



# California VOTER

THE LEAGUE OF WOMEN VOTERS®

JULY 2004

## How HAVA Is WORKING

In January the Help America Vote Act (HAVA) was funded through fiscal year 2004. An immediate result was that the California Secretary of State requested proposals for voter outreach projects to target individuals and communities that have historically suffered from low voter participation and to increase both their awareness and their inclination to join in the political process.

In California, HAVA funding has made the **Easy Voter Guide** available free to local Leagues and to public libraries. This enables the League to focus on using the Guide to supplement what the libraries are doing.

New voting equipment is coming because of HAVA, because of a state mandate to eliminate punched card voting systems, and because of Proposition 41 funds. Direct Recording Electronic (DRE) voting machines have received an enormous amount of attention. The disabled community is excited because DREs allow many to vote independently for the first time. Others are concerned that electronic voting equipment is not secure and that there is currently no way to check the accuracy of what it records.

Secretary of State Kevin Shelley has responded to the concerns about security by mandating that in California electronic voting machines produce a voter-verified paper audit trail (VVPAT) by 2005 for new machines and 2006 for replacing existing machines. He issued his directive "not because DRE voting systems are inherently insecure, they

are not, but rather because people understandably feel more confident when they can verify that their votes are being recorded as intended."

On April 30, 2004, the Secretary of State decertified specific electronic voting machines which had been found defective. He is working with the counties involved, expecting that they will be able to use electronic voting machines in November. One of the counties (Solano) has already decided to use a paper system in place of DREs.

## The League of Women Voters of the United States is concerned about risks to the 2004 elections.

HAVA requires a single, uniform, official, centralized, interactive computerized statewide voter registration list that is defined, maintained, and administered at the state level, that contains the name and registration information of every legally registered

voter in the state and assigns a unique identifier to each such voter. We have not heard much about how California is carrying out this requirement, except that it is complicated and costly, and will take some time.

The League of Women Voters of the United States is concerned about risks to the 2004 elections. On May 26 the LWVUS and the Leadership Conference on Civil Rights issued a statement "Top Five Risks to Eligible Voters in 2004," namely,

1. Voter Registration Problems
2. Erroneous Purging
3. Problems with the New ID Requirement
4. Difficulties with Voting Systems

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#### 5. Failure to Count Provisional Ballots

Details about these risks are at the LWVUS Web site: [www.lwv.org](http://www.lwv.org).

League members active in voter education and outreach and those working at the polls have a real challenge to be vigilant and to speak up about any concerns during this year's election.

#### **Marion Taylor**

Legislation/Advocacy Director  
[mtaylor@sbcglobal.net](mailto:mtaylor@sbcglobal.net)

## **PRESIDENT'S MESSAGE: MOSTLY MONEY MATTERS**



Much of the board's attention this past year has been devoted to money, primarily compensating for a shortage of it, and working to manage it better. I am, therefore, especially pleased that our frugality finally permits sending you another printed California VOTER.

Budgets are the backbone of frugality. In convention years delegates from local Leagues adopt an annual budget at convention. In the years between conventions, delegates adopt a budget at council. Although, as described elsewhere in this VOTER, there are other activities at council, the main work of delegates to council is to adopt a budget.

Delegates to this year's Leadership Council unanimously adopted a 2004-05 budget with a \$2 increase in the per member payment (PMP), the payment local Leagues pay to the League of Women Voters of California (LWVC) for each member. Delegates were not profligate with your money.

They knew that in 2003-2004 we had reached

a crisis point in the office with only two full-time staff and key duties such as bookkeeping and data base management dependent on volunteers. Delegates adopted the \$2 increase to further stabilize the financial position of the LWVC, to start a reserve fund, and to proceed with the long contemplated step of hiring an executive director.

