

THE LEAGUE OF WOMEN VOTERS® OF THE FAIRFAX AREA

Fairfax VOTER

September 2013 Volume 66, Issue 1

"Power The Vote": What Recent Changes May Affect Your Ability to Vote in Virginia?

Your local league (LWVFA) is kicking off its program year with a careful consideration of the current situation regarding recent changes in voting laws in both Virginia and throughout the US. The situation in Virginia is covered extensively because federal restrictions of voting rights changes in the state were overturned by the recent Supreme Court ruling overturning part of the Voting Rights Act of 1965. Both the national (LWVUS) and state (LWV-VA) league levels are concentrating program and action efforts on voting rights as well.

Why was Virginia originally targeted by the VRA? What voting rights changes seem to be emerging in the state legislature? Some of your questions may be answered with this timely study. Discuss with vigor!

Calendar

September 2013

2	Labor Day	
3	October VOTER deadline;	
	school begins	
4-6	Rosh Hashanah	
7	Kick-off; Briefing /At-Large unit	
9-12	Unit meetings	
11	Patriot Day	
13-14	Yom Kippur	
17	Citizenship Day; Constitution Day	
18	Board meeting	
22	Fairfax Cable Access Corp. election	
24	National Voter Registration Day,	
24	•	
2424	National Voter Registration Day,	
	National Voter Registration Day, Metro Day	
24	National Voter Registration Day, Metro Day Sully District Meet and Greet	
24 25-2	National Voter Registration Day, Metro Day Sully District Meet and Greet Fairfax County Voter Registration Week	
24 25-2	National Voter Registration Day, Metro Day Sully District Meet and Greet Fairfax County Voter Registration Week LWV-VA fall workshop; Richmond	

Inside This Issue

Presidents' Message	2
Dues Due	2
Voter Registration Training	3
New Poverty Measure Announced	3
Meet and Greet Local Candidates	4
Welcome New Members	4
Now at a Computer Near You	4
Voting Rights: Past and Present	EF-1
Discussion Questions	EF-6
Two New Electoral Bd. Members	EF-6
Fall Kick-Off	5
Tentative Study Topics for 2013-2014	5
Leaguers Assist Voter Registration	6
Nominating Committee Seeks Volunteers	
Share Your Time and Talents	7
Help Wanted	8
Unit Meeting Locations	



Presidents' Message



As we begin our 2013-2014 season, we want to encourage all members to mark their calendas and plan to attend our annual kick-off meeting, September 7 at the Springfield Government Center, starting at 9:30 a.m. This is your opportunity to learn about LWVFA's plans for the coming year.

We open our election season message with a sincere thankyou to Una White. Una coordinated Community Elections from 2004 to 2012, and managed multiple elections before and since. As the point person for each round of balloting, Una coordinated with the individual condominium management, organized our volunteers and ensured that they were properly trained for their duties. And she always remained at the polling place until the last ballots were counted and tabulated. We have both worked community elections and can testify to Una's competence, organizational abilities and people skills. Thanks, Una, for all your hard work. We really appreciate it.

For our newer members, the six Community Elections are important because the League earns a fee for managing them. This money boosts our bottom line and helps support our core activities of education and advocacy.

When we mention elections, we usually think of the first Tuesday in November. However, this year we must begin thinking before that date since we have partnered with various District Councils, Civic and Community Associations, AARP and the AAUW to arrange so many candidate "Meet-and-Greet" sessions for this election season. Candidates are grateful for the opportunity to communicate directly with voters. And voters are happy for the chance to ask questions concerning issues that are important to them. All Leafue members should make a special effort to attend at least one of these sessionsWe thank Peggy Knight who organized all these events, and will coordinate them.

Domestic Violence Hotline (703) 360-7273

In this *VOTER* you will find a volunteer form. Does it list something you can do to help us? We certainly hope so. Remember, you make everything we do possible.

Julie and Helen

Annual Dues Are Due!

As of August 1, over 90 members had paid their annual membership fee. We thank you all for your contribution. We ask that all other members renew as soon as possible. Right now, our League is concentrating its efforts on voter registration. Over the coming months, we will be reaching out to the community with our publications: *What's on the Ballot, Voters' Guides*, and *Facts for Voters*. These publications cost more each year. Unfortunately, members who have not renewed by that date will be moved to inactive status. Please send a check for your individual renewal (\$65) or household renewal (\$90), no later than November 1. We look forward to your continued participation in all our activities.

Mail your check to: LWVFA, 4026-B Hummer Road, Annandale, VA 22003

LWVFA Fairfax VOTER 2013 - 2014

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

Coordinator:

Voter Registration Training Scheduled for In-Person or Online Sessions

By Sidney Johnson, Voter Services - Outreach Chair

Voter registration is a key service that we Leaguers offer to our fellow citizens. We are trying to find more opportunities to offer this service, which highlights our presence in the community. It is wonderful to conduct a drive that brings in a large number of new registrants, but it is just as important to share our passion by talking with the public about upcoming elections, sharing what is on the ballot, and being seen for what we are, enthusiasts for citizen participation in government.

The Unit Chairs already know what we plan to do through the Unit Chair Letter from the Co-Coordinator. First, we hope that many members will take the new voter registration training provided by the State Board of Elections. Then we ask you to save these key dates so that we can turn out in force: September 24, September 28, and October 26. Lastly, we hope that some people will find opportunities of their own on other days, particularly in the free speech areas at farmers' markets.

We are also finding ways to assist the registrars at the Fairfax County Office of Elections. Besides helping with voter registration at large naturalization ceremonies, they have asked us to put up posters on grocery store community bulletin boards and similar places. Pat Ferguson, the county's Outreach Coordinator, will mail posters to people who would like to put them up.

Training

A state law took effect this July requiring persons who

New Poverty Measure

Announced In May, researchers at the University

In May, researchers at the University of Virginia's Weldon Cooper Center for Public Service announced a new poverty measure designed to more accurately reflect the economic distress among residents of the commonwealth.

