

The Voter



League of Women Voters of Berkeley • Albany • Emeryville

APRIL 2009

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CALL TO STATE LWV CONVENTION MAY 15-17, LONG BEACH

Every two years, LWV members meet at State Convention to elect State League leaders, approve a budget, attend caucuses and workshops, lobby for support for our favorite issues, and to be part of a busy and educational event.

If you're interested in being part of LWVBAE's delegation to the convention this year, please call the office (510.843.8824) to let us know. We will be selecting our voting delegates as soon as we have a good idea as to the number of League members who want to attend. To the extent that our budget allows, we will help pay some convention expenses, such as registration fees. LWVC has made arrangements for special room rates for those who register and reserve a room before April 23. For real economy, plan to share a room.

Those who have attended previous conventions will tell you that it's a rewarding and exciting experience. Besides being forums for important decision-making, these meetings provide an opportunity for members to experience the diversity and unity of League as they meet, talk and exchange ideas with members from other areas of the state.

Delegates will:

- Decide if there will be new studies and which of our Positions will be Issues for Emphasis for the next two years;
- Elect officers and directors to lead the organization for two years;
- Determine the amount that local Leagues will pay to support the state LWV operation;
- Adopt a budget; and
- Revise the bylaws.

For more information, go to the California League website: <http://ca.lwv.org/lwvc/about/convention/2009> and/or go to the Convention blog at: <http://lwvc.wordpress.com>.

Mim Hawley
VP Action



LONG BEACH, CALIFORNIA

NOT A PRESIDENT'S COLUMN

May 19 Ballot Information

The budget wars continue: This past fall, in the face of ever-declining state revenues, Republican and Democratic legislators in Sacramento played each other to mutual exhaustion in a protracted game of chicken before passing a "balanced" budget in February. Now the same challenge is coming our way. Like it or not, the governor has called a statewide special off-year election on May 19, for citizens, not legislators, to decide (in a few minutes, at the ballot box) how California will balance its budget. Of the six ballot questions, listed in the box below, five address how we might find the money to reduce our current \$42 billion deficit and pay our bills through Fiscal Year 2009-2010. Unfortunately the choices voters are asked to make, by and large, do not propose any long range solutions, just temporary fixes, fingers in the dike, to keep us safe until the next budget.

The propositions on the May ballot were put there by the legislature at the last possible moment and are hard to understand. There have been court-ordered changes to the ballot language which hedged the issue of tax increases imbedded in Prop 1A and did not mention in Prop 1E the fact that \$230 million would be diverted from mental health funding for two years.

The propositions presume voters know enough about existing law to understand the casualties that will occur if they vote "Yes" to transfer funds from existing programs in order to help dig us out of our present financial fix. This year's ballot questions would change the rules of Prop 98 (1988), by which the state funds education K-14, and takes money away from Prop 10(1998), which established the Children and Families Program (First Five), with tobacco tax money, and Prop 63 (2004), which used a 1% increase in the highest tax bracket to fund mental health services. If this sounds something like a shell game to you, you are not alone. The state LWV will actively oppose propositions 1A, 1C, 1D, and 1E. You can view their press release on the League's web page, http://ca.lwv.org/lwvc/publications/pr/03_12_09_propositions.pdf.

The numbers on paper may balance, but the cost of moving them is high. **Supporters talk about the fact that voter approval will provide some stability to state finances over the next two to five years. Opponents point out that the so-called stability is only accountant-speak for making even deeper cuts in existing social programs than the reductions written into the budget cobbled together in February. There will be very little time for voters to learn about the difficult choices they are being asked to make.** The state ballot pamphlet will be mailed scarcely a month before election day. There have been no public hearings about the merits of the existing programs or the effect the proposed changes would have on the people they serve. There has also been no presentation of a Plan B, a fall-

THE VOTER

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The League of Women Voters is a nonpartisan political organization that encourages active and informed participation in government, and influences public policy through education and advocacy.

back position to repair our broken budget process and restore solvency, if the voters do not approve. As of this writing (March 13), we don't yet know when we will have the Secretary of State's Pros and Cons. Now that state League has taken its positions we should have a "Vote with the League" flyer for distribution fairly soon. We will schedule a League discussion of the propositions at the Brown Bag meeting for May. A draft version of the Secretary of State's ballot pamphlet is posted on the following website: <http://www.sos.ca.gov/elections/public-display-051909/official-ballot-pamphlet-public-display-051909.htm>.

