



LEAGUE OF WOMEN VOTERS OF MAINE

The Maine Voter

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



Come to Convention! Learn, Meet Interesting People and Help Set the Agenda for Maine’s League of Women Voters

This is the first call to LWV Maine’s Bi-Annual Convention. The Convention will be Friday and Saturday, **May 1 and 2**, in the Brunswick/Bath area. On Friday evening, members are invited to dine informally, then join for a dessert reception with a guest speaker. Saturday will be a full day, starting at 9 AM and ending by 4 PM. The committee is finding first-rate speakers, there will be a board to elect, programs for the coming two years to select, and great fellowship with thoughtful, forward-looking League members from around the state. Our website, www.lwvme.org, will contain updated information, so watch for registration information soon. All members in Maine are invited to attend and vote. Please feel free to invite a friend and/or prospective member to come along.

League Studies and Programs

Where do you think the League should be putting its efforts? The League's study program consists of those governmental and public policy issues that League members in Maine have chosen for concerted study. Studies can lead to adopted positions and advocacy. The League program process begins with selection and adoption of priority issues, continues with study and discussion, and culminates in action and change. But before the League can take action, it is essential that members have an opportunity to be informed on that issue and reach broad agreement or consensus. Study makes action possible. During the study phase, members have an opportunity to examine the facts and key pro and con arguments. They are encouraged to discuss the political realities of action. Study gives members the knowledge that makes League action uniquely credible. This is why people listen to what the League says. Studies are adopted at the bi-annual convention.

Tell us what you are interested in. Some areas already suggested include Early Voting, County Government, Ballot Initiatives and Light Pollution. If you have an area you think the League should study, please send it to Co-President Barbara McDade at bmcdade@bpl.lib.me.us or phone us at 622-0256 by March 1.

LWVME Seeks Concurrence with Sister Leagues on Instant Runoff Voting and on Same-sex Marriage

The board of the League of Women Voters of Maine has voted to seek concurrence with the Minnesota LWV in its position on Instant Runoff Voting and with the Maryland LWV in its position on Same-sex Marriage. Local Leagues in the Portland Area, Brunswick Area, and Downeast will meet over the next several months on each of these topics to review and discuss the study materials, including the pros and cons of each issue, and then to find consensus among the members.

How the League Achieves a Position

League positions result from studies that are thorough in their pursuit of facts and details and that engage the general membership in a discussion of the pros and cons of the issues. Local, state and/or national Leagues can form study committees to develop original materials for their members to use in discussion. For example, the Maine League is currently doing a study on Political Action Committees, and the LWVUS is leading a study of the National Popular Vote Compact. Study committee members fashion consensus questions that are then addressed by the membership. The consensus of the members is reported to the board of the League conducting the study, and the board formulates a position based on that consensus.

It is the consensus statement -- the statement resulting from the consensus questions -- that becomes a position. Firm action or advocacy can then be taken on the particular issue addressed by the position. Without a position, action/advocacy cannot be taken.

Achieving a Position by Concurrence

Leagues that wish to join with a sister League in a position may do so by concurrence without redoing the entire study from scratch. A League that wishes to concur may use the study materials and consensus questions developed by the original League, disseminate these to its members for discussion, and then take consensus and formulate a position based on the views of its own members. LWVME will use the concurrence process to seek consensus on same-sex marriage and instant runoff voting. Once local Leagues have addressed the consensus questions, the League state board will review the consensus findings, and if there is a consensus among members, the board will formulate positions.

A bill has been introduced into the Maine State Legislature this session by State Senator Dennis Damon (D - District 28) to allow same-sex marriage in Maine. Legislation has been introduced in past sessions in support of instant runoff voting, and similar legislation is expected this session. LWVME will not take a position one way or another on either bill unless there is a consensus among members.