The standard official poverty rate for Northern Virginia residents inside the Beltway is 7 percent, while the new measure finds that 12 percent of persons in this region are in economic distress, despite the region's very high median income. This rate is on par with the new state poverty rate of 11.9 percent.

"Northern Virginia's particularly high cost of housing

obtain more than 25 voter registration forms from the County to participate in a new training session and receive a new certificate for that. Board members believe that, each time we host a voter registration table, at least one of the members at that table should have had the training.

You may complete this training one of two ways:

- Instructor led, classroom training at Fairfax County Office of Elections. Please email <u>Patricia</u>. <u>Ferguson@fairfaxcounty.gov</u> to register for one of the locally scheduled training classes listed below, or call 703-324-4711
- 2. Online training: Complete Voter Registration Training and Quiz at: http://www.sbe.virginia.gov/VoterRegistrationDrives.html. Complete as an individual and print your training certificate. It takes about 25 minutes.

Training dates and locations in Fairfax County are:

- 1. Thurs, Sept 5, 6:00 pm Lorton Library, Lorton Meeting Room, 9520 Richmond Hwy, Lorton, VA
- 2. Wed, Sept 18, 9:30 am, 12000 Government Center Parkway, Suite 315C, Fairfax, VA

The training will cover topics including best practices for completion of the voter registration application, maintaining the integrity of the voter registration process, prohibited activities, important deadlines for submission of completed applications, and laws protecting the privacy of applicants.

Please write to me with any questions. I hope that we will have a rewarding and successful voter registration campaign.

and other goods is to blame," lead researcher Dustin Cable said. "The new measure's poverty rates for Virginia better conform to our common-sense understanding of the actual resources available to families, and the necessary costs they face. A one-size-fits-all poverty measure that ignores regional differences doesn't make sense."

The new "Virginia Poverty Measure" incorporates spending patterns; accounts for regional differences in the cost of living; and includes the effects of taxes, government programs and medical expenses – all ignored in current official poverty statistics. The measure is attracting attention from poverty researchers across the nation for its comprehensive and contemporary look at economic well-being in Virginia.

"Meet and Greet" Your Local Candidate Sessions Scheduled Around the County

By Peggy Knight, Voter Services-Meet & Greet

The League of Women Voters of the Fairfax Area is partnering with various community organizations to sponsor a Candidates' Meet and Greet Night in all nine magisterial districts in the county. All House of Delegate candidates certified to appear on the ballot will be invited to the events for the magisterial districts they represent. The candidates certified to appear on the ballot for the remainder of the sheriff's term will be invited to all Meet and Greet Events.

These events are an opportunity for the voters to meet with their candidates and to learn the candidates' position on various topics. They are also an opportunity for the public to see the League of Women Voters of the Fairfax Area in action. Please support this vital League activity by volunteering to help at the Meet and Greet in your area AND publicizing the event. To volunteer or to learn more about the Candidates' Meet and Greet Night, contact Peggy by email: peggy.knight1@verizon.net or phone: 703-772-4939.

Candidate Meet and Greet Events that are set for the Supervisory Districts in Fairfax County:

- Sully District: September 25, 2013, 7 9 pm, at the Sully Governmental Center in Chantilly cosponsored by LWVFA & Sully District Council.
- Dranesville District: October 2, 2013, 7 9 pm, at Tysons-Pimmit Regional Library cosponsored by LWVFA & AAUW McLean Area Branch.
- Lee District: October 8, 2013, 7 9 pm, at Franconia Government Center Community Room cosponsored by LWVFA & Lee District Association of Civic Organizations.
- Hunter Mill District: October 10, 2013, 7 9 pm, at Lake Anne site, Reston Community Center (RCC) at 1609 A Washington Plaza, Reston VA 20190. (Since GPS and Map quest send people to Hunter Woods RCC, attendees are advised to go to the RCC website for correct directions.) Co-sponsored by LWVFA & AARP Dulles Area Chapter.

- Providence District: October 15, 2013, 7 9 pm, at Thoreau Middle School co-sponsored by LWVFA & Providence District Association of Civic Organizations.
- Mason District: October 17, 2013, 7 9 pm, at Annandale United Methodist Church. 6935 Columbia Pike, Annandale co-sponsored by LWVFA & Mason District Council of Community Associations.
- Springfield District: October 3, 2013, at West Springfield High School, Spartan Hall
- Mt Vernon District, October 9, 2013Sherwood Hall Library Meeting Room

LWVFA Welcomes Our New Members

The following have joined the Fairfax Area League since February 2013. We are very happy to have them with us. Are new members are: Virginia Barry (No unit affiliation as yet), Gisela Carty, Mount Vernon Day, Tom and Elizabeth Davidson (No unit affiliation as yet) Betty Ellerbee, Springfield, Sidney Johnson, Reston Day, Karen Justesen, Mount Vernon Day, Christine Muth, Mount Vernon Day, and Cynthia Wrisley, Reston Day.

NOW AT A COMPUTER NEAR YOU!

If you have a valid Virginia Driver's license or DMV ID, you can now complete and submit your voter registration or changes to your current Virginia voter registration online by going to: https://www.vote.virginia.gov/.

Share the word!

VOTING RIGHTS IN THE U.S. AND VIRGINIA: PAST AND PRESENT

A BRIEF SUMMARY

By Therese Martin, Susan O'Neill, and Karole McKalip

Early this summer the Supreme Court handed down two significant decisions in the areas of elections and voting. In this issue we will provide some background information, summarize the decisions made by the Court, and discuss possible implications for Virginia elections and voters. We will also mention some of the recent changes in Virginia's election system occurring in the Commonwealth due to legislative and executive actions earlier this year.

For approximately the first 175 years of the nation, there was little variation or change in laws and customs governing voting and elections; if you were white, male and a person of property, you generally could vote to select those who enacted and enforced the laws. After the Civil War and the introduction of Reconstruction, there was a period of change during which the 14th and 15th Amendments to the United States Constitution were adopted (1868-1869). However, the promise the amendments reflected would take nearly a century to achieve.

