Council/Department of Defense “Get Out the Vote” campaign, the Secretaries supported “Rock the Vote,” an entertainment-based company for public service advertising. Since its inception in 1990, the primary focus of “Rock the Vote” is on voter registration of the 18 to 24-year-old age group. Registration drives took place through “Rock the Vote” on college campuses and during concert tours. Understanding the need for voter registration led “Rock the Vote” to immediately support the “Motor Voter” legislation and join with NASS in 1992 for a series of public service advertisements.<sup>101</sup> The main objective of the “100% Vote” organization, which merged with Human SERVE in 1992, is to work with elected officials, and all interested organizations to promote and offer technical assistance for effective implementation of non-partisan agency-based voter registration. The 1990s saw the addition of “100% Vote” to NASS voter education efforts.<sup>102</sup>

NASS’s latest foray into the voter education sphere involved assuming responsibility for running the “National Student/Parent Mock Election Program” at the 1995 Winter Executive Meeting. “The largest voter project ever” was started by Arizona citizen Gloria Kirshner in 1980 to address the lack of voter education programs.<sup>103</sup> NASS took the challenge of directing the program, and administered it through the NASS Research and Education Foundation, the same foundation that managed Project Democracy. At the same time, many Secretaries were promoting two additional national programs—Kids Voting and Close-Up’s First Vote.

## *Voting Machines and the Election Process*

At the time NASS was being organized in 1904, turn of the century politics were sometimes less than exemplary as far as voting and counting standards. It took several decades before the use of voting machines was proposed as a NASS annual conference topic in 1935, but it met with little interest. In 1949, however, a formal presentation by a company that manufactured voting machines was made. In 1956, the NASS Committee on Mechanical Voting Methods and Procedures, under the direction of Secretary Ted Brown of Ohio, made its first presentation. He stated: "Something has to be done to expedite and guarantee the elections of our democracy in the manner in which they should be protected and handled."<sup>105</sup>

It was the policy of the association to bring in corporations to present their wares. These included Shoup Equipment, Automatic Voting Machine, IBM, and Rockwell Manufacturing Company. A survey circulated by the committee of 1962 showed:

The earliest mechanical voting device reported was in Connecticut in 1895. Next in point of time was New York, with an installation of 1899. Michigan installed their first machine in the early 1900s; Montana in 1915; Massachusetts and Washington in 1920; Rhode Island in 1936; New Jersey in 1937; Pennsylvania in 1939; Ohio in 1946; Colorado in 1947; New Hampshire and Hawaii in 1948; Virginia and Georgia in 1950; New Mexico in 1951; North Carolina in 1952; Delaware in 1954; and five states in 1958. Alaska is using the machines for the first time in the 1962 elections. Florida reports they have used the machines for a number of years, and Utah reports that they use 30 on trial, but are not using them now.<sup>104</sup>

By 1964, the Report of the Election Laws and Procedures Committee indicated that "Mechanical voting devices . . . have done much to increase public confidence . . ."<sup>105</sup> Work continued throughout the 1970s with the Federal Elections Commission, created by Congress, in the development of model rules and regulations for vote tallying and vote recording systems. NASS recommended that the Federal Elections Commission arrange performance tests on all voting equipment and counting devices and make recommendations for procedures of standards of performance for the equipment.<sup>106</sup> Through the dialogue generated by NASS committees on mechanical voting, members were able to learn what would best serve their needs and where improvements in their own systems would be useful.

Knowing that Americans insist upon and deserve the highest degree of public confidence and trust in regard to voting practices, the Secretaries, in cooperation with local voting officials and the Federal Elections Commission, worked to develop common and minimum voting system standards. They called for the prompt adoption of these minimum standards by all the states.