- Ann Luther, Downeast League

League of Women Voters of Maryland Position on Equality of Opportunity (Civil Marriage)

LWVMD takes action to ensure that Maryland law does not discriminate in its recognition of all marriages/civil unions on the basis of gender or religious definitions of marriage. (2007)

LWVMD Supports: State sanctioned, legally recognized unions which convey rights, benefits and obligations to same-sex partners who seek such unions. Recognition of such unions and/or same-sex marriages that have been legally sanctioned in other states.

With preference for: In keeping with the principle of separation of church and state, making the basis of state recognition of all marriages/civil unions (same-sex or opposite-sex) a civil proceeding, with the additional step of marriage in accordance with religious traditions a voluntary option.

LWV of Minnesota Position on Alternative Voting Systems

LWVMN supports the option to use Instant Runoff Voting to elect State or Local Officials in single seat elections. LWVMN also supports the continued use of the plurality voting system in our elections. The LWVMN Board reserves the right to decide the appropriateness of legislation proposing to replace the plurality voting system with the Instant Runoff System at the state level. LWVMN supports the right of local governments and municipalities to choose Instant Runoff Voting for their own local elections. Voters need to understand how votes in an election are tabulated and how a candidate actually wins an election. If a change in elections systems occurs, LWVMN supports adequate voter education. LWVMN does not support Approval, Borda Count, or Condorcet as alternative voting systems. (2005)

Women's Lobby Joins Freedom to Marry Coalition

The Maine Women's Lobby will join the Maine Freedom to Marry Coalition in advancing a bill to extend civil marriage rights to same-sex couples. Undoubtedly, the debate will be a heated one. Because of the controversy, I'm often asked: Why marriage? Why now? The simple answer is that the Maine Women's Lobby has a mandate to oppose discrimination – in all its forms. It is our belief that every couple deserves the dignity and respect that marriage brings – as well as all the legal rights and obligations that come with it. But, because the State denies these benefits and responsibilities, same-sex couples are at risk. Thousands of same-sex couples throughout Maine who have been in committed relationships for years have weathered life-threatening illnesses, are raising children, etc. Despite these commitments, they lack basic health, life, and property protections provided to heterosexual couples.

When my husband and I married eight years ago, we did so to make visible our commitment to each other and to invite our community of friends and family to join with us in honoring that commitment. We were hardly cognizant of the intricate web of benefits and protections that our marriage certificate imparted. Only after years of living together and supporting friends and couples in their partnerships did the life-altering privileges of marriage become visible to me. The fact is that marriage provides more than 1,138 federal benefits, protections, rights and responsibilities to heterosexual couples and their children. These include Social Security survivor and spousal benefits, the ability to file a joint tax return, immigration rights, and coverage under the U.S. Family and Medical Leave Act. Denial of these protections translates into real-life, heart-breaking situations that include not taking time away from work when a partner is ill to someone else making crucial medical decisions in emergencies. The list goes on.

Most importantly, marriage protections extend deeply to children. Lesbian and gay parents must weave together an expensive quilt of legal action in order to mimic the parental rights and responsibilities afforded by marriage. Yet in the eyes of the State, a lesbian or gay parent who is raising his or her child is considered a legal stranger. When all couples are allowed to marry, all children will be protected by our existing family court system.

Friends and allies also ask, why not civil unions? My answer is simple: civil unions are inadequate. By definition, civil unions cannot capture the extent of federal protections provided by marriage, nor do they impart the same level of dignity, respect, and loving commitment that marriage confers. But, most fundamentally for me is this: *In our democracy, we do not create separate institutions for different groups of citizens. Separate is not equal.*

As an organization dedicated to creating equality for Maine women and girls, we work for a woman's right to choose when and whether to bear children and to exercise full control over her personal reproductive and sexual life. We believe that women should be supported in their fundamental life decisions, including choices of whom they love and whether and whom they marry. Prohibiting marriage of same-sex couples denies them the protections guaranteed to heterosexual couples and violates our belief in equal rights and equal opportunity.

I hope League members will join with me and with the Maine Women's Lobby team on this journey to promote—and defend—the freedom to marry in Maine.

