



THE LEAGUE OF WOMEN VOTERS®  
OF THE FAIRFAX AREA

# Fairfax VOTER

February 2009

Volume 61, Issue 6

## Popular Vote or Electoral College?

This month we are invited to participate in a consensus, sparked by last spring's LWV National Convention, on something called a National Popular Vote Compact. The compact essentially asks states to pledge that 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. We urge you to



read your Voter before you come to the meeting. We also suggest you go to the LWVUS website—[www.LWV.org](http://www.LWV.org)—find the “Search” section on the upper right side, type in “National Popular Vote Compact,” and discover the pro and con essays on the subject. If you cannot make it to a unit to participate in consensus, please come to the briefing on Saturday, February 7, at 10:00 a.m. at the Packard Center. If you are unable to make that, please answer the consensus questions on page 5 and e-mail your answers to [loismpage@cox.net](mailto:loismpage@cox.net), or mail to Lois Page, 7902 Bracksford Court, Fairfax Station Va. 22039.

### Calendar

#### January

**31** *Mt. Vernon Town Mtg Outreach*

#### February

**03** Election of Fairfax County Chairman

**04** WRT in Richmond

**06** **NCA Board Meeting**

**07** Briefing / NPVC – Consensus/

Packard Ctr – 2<sup>nd</sup> floor 10AM

**9-12** **Units – LWVUS – National Popular Vote Compact – LWVUS Consensus**

**11** WRT in Richmond

**14** League Founded 1920

**16** Presidents' Day - Schools Closed

**18** WRT in Richmond/last one this session)

**18** **Board Meeting - March UC Letter**

Deadline

**27** April *Fairfax VOTER* Deadline

### Inside This Issue

|   |      |
|---|------|
| President's Message                             | 2    |
| Tell Us Your Story                              | 2    |
| Membership News - Invite a Friend               | 2    |
| Letter To the Editor                            | 3    |
| Safety/Transportation Center Dedicated          | 3    |
| Zachry Testifies                                | 4    |
| Study of NPVC                                   | EF-1 |
| NCA News and Notes                              | EF-6 |
| NPVC Consensus Questions                        | 5    |
| Rule 18 Dies                                    | 6    |
| Election Laws, Fiscal Policy Studies<br>Favored | 7    |
| Equal Suffrage League                           | 8    |
| In The Spotlight                                | 8    |
| Unit Meeting Locations                          | 9    |

## Remember To Vote February 3

60 Years Strong - Needed Now More Than Ever



## The President's Message

It seems like a long time since we've had unit meetings, and let's hope the weather cooperates for this month's meetings.

The topic, National Popular Vote Compact, comes from the national League (LWVUS) as a study/consensus item that the delegates approved at the June 2008 Convention. It will be interesting to see what you think about this potential modification (can I say "end-run"? ) to the electoral-college method of electing our presidents.

Also, mark your calendars for **March 18, 2008**; LWVFA is presenting a panel discussion on "transparency in government"—also called "sunshine"—which will be during "**Sunshine Week**" as designated by the League and open government advocates. The program will take place at George Mason University on the third floor of the Johnson Center, from 7 – 9 a.m.. Thank you **Janey George** for your enthusiasm and perseverance in organizing these special events! More information will be in the March *Fairfax VOTER*.

And the "Thank You List" continues to grow! Since our last VOTER, the following folks have made a contribution to LWVFA (as of January 15). **THANK YOU!!**

Louise Anderson-Juergens, Anne Andrews, Margery Connally, Mary Jane Cronin, Joanne Field, Joan Harkleroad, and Jane Hilder

*Sherry*

### Membership News . . .

## Invite A Friend to Join the League

In January, we welcomed a new nationally recruited member--Robert Tyler. February is a great time to join the League! The membership of those who join after February 1, 2009, will not expire until June 30, 2010—an extra five months for \$55. Bring your friends, neighbors and co-workers to your February unit meeting and invite them to join the League.

