

VOTER

APRIL 2009

AMARILLO LEAGUE OF WOMEN

VOTERS

Margaret Peebles, Editor

<http://lwvtexas.org/amarillo.htm>

MARK YOUR CALENDAR

♠ Water Book Discussions

Blue Gold by Maude Barlow & Tony Clarke

Date: Saturday, April 18, 2009

Time: 2:00 pm

Place: Southwest Library, 6801 SW 45th

Discussion Leader: Pam Allison

♠ Earth Day-April 22, 2009

Don Harrington Discovery Center

1200 Streit Drive

7:00 pm – Indoor showing

8:00 pm - Outdoor showing

FLOW: For Love of Water

Bring a lawn chair and watch the movie under the stars! In the event of inclement weather, the movie will be shown in the DHDC Exhibit Hall.

♠ Consensus Meeting

National Popular Vote

Saturday, April 25, 2009

Quaker Meeting Room

Habitat for Humanity

27th & Wilson

9:30 am

Claudia Stravato & Selden Hale

Present PRO and CON

DIRECTIONS: As you go East on I-40, take EXIT 71, Ross-Osage. Before the Harbor Freight Store, turn right on Wilson and go south to SE 27th. Habitat for Humanity is on the corner of Wilson and SE 27th. From the Canyon E-way, take EXIT 162A. SE 26th turns into SE 27th under the railroad viaduct. Go east past Llano Cemetery and Glenwood Park on the right. Habitat for Humanity is on the corner of Wilson and SE 27th.
Position Paper on NVP is last VOTER article

♠ Candidate Forum

Senior Citizens Center-Main Hall

April 28, 2009-Tuesday

6:15 pm light refreshments

6:30-9:00 pm Forum

*Volunteers are needed-call Barbara Cheek
383-5848*

♠ May Board Meeting

Wednesday, May 6, 2009

5:30 pm

Habitat For Humanity

27th & Wilson

♠ Environment Speakers

SPEAKER:

The Ethics of Water Use: Darryl Birkenfeld,
Ogallala Commons

Date: Tuesday, May 12, 2009

Time: 6:30-8:30 pm

Place: Southwest Library, 6801 SW 45th

♠ Annual Meeting

Saturday, May 30, 2009

Southwest Library 6801 SW 45th

11:30 am – lunch

Please bring a salad or dessert item of your choice as this annual meeting is a potluck!

President's Message

Three years ago when I agreed to assume major responsibility in the League, I remember asking, "What is most important?" My first task was simply becoming acquainted. Who are the members? What are their talents? Who would be willing to take on the big jobs? One of my particular emphases has been to ask League members to chair our public events. Susan Coleman, Sonya Letson, Marilyn van Petten, and Pattilou Dawkins have proved that our women are up to the task.

The League has grown in the last few years. One of the reasons is that people saw the League provided an opportunity to have some effect on

the world in which we live. We have tackled difficult questions: How many nuclear bombs are necessary? How should we treat the strangers in our midst? How do we assure quality education for all? How much water should we leave in the Ogallala Aquifer for future generations? We have learned that consensus is not always possible. The views of our members vary widely. But, we have been willing to talk and do so in a respectful environment.

We are constantly evaluating. The Board spends a portion of each meeting after a public event asking what we could do better. Have we had some failures? Yes. The Sunshine Week webcast taught us that we should seek better facilities the next time we have the urge to be bold and creative. There are other areas where there is room for improvement. We have not figured out how to get more women appointed to the important decision-making Boards. We have not attracted members of the minority communities, nor do we appeal to the under-fifty crowd. We have not found a person to organize our archives and files.

Our successes are that we have added to our membership several men who are a real asset to the League. The Environment Committee under the leadership of Tonya Kleuskens has done an excellent job of educating the public and is positioning itself to make a difference once the water study is finished and the League reaches consensus on the stand it wishes to take. The fact that Susan Smith is working in a state level position is a source of pride.

As we sorted through the files of the Amarillo League in preparation for our move to our spacious office in the Habitat for Humanity building, I was in awe of the amount of work Amarillo women have done in years past. The secret of the League's success is the members' spirit of willingness to tackle big projects and to cooperate with one another. For those and many other reasons I have enjoyed my tenure as president.