Article XIV (Fourteenth Amendment)

Section 1 All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article XV (Fifteenth Amendment)

Section 1 The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2 The Congress shall have the power to enforce this article by appropriate legislation.

The right of women to vote, which is another story and not the focus of this review, would not be achieved until ratification of the 19th Amendment in 1920. Virginia did not formally ratify the Amendment until 1952.

Post-Civil War to the Cold War

Enactment of the amendments and implementing legislation resulted in large numbers of African-American registrations and the election of African-American candidates, as newly-freed slaves began to play a role in their government. However, it was generally short-lived as reaction to the changes and the end of Reconstruction occurred, and a long period of violence and overt discrimination followed. Aided by gerrymandered districts, white control of state legislatures returned. "Jim Crow" laws were enacted and basically upheld in *Plessy v. Ferguson* in 1896. This was certainly the case in Virginia, where in the early part of the 20th century, its Constitution, laws and policies were designed to disenfranchise African-Americans, and women continued to be unable to vote. This period of disenfranchisement lasted in Virginia and other southern states for over half a century.

Anytime a group of long-time League of Women Voters (LWV) members discuss voting in Virginia in the 1960s, you are guaranteed to hear stories of how they registered to vote by going to a registrar's home by first calling and making an appointment, and how they had to pay a poll tax before voting – or remember getting the poll tax bill in the mail. (The poll tax was prohibited in federal elections by the 24th amendment in 1964 and applied by the Supreme Court to state elections in 1966.) These, plus Virginia's history of using literacy tests and discriminatory registration "gimmicks" such as blank-sheet registration forms to disqualify African-American citizens from registering to vote verify the validity of Virginia's inclusion in the list of jurisdictions subject to "pre-clearance" under the 1965 Voting Rights Act.

The \$1.50 poll tax as a requirement to vote kept some people from the polls, as did the requirement that the tax be paid three years in a row at least six months before the election. The result of these and other laws led to Virginia having one of the lowest voter participation rates in the country. And Virginia's legislative district lines were drawn to exclude the possibility of a minority getting elected to office and to keep power in the rural areas of the state. (Commentary by Delegate Ken Plum in the July 10-16, 2013 edition of the

Reston Connection)

While there had been periods of reaction and sporadic attempts to end "Jim Crow" laws, embedded segregation, KKK activity, and outright murder as occurred in the lynching of African-Americans during the first half of the twentieth century, the 1955 action of Rosa Parks refusing to give up her seat on a bus to a white passenger in Montgomery, Alabama is often marked as the beginning of the most significant period of civil rights activity in the nation. There is no need to repeat any specific events here; we have access to the information in all forms of the media, especially in our area. And by the time we are discussing this topic in our LWVFA meetings, the 50th anniversary of the historic August 28, 1963 March on Washington will have occurred with its expected historical documentation. It is generally held that the efforts during this time to achieve civil and voting rights for African-Americans and the violent response of southern whites to this activity directly resulted in the enactment of the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

The Civil Rights Act of 1964

The Civil Rights Act of 1964 was signed into law by President Lyndon Johnson in July 1964. This landmark legislation included protections against discrimination based on race, color, national origin, sex, or religion. It ended unequal application of voter registration requirements and racial segregation in schools, in the workplace, and in facilities that served the general public (known as "public accommodations"). The law continues to serve as a potent tool for combating discrimination. The Act:

- ➤ Barred unequal application of voter registration requirements though it did not eliminate literacy tests nor address other steps used to repress nonwhite voters.
- ➤ Outlawed discrimination based on race, color, religion or national origin in hotels, motels, restaurants, theaters, and all other public accommodations engaged in interstate commerce; however, it exempted private clubs without defining the term "private".
- ➤ Prohibited state and municipal governments from denying access to public facilities on grounds of race, color, religion or national origin.
- ➤ Encouraged the desegregation of public schools and authorized the U.S. Attorney General to file suits to enforce the act.
- Expanded the Civil Rights Commission (established by the earlier Civil Rights Act of 1957) with additional powers, rules and procedures.

➤ Prevented discrimination by government agencies that receive federal funds.

The Voting Rights Act of 1965

The Voting Rights Act, signed into law by President Lyndon Johnson on August 6, 1965, aimed to overcome legal barriers at the state and local levels that prevented African Americans from exercising their right to vote under the 15th Amendment to the Constitution of the United States. The act significantly widened the franchise and is considered among the most far-reaching pieces of civil rights legislation in U.S. history.

Echoing the language of the 15th Amendment, the act prohibits states from imposing any "voting qualification or prerequisite to voting, or standard, practice, or procedure ... to deny or abridge the right of any citizen of the United States to vote on account of race or color." The most important provisions include:

Section 2: Prohibits, on a nationwide basis, voting procedures and practices that discriminate on the basis of race, color, or membership in a language minority group. It prohibits both election-related practices (including redistricting plans, poll worker hiring, registration procedures, etc.) that are intended to be racially discriminatory as well as those that are shown to have a discriminatory impact. Section 203, which now applies to Fairfax County, requires covered jurisdictions to provide bilingual election materials and assistance.

<u>Section 3</u>: Allows the federal government to subject jurisdictions with recent records of deliberate discrimination to the pre-clearance requirements of section 5.

Section 4: Establishes the criteria for determining whether a jurisdiction is covered under the special provisions of the Act, including the review of voting under section 5. It specifically addressed states and part of states that had a history of discriminatory practices. The provisions applied to states and political subdivisions (mostly in the South) that had used a "device" to limit voting and in which less than 50 percent of the population was registered to vote in 1964.

<u>Section 5</u>: Freezes changes in election practices in certain states and parts of states until the new procedures have been determined by the Department of Justice or court review to have neither a discriminatory purpose nor effect, i.e., the pre-clearance requirement.