### Working With Fairfax County . . .

## Please Tell Us Your Aging Story-Soon!

By Lois Page, Program Director

June's unit meetings will discuss services for the aging in an attempt to discover where Fairfax County and the City of Fairfax are serving the public well and where not. The plan is to identify our members and friends who have had experiences in dealing with these services, for better or worse. We would like to publish them, anonymously if you prefer, in the June Voter, which means they have to be in the hands of the program chair by April 15. What we suggest is that unit chairs poll their members to see who might be willing to share and pass names on to the committee, as yet unformed, who would complete an interview. The intention is to send the stories on to the responsible authorities for comment.

Please consider this a plea for people willing to serve on the committee as well. Names of interviewees and interviewers should be sent immediately to Lois Page. [loismpage@cox.net](mailto:loismpage@cox.net) or call 703-690-0908.

### **LWVFA Fairfax VOTER 2008 - 2009**

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Please e-mail address corrections to the office  
or call 703-658-9150

## Letters to the Editor. . .

Dear Editor:

One of the unit leaders commented on the December Program planning units: "We all dread this meeting—so boring." Although the Board discussion leaders reported that most people are surprised at how interesting the program planning meeting can be, this comment caught my attention. I think we should take another look at how we structure program planning, not because it is boring but because it isn't as democratic as it should be. As you look at the results of the program choices selected, you might notice that the "winners" were suggestions, mostly from Board member, that were published in the program planning material ahead of time. If someone had a pet project, they had no real opportunity to lobby for it. A number of interesting subjects were raised, but confined simply to the one unit where it was discussed.

As program chair, I'm looking for solutions. One interesting suggestion, by the previous program chair, is that this meeting should be an all-League meeting where people could throw out their pet ideas, we could break into small groups to discuss, and come together afterward to hear about the leading contenders and vote. Would you come to such a meeting? Since we usually do this in December, could you give up a December Saturday? Could we have it in November?

Alternatively, we could ask members in October to list their favorite issues that would then go in the December *Voter* so as to be considered by all units. Would you be willing to think that far ahead? Would that take too much away from the program planned for that month?

Respond, if you care to, to [loismpage@cox.net](mailto:loismpage@cox.net) or 7902 Bracksford Court, Fairfax Station, 22039.

Lois Page, Program Chair

**Remember To Vote!**

***Tuesday, February 3  
For  
Chairman, Fairfax County  
Board of Supervisors***

## Public Safety and Transportation Operations Center Dedicated

By Judy Leader and Joy Bryan

On October 10, 2008, the McConnell Public Safety and Transportation Operations Center (PSTOC) was officially opened with a ribbon-cutting ceremony by members of the Fairfax County Board of Supervisors, local and state dignitaries, and Elaine McConnell, a former Springfield District Supervisor, for whom it is named.

This state-of-the-art facility, located on West Ox Road, Fairfax, is a partnership between Fairfax County and the Commonwealth of Virginia. Its mission is to enhance the effectiveness of public safety response, improve traffic congestion management, and better manage the response and recovery from major emergencies. When fully operable, it will house the county's 911 Call Center, Office of Emergency Management, the state's police communications center and the state's Smart Traffic Center. The county police forensics facility is located next door. The cost for both facilities was approximately \$131.5 million.

Members of the Criminal Justice Advisory Board (CJAB) toured the PSTOC on December 3, 2008. They visited the Emergency Operations Center, which is a huge room with a very large flat screen, where multiple items or scenes can be viewed at the same time. The center has the latest information technology and telephone equipment.

CJAB members also visited the daily operations center, located in another huge open space. At one end, the state's Northern Virginia Regional Transportation Operations Center monitors traffic and incidents by using cameras and other information-gathering mechanisms to manage traffic. The state's local police communications center, which receives and dispatches interstate-related calls for the region is also located in this room. In the center of the room is a large conference table, where officials from different agencies can quickly meet together. At the other end of the space is the area for the 911 Call Center, scheduled to become operational next July.

Fairfax County is very fortunate to have this new, state-of-the-art facility.

Text of Testimony . . .

## President Zachry Testifies Before the Fairfax Delegation of the VA General Assembly

January 10, 2009

Good morning, and thank you for holding this hearing. I am Sherry Zachry, President of the League of Women Voters of the Fairfax Area, speaking on behalf of approximately 350 members living in Fairfax County and the City of Fairfax.