An executive director will not be a luxury. Past boards and a 2001 Stanford Alumni Consulting Team have recommended hiring an executive director to:

- Provide continuity between boards
- Provide full time management in the implementation of policies set by members and the board
- Coordinate and enhance fundraising efforts

The LWVC could not contemplate hiring an executive director without this year's extraordinary volunteer effort in the office and without the generosity of our members. I am so grateful for your help in retiring debts and making progress toward fiscal stability. The honor roll of donors to the Leadership Circle is included in this VOTER. Many others contributed at a lower level. Their contributions, too, are vital to the LWVC. Each of you is a leader.

The League does not exist to raise money or even to operate an office. Our mission is to make democracy work, and we still have work to do. Although there was a record high turnout for the gubernatorial recall election last October, turnout returned to historic lows in March. I urge each of you to support your local League's efforts to register voters and, more importantly, to get out the vote. Please do not be frugal with your volunteer time. Together we can accomplish our mission; we can make a difference; we can make democracy work.

#### **Jackie Jacobberger**

President  
[jhjacobberger@att.net](mailto:jhjacobberger@att.net)



*Are you looking for the challenges and rewards of promoting political responsibility through informed and active participation in government?*

*Are you interested in working with other local and state League leaders to grow our organization and further our mission?*

**The League of Women Voters of California is seeking an Executive Director**, who will be responsible for execution of the Board's policies and direction. Essential duties will include management of our Sacramento office, fund development, and membership support. The salary for this exempt position is competitive, and benefits include health insurance, vacation, and paid holidays. For the full job announcement and application instructions, please refer to [www.lwvc.org/jobs](http://www.lwvc.org/jobs). Applications received by July 30, 2004 will receive first consideration. Inquiries may be directed to [Edsearch@lwvc.org](mailto:Edsearch@lwvc.org).

## **CALIFORNIA VOICES - A STATEWIDE TOWN HALL MEETING**

California Voices is an exciting new program designed to increase civic engagement among less likely voters. For the November 2004 election, the League is partnering with California libraries and Easy Voter to reach literacy students, community college students, and other populations in California that are middle to low income, non-newspaper readers. We want this project to be timely—in advance of the registration and absentee ballot deadlines. California Voices will allow for two-way communication because we know that people get engaged when they become part of identifying and framing issues.

In late July, adult literacy students (learners)

will meet in five public libraries for about two hours and develop a list of priority issues to be addressed in a Senate/Issue forum. They will use a "History of the Future" format in which they envision what California would be like in 2010 if it were once again a model for the best state to live in. In the roles of interviewees in the year 2010, they will describe the four to five things that have changed in California to make the difference. This is a way for learners to create the issues for the candidates or opinion leaders.

Learner groups will be linked via videoconferencing to have multi-site dialogue about their vision and the issues that they have raised. After the first videoconference, the project team (which will include learners, League members, and contracted staff) will help to shape the learners' issues into questions and also to create some companion "issues briefs" (based on the learners' issues) that will

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California VOTER

July 2004

President: Jacqueline Jacobberger

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### About the League:

The League of Women Voters, a nonpartisan political organization, encourages the informed and active participation of citizens in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

The League has two separate and distinct roles. The League of Women Voters of California Education Fund, which conducts our voters service and citizen education activities, is a 501(c)(3) corporation, a nonprofit educational organization. The League of Women Voters of California, a membership organization, conducts action and advocacy and is a nonprofit 501(c)(4) corporation.

The League never supports or opposes any political party or candidate. We advocate only on issues that members have studied and come to a consensus on. In an era of proliferating and powerful special interests, the League's advocacy in the public interest is increasingly recognized as an essential voice of democracy.

League invites your comments, letters, articles, and book reviews. They may be sent to the State Office .

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## LEADERSHIP COUNCIL

In 2004 the biennial event that had been the Presidents' Council became Leadership Council, a change marked by increased attendance, a greater emphasis on training, and just plain more fun.