Between the technical difficulty of the propositions themselves and the truncated lead time for receiving official information, we will need all the help we can get to explain to new and/ or infrequent voters just off the high of the November '08 Presidential election (when 80% of registered Alameda County voters came to the polls), that **there is another election this May, that the questions on it are difficult but worth spending time on, and that the outcomes will affect the state's finances for years to come.**

Helene Lecar

Director of Education

FEBRUARY DONATIONS

TO THE LWVBAE GENERAL FUND

Weldon J. Rucker

Phoebe Watts

TO THE LWVB FOUNDATION

Mary Breunig

Many thanks for remembering your League.

Louetta Erlin

Donations Secretary

THE NATIONAL POPULAR VOTE COMPACT (NPV)

INTRODUCTION

The League of Women Voters of the United States (LWVUS) already has a position in favor of abolition of the Electoral College and adoption of the "direct-popular-vote" method for electing the president and the vice president. Yet, while some surveys have shown 70% of the electorate to be in favor of direct popular vote in presidential elections, many feel that the process of amending the U.S. Constitution, (ratification by a three-quarters majority vote of the states) in order to eliminate the Electoral College is formidable.

Enter the proposal for a National Popular Vote Compact, which provides for a different process by which the candidate who receives the most votes is elected President, and actually does so by using the Electoral College system of electing the President of the United States. One by one, individual states, by passage of a state law, would pledge themselves to an interstate compact under which they would agree to award their electoral votes to the nationwide, not the statewide, winner of the popular vote. The compact would take effect only when enough states had joined it to elect a President—that is, enough to cast a controlling majority of the current 530 electoral votes, or 270 votes. At that point, all 270 of the electoral votes of the member states would be cast for the candidate who wins the total popular vote from all 50 states and the District of Columbia. With the national popular vote winner sure to have a decisive majority in the Electoral College, he or she would automatically win the Electoral College and therefore the presidency.

First proposed in 2006, the compact is based on Article II, Section 1 of the U.S. Constitution, which gives each state legislature the right to decide how to appoint its own electors. The NPV Compact agreement, as of September 2008, has been passed by the states of Hawaii, Illinois, Maryland, and New Jersey. Bills to join the compact are currently pending in 19 additional states. On the other hand, bills to repeal the compact are pending in Maryland and New Jersey.

Should the LWVUS support the NPV Compact and actively campaign for its adoption by the states, or should LWVUS return to the position of supporting a constitutional amendment toward the same end?

There is much to evaluate in the proposal for an NPV Compact, and we will investigate the many issues before we send in our assessment to LWVUS in May. For a guide to the issues, please read on. The following material, adapted from the LWVUS, presents points which raise both support for and difficulties with the NPV Compact.

**ANNOUNCEMENT OF
NEW SCHEDULE
FOR THE
NATIONAL POPULAR VOTE
COMPACT (NPV) STUDY**

**Consensus Units for the NPV Study are
now scheduled for:**

**April 6, Monday evening, 7-9 pm,
at the LWVBAE office, and**

**April 7, Tuesday afternoon, 12:15 - 2 pm,
in the Edith Stone Room of the Albany
Public Library, 1247 Marin Avenue, Albany**

This Brown Bag Lunch program will be a
Consensus Unit for the NPV Compact study.

Please review the four (4) pages in this VOTER that contain a summary of the arguments for and against the NPV Compact proposal (sent to us from LWVUS), and bring them with you to either one of the meetings to help us form a consensus for our League. You will hear brief presentations by the study committee, and then have an opportunity to voice your opinions and influence our report to LWVUS.

**[All other dates in the March calendar for
the NPV study are cancelled.]**

ARGUMENTS SUPPORTING

CONSTITUTIONAL ISSUES

Difficulty of Amending the Constitution. Amending the Constitution to eliminate the Electoral College would accomplish the goal of electing the president by popular vote, but this is a very long process with uncertain results. Most of the electorate is in favor of a system in which the candidate who receives the most votes wins; in some polls over 70 percent favor a direct election for president. Thus, a more direct path to the national popular vote would be supported by the electorate.

Amendment Not Necessary. No constitutional amendment is needed to implement the NPV Compact. Under the U.S. Constitution, the states already have the right and power to implement the

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NPV (continued from p. 3)

change; primary constitutional authority for the Compact is found in Article II, section 1, clause 2 of the U.S. Constitution.