Improving Voter Registration and Voting Opportunities

By the early 1990s, it became clear that the lack of uniformity in state registration laws depressed voter turnout, leading to efforts to enact federal legislation to establish a modicum of uniformity for some elements of registration systems across the nation. The 1993 National Voter Registration Act of 1993 (NVRA), also known as "Motor **Voter,**" was enacted to establish procedures to increase the number of eligible citizens who register to vote; protect the integrity of the electoral process by ensuring that accurate and current voter registration rolls are maintained; and to enhance the participation of eligible citizens to vote. It requires states to give citizens the opportunity to register to vote at the same time as they apply for or renew their driver's license; at social services agencies; and by using mail-in forms, obtained from individual voter registration drives. Section 6 of the NVRA requires each state to accept and use the federal mail registration form developed by the U.S. Election Assistance Commission (EAC). In addition, however, states may also develop and use their own form if it meets specified criteria.

Following enactment of the NVRA, Virginia amended its Constitution in 1994 (effective in 1995) to implement the law. Until then, Virginia required all voters to register in person. The recently issued report of the federal EAC indicates the effectiveness of the law: In 1992, 62.7 percent of Virginia's voting age population was registered to vote; in 2012, it was 85.8 percent (or 92.3 percent of the citizen voting age population). The source of the more than 3 million voter registration forms received in the 2010-12 period in Virginia is also quite telling. Approximately 26 percent were received by mail and 40 percent received through the DMV, compared with just 9 percent completed in person.

Enacted to correct the problems brought to light by the 2000 presidential election, the Help America Vote Act (HAVA) of 2002 was enacted to make reforms in the nation's voting process and systems. It requires that each state develop and use a single, uniform, official, centralized, interactive, computerized statewide voter registration system to store and manage the lists of registered voters throughout the state. This database is used to ensure accurate voter registration lists for use at all elections. The law established the EAC, created mandatory minimum standards in key areas of election administration and provided funding to help states meet the standards. It addressed programs and procedures covering: provisional voting; voting information; updated and upgraded voting equipment; statewide voter registration databases; voter identification procedures, and

administrative complaint procedures. Implementation was left almost entirely in the hands of the states, which have great latitude in how they meet the minimum requirements.

The Last Decade

Opponents of the VRA pre-clearance provisions had long complained that it covered only some jurisdictions – mostly states in the Deep South. While that might have made sense in the 1960s, they say, the South has changed and the choice of what are known as "covered jurisdictions" affected by pre-clearance no longer makes sense. Although Congress disagreed with this contention as it renewed (for 25 years) the VRA, in 2006 the Chief Justice and others on the Court indicated that they agreed with the pre-clearance opponents when issuing a decision in a 2009 case. The die was cast. On the state level, there has been a surfeit of election legislation during this period. There is no quick and easy way to summarize its full scope, but readers can visit the website of the National Conference of State Legislatures (NCSL) for very complete information, including maps and tables. http://www.ncsl.org/legislatures-elections. aspx?tabs=1116,114,796#1116. As an illustration, the following NCSL table shows the amount of election legislation introduced in state legislatures for the first five months of 2013.

Legislative Action Bulletin

- > 172 bills enacted
- ➤ 30 bills in conference or pending gubernatorial action
- > 145 bills pending in the second chamber
- > 1,056 bills pending in chamber of origin
- > 477 bills failed to pass
- > 82 bills carried over to 2014 session
- > 5 bills vetoed

To summarize

- > 2,213 total election bills introduced in 2013
- > 25 states are in session
- > States likely to adjourn by the end of the month are AZ, IA, KS, NE, OK and TX

In recent years there have been increasing attempts to restrict access to the polls on the basis of presumed fraud – enacting legislation to solve a problem that has been found not to exist. As we have seen in Virginia, voter ID has been a major component of these efforts. According to NCSL, nearly 1,000 voter ID bills have been introduced since 2001 in 46 states: 24 states passed major legislation during the period 2003-2012 (not including the 2011gubernatorial vetoes), with eight states enacting voter ID laws and another five where the legislation was vetoed by the governor in 2011 alone. The 2013 bills include voter ID bills in 12 states,

proposals to strengthen existing photo ID laws in seven states, and other changes to existing photo ID laws in 11 states.

It is the contention of many that the record of legislation designed to repress voter registration and turnout would have been much worse if the VRA pre-clearance provision did not exist. It served, as it were, as a deterrent to even more egregious legislation.

The June 2013 Supreme Court Voting Rights Decisions

The Supreme Court handed down two important voting rights decisions in June 2013, which were greeted quite differently by the LWV and other voting rights proponents. The first case was that of Arizona v. Inter Tribal Council of Arizona, which examined whether the NVRA prevents states from passing laws that restrict the voter registration process. The Court, in a 7-2 (Alito and Thomas) split decision delivered by Justice Scalia, upheld the 9th Circuit Court of Appeals determination that the Arizona requirement that persons seeking to register to vote provide proof of their citizenship was pre-empted by federal law in the NVRA. The Court held that "Arizona's evidence-of-citizenship requirement, as applied to Federal Form applicants, is preempted by the NVRA's mandate that States 'accept and use' the Federal Form." See: http://www.supremecourt.gov/ opinions/12pdf/12-71 7l48.pdf.

The LWV had been continuously involved in this case, reflecting its support of the viability of voter registration by mail and its commitment to its founding goals and to maintaining the integrity of the NVRA. See: http://www.lwv.org/files/VOTE.Gonzalez.12-71%20bsac%20 League%20of%20Women%20Voters 3.pdf.

The second case was that of *Shelby County, Alabama, v. Holder*, in which the Supreme Court, in a 5 to 4 decision, held that section 4 of the VRA, which provides the formula used as a basis for section 5 coverage, was unconstitutional. The decision did not strike down section 5, which authorizes the pre-clearance requirement, but without section 4, it has no significance or effect. As was expected from the Court's comments in 2009, the basis of the ruling was that the section 4 formula was "based on 40-year old facts having no relationship to the present day."