- Sarah Standiford, Executive Director
Maine Women's Lobby

LWVME Loses Former President Sally Bryant

Sally W. Bryant passed away on Nov. 1, 2008, after a long battle with ALS. Sally was an energetic advocate for the League of Women Voters in Maine, and was past state and local League president, an outstanding example of leadership and commitment, and a friend and mentor to many League members. She retired to Maine in 1988 and spent many years living in Brunswick. She was active in the local League of Women Voters as well as the Congregational Church of Brunswick. She moved to Kennebunk to be closer to family in 2002. She was born in St. Paul, Minn., on Oct. 18, 1930. She lived in New England almost all of her life, and loved the mountains of New Hampshire and the ocean and lakes of Maine and Massachusetts. She was very active in the Appalachian Mountain Club; she hiked and kayaked, camped and traveled. She was a breast cancer survivor since 2004. Sally was a passionate advocate for the environment, getting-out-the vote, women's rights, and universal healthcare. She cast her vote early this year and was very hopeful for big change in the future. She made no bones about her stand on things and clearly shared her opinion, but always with a smile. She will be missed by all who knew her. Her full obituary is available through the Portland Press Herald website at pressherald.maintoday.com.

News from Maine Citizens for Clean Elections

New Website

Maine Citizens for Clean Elections (MCCE) is pleased to announce the launch of its newly redesigned website, which we hope will serve as an important resource on Clean Elections in Maine. The site includes information about the MCCE coalition, its mission and history, and its advocacy in support of the Maine Clean Election Act (MCEA). The new site also includes information about the MCEA law, rules and other information about its implementation. Check it out at www.maineckleanelections.org.

2008 Clean Elections Analysis

The results are in! MCCE recently completed its analysis of use of the Clean Election system from the recent election cycle and found that eighty-one percent (81%) of candidates and a full eighty-five percent (85%) of the newly-elected Maine legislature used the system in 2008. This is a fifty-five percent (55%) increase from 2000 when the MCEA was first implemented. The analysis also shows that the system enjoys broad support across political parties with sixty-seven percent (67%) of unenrolled candidates, seventy-one percent (71%) of Republican candidates, seventy-eight percent (78%) of Green candidates and ninety-one percent (91%) of Democratic candidates using the Clean Election system. Other highlights include a high of eighty-eight percent (88%) of women using Clean Elections last year, up from seventy percent (70%) in 2002. You can download the complete analysis of usage of the Clean Elections system over the past four elections cycles from MCCE's website at www.maineckleanelections.org.

Clean Elections in the 124th Legislature

Maine's first-in-the-nation Clean Election public funding system is a national model, and since its passage in 1996 the law has dramatically decreased the role of private money in our elections, reduced the influence of special interests, and allowed a diverse array of qualified citizens to run and serve in public office.

Despite the success and popularity of Maine's law, it is coming under attack in 2009. To date, one legislator has committed to introducing legislation to eliminate the Clean Elections system for gubernatorial candidates, and Governor Baldacci's proposed biennial budget cuts funding for the program by more than half. In addition to these threats, there is also a bill (LD 205) that would repeal Clean Elections altogether, despite the fact that an overwhelming majority of the current legislature used the system in 2008 and Mainers continue to strongly support the law they passed over a decade ago. In a recent poll commissioned by MCCE, Maine voters were asked whether candidates for governor should use Clean Elections, and 82 percent (82%) said yes, with 61 percent (61%) saying they were more likely to vote for candidates who used the system. Complete poll results are available at www.maineckleanelections.org/research.html

We also know that Clean Elections has allowed more and different people to run for office including a higher number of women. Many legislators say they would not have run for office without the opportunity provided by the Clean Election system, and many State House advocates tell us that the industries that hold so much influence in other states simply do not have the same pull here. Public funding is foundational reform; whether the issue is health care, tax reform or the environment, reducing the influence of big money is critical to all future policy victories in our state. Looking forward to 2010, we have a system that allows candidates for state office to run campaigns that are about Maine people and Maine issues and not about special interests. Now is not the time to abandon Clean Elections. There are two ways you can help:

Contact Your State Representatives

Your elected officials need to hear from you! Call them today, and tell them to stop the attacks on Clean Elections and to stand up for this successful program that Maine people value and want to keep. Visit the **Maine Secretary of State's Elected Official Lookup** website at www.maine.gov/portal/government/edemocracy/lookup_officials.php for contact information for your elected officials, or call one of the following toll free numbers listed below to leave a message for your legislator:

- To reach your Representative: **1-800-423-2900** (TTY number is 207-287-4469)
- To reach your Senator: **1-800-423-6900** (TTY number is 207-287-1583)

Join MCCE's Action Network

We know the 124th Legislature is going to produce many challenges in the coming months. With your help, MCCE can continue to make sure the citizen voice is heard in the halls of the State House and beyond. Please sign-up for MCCE's Action Network at www.maineckleanelections.org to receive emails about important news and alerts about Clean Elections in Maine and at the national level.

- Jill Ward, Program Director, MCCE
and member LWV Portland Area

Maine Freedom of Information Coalition Activities

When Maine's Freedom of Access Act became law in 1959, the Legislature declared that "... public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly." Since that time, however, lawmakers have enacted hundreds of exceptions to the law, and implementation at the local level is sometimes lagging.

Major initiatives of the coalition for 2008 include:

1. MFOIC challenged all candidates for the Maine Senate and House of Representatives for the November 2008 election to sign the "**Coalition's Pledge**" to support open government and public access. The names of those signing the pledge are on the coalition website, www.mfoic.org.
2. This is the third year that the coalition has participated in the legislature's **Right to Know Advisory Committee**. Three members of MFOIC were represented on this committee in 2008, and the findings and recommendations are detailed in a report issued on January 10, 2009. The report can be accessed through www.maine.gov/legis/opla and is entitled "Third Annual Report of the RIGHT TO KNOW Advisory Committee".

Confidentiality issues discussed relate to a wide range of topics, and the list of continued exceptions is covered on pages 8-11 of the report. One initiative that made progress is the creation of an Ombudsperson position. That position has been endorsed by the Legislature, but has not yet been funded. Another issue that was discussed is the secrecy of jury lists, which potentially hides biases in jury selection as was public and press viewing juries in court. Names of jurors are confidential in Maine, but lists of jurors can be found, based on their receipt of payments for jury duty, which are public records. At present there is no "gag" on the press in publicizing the names of jurors.

The RTK Advisory Committee may hold public hearings throughout the state next year. The focus of these meetings would be the addition of language to the statutes to codify the issue of which meetings or panels are public. The committee continues to work through the rolling review of current statutes. The focus for 2009 will be inconsistencies, such as penalties. I have expressed concern from my review of the committee's notes about public release of personally identifying information due to the potential for identity fraud. In regards to training of personnel, municipal organizations, including the Maine Municipal Association, have been generally supportive, and officials have indicated a proactive response to the new training requirements.

In 2009, the Committee expects to take up teacher confidentiality issues, contracts of the Turnpike Authority, food safety and meat inspection, marine resource fisheries statistics, and "indexing" confidential files, especially in the Attorneys General's Office.

3. We are in the process of creating an **education outreach program** using actual scenarios for accessing public information. Former Attorney General Jim Tierney has agreed to participate in the project. The different situations will be graphically narrated on DVD that can be accessed by TV programs. The funding for this project came from the National Freedom of Information Coalition (NFOIC) and is specifically targeted for training of non-elected public officials regarding RTK laws and procedures. Possible uses are the creation of a library of curriculum materials and "on-line" courses/exams.
4. Motivation for open government is an important goal for MFOIC. The focus is on awards. An award was started in 2008 in conjunction with **Sunshine Week**, and there is the possibility of a *negative* award for an agency/individual trying to keep the public in the dark.

The Maine Freedom of Information Coalition includes media organizations, academicians, lawyers, like-minded individuals and public-policy groups such as the LWV of Maine. It is registered as a "non-profit" corporation with the Secretary of State and as a 501(c)(3) corporation with the IRS. My focus on this group seems to have developed into advocating for protection of the privacy rights of individuals, so that access to government records does not become a resource that identifies information such as age, address, income, or other potential sources for identity fraud or harassment.