We realize that in the current economic environment, there is not enough money to do everything that we would like and that budget cuts are going to be necessary. That being said, I would like to mention some issues of concern to Fairfax Area League members that we would like the General Assembly to address in the 2009 Session.

- Establish a politically balanced and independent Reapportionment Commission for decennial redistricting. This commission would work with the Virginia Department of Legislative Services to submit a plan to the legislature complying with state and federal law, but focusing on natural and jurisdictional boundaries and communities of interest, not on protecting incumbents or enhancing partisan advantage. The League of Women Voters believes that a new process for redistricting should be in place by the 2010 census and that this session is the ideal time for initiating a new process when control of the houses is split between the Democratic and Republican parties. We especially want to thank Senator Cuccinelli for co-sponsoring SB38, which would have established a bi-partisan redistricting commission, in the last session, and Delegate Plum who has introduced redistricting legislation every year that he has been in the House of Delegates.
- Pass legislation to allow in-person, no excuse absentee voting (The League is supporting SB810).
- Provide a dedicated, stable and reliable funding source for balanced transportation needs in the Commonwealth and for the Metro system.
- Pass legislation that would provide diversified taxing authority for the County.
- Provide incentives for energy conservation, the use of alternative fuels, and steps to combat global warming.

Funds for additional clean up of municipal and agricultural waste running into Virginia's rivers and the Chesapeake Bay continue to be vitally needed.

- Support the Virginia and Fairfax criminal justice system with funding for indigent defense and adequate salaries for state court employees who work in Northern Virginia. The legislation that established the new system of magistrates for the Commonwealth needs to be reviewed and amended to remove or revise provisions that are likely to adversely affect the magistrates – and quality of justice in – Fairfax County and City.
- Provide funding for costs of mandated programs in public schools.
- Review other state-mandated programs for which funding is not provided and consider eliminating the mandate or providing funding.

We invite you to attend the Women's Legislative Roundtable, sponsored by the League of Women Voters of Virginia in the General Assembly Building on Wednesday mornings, beginning January 21. Most of us don't get to Richmond every week, but we will be there on January 28 when Leaguers from all over the state visit the General Assembly. We look forward to seeing you then.

Thank you.

Sherry W. Zachry  
LWVFA President

Attachment: Invitation to Redistricting Reform Seminar sponsored by LWVFA January 24, 2009 at Country Club of

### Think Green . . .

The average bathroom faucet flows at a rate of two gallons per minute. Turning off the tap while brushing your teeth in the morning and at bed-time can save up to 8 gallons of water per day, which equals 240 gallons a month. (EPA, 2008)



# League of Women Voters of the US Asks for Consensus on National Popular Vote Compact

*The following material appears on the website—www.LWV.org-- as “LWVUS Study on the National Popular Vote Compact Background Paper.” Additional background materials on the website include both a pro and a con article, too long to reproduce here (5 pages each.) Members are urged to seek them out and read them. Go to the Search section on the right side and type in “National Popular Vote Compact.” Copies will be provided to discussion leaders at the February units. A suggested resource list is included at end of this material.*

Prepared by the LWV US

## 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.

The League came to concurrence on a new position in June 2004 which 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 Movement against the Electoral College**

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 "substantially the same 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 is quoted below:

## **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.

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, 2006-2007*

#### **National Popular Vote Compact Suggested Resource List**

Belenky, Alexander S, “The Good, the Bad and the Ugly,” Michigan Law Review First Impressions, an Online Companion to the Michigan Law Review, 2008, <http://www.michiganlawreview.org/firstimpressions/vol106/belenky.pdf>

FairVote, Center for Voting and Democracy, “2008’s Shrinking Battleground and Its Start Impact on Campaign Activity,” December 4, 2008, <http://fairvote.org/tracker/?page=27&pressmode=showspecific&showarticle=230>

FairVote, “Presidential Election Inequality: The Electoral College in the 21st Century,” <http://www.fairvote.org/?page=1729>

Gringer, David, “Why the National Popular Vote Plan is the Wrong Way to Abolish the Electoral College,” Columbia Law Review, vol. 108, 2008.