What will happen next? As this is being written, it is too early to tell. The obvious first step will be to ask Congress to enact an amended section 4 based on current data. LWV

President Elisabeth McNamara has said: "We will be going to Congress to fix this issue and ask them to restore the VRA to its full strength." Assuming that Congress could overcome its current gridlock to decide to address this politically-charged issue, it is even more questionable that it could agree on a formula, or group of formulas, to replace those in the current section 4. A discussion of possible formulas can be found at: http://www.nytimes.com/interactive/2013/06/23/us/voting-rights-act-map.html?r=0. Some have also pointed out that there is no guarantee that the current or future Court would uphold section 5 under conditions of a revised section 4.

Some opponents of pre-clearance had argued that since the entire nation is covered by Section 2, which allows the government to sue after a state discriminates against voters of color, there is no need for Section 5 as well. But, as noted in an earlier ruling on the VRA, "lawsuits to enjoin discriminatory voting laws [after they take effect] are costly, take years to resolve, and leave those elected under the challenged law with the benefit of incumbency."

Some have suggested that section 3 could be used to determine which jurisdictions should be subject to section 5. However, its effectiveness is limited to the fact that it requires a high standard of proof. That is, one would have to prove that a jurisdiction **intended to discriminate**, not that its actions had a discriminatory effect.

Until action is taken at the national level to overcome the effects of the decision, which were seen as Texas and other jurisdictions immediately put into effect laws that had been blocked, citizens will need to be even more vigilant to protect voting rights at the state level. This is certainly true in Virginia, where we have normally had to depend on federal legislation and court action to overcome a history of discrimination.

Significant Election Law Legislation from the 2013 Virginia General Assembly

The 2013 Virginia General Assembly session proved to be a banner year for the introduction of legislation on registration and voting. While close to 150 bills were introduced (based on an informal tally of bills referred to the privileges and elections committees), fewer than 20 made it through both houses and approval by the governor. Those that didn't pass include bills on topics that the League has supported for many years: nonpartisan redistricting, no-excuse absentee voting, and the automatic restoration of the civil rights of felons. However, the General Assembly enacted four laws that LWV members should be aware of:

Online voter registration: HB 2341 was passed with little opposition in either house, was signed by the governor, and was effective on July 1, 2013. This law, supported by the LWV, makes online voter registration and name and address changes available to Virginia citizens who have a valid Virginia driver's license or DMV-issued ID. The portal for online voter registration became available on the SBE website in July 22, 2013.

Guidelines for third party registration drives: SB 1008 was also passed without significant opposition in the General Assembly, and was effective on July 1, 2013. The legislation was viewed as a reaction to the publicity given to a progressive group that pre-populated registration forms and sent them to prospective registrants which, due to use of a faulty data base, included deceased persons and family pets (e.g. Fido and Fluffy) and accusations that a contracted canvasser for the Republicans had tossed completed registration forms into the trash. This law, which was not supported by the LWV, requires that persons, both individuals and those acting as agents for an organization, who pick up 25 or more voter registration forms from the State Board of Elections (SBE) or local registrars offices must complete training and sign an affidavit/registration form. It also reduces the time--from 15 to 10 days--for submission of completed forms to the registrar's office. The training can be done at the SBE, at local registrar's offices, or online. The online training became available on the SBE web site on July 23, 2013. A database will be developed to include all those who are trained and sign the affidavit (registration) throughout the state. The guidelines can be found at: http://www.sbe.virginia. gov/Files/VoterRegistration/VoterRegistrationDrives/ guidevoterregdrive.pdf

Photo ID for Voting: In spite of the fact that the 2012 General Assembly enacted legislation that added additional eligible forms of ID for voting at the polls and spent close to \$2 million to furnish and publicize the mailing of (non-photo) voter registration identification cards to all registered voters in Virginia, it again took up the issue in 2013 and reversed its actions of just the year before. SB 1256, which passed on a nearly party-line vote in the House and a tie vote in the Senate, is scheduled to be effective on July 1, 2014. All non-photo IDs were eliminated as eligible forms of ID for voting and the SBE is to provide a free voter registration card containing a photo if the voter does not have a satisfactory eligible ID. Since the bill is not effective this year and plans have not been developed for its implementation, additional information is not being provided at this time. According to an executive order issued by the governor upon signing the legislation, the LWV and other groups are to be involved in its implementation and public outreach efforts.

<u>Department of Elections</u>: SB 1229 provided for changing the name of the agency called the SBE to the Department of Elections, and naming the head of the agency the Commissioner of Elections, who is to be appointed by the governor. This change is to be effective on July 1, 2014 and should be taken into account by Leagues who currently refer to the SBE in their voters service materials.

Restoration of the Civil Rights of Felons

Following the failure of the 2013 General Assembly session to address this issue, the governor took matters into his own hands. On May 29, 2013, Governor McDonnell announced that he was taking administrative action to establish a procedure that would automatically restore voting rights to non-violent felons. The procedure took effect on July 15, 2013.

A felony is defined as: A serious crime, characterized under federal law and many state statutes as any offense punishable by death or imprisonment in excess of one year. (Legal Dictionary the freedictionary.com)

Prior to the new procedure, Virginia permanently disenfranchised all citizens convicted of a felony; it was one of only four states to do so, the other three being Florida, Kentucky and Iowa. The only way to regain voting rights was through a lengthy application procedure, and one that had to be sanctioned by the governor. There was no guarantee that voting rights would be restored after such an application and there was no process of appeal; however, felons could reapply after one year.

The new procedure only affects felons convicted of non-violent crimes; felons who have been convicted of violent crimes must still wait for five years to apply for their voting rights to be restored, at the discretion of the governor. Some examples of non-violent felonies are: embezzlement, identity theft, forgery. Drug possession is listed as a non-violent felony; all other drug-related felonies are classified as violent.