Following the close 2000 presidential election, the nation's attention was riveted to events in Florida as that state conducted a partial recount of presidential ballots. Ballot counting disputes put a spotlight on voting equipment problems and election procedures. It generated much discussion at NASS meetings and led to the push for federal intervention resulting in the passage in 2002 of the Help America Vote Act. Voting machines and devices became a national concern and the country looked to more modern technology for voting. Some states opted for computer-based

touch screen devices which led to even more controversy as computer scientists questioned the security and accuracy of such machines and called for paper audit trails for all voting equipment. NASS issued the following in 2003:

NASS STATEMENT ON SECURITY OF VOTING SYSTEMS

*September 15, 2003*

The National Association of Secretaries of State (NASS), representing the nation's top state election officials, has been following the debate on the security of electronic voting systems and wants to reassure the public about the integrity of the election systems.

NASS has served as the professional organization for secretaries of state for almost 100 years. Our members, thirty-eight of whom serve as their respective state's chief election official, recognize the importance of secure, trustworthy and accurate elections. We also have something that many of the researchers offering opinions do not: collective expertise in election administration, including the laws, processes, and procedures involved.

When we assess the potential for election fraud, we review the security of our systems as a whole. All elections should have multiple layers of security resulting from the combination of people, processes and technologies that go into any election. To fully understand real-world Election Day vulnerabilities, we evaluate our election equipment by examining the technology along with election administration processes and personnel. Election security and accuracy are guaranteed on a state-by-state basis through a complex symphony of state and federal laws, procedures, federal testing, state and local re-testing, on-site verification, public participation, and above all, the oversight of officials charged with safeguarding the integrity of the process.

As representatives of the tens of thousands of state and local election administrators in this country, we also want to emphasize that voting security is a nonpartisan issue. The membership of NASS, like most of our electorate, is even in terms of party affiliation. We do not want any individuals to use this issue for political or personal gain. We fully support the work of our colleagues in election administration who are dedicated to making the electoral process secure, accurate and reliable. These officials have no reason to be anything less than candid about electronic voting systems and their accuracy.

All new technical advances in voting should be required to meet rigorous testing and voting system standards, and should not hamper the ability of all qualified voters to vote privately and independently. With these technical advances, we feel the issue of voting system security needs a more careful review by the scientific community—in particular, the National Institute of Standards and Technology (NIST).

Under the new federal election reform law, the Help America Vote Act (HAVA), NIST is responsible for chairing the Technical Guidelines Development Committee of a new Election Assistance Commission (EAC.) The law mandates this body to develop a new set of voluntary federal voting system

standards. NIST will also provide all technical support to the EAC in the development of those voting system guidelines—including the security of computers, computer networks and computer data storage used in voting systems.

HAVA requires voting systems to, among other things, comply with the following standards:

- Provide reasonable protections to insure the integrity of the election
- Be difficult to manipulate for fraudulent purposes
- Be independently tested by qualified laboratories under the Voting Systems Standards

In addition to developing those standards, the law requires that NIST identify and monitor the independent, non-governmental laboratories that will be certifying voting systems. The states are in need of an independent arbiter to help resolve some of the recent technology questions that have emerged directly from the HAVA implementation process.

The Election Assistance Commission has not yet been established, and Congress has not yet fully funded the Help America Vote Act. Without full funding of HAVA, the states are being forced to comply with the new federal law without adequate assistance from the very leaders who promised to provide the resources to make federal participation in this process a success.

We believe that many of the questions about the future use of direct recording electronic (DRE) voting machines can and will be resolved once the new Election Assistance Commission is established and the states receive all of the funding they are due under the Help America Vote Act. Working in tandem with independent testing authorities such as NIST, the states can establish the next generation of high-tech voting and the laws and policies that go with it.

Our first priority is always protecting voters. We are dedicated to safeguarding the security and accuracy of our elections. But elections are not about equipment alone. They involve the design of our overall system with multiple checks and balances, one that includes people and processes, as well as technologies.

## *Campaign Finance Reform*

The almost complete lack of campaign expenditure laws led NASS in 1954 to suggest that a study be made into the regulation and restriction of campaign finances.<sup>107</sup> The issue appeared time and again during the annual NASS meetings, and continues to be a hot topic. In 1991, research began into formulating an amendment to the United States Constitution that would allow regulation of campaign spending. As of 1994, the Project Democracy commission was still pushing for campaign finance reform, saying “Such reform is vital to overcoming public belief that the political system is rigged in favor of those with money.”<sup>108</sup> As we began the 21st century, campaign finance reform was still a hot topic of NASS discussion leading up to the passage of the McCain-Feingold Campaign Reform Act of 2002.