- Ed Benedikt, LWVME representative to MFOIC
and Brunswick Area League

Cities for Climate Protection

The LWVUS Climate Change Task Force has been working for almost two years to develop resources for local and state Leagues to use in advancing citizen action to combat global climate change. Visit www.lwv.org for a complete list of these valuable tools. These resources include stories about what a few cities are doing to mitigate climate change through the Cities for Climate Protection (CCP) program of the International Council for Local Environment Initiatives (ICLEI). For a full report, see "Cities Take Action to Curb Global Warming" by Win Colwill on lwv.org. As you read these stories, think of what your city or town could do.

Medford, MA, (pop. 55,000) joined the CCP program in 1999 and became the first city in Massachusetts to have an approved Climate Protection Plan. The installation of solar panels on the roof of city hall, combined with upgrading indoor fluorescent lighting with electronic ballasts, is saving \$7000 in electricity costs and reducing CO2 emissions by 130 tons annually. The city has also converted its traffic lights to Light Emitting Diodes (LEDS), which are 90 percent more efficient, and last at least seven years longer than conventional incandescent signal lights. Medford encourages replacement of incandescent light bulbs with compact fluorescent bulbs by providing a link on its Web site that enables residents to consider different types that they can purchase online. The city is also raising funds to help build a 100 kilowatt wind turbine near a school to provide electricity and also to educate students about clean, alternative sources of energy.

Burlington, VT, (pop. 39,000) also joined the Cities for Climate Protection program in 1999. The city created an Energy and Environment Office and adopted time-of-sale minimum standards for rental housing to improve energy efficiency in rental properties. Burlington's "Top Ten" program offers the city's largest electric customers a customized menu of energy reduction options that will provide "positive cash flow" financing. The "10 percent Challenge" program prompts individual efforts to calculate and reduce personal global warming emissions by 10 percent. This program, which includes an interactive Web site, has spread to 80 other Vermont cities.

Madison, WI, (pop. 208,000) developed a plan in 2002 that targets emissions from waste as well as electricity generation. Methane gas produced in the sewage treatment facility is used to heat hot water and run the anaerobic digester. Waste heat from the generators and blowers is captured and used to heat buildings. Madison has also installed generators at its landfills; using methane for electricity production reduces the amount of methane released to the atmosphere. City outreach efforts have increased participation in the curbside recycling program to 97 percent.

The ICLEI's Climate Action Handbook provides cities with a resource guide for planning and action. See www.iclei.org for details.

- Martha Dickinson, LWV Downeast

LWVME PAC Study Committee Releases NEW Briefing Paper

The League of Women Voters of Maine has undertaken a study of "Money in Politics: Candidate PACs in Maine" aimed at helping our members and the people of our State understand the role of political action committees in financing state candidate elections. League members and leaders are exploring the workings of candidate PACs and the underlying values and principles regarding campaign finance regulation and reform. Our goal is to understand how candidate PACs are funded, how they influence candidate elections for state office, and what changes, if any, should be proposed to limit the influence of private money on elected officials.

Here is a synopsis of the third of six briefing papers, "*Brief History of Campaign Finance Reform in the United States*," was released in December.

A Brief History of Campaign Finance Reform - A Summary

In the United States, we have a long legal history of efforts to balance the importance of the individual vote against the power of concentrated wealth to disproportionately influence elections. Reforms strive to balance the constitutional protections of individual rights and free speech against the corrupting influence of big money in politics. In the beginning of our republic, campaign finance was not a controversial issue. People running for office did not campaign in the modern sense, expenses were relatively modest, and candidates paid expenses largely out of their own pocket. But as the nation grew and the franchise expanded (religious, property ownership, and tax requirements were all eliminated in the early- to mid-nineteen century), the political system opened up to people who might not have the personal resources to run for office. Party politics became more important, and eventually corporate interests became the principal source of campaign funding.