FAIRNESS ISSUES

President of the Minority. Voters assume that the candidate who wins an election will be the candidate who received the most votes – either a majority or a plurality (in multi-candidate elections). When the “victor” actually receives fewer votes than another candidate, people are led to question the integrity of our electoral system: it is unsettling when a country which is supposedly based on majority rule ends up with a “minority” president. This problem is eliminated under the NPV Compact. Furthermore, presidents elected by a popular majority via the NPV Compact would be “stronger” presidents because they would have a greater, more democratic legitimacy.

Few Battleground States. Under the current Electoral College system, presidential campaigns focus on a few key states which are the determinants of an Electoral College victory or loss. The electoral votes of these battleground states are viewed as the lynchpins of the election, and most media and candidate attention is focused on the few “competitive” states whose Electoral College votes are believed to be at stake. Voters in other states become observers of the process, watching as the voters in a very few of the fifty states are courted intensely by the presidential candidates. Under this system, some votes are worth much more than other votes. A large portion of the country is ignored by the major candidates, except to the extent that the candidates visit “safe” states in search of campaign funds to fuel their activities in the toss-up states.

Under the NPV Compact, candidates would have to be sensitive to the trend of opinion in all states and would need to develop campaign strategies that appeal to a very broad spectrum of the electorate. In this way, the NPV Compact would bring many more voters directly into the electoral process and take them out of the “spectator-from-afar” role. Equally important, voters across the country would have a sense that their vote would indeed count in a meaningful way. This would provide stimulus for greater attention to the campaign and greater participation in the electoral process.

State Identity. States’ rights advocates argue that it is an affront to state sovereignty to award a state’s electoral votes to a candidate who did not carry that state. This assumes that the voters within that state care more about their state identity than their own personal vote. The question is whether it is more important for the winner in a particular state to receive the state’s electoral votes or for the winner of the entire country to be selected as president. Polls indicate

that only about 20 percent of the public support the current system of awarding all the electors of that state on a winner-take-all basis instead of by popular vote. Seventy percent oppose the current system, and 10 percent are undecided, suggesting that most voters might opt for the national popular vote over states’ rights.

Influencing the Winner. Critics of the NPV Compact claim that the eleven states with the majority of the country’s population and thus the majority of the electoral college votes could impose their will on the rest of the country. The real likelihood of such “collusion” is extremely small as these populous states have little in common with each other politically. Of the 11 largest states, five have tended to vote Republican (Texas, Florida, Ohio, North Carolina, and Georgia), and six have tended to vote Democratic (California, New York, Illinois, Pennsylvania, Michigan and New Jersey). Furthermore, the NPV Compact has so far been enacted by four states: Hawaii (a small state), Maryland (an average-sized state), and New Jersey and Illinois (large states). Although passed by the Maine Senate and both houses in Vermont, California and Rhode Island, the Compact has not been signed into law by the governors of those states. Support for the NPV Compact has been in no way limited to the largest states.

Electing the REAL Winner. Of our nation’s 55 presidential elections, there have been four elections in which the candidate elected to the presidency is not the person who won the most votes. When an election is a landslide, there is less chance of a “wrong winner,” but the more divided the country and the closer the elections, the greater the chance of such results.

MECHANICAL CONSIDERATIONS

Winning Levels. The “winner-take-all” rule, whereby a state’s electors are bound to vote for the candidate who wins most of the popular votes in the state, is currently used by 48 of the 50 states. It is entirely a product of state law, not state constitutions. Accordingly, it may be changed by the enactment of state laws on a state-by-state basis.

Recounts. It is anticipated that the need for recounts will diminish under the NPV Compact because, although the vote count can be extremely close in individual states, it is more likely that the national results would not be close and, as a result, fewer state recounts would be necessary.

OTHER ISSUES

Voting Rights Act. The NPV Compact is in total harmony with both the terms and purpose of the Voting Rights Act, which was enacted to guarantee equality of the vote throughout the United States, particularly in relation to racial minorities. The NPV Compact’s goal is to create an equal vote for all voters throughout the U.S.

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DIESEL: CALIFORNIA'S No. 1 AIR POLLUTION OFFENDER

"We Are What We Breathe" – Jenny Bard

The American Lung Association (ALA) of California Regional Air Quality Director Jenny Bard addressed the February 9 meeting of Environmental Concerns. The Association is a leader in efforts to reduce the harmful particulates that cause air pollution, ill health and contribute to global warming. The organization works for everyone who breathes through advocacy, education and research, and was instrumental in the passage of the landmark legislation AB32, which set the nation's first cap on greenhouse gas emissions.