What may seem like preoccupation with the election process by NASS is a direct reflection of the importance the Secretaries place on that issue. Elections are seen as the bulwark of democracy,

and the Secretaries are the guardians of this fundamental American right. Meeting minutes show NASS concern over election issues through the years and the repeated attempts to work toward a more perfect election process.

## *Preserving the Past—Archives*

*“I think this is an area that we’d certainly  
better explore a little.”<sup>109</sup>*

—Frank Marsh, NE, 1963

As early as 1949, NASS members were showing interest in archival programs at the annual meetings. Discussion mainly centered on the wisdom of using microfilm for recording and preservation.<sup>110</sup> These talks continued through the 1950s and culminated in several programs during the 1960s, including one at which influential archival administrator Ernst Posner spoke about establishing archives facilities in the individual states and preserving historical records.<sup>111</sup> As preserving records remained a topic of interest, programs were developed with instructions to introduce basic legislation for adequate Archives and Records programs within the states.

Today, about half of the Secretaries have the responsibility for preserving and maintaining records of historical value to their state.<sup>112</sup> Current concerns are focused on the challenge of preserving records in today’s new technological environment. There are questions as to what systems will best preserve the past and how the public will access information with the new technology.<sup>113</sup> NASS members understand the challenge of record keeping in the information age and continue to work toward the best possible solutions.

## *Trademarks*

*“Our Association must look forward to the  
establishment of uniform trade mark and trade  
name laws throughout the nation . . .”<sup>114</sup>*

—Robert A. Gray, FL, 1936

Throughout the history of NASS, a recurring item of discussion was the administration of trademark and trade name statutes. A permanent committee on the topic was created in 1937 to deal with statutes as varied as the states from which they originated. In 1948, a resolution was presented by Secretary of State Bertram L. Boone II of Maryland, chairman of the Committee on Trademarks. An interim committee was appointed to review this resolution again with Secretary Boone as chairman. In 1949, the committee invited Sylvester J. Liddy of the United States Trademark Association to speak to the association. The 1949 annual meeting marked the beginning of a long-standing relationship with the United States Trademark Association (USTA). The following year, USTA presented the Uniform State Trademark Statute as a resolution. The resolution was slightly amended by NASS and then adopted as a model bill. Passage of this legislation was seen as imperative to thwart overtures on the federal level to pass legislation that would ultimately remove rights previously reserved to the states.

The original draft of the Model State Trademark Bill did not provide for service marks. How-

ever, a 1964 amendment approved by NASS members remedied that situation. The Model Bill established a statutory definition of infringement and provided for civil actions and remedies of damages and injunctions for infringement. The Model Bill and all other state trademark statutes, as well as the federal act provide for “permissive registration” of all trademarks, meaning that registration is optional with the trademark owner.

## *Uniform Commercial Code*

*“As members of a national team, we should press for the adoption of the Uniform Commercial Code . . .”*<sup>115</sup>

—Caroline Simon, NY, 1962

The Uniform Commercial Code (UCC), conceived through the efforts of the Merchant’s Association of New York during the 1920s, sought to simplify and unify commercial laws. Due to the merchants’ efforts, the National Conference of Commissioners of State Laws and the American Law Institute formed a study group to undertake the task of creating a new commercial code.

Pennsylvania first adopted a uniform code in 1954, attempting to remove inconsistent, overlapping, and ambiguous laws then in existence. Pennsylvania Secretary Gene Smith pointed out in 1954 that, “The following acts are specifically repealed and then reenacted in this Uniform Commercial Code: Uniform Negotiable Instruments Act, Uniform Warehouse Receipts Act, Uniform Sales Act, Uniform Bills of Lading Act, Uniform Stock Transfer Act, Uniform Conditional Sales Act, Uniform Trust Receipts Act.”<sup>116</sup>