To be eligible for restorations of voting rights a felon has to:

- ➤ Have been convicted of a non-violent felony in a Virginia court, or convicted in a U.S. District Court, military court or a court of another state or territory
- ➤ Have completed serving the prison sentence and been released from probation or parole; and
- ➤ Have paid all court costs, fines to the Commonwealth

and restitution to the victims, satisfied all courtordered conditions, and have no pending felony charges.

For non-violent felons who will finish their sentence after July 15, 2013, the process should be relatively straightforward: they will receive a notification letter in the mail. For those who have recently applied or been denied, again the process should be fairly straightforward, as the state has all these applications and can reprocess them; they too will receive a notification letter in the mail. Where the situation becomes complicated is for the thousands of non-violent felons who have served their sentences over the last few years; there is no central database of these people, and they have to make themselves known to the Secretary of the Commonwealth. This is an opportunity for nonprofit organizations to get the word out as to who is eligible for restoration of voting rights.

The most important points to remember are: 1) although this process is automatic for non-violent felons, once they have completed all the steps listed above, it is **not** instantaneous; 2) individuals **must** receive their restoration of voting rights from the governor before they register to vote; and 3) individuals who have had their rights restored must still register to vote, as all non-felon citizens are required to do.

For more detailed information see the following link: http://www.commonwealth.virginia.gov/News/viewRelease.cfm?id=1895

General Sources

Much of the information in this study, other than personal knowledge, is based on Internet sources and includes:

- ➤ Reports and newsletters of the: National Conference of State Legislatures, Brennan Center for Justice, Pew Center on the States, and U.S. Election Assistance Commission;
- ➤ Websites of the Civil Rights Section of the U.S. Department of Justice, U.S. Supreme Court; League of Women Votes of the U.S., Virginia's General Assembly Legislative Information System; Virginia State Board of Elections, Wikipedia, and news sources commenting on the 2013 Supreme Court cases and decisions including the Washington Post, New York Times, Richmond Times Dispatch and Hampton Roads Pilot Online; and
- ➤ LWVUS, LWV-VA and LWVFA studies and articles on voting and election laws.
- ➤ Additional information about the new procedure for the restoration of rights for non-violent felons may be found at: http://www.commonwealth.virginia.gov/JudicialSystem/Clemency/restoration.cfm?CFID=26597228&CFTOKEN=a6a23059bf05d5d2-FF3D6B7B-03AC-69F8-C6A10B8514F49CED.

Discussion Questions for September

- 1. What experiences have you or family members had regarding voting impediments? In Virginia? Elsewhere?
- 2. How did the Voting Rights Act of 1965 affect Virginia elections?
- 3. What was the impact of the National Voter Registration Act of 1993 on Virginia?
- 4. Do you think that the recent Supreme Court decisions will affect the Virginia election process or politics?
- 5. What legislation on registration and voting would you like to see enacted in Virginia? Would you be willing to help the League make it happen?
- 6. If you have served as an election official, was voter ID ever a problem?
- 7. What type of information would you like to receive on a periodic or consistent basis about registration and voting issues or changes?
- 8. Is the differentiation between non-violent and violent felons a fair one, as far as restoring voting rights?

Two New Members Named to Fairfax Electoral Board

By Olga Hernandez, Electoral Board Observer

The Electoral Boards in Virginia set policy for their voting jurisdiction and implement the election code. Each board is composed of three members, two of the party of the Governor and one member of the party that got the second highest vote total in the preceding governor's race. Members serve three year staggered terms.

Due to illness the long-serving Secretary, Carol Ann Coryell (R), resigned and the Circuit Court acted to appoint a replacement. As required, the Republican Party submitted three names to the court. Steve Hunt (R), a former FCPS School Board member and former candidate to the state Senate, was appointed for the remainder of the term, 2013-15. He was welcomed to the board in July.

Earlier this year Brian Schoeneman (R), also a former candidate for the House of Delegates, was appointed by the court for a three-year term, 2013-2016. He now serves as Secretary after the board reorganized in July. The Chairman is Seth T. Stark (D), 2011-2014.



Fall Kick-Off

2013 -14 Year Begins With Voter Service Activities



What: Fall Kick-off (The beginning of the League year), Briefing for the September unit meetings, and At-Large unit meeting for all interested who do not or cannot attend unit meetings

What: Plans for 2013-2014, Briefing and At-Large Unit Meeting

When: September 7, 2013

Who: All Unit Officers or a unit representative

Where: West Springfield Government Center, 6140 Rolling Road, Springfield VA 22152

Schedule: Gathering 9:30; Kick-Off 9:45; Briefing 11:30

LWVFA is ready to begin our new League year. We want to share our plans with you, hear your ideas, and answer your questions. <u>All units should be represented</u> either by unit officers or unit members. We will share our Voter Service plans and our need to staff each activity. Sign-up sheets for each activity will be distributed and discussed.

We will provide snacks, but if you are staying for the briefing on "Election Laws and Supreme Court Rulings" please feel free to bring a bag lunch. Remember that everyone is invited to attend the briefing in lieu of regular unit meetings. Come enjoy the discussion.

Directions: as there are numerous local roads that work for the West Springfield Government Center from various directions in Fairfax County; please use what works best for you.

Tentative Topics for Unit Discussion 2013-2014

Program Committee co-chairs, July Helein and Karole McKalip have released a tentative schedule of topics scheduled for unit discussion through January. In making the announcement they caution members to please keep in mind that the schedule of topics can change in the interest of keeping topics relevant to what is currently happening in the community or in the League.

September – Changes in Election Laws and Supreme Court Ruling

October – Fairfax County Libraries

November – Agriculture (League of Women Voters of

the United States Study)

December – Education **January** – General Meeting

In addition, the Domestic Violence Committee will be preparing a topic for the new year and another group is working on the topic of Reduction of Gun Violence. Other topics under consideration for 2014 are Immigration, Stormwater Drainage, the Environment (Fracking/Water). If you are interested in any of these topics, please send an email to judithhelein@aol.com or give her a call at 703-725-9401.