In the past Council, which alternates with the biennial Convention, had stressed the importance of presidents' attendance to approve the League's budget for the next fiscal year and to attend sessions designed to provide newly elected presidents with the information they needed to lead a League and to inspire experienced presidents.

This year, California League leaders, not just League presidents, were invited, training was broadened, and a budget was approved. In addition the leaders passed a resolution asking the state board to send a letter to the national board asking that the League of Women Voters of the United States take a neutral position on voter verified paper audit trails.

League leaders discussed touch screen voting machines during Council sessions and outside of them. That high degree of interest guaranteed that at the Saturday night banquet Secretary of State Kevin Shelley had an avid audience for his account of why he had decertified touch screen voting machines here in California. One participant commented, "I was very pleased that Shelley spoke so frankly to the group about electronic voting devices and paper trail verifications. His message was powerful."

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*California Secretary of State Kevin Shelley flanked by The Bloomers: Linda Jenkins on the left as Elizabeth Cady Stanton and Renee Chanon on the right as Susan B. Anthony. Other pictures from council can be seen at [www.ofoto.com](http://www.ofoto.com). The logon e-mail is [lwvc@lwvc.org](mailto:lwvc@lwvc.org), and the password is "council" (all lower case and no quotes). Photo by Beth Bhatnagar.*

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In addition to hearing Shelley, banquet goers were treated to The Bloomers, League members Renee Chanon and Linda Jenkins, who dramatized the evolution of the Women's movement in the form of a conversation between angels Elizabeth Cady Stanton and Susan B. Anthony. Why, they asked, in song, if we have come so far, do we have *Martha Stuart Living*?

This appearance of The Bloomers at Council in Sacramento followed a performance in April at the Sewell house in Washington, DC for League members there for the March for Women's Lives.

If you missed Council, you should mark your calendar for the League of Women Voters of California Convention, May 20-22, 2005. We know the event will be bigger, and we hope it will be better.

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be disseminated to literacy programs, community colleges, local Leagues, newspapers, and other partners for use in the August through October campaign season.

The candidate/issue forum videoconference in early October will link these same libraries with US Senate candidates or opinion leaders in an event open to the general public. The program will be based on issues/questions developed by the learners, the League, and other project partners. A moderator will follow up to make sure that the questions are really answered.

We are looking for League members to participate at libraries located in San Francisco, Sacramento, Pasadena, Corona, and San Diego. The exact dates for the July training and dialogs have not been set. Please contact Nikki Harris by phone (510) 704-8286 or e-mail [Nikkihar@aol.com](mailto:Nikkihar@aol.com) with your interest and questions.

**Nikki Harris**

Voters Service Director  
[Nikkihar@aol.com](mailto:Nikkihar@aol.com)

## EDUCATION FUND REPORT

It's summertime, and the livin' is anything but easy for the Education Fund. This year's general election promises to be a real barn-burner, so our preparations are already well underway. The big task right now is to determine what measures will be on November's ballot and to begin the painstaking process of writing, editing, translating and printing the Pros & Cons.

Voters Service Director Nikki Harris has this well in hand, while Voter Service Director Sue Kelley will develop a video version for distribution to local television stations.

An effort to apply for Help America Vote Act funds for voter outreach in November was both frustrating and inspiring. Frustrating because our original plan to have local Leagues apply under the umbrella of the Education Fund didn't work out. Inspiring because we received more than 25 proposals with many innovative ideas. We would like to find a way to compile these and distribute them to all local Leagues for future consideration. We applaud the effort it took to develop these plans and have high hopes that many will receive funding from the Secretary of State.

Finally, as part of the League's effort to encourage more young people to participate in the political process, the Education Fund sent a letter to Community College Chancellor Mark Drummond urging him to encourage community college districts to participate in the Student Voter Registration Project. This program allows students to request a voter registration form when they register for their classes on line. We hope this will translate into a stronger student presence at the polls on November 2.

Have a wonderful summer!