Hendricks, Jennifer S., “Popular election of the President: Using or Abusing the Electoral College,” Election Law Review, 2008.

Hertzberg, Hendrick, “Pete du Pointless,” The New Yorker Online, September 16, 2008, <http://www.newyorker.com/online/blogs/hendrikhertzberg/national-popula/>

Hiltachk, Thomas W., “Reforming the Electoral College One State at a Time,” Michigan Law Review First Impressions, an Online Companion to the Michigan Law Review, 2008, <http://www.michiganlawreview.org/firstimpressions/vol106/hiltachk.htm>

Koza, John R, “Answering Myths About the National Popular Vote,” <http://www.nationalpopularvote.com/pages/answers.php>.

Koza, John R., Barry Fadem, Mark Grueskin, Michael S. Mandell, Robert Richie and Joseph F. Zimmerman, “Every Vote Equal: A State-based Plan for Electing the President by National Popular Vote,” 8th edition, National Popular

#### **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

Vote Press, 2006, <http://www.nationalpopularvote.com/>  
Available online or for ordering.

League of Women Voters of the United States, Impact on Issues 2006-2008, Washington, DC, Pub #386, [http://www.lwv.org/Content/ContentGroups/ImpactIssues/2006\\_Impact\\_web.pdf](http://www.lwv.org/Content/ContentGroups/ImpactIssues/2006_Impact_web.pdf)

Leib, Ethan J. & Eli J. Mark, "Democratic Principle and Electoral College Reform," Michigan Law Review First Impressions, an Online Companion to the Michigan Law Review, 2008,  
<http://www.michiganlawreview.org/firstimpressions/vol106/leibmark.htm>

Muller, Derek T., "More Thoughts on the Compact Clause and the National Popular Vote: A Response to Professor Hendricks," Election Law Journal, 2008, Symposium on the National Popular Vote Plan.

Muller, Derek T., "The Compact Clause and the National Popular Vote Interstate Compact," Election Law Journal, vol. 6, no. 4, 2007.

National Popular Vote, "Question of Congressional Consent for the Agreement among the States to Elect the President

by National Popular Vote," <http://www.nationalpopularvote.com/resources/Cong-Consent-V7-2008-6-5.pdf>

National Popular Vote, "Responses to Concerns about the National Popular Vote Bill," [www.nationalpopularvote.com](http://www.nationalpopularvote.com).

Raskin, Jamin B., "Neither the Red States nor the Blue States but the United States: The National Popular Vote and American Political Democracy," Election Law Journal, 2008, Symposium on the National Popular Vote Plan.

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<http://www.michiganlawreview.org/firstimpressions/vol106/rathbun.htm>

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## NCA News and Notes . . .

By Melpi Jeffries, President, LWNCA

LWNCA is soliciting applications for the Madeline Naumann Achievement Award. The Madeline Nauman Achievement Award was established in December, 1998, to recognize outstanding achievements of local Leagues, whose effects, applicability, or interest transcend local League boundaries. Management achievements and program achievements will receive consideration. The award is presented biannually on odd-number years and consists of an Award Certificate and an unrestricted grant of \$300.00. Each League may submit up to three applications. Contact Patricia Sullivan, Chair of the award committee at [fjsull@att.net](mailto:fjsull@att.net) for more information and send the applications to her by March 1, 2009.

LWNCA will contact our local members of Congress to support legislation granting DC Voting Rights in the House of Representatives, which is being introduced in a more favorable political climate. NCA will urge an early vote. LWNCA is also sending the Board of LWVUS material about DC's structural deficit related to the LWVUS position

on a federal payment to DC.

The results of local program planning are eagerly awaited since LWNCA has recruited a potential chair for each of the program items suggested.

Last but not least, LWNCA will sponsor a block of seats for a performance of the CAPITOL STEPS in the Ronald Reagan Building stage on March 20, 2009. The admission charge will be \$45.00. Contact Barb Sherrill, [bmscherrill@comcast.net](mailto:bmscherrill@comcast.net).