Think Green . . .

The average washing machine uses about 41 gallons of water per load, whereas newer, high-efficiency washing machine models use less than 28 gallons of water per load. (EPA, 2008)

Leaguers Assist in Voter Registration at Naturalization Ceremony

By Sidney Johnson, Voter Services-Outreach

Three members of the LWV-FA helped the Fairfax County Office of Elections Registrars offer the first joy and responsibility of citizenship to about 700 people who flooded out from their naturalization ceremony in the auditorium of Hayfield Secondary School in Alexandria on Tuesday, July 30, 2013.

Doris James, a veteran of voter registrations at naturalization ceremonies, enjoyed herself thoroughly. "I was surprised at how many people did not register," she said. "There were so many people that they were in a hurry to leave. Sometimes they could be persuaded to stay. Someone said, 'In the time you've spent talking to me, you could have registered.'"

"It was wonderful; it was quite a deluge," said Cynthia Wrisley. "I was busy trying to hand out the forms, getting them back, and giving them their receipts." The people poured through the doors, past the post where she was stationed.

From her position at the back of the hall, Pat van Slyke surveyed the scene. an commented, "That was quite a crowd! It was hectic but fun, and I felt it was a privilege to part of the naturalization event in the presence of so many proud happy new citizens and their families." She added this appeal. "It would be really helpful to have more League people present to help. I know some new citizens gave up because they didn't want to wait, and wading through the huge crowd to get to the other end where all the registrars were located didn't seem appealing, understandably."

Pat Henderson, the Voter Registration Outreach Coordinator at the Office of Elections, will inform Sidney Johnson when large naturalization ceremonies are scheduled in Fairfax County. Sidney will invite members who live near the locations to assist with registration. Pat says that it is not necessary for LWV members to take the training before helping at these ceremonies, but it is important for them to be familiar with the process of checking the form and giving the receipt to the registrant.

Nominating Committee Seeking Volunteers to Fill Board Openings

By Dianne Blais, Nominating Committee Chair

Unfortunately the newly-formed LWVFA Nominating Committee is being put to work immediately. "Unfortunately" because this means we don't have positions filled that the Board would have liked filled before Sept. 7's Kick-off.

Below are the number of people we need in the jobs, the job title, and a brief description of what the job entails. Co's are permitted on all of these jobs if one person doesn't want to do it individually.

PLEASE CONSIDER who could/would take ANY of these 14 or more positions:

- (4+) Community Elections Of the six community elections the Fairfax League does each year, we need chairs for 4 (FOUR!) this year. We need chairs for: Fairfax Cable Access (Sept); Woodlake Towers (Oct.), Sequoyah (Nov.) and Skyline Plaza (June). These elections are a major source of income for the League
- (1+) Fundraising (or Development) We have a lot of costs

and need corporate / grant support. This person would reach out to the community for monetary support.

- (1) Voter Service Coordinator Olga Hernandez divided Voter Service into five more manageable jobs: Meet and greets; Outreach/Voter Registration, polls, etc.); What's on the Ballot; Voter Guides; and Facts for Voters. All these positions are filled, but there should be a person overseeing them. Olga has trained each chair and would also help train the new coordinator.
- (6+) Action, Local Action, National Action, Observers. We already have a BOS observer and a state action chair. But we'd like a local action person and ideally an ACTION chair who would oversee all action and attend Board meetings. We could use observers to monitor Fairfax City, Clifton, Herndon and Vienna town councils.
- (2+) The Board would also like an environment chair and other program chairs.

Please e-mail (dianneblais@aol.com) or call (703-830-1998) if you have any ideas about how to fill these positions. The other nominating committee members are Wendy Fox-Grage, Mia Merin, Therese Martin and Charleen Deasy if you'd like to talk to them.

Share Your Time and Talents Volunteer Opportunities

Are you willing to help LWVFA reach our goals in voter service and public awareness of important issues? Respond to this form in many ways: (1) Hand in the completed form at your September unit meeting, (2) Mail it to: LWVFA 4026-B Hummer Road, Annandale, VA 22003-2403. (3) Email what you are willing to do to: <u>president@lwv-fairfax.org</u> Name: Best Phone Number: Email: Which Team(s) Will You Join? **VOTER SERVICE TEAM** ----- Support LWVFA voter registration, voters' guides, Meets & Greets Follow legislation and inform others about changes in election laws LOCAL ISSUES STUDY TEAM Become a member of a group studying issues leading to VOTER articles, informational meetings, updating current positions or proposing new positions Schools/education ____ Immigration Transportation Domestic Violence Environmental Quality Land Use Planning ____ Criminal Justice ____ Other ____ **ACTION TEAM** Support action on League positions by preparing letters to editors, writing testimony, etc. Observe governmental boards and commissions and report on their activities **COMMUNICATIONS TEAM** Help with one-time editorial projects; such as, a brochure, an article for our website or the VOTER, proofreading Voter's Guide, etc. Assist in reaching our members and the public in Local Patches, community newsletters, Facebook posts, blogs, etc. **COMMUNITY EVENTS TEAM** Plan community and League events by securing speakers, panel members, event partners Reserve locations, manage cleanup, and assist PR team FUND DEVELOPMENT TEAM Identify and contact business and grant giving organizations asking for donations Help organize and staff community and condo elections **ADMINISTRATION TEAM** Help with writing/editing/layout Make telephone calls Assist in clerical work (labeling, stuffing & sealing envelopes) Other (please specify your interest or skill _____

Help Wanted . . .

State Natural Resources Committee

At Convention 2013, delegates directed the new LWV-VA Board to update the Natural Resources positions. These positions are outdated, and many delegates wanted to see the positions make a statement about uranium mining and fracking. Both are issues that will likely continue to be discussed and legislated in the General Assembly. The state Board has agreed to form a committee to amend the state air quality and water supply and distribution positions by March 2014. The amendments would then be presented to the state LWV-VA board for action. You can view the current positions by going to http://lwv-va.org/positions-priorities.html

If you have an interest in working on this committee, please contact Linda Rice, Second Vice President, LWV-VA **by October 1, 2013** at lindarice678@cox.net or phone (after 7p.m.) 757-566-1825.