Mina Johnson, President

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Busy Month Ahead

The month of April is a busy one for League members. Tuesday afternoon, April 7, Steven Walthour, the General Manager of the North Plains Groundwater Conservation District gave generously of his time to meet with the Environment Committee and other interested League members to discuss various issues that confront us as we continue our water study. The five hours he spent with us passed very quickly, and we found his observations pertinent, informative and helpful. He brought many handouts to share with us, and he also provided his water district's answers to the list of questions that were submitted to the four member districts of Groundwater Management Area 1 at their meeting in Amarillo on March 13.

All of us who had the pleasure of hearing him were impressed by his willingness to spend as much time as we wished to discuss the issues involved. A few weeks ago we had a similar experience with Janet Guthrie, General Manager of the Hemphill County Groundwater Conservation District. All Amarillo League members will have an opportunity to hear her at our **Annual Meeting at 11:30 am on May 30** at Southwest Library. When you come to the meeting please bring a dish for the luncheon. We hope all of you will be able to attend that meeting; it will be well worth your time.

On **Saturday, April 18**, Pam Allison will lead the discussion on *Blue Gold*, by Maude Barlow and Tony Clarke, the third book in our series, which offers a perspective on worldwide water issues. Tonya Kleuskens will also be prepared in case the number of participants requires that we split into two discussion groups. As before, the discussion will be held at Southwest Library, 6801 West 45th, beginning at **2:00 PM**.

The following **Wednesday, April 22**, we'll observe Earth Day with 2 special *free* showings of the award-winning film documentary *Flow: For Love of Water*. The film, which won best documentary awards at three different film festivals, will be shown at the Don Harrington Discovery Center. Those who prefer to come at **7:00 PM** will watch it indoors. Then, weather permitting, those who come for the **8:00 PM** event

will be able to watch it outdoors under the stars. For the outdoor viewing, spectators are asked to bring a lawn chair. Even for the 7:00 PM showing, it may be advisable to have your own chair, in case a large attendance requires that the film be shown in the Exhibit Hall, where no seats are available. Regardless of which showing you decide to attend, this thought-provoking film is well worth your time. We believe you will agree that it is an appropriate way to observe Earth Day.

The following **Saturday morning, April 25**, at the Amarillo League Headquarters (27th and Wilson Streets in the Habitat for Humanity building) Claudia Stravato and Selden Hale will do a pro/con presentation of the issues involved in the LWVUS National Popular Vote Compact Study. Study materials from LWVUS are included in this issue of the VOTER (pp 5-8). Please be sure to read them and to bring them with you come to the meeting, which will begin at **9:30 A.M.** in the Quaker Meeting Room. After their presentation, members will begin the consensus discussion. It is important that all members who are able to do so attend this meeting, as we are expected to submit our consensus results early the following week. We need a good turnout to ensure meaningful results.

To close out the month and prepare for city elections, on **Tuesday evening, April 28**, be sure to attend our two-in-one candidate forum at Amarillo Senior Citizens Association, 1220 South Polk, beginning at **6:15 PM** with refreshments. At **6:30** you will have the opportunity to hear the candidates for mayor and the city commission. At approximately eight o'clock, we shall introduce the candidates for the Amarillo School Board. After brief comments by the candidates, attendees will have the opportunity to ask questions of individual candidates. (See related announcement elsewhere in this newsletter.)

Looking ahead to May, we shall have the final public event of this first year of our water study. At Southwest Library on Tuesday, May 12, beginning at 6:30 PM, Darryl Birkenfeld of Ogallala Commons will speak to us concerning "The Ethics of Water Use."

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The Amarillo League wishes to express its gratitude to the Amarillo Public Library, our co-sponsor for the various public events and book discussions related to our ongoing study. We are especially grateful to Stacey Yates and Cynthia Hunt, who have been invaluable in helping us to schedule all the events and whose excellent advice and assistance have made what could have been an overwhelming task both doable and rewarding. We look forward to continuing to work with them to bring the second year of our study to a successful conclusion.

Joyce Hinsley, Second Vice-President (Program)

Observer Corps Report

Four public meetings were observed by Corps members in the month of March. Three of those meetings had to do with panhandle water conservation, a topic close to our hearts as we are in the midst of a two-year study on the subject. Two different sessions of the Panhandle Groundwater Conservation District board meeting were observed, and when the Groundwater Management Area #1 held their March 13th public hearing, several League members, speaking as concerned citizens, went to the microphone and gave personal testimony. All this exposure to the issues of panhandle water management is preparing our League for consensus work at the end of our study, after which time League members can speak FOR the League when addressing water conservation boards.