Harmful air particulates come from a variety of sources - exhaust, agriculture, diesel, factories, wood smoke - but diesel soot from trucks and buses is the number one source of toxic diesel pollution in California and in the country. Diesel pollution is an enormous public health burden accounting for 70 percent of the cancer risk from the air we breathe. It's responsible each year for about 4,500 deaths, 620 hospital admissions for heart disease, 71,000 cases of asthma and lower respiratory symptoms, and 450,000 lost workdays, according to the California Air Resources Board.

Two types of air pollution are especially dangerous to breathe: ozone (smog) and particle pollution (soot).

"There's good and bad ozone," Bard said. Atmospheric ozone protects us from the sun's harmful radiation, but ozone at ground level is not good, caused primarily from the combustion of fossil fuels, she said. "It's like getting a sunburn in your lungs."

Breathing wood smoke can lead to heart attacks. Although long associated with lung disease, cardiovascular research shows that the minute smoke particles (1/30th the width of a human hair) bypass the immune system and go right to the bloodstream.

Black carbon (BC), a component of soot, is a potent climate-forcing agent and has been estimated to be the second largest contributor to global warming after carbon dioxide (CO₂), according to the Institute for Governance and Sustainable Development (IGSD). Thus, addressing BC emissions should be considered an essential element of any global warming mitigation strategy. Because BC remains in the atmosphere only for a few weeks, reducing BC emissions "particularly from fossil-fuel sources, is very likely to be the fastest method of slowing global warming," according to Dr. Mark Jacobson of Stanford University. Addressing BC now can help delay the possibility of passing thresholds, or

tipping points, for abrupt and irreversible climate changes, which scientists warn could be as close as ten years away and could have catastrophic impacts, according to the IGSD. It may also buy critical time to address CO₂ emissions, which should remain the anchor of immediate climate mitigation efforts, but which policymakers have so far failed to address quickly enough.

One result of these pollutants is a dramatic increase in asthma, Bard noted. Children suffer the greatest risk due to smaller lungs and faster breathing in of particulates that damage their lungs for life. Asthma affects one in five children, causing 1.3 million lost school days annually in California, and impacts on families as well as the economy, she said. Exposure to air pollution among children has been shown to cause up to 20 percent reduction in lung growth, changes that are likely permanent and can lead to increased risk of lung disease later.

"Air pollution is a public health crisis," Bard said. What's more, "The very things that cause air pollution cause global warming. As the Earth gets warmer we're going to have more air pollution, with carbon dioxide from fossil fuels the biggest contributor. We have sued the EPA (Environmental Protection Agency) many times to meet deadlines, and to update standards based on the latest science."

"Air pollution is also very much an environmental justice issue, with the poorest communities at the greatest risk," a fact that is well documented, she said.

In Alameda County, the Health Department has released a study, *Life and Death from Unnatural Causes: Health and Social Inequity in Alameda County*, which documents that ill health is concentrated in areas near freeways and industrial pollution sources and which are predominantly low-income communities and communities of color. Statewide regulations adopted in December to reduce diesel truck emissions will help address these inequities, as will the enforcement of no idling laws near schools and homes, requiring the use of clean technology in ships and trucks and implementing existing state and federal emissions reductions, among other policies.

Needed are cleaner fuels and vehicles, renewable energy, smart growth, and better land use and transportation planning, Bard said. "If every car sold today were a zero emission vehicle we would still have a problem because of the millions of vehicles in use, so we must get to zero emission immediately."

See your local air quality report card online via the ALA by putting in your zip code. For more

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DIESEL (continued from p. 5)

information, www.californialung.org, or Jenny Bard, American Lung Association of California, 707.527.5864.

AIR DISTRICTS CARE PROGRAM TO REDUCE EMISSIONS

The Bay Area Air Management District's (Air District) CARE (Community Air Risk Evaluation) Program announced in December is designed to reduce emissions from sources that pose the greatest risk. CARE's main objectives are to evaluate cancer and non-cancer health risks throughout the Bay Area; ID sources of sensitive receptors (children, seniors, low-income families, people with respiratory diseases); and to develop and implement mitigation measures, such as grants, guidelines and regulations to prioritize resources to reduce toxic air contaminants (TACs) in highly impacted areas.

Based on studies by CARE and the California Air Resources Board (ARB), diesel particulate matter produced from on-road and off-road sources including trucks and construction equipment accounts for over 80 percent of the cancer-risk weighted TAC emissions. Information gathered from technical analyses and field studies are being used throughout the Bay Area to assist in developing emission reduction measures and mitigation strategies. In December, ARB adopted a landmark rule to clean up pollution of the estimated one million heavy duty "big rigs" that operate in California.