**Robbie Davis**

Education Fund Chair  
[edfundrobbie@aol.com](mailto:edfundrobbie@aol.com)

# Leadership Circle Donors

The League of Women Voters of California is pleased to recognize the following members of The Leadership Circle. The Circle includes all League members who during the past fiscal year have given a total of \$100 or more to the League of Women Voters of California or the League of Women Voters of California Education Fund or a combination of both. Our donors help us to provide service to local Leagues, to publish the VOTER, to advocate for League positions, and to inform the citizens of California on political and election issues. Thank you!

The names of members of the Leadership Circle have been deleted from the Web version of the VOTER to protect the privacy of our donors.

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## DO WE STILL NEED THIS TAX EXPENDITURE?

“Tax expenditure” is a confusing term. It means a tax credit, deduction, exemption, or other special break that represents money that would otherwise have been available as income but which has been forgone, often without any regular evaluation of the impact of the tax expenditure on the state budget.

The tax expenditure we are most familiar with is the home mortgage deduction on income tax, a tax expenditure designed to promote home ownership and one that is firmly established in both the federal and state tax codes.

Another tax expenditure is the Manufacturers’ Investment Tax Credit begun in 1993. This particular tax expenditure in the California tax code has been in the public eye recently. Proponents predicted it would result in hundreds of thousands of new manufacturing jobs within a decade. In reality, job growth fell far short of that promise, and the credit sunsetted on January 1, despite the efforts of some legislators to extend it.

We are concerned about many other tax breaks in the California budget, adopted with optimistic predictions of the benefits they would produce but with no provision for regular evaluation of how well they are working. Once in place, a tax break is very hard to change or eliminate. It takes a simple majority vote in the legislature to enact a tax expenditure, but ending one raises someone’s taxes and therefore requires a two-thirds vote.

The LWVC position on State and Local Finances supports “tax expenditure measures which include provision for mandatory, periodic review and justification by the legislature” and which “contribute to tax equity; are in the interest of the general public and not just a specific group; provide social benefits which significantly out-weigh the increased tax burden to others; and simplify tax administration.”

This year, finally, we are seeing some action on reviewing tax expenditures. AB 2106 and AB 990, both by Assembly Member Mark Ridley-Thomas, would require the Department of Finance to make an annual report to the Legislature on the tax expenditures currently in effect and an estimate of the revenue loss from each. AB 2106 also outlines a process for obtaining needed data and requires the budget committee in each house to prioritize selected tax expenditures compared to all regular state expenditures. It requires any new or extended tax expenditure to include a sunset date and evaluation, measurable goals and objectives, and provisions for recapture if any qualifying requirements are not met by the taxpayer.

It is really wonderful when the legislature starts doing something that the League has advocated for so long. If you have not already done so, let your representatives in the legislature and the Governor know that you support AB 2106 and AB 990, that is, you support a regular review of tax breaks that will help the assembly members establish **real** priorities as they pass the state budget.

**Marion Taylor**

Legislation/Advocacy  
mtaylor@sbcglobal.net

## WATER PRIVATIZATION – STOCKTON PERSPECTIVE

League members excel at reading impending *signs-of-the-times* – we are ahead of the wave in that sense. At the same time, our comprehensive study process sometimes takes so long, it leads us to believe we are behind the wave in being able to speak out and take action. But by this painstaking procedure, the League has earned wide public respect.

At Convention 2003, California League members asked to review our positions and see if the

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League could speak to the privatization of municipal water systems. Our League delegates from San Joaquin County voted in support of this motion, because multinational corporations are acquiring rights to own, operate, and/or maintain water purveyance around the world.