I have prepared a "tool kit" to assist you when observing public meetings. So, if you are interested in learning more about our program, please contact Alan Abraham (355-1637), who will introduce you personally to this material!

Alan Abraham, Coordinator

A Time for Action!

Leaguers around the state are mobilizing themselves to change the way Texas draws its Congressional Districts. When redistricting is in the hands of politicians, voter interests are ignored

while the incumbents, and especially the party in power, gerrymander the districts to serve their own purposes. Senator Wentworth of San Antonio has crafted a bill, SB 315, to remedy the situation with a citizens' commission, presided over by a non-voting, ninth citizen who is chosen by the other eight. Twelve states are already using this system. SB 315 is endorsed by the Texas League of Women Voters.

At this writing, SB 315, after two readings on the Senate floor, is one vote away from passage. Without that one vote, redistricting reform in Texas is dead for two more years. Senator Seliger is in support of this bill; let him know you approve (512 463-0131.) He is your Senator. Several local Leagues in districts whose Senators oppose the bill are working hard to get their Senators to change their mind before the third and final reading. Senators Harris (Arlington), Hager (Katy), Nelson (Denton), Nichols (Tyler), Patrick (Houston), and Shapiro (Plano) are in this group. However, there are other Senators without a local League pushing them to support SB 315, and that is where you can help. Please make a telephone call to each of the following Senators and let them know that you AND the Texas League of Women Voters support this bill and want redistricting in Texas reformed this legislative session: Craig Estes (512 463-0130), Troy Fraser (512 463-0124), Joan Huffman (512 463-0117), Mike Jackson (512 463-0111), Steve Ogden (512 463-0105), and Tommy Williams (512 463-0104.)

To influence this vote, you must act NOW!
Alan Abraham

Questions for Candidates Needed from League Members

What are your questions for the candidates for Mayor, the City Commission, and the AISD School Board?

Please e-mail them within the next few days to Barbara Cheek, Vice-President for Voter Service. (barbcheek@gmail.com) so that she will have time to incorporate them in the list of questions to be asked of the candidates at our forum on Tuesday, April 28.

LWVUS Study on the National Popular Vote Compact Background Paper

Selection of the President

The League's History

A League study of the presidential electoral process culminated in its 1970 position supporting direct election of the President by popular vote as an essential element of representative government. The League also has supported national voting qualifications and procedures for presidential elections to ensure equity for voters from all states and to facilitate the electoral process.

At the 2002 Convention, the League voted to expand and update its position. The League came to concurrence on a new position in June 2004. The new position takes into account the entire presidential selection process and supports a process that produces the best possible candidates, informed voters and optimum voter participation.

At the 2008 Convention, the delegates voted to adopt a new study, "The Advisability of Using the National Popular Vote Compact among the States as a Method for Electing the President."

The League's Position

Statement of Position on Selection of the President, as Announced by the National Board, January 1970, Revised March 1982 and Updated June 2004:

The League of Women Voters of the United States believes that the direct-popular-vote method for electing the President and Vice-President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. The League also supports uniform voting qualifications and procedures for presidential elections. The League supports changes in the presidential election system – from the candidate selection process to the general election. We support efforts to provide voters with sufficient information about candidates and their positions, public policy issues and the selection process itself. The League supports action to ensure that the media, political parties, candidates, and all levels of

government achieve these goals and provide that information.

Explanation of the Position

The League strongly believes that the Electoral College should be abolished and not merely "reformed." One "reform" which the League specifically rejects is the voting by electors based on proportional representation in lieu of the present "winner-takes-all" method. Such a system would apportion the electoral votes of a state based on the popular vote in that state. Instead of making the Electoral College more representative, such proportional voting would increase the chance that no candidate would receive a majority in the Electoral College, thereby sending the election of the President to the House of Representatives where each state, regardless of population, would receive only one vote. Election of the President by the House further removes the decision from the people and is contrary to the "one person, one vote" principle. The League also does not support reform of the Electoral College on a state-by-state basis because the League believes there should be uniformity across the nation in the systems used to elect the President.

The Electoral College - A Review

Although the LWVUS has specifically adopted a position calling for the abolition of the Electoral College, a short review of the mechanics of that system of Selection of the President is helpful to an understanding of the National Popular Vote Compact.