Beginning January 2011, the Statewide Truck and Bus Rule will require truck owners to install diesel exhaust filters on their rigs, with nearly all vehicles upgraded by 2014. Owners must also replace engines older than the 2010 model year according to a staggered implementation schedule that extends from 2012 to 2022. Also adopted was the Heavy Duty Vehicle Greenhouse Gas Emission Reduction measure that requires long-haul truckers to install fuel-efficient tires and aerodynamic devices on their trailers to lower GG emissions and improve fuel economy.

AIR DISTRICT'S "NO WOOD SMOKE" SPARE THE AIR SEASON ENDS BUT SOME RULES STILL APPLY

The Bay Area Air District's 2008/09 Winter Spare the Air season ended February 28. The season began November 1, 2008. This was the first winter season that the Air District began enforcing a regulation that restricts wood burning in household fireplaces, wood stoves and outdoor fire pits throughout the Bay Area when air quality is predicted to be unhealthy. Between November and February, the Air District declared 11 Winter Spare the Air Alerts, which fell below the historic season average of about 20 days of unhealthy air quality. The District exceeded the national air quality health standard 13 days this season.

A total of 1,442 complaints – highest three: Marin, 389; Contra Costa, 239, Alameda, 208; with the least in Solano County, 29 – were received by the Air District during the four-month season. Air quality inspectors patrolled Bay Area neighborhoods, and 254 warning letters were sent to residents who were observed to be in violation of the wood-burning rule. To date, no penalties have been collected but there are remaining open cases being investigated.

The rule still requires, on a year-round basis, that residents who burn in a fireplace or outdoor fire pit burn cleanly using dry, seasoned firewood and not burn garbage, leaves or other material that would cause excessive smoke. Residents that exceed the visible smoke provision of the wood-burning rule could still be subject to an Air District citation and penalty.

Wood smoke is a major source of wintertime air pollution in the Bay Area and contains harmful particulate matter and carbon monoxide, as well as toxins such as dioxin, which is linked to increased cancer rates in adults. In the winter, wood smoke from the 1.4 million fireplaces and wood stoves in the Bay Area contributes to the harmful particulate pollution in the air.

The Bay Area Air Quality Management District (www.baaqmd.gov) is the regional agency responsible for protecting air quality in the Bay Area.

Gail Schickele, Co-Chair Environmental Concerns

CORRECTION

The Environmental Concerns report in the March *Voter* mistakenly referred to the "LWVBAE Bay Area Monitor"; there is no such publication. Articles covering Bay Area regional issues appear in the Oakland-based LWV Bay Area's bi-monthly *Bay Area Monitor* (www.bayareamonitor.org) 510-839-1608.

Did you know that many indoor air-cleaning devices generate ozone that may be harmful to your lungs?

<http://www.californialung.org/files/AirCleaningDevicesAdCABW.pdf>

REMEMBER EARTH DAY ON APRIL 22!!

NPV *(continued from p. 4)*

ARGUMENTS OPPOSING

There is clearly a lack of respect for the Electoral College. The League of Women Voters of the United States (LWVUS) opposes it. In Gallup polls, support for the abolition of the Electoral College in favor of direct popular vote has never fallen below 58 per cent. Nonetheless, the Electoral College has weathered the passage of time even with more than 700 Constitutional amendments proposed to abolish or substantially alter it, and all have failed.

Enter the National Popular Vote Compact, which has gained intense political and citizen interest. Opponents of the NPV Compact indicate a need to look carefully at this particular plan for its limitations and problems, as well as at problems with the Electoral College that are not addressed by the NPV Compact.

CONSTITUTIONAL ISSUES

Political Compacts. According to opponents of NPV, a political compact – one that tends to enlarge the political power of compacting states at the expense of either the federal government or non-participating sister states – may function differently from other types of interstate compacts that cover subjects such as boundaries or economics issues.

Constitutionally, political compacts are permitted between states, but all compacts require **Congressional approval.** Under the Constitution, any changes that create a shift in political power require Congressional consent. Therefore, without congressional consent, the NPV Compact may not be enforceable. Congressional approval has not always been sought for prior state compacts, and the four states that have adopted the NPV Compact have not sought Congressional approval.

The NPV Compact is perceived as a way to circumvent a national stalemate on election reform, but the impasse could continue if congressional approval is difficult to obtain. Senators, who are elected statewide, could be as reluctant as some governors have been to support the NPV Compact if they perceive it as disenfranchising a significant portion of their own state constituency.