Our League has had a quick and intense course on water over the past three years. A new mayor decided the City of Stockton should privatize the municipal drinking water, wastewater, and storm-water system. Thanks to the efforts of one of our League members, Eleanor Shimeall, who was a state board water director in the 1970's, our League had a local water study in 1974, and we were able to oppose the city's plan. Our position reads:

*"Support the concept of a single publicly owned water agency for the Stockton Metropolitan Area that can plan, develop and operate our water resources to the best interest of all citizens. This would include: support of efforts to acquire and distribute a supplemental surface water supply to this area, support of management control of pumping of the underground water basin, and support of measures to preserve water quality in the Delta".*

Over a two-year period, beginning in 2002, we submitted a petition to the city council to let people vote on such a major public policy decision; they declined. We then gathered 18,000 signatures for an initiative to allow citizens to vote. On March 4, 2003, it passed by a 60% margin. Our newspaper opposed the initiative. Their editorial stance was that elected officials are voted into office to make public policy decisions, and the water contract was too complex for the public to understand.

Unfortunately, our initiative was not retroactive and to circumvent public input, the city council deliberately signed a contract with OMI-Thames of Germany 14 days prior to the passage of our ballot

measure. This had the effect of making the public very angry. We began a drive to collect signatures for a referendum, which must be done at the local level within 30 days. We came up 800 short; thus, we could not overturn the council's vote.

There is a lesson in Stockton's experience for those Leagues who may plan referendums on land use or any other local governmental actions. Opponents often have a lot of money, and this money can out-bid grassroots organizations for trained, paid signature gatherers needed for a 30-day time span. In addition, savvy opponents have begun to

**Multinational corporations  
are acquiring rights to own,  
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purveyance around the world**

circulate *counter-petitions*, to suggest people sign another petition to have their name removed from the original petition, in effect, saying that they misunderstood or have changed their mind. Counter-petitions were also used in the

recent gubernatorial recall campaign.

Having run out of ballot options, our coalition soon filed a California Environmental Quality Act (CEQA) lawsuit. We won! On October 17, 2003, a local Superior Court Judge ruled 100% in our favor – no caveats. This should be a happy ending, but appeals to the state appellate court are still in process.

Our local League joined a coalition of individuals and organizations to address water issues. We are co-plaintiffs in the CEQA lawsuit along with Sierra Club and the Concerned Citizens Coalition of Stockton. If you would like to read a copy of Judge Bob McNatt's decision in our case, it can be found at [www.CCCoS.org](http://www.CCCoS.org).

In his ruling McNatt says:  
*"Common sense dictates that methods of operation will differ between a government and private sector based on (at a minimum) the profit motive. This is not intended as a criticism, but merely an observation that profit or the lack thereof will necessarily drive determinations made in how certain*

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*actions or decisions are carried out. There is nothing wrong with capitalism or profits, as long as the environmental considerations mandated by CEQA are taken into account. There will always be situations in which profits versus environment considerations will militate a decision which negatively impacts the public.”*

I wanted to recount this experience, because international companies are aggressively seeking profits from public water, and doing so one community at a time. However, Leagues can undertake their own local studies, and, thereby, be better prepared to address water privatization – pro or con – should it come to their community. Further background information is available from Public Citizen of California, [www.citizen.org.california](http://www.citizen.org.california).

Please feel free to email or call our League if you have further questions: [dianLWV@cs.com](mailto:dianLWV@cs.com) or (209) 477-7193.

### **Diane Park**

League of Women Voters of San Joaquin County

*Editor's note: While League members and others were working on this water privatization issue, two Berkeley filmmakers prepared a documentary titled **Thirst**. In it, several League members appear in shots of the coalition's activities. **Thirst** is currently being shown around the country. The national broadcast premiere was on PBS's **POV** series, on July 13. Watch for local showings or PBS reruns.*

## **CITIZEN'S RIGHT TO VOTE RESOLUTION**

Below is the full text of the motion adopted by delegates to our 46th national convention. The League has a long tradition of reaching agreement through deliberative, democratic processes. There was disagreement with the LWVUS stance opposing a Voter-Verified Paper Trail (VVPT). At convention, by following League process, we arrived

at a revised interpretation of our “Citizen’s Right to Vote” position.