## Think Green . . .

More than 56 percent of the paper consumed in the U.S. during 2007 was recovered for recycling — an all-time high. This impressive figure equals nearly 360 pounds of paper for each man, woman, and child in America. (Paper Industry Association Council, 2007)

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# National Popular Vote Compact Consensus Questions

## *NPV Compact Consensus Questions for discussion meetings.*

### **Amending the Constitution**

1. Which statement best reflects the consensus of the group? Select one.
  - a. Action to alter a basic element of the Constitutional framework, which is achievable by amendment to the Constitution, should be accomplished by amendment to the Constitution.
  - b. Action by states through a compact process is an acceptable way to alter the method for electing the President and Vice-President.
  - c. The group could not reach consensus.
2. Which statement best reflects the consensus of the group? Select one.
  - a. Because a compact has never before been used to address a fundamental constitutional issue such as voting, the chance that it might set a precedent for the future leads to the conclusion that it is better that the League continue to work for an amendment to the Constitution to establish the direct popular election of the President and the abolition of the Electoral College.
  - b. Despite the novelty of the use of the compact approach to address a fundamental constitutional issue such as voting, the League should support the NPV Compact as a way of achieving an important goal.
  - c. The group could not reach consensus

### **Congressional Consent**

3. Which statement best reflects the consensus of the group? Select one.
  - a. The possibility that the NPV Compact will require congressional consent is not of sufficient concern to block the implementation of the plan.
  - b. The possibility that the NPV Compact will require congressional consent is sufficient to conclude that the plan should not be implemented without obtaining such consent.
  - c. The group could not reach consensus.

### **Enforcement**

4. Which statement best reflects the consensus of the group? Select one.
  - a. The NPV Compact contains sufficient enforcement provisions to assure smooth operation of the plan.
  - b. Although it is not possible to determine whether the enforcement provisions will be sufficient to assure smooth operation of the plan, the plan should be passed anyway
  - c. Enforcement of the plan is likely to add uncertainty and bring the courts into the presidential election in ways that raise substantial concerns.
  - d. The lack of adequate enforcement provisions is sufficient to conclude that the NPV is not a viable plan.
  - e. The group could not reach consensus.

**Uniformity**

5. Which statement best reflects the consensus of the group? Select one.

- a. The uniformity of voting systems is more important to American democracy than the possibility that the NPV Compact can be adopted.
- b. The NPV Compact is more important than uniformity of voting systems because it would succeed in achieving the popular election of the President.
- c. The group could not reach consensus.

**Popular Election of the President**

6. Which statement best reflects the consensus of the group? Select one.

- a. It is more important to achieve the goal of national popular election of the President than it is to achieve the goal of abolition of the electoral college.
- b. It is more important to amend the Constitution to abolish the Electoral College than it is to achieve the goal of popular election of the President by alternative methods, such as the NPV Compact.
- c. The group could not reach consensus.

**Achievability**

7. Which statements reflect the views of the group?

- a. The NPV Compact will have problems being passed because of the need for congressional consideration and the need for action by so many states.
- b. Agree                      Disagree                      No Consensus
- c. A constitutional amendment to establish the direct popular election of the President and the abolition of the Electoral College will continue to have problems being passed.
- d. Agree                      Disagree                      No Consensus

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**Victory For Open Government . . .****Rule 18 Dies with the Opening of the 2009 Session of the General Assembly**

By Jane Hilder, Action Director

Does anyone remember the LWVFA campaign against Rule 18? That was the rule implemented by the Republican leadership in the Virginia House of Delegates several years ago that decreed that legislation would initially be dealt with by subcommittees of the House committees, where votes of legislators to kill a bill or forward it on to the full committee would be by unrecorded vote. The final decision of the subcommittee would be public, but not how each legislator on the subcommittee voted. As Washington Post writer Anita Kumar wrote December 14, "An unrecorded vote makes it difficult to track a member's position on controversial legislation."

Both LWV-VA and LWVFA had campaigned against this rule

in past legislative sessions because it was a violation of open government. We had spoken against the rule to legislators and President Sherry Zachry had written letters protesting the rule to the Washington Post and other newspapers. This inspired the Post to write an editorial several years ago calling on the House leadership to record subcommittee votes in the name of government transparency. On December 14, 2008, the Republican caucus met in Richmond and decided that subcommittee votes would be recorded during the current 2009 session.