After a few states adopted the same code, in 1962, New York Secretary Caroline Simon offered a positive assessment of the Code. She stated that it provided a “new concept in personal property security filing. Formerly, most security agreements themselves were filed, whereas under the Code only a simple notice that such security agreement exists is adequate to obtain the protection of the filing provisions.” She went on to add, “. . . the Code obviously sought to establish basic standardization of commercial law among the states,” and stressed that it was “an important implement in the economic development of every state and the business climate of our nation.”<sup>117</sup>

Passage of UCC legislation in several states instigated discussion of the Uniform Commercial Code at NASS meetings. Many Secretaries expressed concern over implementation of the code. Article 9 of the UCC dealing with secured transactions falls directly under the jurisdiction of the Secretary of State. Much of the responsibility for the success of the code lay in the hands of the Secretary. While at first, some Secretaries balked at the fact that they were not consulted when their office became a filing office for the UCC, upon successful implementation, the code was seen in a more favorable light. At the 1965 Annual Meeting, NASS determined that the purpose of the Uniform Commercial Code was to provide “a comprehensive, uniform, clear and easily available set of rules for the conduct of business transactions responsive to modern business conditions and needs.” Adoption of the code became so widespread over the decade that, in 1968, a permanent committee within NASS was formed.

The Uniform Commercial Code Committee researched and discussed topics including automation, standardized forms, indexing, filing fees, and educating the public. Recommendations made by the committee included promotion of uniformity between states, uniform fees and pro-



motion of a national and regional conference for UCC directors. In direct contrast to initial discussion of the UCC, it is no longer seen as a liability but as an asset and a chance to exert a conscientious force on the business world.

In 1978, the National Association of Corporate Administrators had its first conference. This was the predecessor organization to the International Association of Corporate Administrators (IACA). In 1990, the first of several task forces began to work on major revisions to Article 9 of the Uniform Commercial Code. The members included representatives of (what would become) IACA, the American Bar Association, the American Law Institute, and the National Conference of Commissioners on Uniform State Laws. Nine years later, the Uniform Commercial Code revised Article 9 was officially promulgated. It was adopted in all but four states on July 1, 2001. It became effective on October 1, 2002 in Connecticut and on January 1, 2002 in Alabama, Florida and Mississippi.

## *Professional Affiliations*

*“In short, this National Association has become a vital public-policy forming group and opportunities for public service are opening to it daily.”<sup>118</sup>*

—John B. Wilson, GA, 1940

Becoming a vital public policy-forming group over the years could only occur with outside assistance. Opportunities to form professional affiliations allow NASS to expand its work, most notably in the area of voter education with such groups as the Ad Council, Department of Defense, 100% Vote, Rock the Vote, National Student/Parent Mock Election, Kids Voting, Close-Up’s “First Vote” Program, and World Wrestling Entertainment’s Smackdown Your Vote. Other affiliations, however, also aided the work of NASS, allowing a good deal of public service work to be accomplished.

One of the first partnerships NASS established was with the Council of State Governments (CSG). Designated in 1935 to act as the NASS permanent secretariat and clearinghouse, CSG provides staff support including special reports and newsletters, conference arrangements, and staffing assistance.<sup>119</sup> Over the years NASS, at times, has been affiliated with CSG to varying degrees, sometimes publishing the NASS newsletter.

NASS’s 1984 resolution to “adequately fund” the Administrative Codes and Registers organization and, in 1991, to create an ACR account within NASS demonstrated the association’s commitment to the coordination of government functions.<sup>120</sup> The administrative rules function is contained in over half of the Secretary of State offices in the United States. Because of this, ACR maintains a distinct organization of its own members, but is closely connected with NASS in coordinating functions and sharing information. NASS and ACR have held joint meetings to facilitate the transfer of information.

NASS resolved in 1985 to join with the Close-Up Foundation to design and implement a nationally focused citizenship education activity to involve high school students in a forum created to challenge their knowledge of the democratic system. The Close-Up Foundation is a non-partisan, non-profit forum which provides opportunities for high school students to observe the

workings of the democratic process of government in Washington DC.<sup>121</sup> Concern for low voter turnout and citizen apathy with politics is reflected in many of NASS's partnerships.