The convention resolution substituted principles and criteria – “secure, accurate, recountable, and accessible” – for the language that previously took a stand on a type of technology, i.e., an individual paper confirmation for each ballot, or voter-verified paper trail (VVPT). Thus the League has moved from taking a stand on types of technology to taking a stand on the goals or principles any particular technology must fulfill. The criteria – “secure, accurate, recountable, and accessible” – are not code words for VVPT or for any other type of technology.

This revised stance, based on the “Citizen’s Right to Vote” position, means that:

- The League neither supports nor opposes any type of technology per se, such as Direct Recording Electronic voting machines (DREs), VVPT, or optical scan.
- Leagues may advocate for the four criteria, but it would not be appropriate to advocate for or against a type of technology, as indicated above, since that would be inflexible and would undermine technological innovation.
- Because election laws and current equipment are different in each state, Leagues in each state may support particular voting systems appropriate to them, including the management, operational and polling place procedures associated with the equipment. But before lobbying for or against a particular voting system, the system as a whole should be evaluated against the criteria, and only those that meet all four criteria may be supported.

We ask that Leagues consult with the LWVUS before taking action in order to ensure that the League speaks with one voice in the application of this revised interpretation of the “Citizen’s Right to Vote” position.

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The following is the text of the motion made by the President of the LWV of Minnesota and passed by convention delegates:

“Whereas there is strong disagreement among League members on the interpretation of the position on ‘Citizen’s Right to Vote’ that the LWVUS has taken on whether a Voter Verified Paper Audit Trail should be a requirement with Direct Recording Electronic Voting,

“Be it resolved that LWVUS **remove** the following wording from its interpretation: *The LWVUS supports an individual audit capacity for the purposes of recounts and authentication of elections for all voting systems. The LWVUS does not believe that an individual paper confirmation for each ballot is required to achieve these goals. An individual paper confirmation for each ballot*

*would undermine disability access requirements, raise costs and slow down the purchase or lease of machines that might be used to replace machines that don’t work. The experts that we have consulted say that there are many safeguards other than an individual paper ballot confirmation that can protect the sanctity of the ballot and that other issues are far more important in safeguarding our election systems.*

“The LWVUS interpretation of the position on ‘Citizen’s Right to Vote’ **will now read:** *In order to ensure integrity and voter confidence in elections, the LWVUS supports the implementation of voting systems and procedures that are secure, accurate, recountable, and accessible.”*

**Kay J. Maxwell**  
LWVUS President

**Not a Member Yet? Please Join!**

The League of Women Voters of California is strictly nonpartisan; we never support or oppose any political party or candidate. At the same time, we are wholeheartedly political, working to influence public policy through education and advocacy. Membership is open to any person who subscribes to the purposes and policy of the League.

Yes, I want to join. Enclosed is my check for \$50 payable to the “League of Women Voters” or “LWVC.” Dues are not tax-deductible.

I do not want to join now, but I do want to help. Enclosed is my contribution payable to “LWVCEF” or “LWVC.” Contributions to LWVCEF (the Education Fund) are used for voters service activities and study, and they are tax-deductible. Contributions to LWVC are not tax-deductible.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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# TABLING KIT FOR LWV VISIBILITY

The San Diego Inter-League Organization has developed a versatile, easy to set up tabling kit for voter registration, forums and meeting. The kit includes a six foot tall vinyl sign on a stand and a vinyl table cover with a large LWV logo in the official new colors on the front panel. One person can assemble the complete display in five minutes, and the ten pound carrying box fits behind a door.

According to Management Training Advisor Sylvia Hampton, "The LWVUS office ordered a kit after seeing it at Convention."

The San Diego ILO has 100 kits available and ready to ship.

For pictures and information e-mail Hampton at [sylviah@san.rr.com](mailto:sylviah@san.rr.com).

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