Non-Compacting States. The interests of states which have not signed the Compact could be greatly diminished. Opponents say that the electors from such states would have little influence on the selection of the President.

Constitutional Protections. The U.S. Constitution is written to protect the interests of the states so that all states will play a role in the electoral process. The NPV Compact allows as few as 11 states to determine

a presidential election and could shift political power between states that are and are not party to the Compact. There is good reason to believe that effective governance would benefit from a broad geographic basis of support. Whether there is a broad geographic base for the Compact won't be known until we know which states enter the Compact.

FAIRNESS ISSUES

Support for a State's Winning Candidate. Voters supporting the candidate who wins their state would want their state's electors to support their choice. If a state's legislature has adopted the NPV Compact, that state's secretary of state would be required to certify electors representing the candidate who is the winner of the national popular vote -- not necessarily the candidate who wins the popular vote within the state.

State Identity and Disenfranchisement. While the Electoral College now disenfranchises voters, the NPV Compact could disenfranchise the majority of a state's voters. Disenfranchisement of majorities within states could occur despite the state compact's goal to reflect the majority nationwide. This could happen specifically where state electors have to support the nationwide choice over their own state's choice.

Battleground States. Those supporting the NPV Compact argue that in the current system the election is fought in a few battleground states where the Electoral College votes are at stake. The NPV Compact creates a different scenario, but not necessarily a better one. In order to gain the most popular votes, a candidate will tend to campaign primarily in areas of dense population, ignoring sparsely populated rural areas. The concerns of many rural areas could be overlooked as candidates speak to issues resonating with urban populations.

Influencing the Winner. The NPV Compact takes effect if enough states have 'signed on' to represent 270 electoral votes. The 11 largest states together have the 270 electoral votes that would be needed for the Compact to take effect and, if they were the only states to join the compact, could determine the outcome of the election even if 39 other states did not participate in the Compact.

Questioning the approach. Clearly, some opponents simply think it inappropriate or unfair to have an approach like the NPV Compact that, by avoiding the amendment process, is a 'work-around' to the Constitution.

MECHANICAL ISSUES AND POSSIBLE FLAWS

Mechanisms for Enforcement of the NPV Compact. Methods for enforcing the Compact, if it were broken, are unclear. For instance, it may be necessary for

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NPV (continued from p. 7)

a state or states to bring a lawsuit against non-complying states as part of the enforcement process. The Compact might be deemed unenforceable with the potential to disrupt procedures of the Electoral College. The Constitution gives each state the power to determine how that state's electors shall be appointed. However, it is not at all clear that the power to change the appointment process could be limited.

Timing. There are questions of timing as well. If a state pulls out of the Compact during the Compact's 'blackout period', it is unclear what authority, if any, could force it to return or how long this might take. Given constitutional requirements regarding when the Electoral College casts its votes and when a president is inaugurated, this could be serious indeed. Other NPV Compact provisions suspend the rules of the Compact and return to the Electoral College if another state pulls out of the Compact too close to the election. This, too, could cause disruption.

Close Elections. Some opponents of the NPV Compact are concerned that the Compact does not address electing a president with less than majority support, which is also possible under the current Electoral College system. They point out that in really close races a popular majority may not exist.

Winning Levels. The NPV Compact proposal does not improve on the current system by demanding that the president be elected by an actual 'majority' (50 per cent plus 1 vote) of the people. The NPV Compact may come no closer than the current system to electing a nationwide majority winner, as it still allows a candidate with only the 'plurality' of the vote to be selected President.

Plurality. A plurality is the standard of the NPV Compact. Some proposals for direct election of the president include provisions for a minimum level of 40 per cent. A majority of the popular vote might be preferable, but it is unfortunate that the NPV Compact doesn't require at least 40 per cent for a candidate to become president. Election reforms could have been included in the proposal that would have guaranteed majority winners, but in the end were not.

Recounts. Were a recount to be necessary within a state, the national outcome might be uncertain, thereby potentially disrupting the timely meeting of the Electoral College. In a close race there would be no single national standard governing the recount process, as indeed there is not now. Each state has its own statutory recount criteria. The variations in rules governing recounts could raise issues of equal protection among the states. There is nothing in the NPV Compact that gives the compacting states authority to conduct the recount were a state to

refuse. A state in the Compact could be sued by the other states within the Compact, but it isn't clear whether a state outside the Compact could do so. The NPV Compact contains no authority to carry out these recounts and must rely on the state's procedures, possibly prolonging the time it takes a state to appoint its electors or even to determine the final result of the popular count nationwide.