Corporations have been barred from contributing directly to federal candidates since 1907 after Teddy Roosevelt was accused of accepting corrupting donations from corporate interests. A ban on union giving followed during the Franklin Roosevelt administration. Political action committees emerged immediately thereafter as a means of channeling union member contributions.

The first dollar limits on contributions to federal candidates were enacted as part of the 1974 Federal Election Campaign Act (FECA), passed after reported abuses in the 1972 presidential election. The Supreme Court made a landmark decision in 1976 in *Buckley v Valeo*, which challenged FECA. The decision has played a commanding role in shaping campaign finance law and later reform efforts. The court declared that both contribution and expenditure limits restricted certain First Amendment Rights to free speech and assembly, but that reasonable contribution limits could be justified by the equally important need of the government to protect the integrity of the electoral system from real or apparent corruption arising from donations to candidates. The Court determined that the same reasoning was not applicable to spending limits, and it found no inherent corruption from large expenditures of money by candidates or outside groups. The right to spend money is a free speech right.

Numerous creative methods of raising and spending money for politics have evolved in the intervening years. New laws have been enacted, and various court decisions have affirmed or nullified those laws, Laws have evolved to limit the dollar amounts of contributions and to require full disclosure of financial transactions. The history of campaign finance reform reflects an ongoing effort to craft laws and rules that limit the opportunities for wealthy donors and corporate interests to exercise disproportionate influence on the political process while protecting important rights of all citizens.

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You can read the full text of the three completed papers, including “Brief History of Campaign Finance Reform in the United States,” at the League’s web site at www.lwvme.org/pac_study.html. To request a paper copy of this paper or any of the completed papers, e-mail the League at lwvme@gwi.net or call the League’s office at 622-0256.

It was initially hoped that this important study could be conducted within a compressed, nine-month time frame, but that has proved overly ambitious. The PAC Study Committee now anticipates that briefing papers will be completed later this spring, with consensus questions available to members over the summer. We hope for final consensus by the Autumn of 2009.

On behalf of the LWVME PAC Study Committee, we hope you will find these papers useful and informative. By the end of the study, we hope League members will be able to answer the questions central to our study. Do large contributions to PACs exert undue influence on Maine politics? If so, should the dollar amount of such contributions be limited by law? Is this particularly a problem when large donations come from organizations and individuals outside the state of Maine? Should PAC regulation in Maine be changed in other ways? These important questions must be answered to insure that Maine government serves the interests of Maine people.

-Ann Luther, Co-President of LWVME

League Consensus on National Popular Vote

Leagues around the nation are taking up a fast track study of the National Popular Vote Compact as a method of electing the President of the United States. The State Voter of August 2008 gave some background, and much more information is available online at www.lwv.org/npv. The full text of the compact is given after this article. A summary of pro and con arguments follows the text.

At the January 2009 meeting of the State Board, we decided to hold consensus meetings in three regions of the state – Portland, Brunswick Area, and Downeast. Look for a notice of a meeting in your region soon. The deadline for consensus is May 1, 2009. In the meantime, all those who plan to participate can find the materials they need at www.lwv.org/npv. The League resources include a background paper as well as pro and con arguments. League members may also participate in LWVUS online discussion of the NPV study. (Contact Martha at marthad@gwi.net if you need help with this.) The latest information on the status of the compact can be found at www.nationalpopularvote.com. If you do not have access to these resources, please contact your local League League or call or e-mail the State office at 622-0256, lwvme@gwi.net.

In brief, the national popular vote compact is a method of electing the President of the United States by a majority of voters nation-wide. This goal has been stated policy of the League since 1970 (search for “Impact on Issues” at www.lwv.org). However, controversy exists over whether the objective of choosing the president by nation-wide majority should be achieved by a compact among the states rather than via a constitutional amendment abolishing the Electoral College.