This is an improvement over past practices. Learn more about keeping government "honest" during LWVFA's panel discussion planned for March 18<sup>th</sup> on "transparency in government."



# Election Laws, Fiscal Policy Studies Favored Regional-wide: Electricity and Climate Change

By Lois Page, Program Chair

A total of 107 LWVFA members weighed in during the month of December as to their program interests for both LWVFA and LWVNCA. Statewide, the majority interests were clear cut, but a clear choice was not so evident for the National Capital Area.

Almost  $\frac{3}{4}$  of members asked for either action or an update on state election laws, no doubt some of the shortcomings of the current position becoming evident during the presidential election in November. Among the aspects of election laws mentioned were: the need for "no excuse needed" absentee voting, exploring early voting (strong position is already on the books), extending polling hours in emergency situations, regularizing absentee voting procedures, easing the process for overseas and military voting, and internet voting.

A new study of the state budgeting process was suggested by nearly half of participants as a measure for understanding the process to ensure adequate funding for measures we favor. Respondents mentioned a number of programs they want to save from budget cuts, but all are part of our state positions.

Two positions, Women's Rights and Virginia Law (1983) and Mental Health (1989), were suggested for updating by about a third of participants, in good part because of the age of the positions. Some want to know how successful we have been in advocating our positions. Others wanted to know whether mental health information is being shared effectively among agencies and if we are adequately providing housing and training for adults with mental disabilities.

Other statewide issues suggested for new studies: gun control, especially regarding the gun show loophole (15); maintenance and development of public infrastructure (15); and a study of preschools (4). Suggested for updating: education, especially regarding the need for high school training in the use of restorative justice (4); adult domestic violence, especially regarding finding alternative treatment for perpetrators (4); air quality, especially industrial pollution (15); children at risk (9); and justice in regards to mandatory sentencing (9).

Action was urged on reapportionment and redistricting and

mental health, as well as on election laws as mentioned above.

NCA results led to more of a reporting challenge, since we were requested to approve only two items for either new study or update. We favored a new study on climate change (43) almost as much as a new study of electricity (45) so our report will mention both. A few other new studies favored: gangs (4) and Chesapeake Bay clean up (15).

An update on water resources was favored by nearly half of respondents, so it will go forward on the report. Transportation was also promoted for update by 31 respondents.

Action was urged instead of updates in a number of areas: transportation (20); water resources (16); comprehensive health planning, (9); and airports, especially in regard to ground transportation (4). One unit felt that climate change would be a good program, but not a study.

A number of number of members (27) urged NCA to revise the controlled substance position as it is now too detailed and specific for effective lobbying. On the LWVFA EQ concurrence, members concurred by 106 to 1 in the statement from the Environmental Quality Committee:

*"Rapid climate change is imperiling the earth's life system and human civilization. It both affects and is affected by the actions taken by nations, states, localities and individuals."*

*"The League of Women Voters of the Fairfax Area believes that localities must play a significant role in addressing the causes of climate change. The League supports and encourages the County and City of Fairfax to adopt and carry out programs that will minimize the causes and effects of climate change."*

*The League also supports the coordination of these efforts with those of other localities."*

This statement will therefore be added to our Fairfax Area position on Natural Resources.

**Third in a Series . . .****The Equal Suffrage League of Virginia - 1911 - 1913**

By Bernice Colvard, League Historian

The first public Equal Suffrage League (ESL) meeting of the new era took place in Richmond in 1911. Dr. Lyon G. Tyler, president of the College of William & Mary, presided. The first state convention took place the same year in Richmond. Norfolk hosted the 1912 convention; in 1913, it was in Lynchburg, where an increase of 2,500 members was reported along with 100 public speeches across the state by **Lila Meade Valentine**.