## *New Millennium Project 1998–2003*

The New Millennium Project was conceived at the 1998 NASS annual meeting in Salt Lake City, Utah. At that annual conference, NASS members met not only against the backdrop of the lowest voter turnout for a presidential election in 72 years, (only 49 percent voted in 1996) but amid predictions that the upcoming 1998 mid-term election might also result in record-low voter participation. And nationwide, fewer than one in five 18–24 year-old citizens bothered to vote in the last presidential election. One afternoon during the conference, a group of Secretaries were lamenting the fact that voter participation in their state primaries that year hit record low turnouts and the number of candidates seeking office was fewer than any could remember. All regions of the country were represented during the discussion that made those attending acutely aware and troubled by the downward trend in voting.

The four-decade long decline in voting is, in some respects, the tip of the iceberg. During the struggle for voting rights legislation in the 1960s, President Lyndon Johnson called voting “the first duty of democracy.” But if a majority of Americans are not even fulfilling even the basic requirement of citizenship, then they are not likely to be involved in the many other duties and responsibilities of maintaining a democratic society. Nobody can say for sure how long a country can remain democratic when it lives off its political and social capital, but the prospect of a democracy without citizens is a sobering oxymoron.

NASS President Bill Gardner asked for approval to appropriate one hundred thousand dollars to focus attention on this concern and find ways to determine the root of the problem. The focus would be limited to America's youth. NASS made a major commitment to help identify strategies to reconnect American youth to the democratic process. As a first step, NASS commissioned the bi-partisan team of The Tarrance Group and Lake, Snell, Perry & Associates to conduct a national poll as well as six focus groups of 15 to 24 year-olds. The results of the study, one of the largest of its kind, would provide a better understanding of why not only the vast majority of young people did not vote in the last election, but even more importantly, to gain insight into the underlying attitudes this generation has about politics, government and citizenship.

Every state was touched by this effort and in the years since, new groups dedicated to invigorating our democracy have emerged. NASS has continually updated and, at the 2004 winter meeting, held a forum widely attended to continue the New Millennium project ideals and disseminate all the different state-by-state efforts and best practices to further the goals of the project.

## *New Millennium Best Practices Survey—July 2003*

2003 NEW MILLENNIUM PROGRAM IDEAS

*School Civics Education Curriculum & Activities*

Florida: Hernando County “Make Freedom Count” School Program

Illinois: “Let’s Vote” Elementary School Election Program  
Missouri: Responsible Missourians Initiative  
Nebraska: Statehood Birthday Parties  
Several States: Statewide School Voting Equipment Tours

*Registration & Voter Education Efforts*

Georgia: “Take Your Grandchild to Vote” Campaign  
Michigan Online Citizens’ Guide to Voting Systems  
Montana: Election History Trunk Tour  
Ohio: “Expect More in 2004” Tour  
Oregon: Community “Engagement” Parties  
Utah: Statewide College Council  
Vermont: Town Government Coloring Book  
Washington: Voters Pamphlet Cover Art Competition  
West Virginia: SHARES Mock Election Program  
Several States: Secretary of State Young Speakers Bureau  
Several States: “Citizenship” Badges

*Poll Worker Recruitment & Training Programs*

California: Ventura County Adopt-a-Poll Program  
Colorado: Student Poll Worker Training Program  
North Carolina: College “Civics Training” Program  
Several States: Youth Vote Ambassadors

*2003 Programs Overview*

*School Civics Education & Curriculum Materials*

Alaska: Let’s Vote Alaska  
Arkansas: Talk Back  
California: C.I.V.I.C.S  
Maine: Fostering Youth Involvement  
Mississippi: Promote the Vote  
Missouri: Responsible Missourians Initiative  
Texas: Project V.O.T.E.  
West Virginia: SHARES