In April of 2008, the Maine State Senate approved the National Popular Vote Compact by one vote, but the bill failed to pass in the House, ending its chances in the 123rd Legislature. In the new 124th Legislature, the measure has been reintroduced and is now on the legislative agenda as LD 56 or HP 49. As we go to press, a public hearing before the Legal and Veterans Affairs Committee is scheduled for February 4.

Agreement Among the States to Elect the President by Nationwide Popular Vote

Article I - Membership

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

Article II – Right of the People in Member States to Vote for President and Vice President

Each member state shall conduct a statewide popular election for President and Vice President of the United States

Article III – Manner of Appointing Presidential Electors in Member States

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state. If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article IV – Other Provisions

This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article V – Definitions

For purposes of this agreement, "chief executive" shall mean the Governor of a State of the United States or the Mayor of the District of Columbia; "elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate; "chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate; "presidential elector" shall mean an elector for President and Vice President of the United States; "presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors; "presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state; "state" shall mean a State of the United States and the District of Columbia; and "statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

Support for the National Popular Vote Compact

Because the League already supports direct election of the president, arguments against the Electoral College (EC) are not included in the material supporting the National Popular Vote Compact (NPV Compact).

Constitutional Issues The NPV Compact is a way to assure that every person's vote counts equally and that the person receiving the most votes is the winner of the presidency. The same result would be achieved by constitutional amendment but the U.S. Constitution is difficult to amend. The NPV Compact is a viable way to attain the same goal as amending the Constitution to eliminate the EC. A constitutional amendment is not needed to effectuate the NPV Compact because states already have the right to implement changes in how electors are appointed. The NPV Compact is a compact between states—a method of concerted state action that has long been sanctioned by the Constitution and the courts.

Evaluating Fairness A candidate can be elected president by receiving the most electoral votes even though he or she did not receive the most popular votes. This is not a result voters expect or desire. As election campaigns are now waged, major emphasis and resources are concentrated in key EC battleground states because that is where elections are won or lost. The NPV Compact would eliminate the emphasis on battleground states and would be more apt to assure campaign strategies that appeal to a broad spectrum of the electorate which would foster greater voter participation.

The argument that the plan would negatively impact states' rights is countered by poll results showing that most voters want their individual vote to count, rather than allotting them to electors representing the state as a whole. Any claim that the NPV Compact is an unprecedented disregard for the U.S. Constitution ignores the reality that voting rights have been changed through state action many times. Women's suffrage, for example, was instituted by twenty states before passage of the constitutional amendment that made the right universal.

Mechanical Considerations Those opposed to the NPV Compact cite mechanical issues that might lead the NPV to fail, but the Compact includes provisions that address issues of enforcement, winning levels and recounts.

Other Issues The Voting Rights Act and the NPV Compact are in harmony, assuring equality of votes throughout the United States.

League Issues Opponents say that the NPV Compact conflicts with the League's support of uniform voting standards. Supporters of the Compact advocate its passage in all states, which would result in uniform voting standards. It is true that the NPV Compact could be in effect for an interlude when not all states had signed on to it. The same could be demonstrated for other laws, such as the Equal Rights Amendment. Nonetheless, it must be remembered that uniform voting standards are not now in effect. The NPV Compact could help assure that every vote would be counted equally. Further, implementation of a method which assures direct election of the president by popular vote is in keeping with the League's long-held position. To prepare for the consensus meeting, please read the complete version of this paper (available at www.lwv.org) by the LWVUS National Popular Voter Compact Study Committee.

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Opposition to the National Popular Vote Compact

There is little respect for the Electoral College (EC). The League opposes it and most voters want a direct popular vote. But is the National Popular Vote Compact (NPV Compact) an appropriate way to achieve that result?

Evaluating Fairness Voters supporting the candidate who receives the majority of votes in their state want their state's electors to support their choice. Adoption of the NPV Compact may require a state elections official to direct its state's electors to cast their ballots in support of a candidate who was not favored by the voters of that state.