Public speaking had not come easily for Valentine, and the hostile atmosphere on many occasions made it even more difficult. Perhaps the hardest part was being shunned by old friends, who would turn away on the streets without speaking. However, she seized every opportunity to speak for the cause—at state fairs, colleges, picnics and on the streets. Her address to the 1912 General Assembly may have been her most electric. “We are educated,” she said, “We are property owners. We are human beings as well as women. We do not conceive that we have freedom without the ballot. Gentlemen, I put it to you—would you be in our places? Suppose every law you lived under was enacted by women, would you consider yourselves free?”<sup>8</sup>

Buttressed by a long tradition of legislative conservatism on issues affecting women, the gentlemen were, apparently, unmoved. After all, Virginia had been the only colony to

explicitly state that women could not vote. Delegate Hill Montague of Richmond did propose the first Virginia female suffrage resolution proposing a constitutional amendment in 1912. It was easily defeated.

The writer **Mary Johnston**, born in 1870 in Botetourt County, also fought shyness and spoke in public. She too addressed the 1912 Virginia General Assembly as well as the National Conference of Governors and the legislatures of West Virginia and Tennessee. Johnston headed the ESL’s legislative committee. Largely through League pressure, bills concerning juvenile delinquency and child neglect were passed. The group also helped defeat bills to lower standards for milk and increase the working hours of women and children in factories.

Most unusual for the time and place, both Johnston and Valentine supported organized labor. They led the ESL Board of Directors to pass resolutions similar to those of a New York City suffrage group to support labor’s rights to organize. They called on the labor movement in Virginia to support woman suffrage. The governor appointed Johnston a delegate to the National Child Labor Committee conference in 1916. She belonged to various national groups that supported labor.

Conservative opponents sought to discredit Valentine because of her stance on the education of blacks and Valentine and Johnson for their support of labor. Both were later forced to downplay that particular aspect of their work.

<sup>8</sup>Wamsley, James S. with Cooper, Anne M. *Idols, Victims, Pioneers: Virginia Women from 1607*. Virginia State Chamber of Commerce and the Virginia Commission on the Status of Women, Richmond, 1976, 268.

**In The Spotlight . . .**

Julie Jones, Coordinator  
Unit Meetings

In 1974 Julie Jones discovered the LWV while living in Columbia, SC, when she was a stay-at-home mom who needed some outside stimulation, and has been a member ever since. She joined the LWFVA shortly after she moved to Fairfax in 1982. Julie is a member of the Reston Evening Unit and has faithfully participated

in their activities. Because of young children and a travelling husband, Julie confined her activities committee work, the most recent being on the Education Committee that prepared materials for last year’s discussion.

Outside the home Julie has worked as a teacher in Mexico, Argentina, Puerto Rico, and Fairfax where she taught elementary school for 17 years. Her alma maters are Miami University (BS ED) and Michigan State University (MA). Reading and traveling are her hobbies, especially researching and planning trips on their wish list.

“I really enjoy being with people who are well informed on so many issues,” reports Julie. “I like to think of the League as similar to a book club. You are forced to read a book that perhaps you normally would not pick up. Then you find out that it is really interesting.”

Married to David M. Jones, a retired State Department worker, they have two children and two grandchildren. Something you didn’t know about Julie? She and Dave have a totally “geography” family. You might want to pursue that with her sometime.

## This Month's Unit Meeting Locations – Topic: Consensus on National Popular Vote Compact

Members and visitors are encouraged to attend any meeting convenient for them, including the “At Large Meeting” and briefing on Saturdays. As of January 10, 2009, the locations were correct, *please use phone numbers to verify sites and advise of your intent to attend.* Some meetings at restaurants may need reservations.

### Saturday, February 7, 2009

**10:00 am ‘At Large’ Unit meeting  
& Discussion Leaders’ Briefing**  
Packard Center Conference Room  
4026 Hummer Road,  
Annandale 22003  
Contact: Lois Page, 703-690-0908

### Monday, February 9

**1:30 pm Greenspring (GSP)**  
Hunters Crossing Classroom  
Spring Village Drive,  
Springfield 22150  
Contact: Kay, 703-644-2670

### Tuesday, February 10

**12:30 pm McLean (McL)**  
McLean Community Center, Rm # 2  
1234 Ingleside Ave. McLean 22101  
Contact : Anne, 703-448-6626