The Electoral College is a process established by the founding fathers as a compromise between election of the President by Congress and election by popular vote. In short, the people of the United States [vote for electors](#) who then vote for the President and Vice President.

Each state is entitled to a number of presidential electors equal to its total representation in the House and Senate. The District of Columbia is awarded a number of electors equal to that of the least populous state.

The founding fathers designed this constitutional plan to promote several principles they considered important. One goal was to ensure that smaller states had a role in the election of the President. Secondly, the emphasis on the power of the state as contrasted to the power of the individual voter fostered the principles of federalism which are the core of the governmental process. Finally, the use of electors rather than popular vote assuaged concerns that the electorate was not competent or knowledgeable enough to be entrusted with the direct election of important government officials, such as the President and Vice President.

The electors are selected, according to the Constitution, in the "manner" designated by the state's "legislature" (the Congress in the case of the District). At present, the "manner" chosen by every state is by popular election. Most of the states (and the District of Columbia) use a winner-take-all system, in which the candidate who receives a majority of the vote, or a plurality of the popular vote (less than 50 percent but more than any other candidate) takes all of the State's electoral votes. In Maine and Nebraska, the winner of the popular vote in each congressional district wins an elector, and the remaining two electors are chosen based on the statewide vote.

On Election Day, the voters cast their ballots for electors, even though the names of the candidates for President and Vice President are often the names shown on the ballot. Each state's electors meet forty days after Election Day, and the formal balloting for president takes place at those meetings.

Many different proposals to alter the presidential election process by amending the Constitution, including direct nation-wide election by the people, have been offered over the years. None have been passed by Congress and sent to the States for ratification. Under the most common method for amending the Constitution, an amendment must be proposed by a two-thirds majority in both houses of Congress and ratified by three-fourths of the states.

The most compelling argument against the Electoral College is that it prevents the direct election of the President by popular vote and is, therefore, contrary to modern principles of representative government. Studies show that more than 70 percent of American citizens favor the election of the President by popular vote.

Beyond this basic theoretical objection is the very practical objection that the Electoral College system enables candidates who have not received the most votes cast by American voters to become President.

We have seen such an outcome four times in our history. The first time was the 1824 election which was won by John Q. Adams even though he received fewer electoral votes and fewer popular votes than Andrew Jackson. (Adams won the election in the House of Representatives, with 13 State delegations voting for him, seven voting for Jackson and three voting for Crawford. This happened because there were more than two viable candidates, and would have been a less likely outcome in a two candidate race.)

In 1876, Rutherford B. Hayes beat Samuel J. Tilden by one electoral vote, becoming President despite trailing in the popular vote by a count of 4,288,546 to 4,034,311. In 1888, Benjamin Harrison beat Grover Cleveland with an electoral vote of 233 to 168, despite Cleveland's popular vote margin of 5,534,488 to 5,443,892. Most recently, in the 2000 presidential election, George W. Bush received fewer popular votes than Albert Gore, Jr., but received a majority of electoral votes. The situation was almost reversed in 2004. Although President Bush received more than three million more popular votes than John Kerry, Kerry would have been elected President if Ohio's electoral votes had been cast in his favor.

These circumstances have prompted much discussion on the advisability and feasibility of reforming our election process to eliminate the Electoral College and to elect the President by direct election. This conversation is not new. Over the past 200 years, according to the National Archives, more than 700 proposals have been

introduced in Congress to reform or eliminate the Electoral College. Indeed, several joint resolutions were introduced in the current Congress on this issue. The proposals, all introduced in the House of Representatives, were referred to the Committee on the Judiciary, where no action has been taken.

Against this background comes the National Popular Vote Compact Proposal (NPV).

The National Popular Vote Compact Proposal

The National Popular Vote Compact proposal offers a method of achieving the result of election of the President by popular vote without amending the Constitution to eliminate the Electoral College. Instead, this method uses the mechanism of the Electoral College to ensure that the candidate who receives the most popular votes is elected President of the United States.