Passage of the NPV Compact will result in the emphasis of presidential campaigns shifting from the battleground states to areas of large concentrations of population. So, while some voters are disenfranchised

by the EC, others might be disenfranchised by the NPV Compact. Because the Compact requires entry into a contract with other states which binds state elections officials to direct electors to vote in a certain way, regardless of the outcome of the election in their state, states' rights are diminished.

In addition, one can question the advisability of a method that bypasses the normal constitutional amendment process in this manner.

Constitutional Issues Many constitutional scholars argue that this plan will lead to extensive litigation involving challenges to the NVP Compact on issues such as the scope of constitutional powers, the Compact itself, the need for congressional approval, the concerns of non-compacting states, and constitutional protections of state interests and their role in elections.

Mechanical Issues/Flaws The methods for enforcement of this plan are unclear. Opponents question the power and timing to withdraw from the Compact and the power to enforce compliance.

Others express concern about an onslaught of lawsuits between compacting and non-compacting states, as well as procedures in close elections.

The plan, allowing the election of a president by a plurality of votes, does not improve on the current system; neither the present system nor the NPV Compact requires that the president be elected by a majority.

Other Issues The Voting Rights Act requires pre-clearance for legislative changes. This, too, has the capacity to engender lawsuits to ensure compliance.

League Issues This proposal does nothing to achieve the goal of uniform standards of voting. The NPV Compact is effective when passed by states representing 270 electoral votes, effectively negating the impact on presidential elections of the voters in states which represent the other half of electoral votes. A system which assures no voter disenfranchisement is a better way to assure that every person's vote counts.

The League has long supported the abolition of the EC. Although the NPV Compact purports to foster the same result, it creates additional concerns. Amending the U.S. Constitution is a difficult process, and we should seriously consider supporting the normal amendment procedures to abolish the EC versus this specific "work-around."

To prepare for the consensus meeting, please read the complete version of this paper (available at www.lwv.org) by the LWVUS National Popular Voter Compact Study Committee.

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Check it out. Check it off.

Check out Line 1 of Maine's Income tax form. It's a three dollar check-off that funds the Maine Clean Election system. That's the program that allows qualified candidates who agree to limit their spending to run for state office without raising private money.

Checking "Yes" won't raise your tax bill or reduce your refund, but it will help keep big money out of Maine politics.



Check "YES"

for Clean Elections!

Membership and Senior Colleges

The LWVME Membership Committee is initiating a recruitment effort among Senior Colleges in Maine. We plan to set up membership invitational tables at various Senior College venues during the months of February and March. Stay tuned for updates on this exciting venture to bring in new people who are looking for a positive avenue for political action in Maine! For more information or to volunteer at a college near you, please email Susan at susanjo@bluestreakme.com with your ideas.

- Susan Mayer, Membership Committee

Thank you!

Donors Top \$5000

Our thanks to the friends and members of the League who contributed to our annual fund drive. Donations ranged in amount from \$10 to \$500. Every single contribution, no matter how large or small, supports the work of the League and is greatly appreciated. Thank you!

Contributions to the **League of Women Voters of Maine** general fund totaled just over **\$2,800**

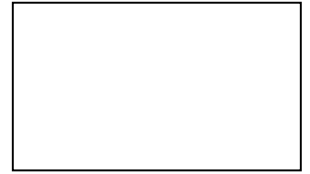
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Contributions to the **League of Women Voters of Maine Education Fund** totaled **\$2,500**.

Nan Amstutz	Linda Hoskins	Elizabeth & Richard Parker
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League of Women Voters of Maine
P.O. Box 863
Augusta, ME 04332-0863



ADDRESS SERVICE REQUESTED

Winter-Spring Calendar - 2009

LWVME State Board, Augusta	Thursday, March 12
LWV Brunswick Area	
National Popular Vote Compact Consensus Meeting	Saturday, March 21
Curtis Memorial Library, 23 Pleasant Street, Brunswick	10:00 a.m. to 12:00 noon
LWVME Convention, Brunswick Area	Fri, Sat, May 1 and 2
Quad States Leadership Development Seminar, Dover, NH	May 30 & 31
LWVUS National Council, Washington DC	June 13-15