Election Fraud/Voter Suppression. This argument addresses the difference between direct elections and the current system as opposed to the NPV Compact in particular. It is unlikely that fraud will occur in states where the votes indicate a clear choice and the election is not close because a large number of fraudulent votes or a large amount of voter suppression would be needed to alter the election results. In the current system, fraud is generally thought to be limited to a few areas, and is especially suspected in 'battleground' states. Election observers and federal law enforcement can concentrate resources there. Fraud investigations at the national level, however, would be much more difficult when an election is to be decided by national popular vote totals.

OTHER ISSUES

Pre-clearance States and the Voting Rights Act. Many states are obligated under the Voting Rights Act (VRA) to seek approval of the United States Attorney General or a three-judge panel for the District of Columbia before adopting "any voting qualification or prerequisite to voting, or standard practice, or procedure with respect to voting." The VRA is often cited in state redistricting plans and might be a basis for challenging the NPV Compact if prior approval is not secured.

LEAGUE ISSUES

Uniform Standards. The LWVUS supports uniform standards for all elections. The NPV Compact is not uniform in that it can be enacted by some states and not others. Uniform national voting standards is already the League's position. While the current Electoral College system is also not uniform (as with Maine and Nebraska), neither is the NPV Compact. National-level changes to the process that are consistent across the states would engender a better balance of issues and concerns of the body politic rather than any measure adopted on a state-by-state basis.

While the United States is a Republic and not a direct democracy, the LWVUS supports direct election of the president and rejects arguments for federalism over those for individual voters' rights in this matter. This is why the LWVUS supports abolishing the Electoral College.

Jean Safir, VP Program
Jane Brandes, Associate Editor

BOARD BRIEFS

At its meeting on February 26, 2009 the LWVBAE Board:

- Discussed plans for interviews of our state legislative and local council members;
- Analyzed the sudden workload to register for and inform voters of the May 19, 2009 special statewide election with six ballot propositions;
- Expressed concerns about the LWVUS study on the National Popular Vote Compact;
- Heard progress reports on scheduling and topics for our various meetings; and
- Appointed *Jinky Gardner* and *Alice Kisch* to the Nominating Committee.

Ginette Polak
Director-at-Large

MAY 19, 2009 STATEWIDE SPECIAL ELECTION BALLOT

Proposition 1A

Stabilizes State Budget. Reforms California Budget Process. Limits State Spending. Increases "Rainy Day" Budget Stabilization Fund. **Constitutional Amendment**

Proposition 1B

Election Funding. Payment Plan. **Constitutional Amendment**

Proposition 1C

Lottery Modernization Act. **Statute**

Proposition 1D

Protects Children's Services Funding. Helps Balance State Budget. **Statute**

Proposition 1E

Ensures Funding for Children's Mental Health Services. Helps Balance State Budget. **Statute**

Proposition 1F

Elected Officials' Salaries. Prevents Pay Increases During Budget Deficit Years. **Constitutional Amendment**

Detailed information on all the propositions, including a legislative analysis of what changes each proposition would impose, are available on the Secretary of State's website: http://www.sos.ca.gov/elections/elections_i.htm#2009statewidespecial

LEAGUE OF WOMEN VOTERS OF BERKELEY, ALBANY AND EMERYVILLE BOARD 2008-2009

| | |
|-----------------------------|-----------------------------|
| Recording Secretary: | ANGHARAD JONES |
| Treasurer: | BILL CHAPMAN |
| VP Action: | MIM HAWLEY |
| Co-VP Election Services: | PHOEBE WATTS |
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| (ONE VOTE) | GAIL SCHICKELE |
| Director of Observer Corps: | PHOEBE WATTS |
| (NON-BOARD PORTFOLIO) | |
| Climate Change Team: | JAN BLUMENKRANTZ |
| (NON-BOARD PORTFOLIO) | LINDA SWIFT |

TELEPHONE TREE VOLUNTEERS NEEDED ASAP!

As forty-two percent of our 357 members either do not have email or have not shared their email addresses with us, it is important that LWVBAE have a dependable telephone tree. Each member receives *The Voter*, but many events get planned after *The Voter* has gone to the printer. We want to share information in a timely way with all our members, whether they are connected to the Internet or not, and that requires individual telephone calls to all the people whom we are not able to reach by email. This means setting up a telephone tree to help get the word out. If you could participate in our telephone tree, please call our office manager, *Cheryl Nichols*, at the League office at 510.843.8824 (email is office@lwvbae.org), and she'll pass your name along to the tree coordinator. Many thanks in advance for your help!