## *NASS Regional Rotating Primary Plan*

In 1996, amid concerns that many states were moving their presidential primary dates earlier and creating a frontloaded primary schedule, NASS President Joyce Hazeltine appointed a committee to recommend whether changes should be considered in the way presidential candidates are nominated. It was the first time NASS ventured into this turbulent area and Secretaries William Gardner of New Hampshire and Ron Thornburgh of Kansas were asked to lead the effort. In May of that year a two-day meeting was held in Washington DC. Fourteen Secretaries were joined by national party officials, a former presidential candidate, veteran members of the media who cover presidential campaigns, college professors, and various presidential campaign organiz-

ers and advisors. That summer, at the annual conference in Charleston, South Carolina, it was agreed that NASS should continue this effort with the goal of producing a workable realistic plan that would treat all states fairly and give voters across the country the opportunity to participate in primaries that would not be deemed “irrelevant.” In order to preserve the bi-partisan spirit that led to the committee’s creation, two co-chairs were appointed to lead the project: Secretary of State Bill Galvin of Massachusetts and Secretary of State Bill Jones of California.

The committee proposed a regional rotating primary plan which was approved by the NASS membership. Under the plan, primaries to select national convention delegates would be grouped by region beginning in 2008 with the East in March, followed by the South in April, the Midwest in May, and the West in June. During the 2012 election cycle, the regions would rotate, with the South moving to the lead, followed by the Midwest, West, and East. Iowa and New Hampshire would retain their leading positions in the presidential selection process based upon their tradition of encouraging “retail politics.” Primaries in each state of a given region would be scheduled on or soon after the first Tuesday in March, April, May, or June of presidential election years. States in the same region wouldn’t necessarily be required to hold their primaries on the same day. While it was received with interest and consideration at the National Party Conventions in 2000, the parties and their delegates were unable to reach consensus on the issue. The NASS membership reaffirmed its support on February 15, 2004 to keep the plan alive.

### *NASS and the Help America Vote Act of 2002*

The November 2000 presidential election was one for the record books. It wasn’t until thirty-six days after the election and a flurry of lawsuits that then-Texas Governor George W. Bush became the president-elect. The election will go down in history, not just because of the infamous “hanging chads” and photos of lawyers standing over election officials as they counted ballots, but because it marked the beginning of a reform process that would change the way elections are conducted in America.

Our organization, the National Association of Secretaries of State, has been one of the catalysts for key election reforms. Even before the outcome of the election was decided, NASS 2000–2001 President Sharon Priest of Arkansas convened a bi-partisan task force of Secretaries of State, state election directors and an Election Center representative to form The National Election Task Force. The group met in Washington, DC in January 2001 to develop a list of recommended election reforms covering the three elements of an election system: people, process and technology.

“Before any changes are proposed,” Secretary Priest said, “We need to bring together state election administrators who understand our voting process and its flaws. This should be an evolutionary process, not a revolutionary one.”

The task force made recommendations that became the key principles upon which the Help America Vote Act of 2002 (HAVA) was founded.

Congress also recognized the importance of election reform. House Administration Chair Rep. Bob Ney (R-OH), Ranking Member Rep. Steny Hoyer (D-MD), Senate Rules Committee Chair Sen. Mitch McConnell (R-KY), Ranking Member Sen. Christopher Dodd (D-CT), and their dedicated staff members made it their mission to draft legislation that was both an improvement to existing voting processes and realistic for state and local election officials to implement.

NASS 2001–2002 President Ron Thornburgh of Kansas and NASS members spent a great deal of time educating members of Congress about how elections are run. By December of 2001, the House of Representatives passed their version of HAVA.

The Senate had more difficulty coming to consensus on various provisions within HAVA. Despite continued educational efforts by NASS 2002–2003 President Dan Gwadosky of Maine and other Secretaries of State, the legislation appeared to have stalled. Then Sen. Kit Bond (MO) joined HAVA sponsors and added voter identification provisions for first time voters who register by mail. As a compromise, in exchange for the voter ID language, voting system provisions that had been written as recommendations in the House version of HAVA became federal mandates in the Senate version. HAVA worked its way through the Senate and then through conference committee and was signed into law by President George W. Bush on October 29, 2002.