Under the proposed legislation to enact the National Popular Vote Compact, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538)

The NPV Compact proposal is predicated upon the portion of the United States Constitution which states:

"Each State shall appoint, in such Manner **as the Legislature thereof may direct**, a Number of Electors..." (*Article II, Section 1, Clause 2*) (emphasis added)

The constitutional wording, "as the Legislature thereof may direct," contains no restriction on the states' exercise of their power with respect to their electors. The U.S. Supreme Court has repeatedly characterized the authority of the states over the manner of awarding their electoral votes as "plenary" and "exclusive." Therefore, the states have the right to decide how to select their electors and award their electoral votes. Thus, proponents of the NPV Compact claim that the U.S. Constitution need not be changed in order to

implement nationwide NPV. Rather, they maintain, this change can be accomplished in the same way that the current system evolved—namely, the states will use their exclusive and plenary power to decide the manner of awarding their electoral votes.

An additional constitutional underpinning of the NPV is the Compact Clause (*Article I, Section 10, Clause 3*), which permits states to enter into legally enforceable contractual obligations to undertake agreed joint action with other states. Interstate compacts are typically used to address problems that concern more than one state—the states which are affected enter into a compact (contract) which regulates their actions, ensuring uniform response by the states to address their mutual concerns. These contracts are typically enacted through the passage of identical legislation by the compacting states.

Under the state legislation proposed to establish the NPV, the popular vote counts from all 50 states and the District of Columbia would be added together to obtain a national grand total for each presidential candidate. Then, state elections officials in all states participating in the plan would award their electoral votes to the presidential candidate who receives the largest number of popular votes in all 50 states and the District of Columbia. The NPV Compact plan would take effect only when it has been enacted by states collectively possessing a majority of the electoral votes. The 270-vote threshold also corresponds essentially to states representing a majority of the people of the United States. As a result, every vote in all 50 states and the District of Columbia would be equally important in presidential elections.

The compact contains a six-month blackout period during which no state can withdraw from the compact. The blackout period starts on July 20 of each presidential election year and runs through the January 20 inauguration. Interstate compacts are contracts. It is settled compact law and settled constitutional law that withdrawal restrictions—very common in interstate compacts—are

enforceable because the U.S. Constitution prohibits a state from impairing any obligation of contract.

The legislation contains other procedural provisions that would ensure the smooth functioning of the agreement. For example, one clause addresses the possibility of a tie in the national popular vote. If there is no national popular vote winner, each state chooses the electors for the candidate who has won that state.

Another clause addresses circumstances in which the winner of the national popular vote might be prevented from receiving the electoral votes from a member state. For example, it is possible that the winner of the national popular vote fails to appear as a candidate in a particular state and, therefore, there are no appropriate electors for the state to certify. To address that situation and five other situations identified by the drafters of the legislation as possible anomalies in the process they have developed, a mechanism is provided whereby the desired result is obtained by allowing the presidential candidate who has received the largest number of votes in the national election to select the electors in the state in which no electors associated with the winning slate have been elected. The full text of the compact is available at <http://www.lwv.org/>.

Current Status of the National Popular Vote Compact

Since passage of the National Popular Vote Compact is accomplished on a state-by-state basis, its status is fluid. As of September 1, 2008, the legislation necessary to activate the compact has been signed into law in four states: Maryland, New Jersey, Hawaii and Illinois, for a total of 50 of the 270 electoral votes required to activate the NPV Compact. NPV Compact bills have been introduced in 15 other states, where some have passed committee and others have passed one house.

**Portions of this background paper are from the LWVUS Impact on Issues, 2006-2008*

To join, please send your check made out to Amarillo League of Women Voters to Kay McMinn, Treasurer.
3512 Kileen, Amarillo,
TX 79109.

MEMORIALS

Memorials were given in honor of League member Pat Doyle by Lou Ann Garrett and Kay Mc Minn. Pat, a long time and active member died on March 26, 2009. Pat served the League in the past as treasurer.

A donation was given in honor of Susan Harris, a former member and past League president by Joan Levy.

MISSION STATEMENT

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

The **LEAGUE OF WOMEN VOTERS** is open for membership to all citizens (men and women) 18 years of age or older. Its purpose is to promote the informed, active participation of all citizens in their government. It does not support or oppose any political party or candidate but does take action on issues after study and consensus by its members.

JOIN THE LEAGUE OF WOMEN VOTERS

The hard work and dedication shown by your League is what keeps our organization strong and well respected.

Amarillo League of Women Voters
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Amarillo TX 79114-1333
TEL: 806 372-5438

Dues are as follows:

\$60.00—single membership
\$90.00—family membership
\$35.00—student membership