Cheryl Nichols
Office Manager

NEW MEMBERS

Our Warmest Welcome
To Our Newest Members:

Rita Maran *Nancy Parker*

And To Rejoining Member:
Mary Wainwright



League of Women Voters

Berkeley, Albany and Emeryville
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how to join

fill in coupon below and mail with your check in the amount of \$65 (\$30 for each additional household member; \$30 for a student membership) to the order of LWVBAE,

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Name: _____

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Joining at the local level makes you a member at all levels: LWVBAE, Bay Area, State and National. Dues and contributions to the League are not tax deductible. Contributions to the LWV Foundation are deductible to the extent allowed by law.

calendar

APRIL

- 3 FRI. 5:00 PM **DEADLINE FOR MAY-JUNE VOTER** *A. KISCH, 985.0651*
- 6 MON. 7-9 PM **NATIONAL POPULAR VOTE (NPV) CONSENSUS UNIT, LWVBAE OFFICE (SEE P. 3)** *J. SAFIR, 524.9088*
- 7 TUES. 12:15-2 PM **BROWN BAG LUNCH, ALBANY PUBLIC LIBRARY, 1247 MARIN AVENUE, ALBANY NPV CONSENSUS UNIT (SEE P. 3)** *J. SAFIR, 524.9088*

ANYONE INTERESTED IN ATTENDING A MEMBERSHIP DEVELOPMENT COMMITTEE MEETING IN APRIL OR MAY SHOULD CONTACT JINKY GARDNER AT 548.5292 OR JINKYBSG@COMCAST.NET

- 13 MON. 7:30-9 PM **ENVIRONMENTAL CONCERNS, HOME OF ROSELYN ROSENFELD, 160 SOUTHAMPTON AVENUE SPEAKER AND TOPIC TBA** *C. STONE, 549.0959*
- 15 WED. 1:30-3:30 PM **CLIMATE CHANGE TEAM, LWVBAE OFFICE** *J. BLUMENKRANTZ, 548.3845*
- 20 MON. 1:30-3 PM **HEALTH CARE COMMITTEE, LWVBAE OFFICE** *C. LYNCH, 527.2173*
- 21 TUES. 7-9 PM **ACTION COMMITTEE, LWVBAE OFFICE** *M. HAWLEY, 527.7727*
- 22 WED. 12:30-2 PM **BAY AREA LEAGUE IN MEETING, LWVBAE OFFICE** *J. SAFIR, 524.9088*
- 23 THURS. 7-9 PM **BOARD MEETING, LWVBAE OFFICE** *M. HAWLEY, 527.7727*

MAY

- 11 MON. 7:30-9PM **ENVIRONMENTAL CONCERNS, HOME OF ROSELYN ROSENFELD, 160 SOUTHAMPTON AVENUE MAXIMILLIAN AUFFHAMMER: THE ECONOMICS OF CLIMATE CHANGE** *C. STONE, 549.0959*
- 12 TUES. 12:15-2 PM **BROWN BAG LUNCH SPEAKER SERIES, ALBANY PUBLIC LIBRARY, 1247 MARIN AVE., ALBANY** *H. LECAR, 549.9719*
- 15-17 FRI.-SUN. **STATE LWV CONVENTION (SEE P. 1)** *LWVBAE, 843.8824*
- 18 MON. 1:30-3 PM **HEALTH CARE COMMITTEE, LWVBAE OFFICE** *C. LYNCH, 527.2173*
- 19 TUES. 3-5 PM **STATEWIDE SPECIAL ELECTION (SEE PP. 2, 9) ACTION COMMITTEE, LWVBAE OFFICE** *M. HAWLEY, 527.7727*
- 20 WED. 1:30-3:30 PM **CLIMATE CHANGE TEAM, LWVBAE OFFICE** *J. BLUMENKRANTZ, 548.3845*
- 21 THURS. 7:30-9 PM **CIVICS EDUCATION ACTION COMMITTEE LWVBAE OFFICE** *J. GARDNER, 548.5292*
- 25 MON. **MEMORIAL DAY OBSERVED - LWVBAE OFFICE CLOSED**
- 28 THURS. 7-9 PM **BOARD MEETING, LWVBAE OFFICE** *M. HAWLEY, 527.7727*

BERKELEY ADDRESSES UNLESS OTHERWISE INDICATED