**7:45 pm Vienna Evening (VE)**  
9818 Days Farm Drive  
Vienna 22182  
Contact: Lorraine or John,  
703-759-3651

### Wednesday, February 11

**9:30 am Fairfax Station (FXS)**  
7902 Bracksford Ct., Fairfax Station  
22039  
Contact: Lois, 703-690-0908

**9:30 am Mt. Vernon Day (MVD)**  
Mt. Vernon District Gov’t Center  
2511 Parkers Lane, Alexandria 22306  
Contact: Gail, 703-360-6561

**12:00 noon Chantilly/Herndon  
(CHD)**  
Sully District Governmental Center  
4900 Stonecroft Blvd.,  
Centreville 20151  
Contact: Susan, 703-391-0666

**6:15 pm Dinner Unit (DU)**  
Yen Cheng Rest. Main Street Center  
9992 Main Street, Fairfax 22030  
Contact: Tin, 703-207-4669

**7:30 pm Reston Evening (RE)**  
**NOTE: Place Change for Feb. &  
March meetings**  
North County Governmental Center  
Community Room  
12000 Bowman Towne Drive  
Reston, VA 20190  
Contact: Lucy, 703-757-5893

### Thursday, February 12

**9:00 am Reston Day (RD)**  
11037 Saffold Way  
Reston 20190  
Contact Barb, 703- 437-0795

**9:15 am Fairfax City Day (FXD)**  
4929 Gainsborough Dr.  
Fairfax 22032  
Contact Joan: 703-978-8715

**9:30 am Springfield (SPF)**  
Packard Center (Lg. Conf. Rm.)  
4026 Hummer Rd, Annandale 22003  
Contact: Nancy 703-256-6570  
or Peg, 703-256-9420

**7:45 pm Mt. Vernon Evening  
(MVE) NOTE: Place Change for  
Feb. meeting**  
Paul Spring Retirement Comm  
Mt Vernon Room  
7116 Fort Hunt Road  
Alexandria 22307  
Contact: Marge, 703-768-5212

## March Unit Meetings:

### Environmental Quality– The World’s Dimishing Oil



The League of Women Voters of the Fairfax Area (LWVFA)  
4026 Hummer Road, Suite #214 Annandale, VA 22003-2403  
703-658-9150. Web address: [www.lwv-fairfax.org](http://www.lwv-fairfax.org)

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## Time Sensitive Materials

The LWVFA *Fairfax VOTER* ©  
February, 2009

Sherry Zachry, President  
Ron Page, Editor  
Mary Grace Lintz, Coordinator

The League of Women Voters is a nonpartisan political organization that encourages the public to play an informed and active role in government. At the local, state, regional and national levels, the League works to influence public policy through education and advocacy. Any citizen of voting age, male or female, may become a member.

## LWVFA MEMBERSHIP APPLICATION

(Dues year ends June 30, 2010.)

Membership Category: Individual \$55 \_\_\_\_; Household (2 persons–1 Bulletin) \$75 \_\_\_\_; Advocate Member \$100 \_\_\_\_; Student \$27.50 \_\_\_\_ (Coll. Attending \_\_\_\_)

Membership is: New \_\_\_\_; Renewal \_\_\_\_; Reinstate \_\_\_\_; Subsidy Requested \_\_\_\_

We value membership. A subsidy fund is available, check block above and include whatever you can afford.

Dues are not tax deductible. Tax-deductible donations must be written on a separate check payable to LWVFA Ed. Fund.

Please Print Clearly!

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City \_\_\_\_\_ State \_\_\_\_\_ Zip + 4 \_\_\_\_\_

Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_ E-Mail \_\_\_\_\_

Thank you for checking off your interests:

|   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> County Govt      | <input type="checkbox"/> Voting Procedures     | <input type="checkbox"/> Health Care       | <input type="checkbox"/> Schools                |
| <input type="checkbox"/> Fiscal           | <input type="checkbox"/> Environmental Quality | <input type="checkbox"/> Human Services    | <input type="checkbox"/> Other (Write in Below) |
| <input type="checkbox"/> Public Libraries | <input type="checkbox"/> Land Use Planning     | <input type="checkbox"/> Judicial Systems  |   |
| <input type="checkbox"/> Transportation   | <input type="checkbox"/> Water                 | <input type="checkbox"/> Juvenile Problems |   |