The congressional sponsors of HAVA have been committed since the beginning to ensuring full funding for this federal law. But Washington doesn't always keep pace with the rest of the country, so in 2003, while the states were already starting to implement HAVA, the federal government's progress slowed. Appropriations schedules were delayed, and the newly created U.S. Election Assistance Commission, which would provide guidance and funding to the states, took more than a year to establish. As a result, federal funding distributions to the states fell behind schedule. NASS 2003–2004 President Mary Kiffmeyer of Minnesota and NASS members focused on educating members of Congress on the importance of fully funding HAVA and getting the Election Assistance Commission established and functioning.

NASS members will continue to implement HAVA as required, and continue to work tirelessly to ensure that all eligible voters can register and vote and have their votes counted accurately and fairly in each election. We are dedicated to eliminating voter discrimination and intimidation at the polls and we will continue to work to rid the election process of preventable problems. We will continue to work with federal, state and local governments, other associations, other members of the election community, and concerned organizations and community groups to ensure these goals are met.

## *NASS Award Programs*

NASS has honored several individuals and organizations during its 100 years. At the time of this NASS centennial, two awards are given each year—The Margaret Chase Smith American Democracy Award, and the NASS Freedom Award.<sup>122</sup>

*The Margaret Chase Smith American Democracy Award* was established in 1992 during the 75th Anniversary NASS conference in Portland, Maine as a means of honoring former United States Senator Margaret Chase Smith and to promote the quality of courage in public affairs. Margaret Chase Smith jeopardized her reputation and career by speaking out and successfully challenging the “red baiting” assertions and tactics of fear put forth by Senator Joseph P. McCarthy. The award honors the courage and determination of people who risk their careers by taking principled stands for unpopular positions. It is presented to the person whose actions demonstrate the quality of public courage so essential to a democracy. While intended to promote democracy and courage, it is also intended to encourage the American public to value those qualities more highly and to respect people who demonstrate them. Emphasizing primarily contemporary acts of courage, one of the first recipients of the award was Rosa Parks, well known for her courage during the 1955 Montgomery, Alabama, bus boycott.

## PREVIOUS WINNERS

1992	MARGARET CHASE SMITH
1993	ROSA PARKS
1994	ELIZABETH DOLE
1995	JIM AND SARAH BRADY
1996	DAISY BATES
1997	EUNICE KENNEDY SHRIVER
1998	GEORGE MITCHELL
1999	DORIS “GRANNY D” HADDOCK
2000	FORMER SEN. NANCY KASSEBAUM BAKER
2001	ROBERT PARIS MOSES
2002	FORMER PRESIDENT JAMES EARL CARTER, JR.
2003	FORMER SEN. BOB DOLE
2004	FORMER NEW YORK CITY MAYOR RUDY GIULIANI
2005	JOSEPH LEVIN AND MORRIS DEES, SOUTHERN POVERTY LAW CENTER FOUNDERS
2006	NOT AWARDED
2007	JUDGE JOHN J. SIRICA, CHIEF JUDGE PRESIDING OVER THE WATERGATE SCANDAL (AWARDED POSTHUMOUSLY)
2008	RUBY DUNCAN, FOUNDER OF OPERATION LIFE COMMUNITY HEALTH CENTER
2009	HON. SANDRA DAY O’CONNOR, FORMER SUPREME COURT JUSTICE
2010	NOT AWARDED
2011	DR. CONDOLEEZZA RICE, FORMER U.S. SECRETARY OF STATE
2012	MR. JOHN WALSH, VICTIMS’ RIGHTS ADVOCATE
2013	NOT AWARDED
2014	MR. PAUL CARANCI, FORMER RHODE ISLAND OFFICIAL
2015	MR. FRED GRAY, CIVIL RIGHTS ACTIVIST/ATTORNEY
2016	MR. RICHARD FULTON, FORMER MEMBER OF CONGRESS AND NASHVILLE MAYOR
2017	THE LITTLE ROCK NINE
2018	HON. DAN EVANS, FORMER WASHINGTON GOVERNOR AND HON. RALPH MUNRO, FORMER WASHINGTON SECRETARY OF STATE

*The NASS Freedom Award* was established in 1998. It honors men and women—as well as organizations—that have made significant creative, procedural, and/or technological contributions to the free election process in the United States. It’s also designed to encourage governments, organizations, institutions, the media, and individuals to participate in the voting cycle and to help generate better understanding of the process.