Reston Community Center Election,

Six volunteers are needed to be election officials for the annual Reston Community Elections on Friday, October 4 from 6 p.m. – 9 p.m.

Volunteers can reside in the Reston Small Tax District. Call Rona Ackerman.at 703-282-2262 or league@ lwv-fairfax.org if you can help.

A Way to Access Fairfax County News Wire

Get short daily links to Fairfax County news at *Fairfax County News Wire!* Go to <u>www.fairfaxcounty.gov/news/subscribe</u> and subscribe today.

Fairfax Cable Access Corporation Election Volunteers Needed

Help LWVFA raise money to support our Voters Service activities! Volunteer to help on Sunday, September 22 from noon to 5 p.m. at the FCAC election in Merrifield. It's fun; it's easy; it's indoors! Six people are need. Contact Rona Ackerman at league@lwv-fairfax.org or 703-282-2262.

Volunteers Needed to Register Voters After Naturalization Ceremony

The Fairfax County Office of Elections has requested our assistance with registering new citizens to vote after a naturalization ceremony. The Office will notify Sidney Johnson when assistance is needed.

If you would like to help at one of these ceremonies, please contact Sidney Johnson at sidneyjohnson3@verizon.net or call her at 703-476-0581. She will maintain a list of volunteers and call someone near the location of the ceremony when the need arises.

Numerous Committees Need Leadership Positions Filled

Nominating Committee Chair, Diane Blais has requested volunteers to fill 14 positions that are vacant. Please consider volunteering for one of these important positions. Additional information for each position an be found on page 6.

Think Green . . .

Recycling aluminum saves 95% of the energy used to make the material from scratch. That means you can make 20 cans out of recycled material with the same amount of energy it takes to make one can out of new material. Energy savings in 1993 alone were enough to light a city the size of Pittsburgh for six years.

This Month's Unit Meeting Locations

Topic: Voter Rights

Members and visitors are encouraged to attend any meeting convenient for them, including the "At Large Meeting" and briefing on Saturdays when a briefing is listed. As of August 1, 2013, 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, September 7

11:30 a.m. At-Large Unit and Briefing

West Springfield Dist. Government

6140 Rolling Rd. Springfield 22152

Contact: Judy, 703-725-9401_

Monday, September 9

1:30 p.m. Greenspring (GSP)

Hunters Crossing Classroom Spring Village Drive Springfield 22150

Contact: Kay, 703-644-2670

Tuesday, September 10

10:30 a.m. Centreville-Chantilly (CC)

Sully District Gov. Center 4900 Stonecroft Blvd. Chantilly, 20151

Contact: Olga, 703-815-1897

Wednesday, September 11

9:30 a.m. Mt. Vernon Day (MVD)

Mt. Vernon Dist. Government Center 2511 Parkers Lane Alexandria 22306

Contact: Louise, 703-960-0073

9:30 a.m. McLean (MCL)

Star Nut Gourmet 1445 Laughlin Ave. McLean 22101 Contact: Peggy, 703-532-4417 or Sharone, 703-734-1048

9:30 a.m. Fairfax Station (FXS)

8739 Cuttermille Pl. Springfield, 22153 Contact: Kathleen, 703-644-1555

7:30 p.m. Reston Evening (RE)

Reston Art Gallery at Heron House Lake Anne Village Center Reston 20190 Contact: Lucy, 703-757-5893

Thursday, September 12

9 a.m. Reston Day (RD)

11908 Paradise Lane Oak Hill, VA 20171 Contact: Charleen, 703-620-3593

9:30 a.m. Springfield (SPF)

Packard Center 4026 Hummer Rd. Annandale, 22003 Contact: Nancy, 703-256-6570 or Peg, 703-256-9420

1 p.m. Fairfax City/Vienna (FX-V)

Oakton Regional Library 10304 Lynhaven Pl. Oakton 22124 Contact: Bobby, 703-938-1486 or Liz, 703-281-3380

7:45 p.m. Mt. Vernon Evening (MVE)

Paul Spring Retirement Community Mt. Vernon Room 7116 Fort Hunt Road Alexandria 22307

Contact: Jane, 703-960-6820

The status of the Dinner Unit is unsure at press time. Therefore no meeting is scheduled for this month.

October Meetings:

Fairfax County Libraries



The League of Women Voters of the Fairfax Area (LWVFA) 4026-B Hummer Road, Annandale, VA 22003-2403 703-658-9150. Web address: www.lwv-fairfax.org

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September, 2013
Julie Jones, Co-President
Helen Kelly, Co-President
Ron Page, Editor
Liz Brooke, 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.

The League of Women Voters never supports or opposes candidates for office, or political parties, and any use of the League of Women Voters name in campaign advertising or literature has not been authorized by the League.

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(Dues year is July 1 through June 30, Current dues year ends June 30, 2014.)

(Dues year is July 1 through Julie 30. Current dues year ends Julie 30, 2014.)			
Membership Category: Individual \$65; Household Student \$32.50; (Coll. At	(2 persons–1 <i>VOTER</i>) \$90; Donation \$		
Membership is: New; Renewal; Reinstate _ We value membership. A subsidy fund is available, check			
<u>Dues are not tax deductible</u> . Tax-deductible donations m Fund.	ust be written on a separate check payable to LWVFA Ed.		
Please P	rint Clearly!		
Name			
AddressCity			
Phone (H) (M)	E-Mail		
Thank you for checking off your interests: County Govt Voting Procedures Fiscal Environmental Quality Public Libraries Land Use Planning Transportation Water Mail to: LWVFA 4026-B Hummer Road Annandale VA 2	 Human Services Judicial Systems Juvenile Problems Other (Specify) Affordable Housing Domestic Violence 		