The Freedom Award recognizes programs or projects that:

- Promote voter registration
- Promote voter participation
- Improve the ability of the public to understand and participate in the democratic process
- Develop a creative or more effective method of administering elections
- Develop a program aimed at specific voter groups

(Nominees do not have to be government employees in order to be eligible!)

To be considered for the award, individuals must submit program information to the Committee on Awards, Resolutions, and Publications through one of the nominating bodies identified in the following list:

- The NASS office (Washington, DC)

- The Election Center
- International Association of Clerks, Recorders, Election Officials, and Treasurers
- National Association of County Recorders, Election Officials, and Clerks (NACRC)
- International Institute of Municipal Clerks (IIMC)
- National Association of State Election Directors (NASSED)

PAST WINNERS:

2000	Mr. Robert Naegele
2001	Mr. Dick Smolka
2002	Mr. George Russell
2003	Rep. Bob Ney (R-OH) & Rep. Steny Hoyer (D-MD)
2004	Hon. Paul DeGregorio
2005	League of Women Voters of the U.S.
2006	Former U.S. President Lyndon Baines Johnson
2007	Not Awarded
2008	Not Awarded
2009	Not Awarded
2010	Hon. Donetta Davidson

## *The Future of NASS*

*“It would be idle to list further the many and varied duties that the Secretary of State of today must perform.”*<sup>123</sup>

—Robert A. Gray, FL, 1936

This remark made by NASS President and Florida Secretary Robert A. Gray, in 1936, is as true today as it was sixty years ago. The office of the Secretary of State is the traditional place in state government to which people write for information and, as such, is the office equipped with the facilities to handle inquiries of every imaginable sort. The duties of the Secretary continue to expand, as can be seen by quickly looking through the CSG publication *The Secretary of State: The Office, and Duties*. Some Secretaries are responsible for convening House and Senate sessions and assigning official act numbers to bills. Additionally, there is the myriad of registration, filing, and licensing duties that have been entrusted to the Secretary’s office, as well as publishing responsibilities.

“It is believed on the whole throughout the United States,” proclaimed Florida Secretary Robert H. Gray, “that the office of the Secretary of State is looked upon as one of great honor and responsibility.”<sup>124</sup> This responsibility is not likely to diminish, especially in light of the technological age we live in today. It is up to the Secretaries and NASS to determine the best ways to handle dissemination of information today and to capture the possibilities of technology in broadening the base for information sharing. The NASS membership will have to determine ways to judiciously use the available technology to further the office’s agenda while, at the same time, refrain from alienating the public they are trying to serve. The potential for technology in terms of preserving information and making it readily available to the public is enormous. The idea of voting via computer is not as far-fetched as it may seem—but regulations must be developed for

the cyberspace electorate. The most natural candidate for the job is the National Association of Secretaries of State, whose “delightfully informal meeting ground” has constructed some of this century’s most important accomplishments in public service.

“Therefore it is both our duty and our due,” announced Missouri Secretary Dwight H. Brown, in 1940, “that we agree upon fundamental policies . . . and then make ourselves heard so that all our specialized experience in these fields is not lost.”<sup>125</sup> With a history of precedent-breaking accomplishments, it is not likely that NASS’s “specialized experience” is in danger of being lost. With a future of public administration problems to solve, NASS is guaranteed a role in finding the answers.

#### NOTES

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9. Minutes of the 17th Annual Conference of the National Association of Secretaries of State, St. Petersburg, Florida, April 3–5, 1934, p. 3.
10. Minutes, 17th Annual Conference, p. 3.
11. Minutes, 17th Annual Conference, p. 4.
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94. Briefing Book, 1986. Box 10, file 10, page III. F.27. “Resolution to Endorse the Get-Out-The-Vote Program and to Work with the Advertising Council and Department of Defense,” adopted at July 1985 Annual Conference.
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117. Minutes of the Annual Conference, 1962. Caroline Simon, New York. Box 7, file 7, pp. 39-40.
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