



# Fairfax VOTER

## Amending the U.S. Constitution

This month involves a very important moment in League life: the gathering of a consensus from Leaguers all over the country. Based on a vote at the LWVUS Convention in June of 2014, LWVUS is asking for input on two issues grouped as “Structures of Democracy.” The deadline for the first issue, Amending the U.S. Constitution, is December 1. Your LWVFA program chairs will gather and compile input from all the units and your Board will fashion a combined statement to send to LWVUS.

Article V of the U.S Constitution allows amendments to be proposed in two ways, by Congressional action or by two thirds of the states calling for a convention to propose an amendment (or amendments?). The material provided by LWVUS focuses especially on this second option which has never been used. However, several issues, notably the call for an Equal Rights Amendment and a balanced federal budget, are close to reaching the two thirds mark. The “rules” for such a convention are not clearly defined. For example, once a convention is called, may it consider only one amendment, or would it be open season? You will have a chance look at how the process has been defined thus far and what changes you think should be added.

### Calendar

#### November

- 1 Daylight Savings Time ends
- 2 VOTER deadline  
Sequoyah community election
- 3 Election Day: polls open  
6 a.m. to 7 p.m.  
Absentee ballot return deadline,  
7 p.m.
- 6 LWNCA Board meeting
- 7 **Briefing and At-Large meeting.**
- 9-12 **Unit meetings**
- 11 Veterans Day
- 16 Pre-filing of legislative bills begins  
for the General Assembly
- 18 **LWVFA Board meeting**
- 26 Thanksgiving

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## Presidents' Message



Our pre-election voter education activities reached even more Fairfax voters than last year. This happened because all of you made the time and effort to staff our Meet and Greet candidate forums and voter registrations.

But it also happened because as a League, we are learning and adapting to new ways of communicating with voters. We now have a noticeable presence on Facebook and hundreds of followers on Twitter.

We are also experimenting with new ways of reaching out to our community. Thanks to Jim Southworth and the staff at Fairfax Public Access Television, we were able to broadcast live Meet and Greet forums for our Senators and Delegates to the General Assembly, the Clerk of the Court, the Sheriff and the Soil and Water Conservation Directors.

Both of us, along with Maggi Luca and Beth Tudan, gave presentations to high school Government teachers on their in-service day in early September. This was rewarding because the teachers were so impressed with the resources we had to offer, they said they would spread the word. Apparently they did. At a Meet and Greet, one member told us, "My kids came home from school today and said, 'We're doing our community service hours with the League.'"

As we write this, we are preparing a presentation to a local high school Government class, and we hope to receive more such invitations.

And so as all of us keep learning, we hope to have a social media class after the election dust settles. We'll let you know about that.

However, not everything we want to do is high-tech. We hope to make a new poster that can tell the public at a quick glance who we are and what we do. Our historian, Bernice Colvard, has offered to help us with this project but we need

***Domestic Violence Hotline***  
**(703) 360-7273**

your pictures to help tell the story. Please let us know if you have some photos to contribute.

The last few months have been hectic but rewarding, and everything we have done is paying us dividends we hadn't imagined. Thank you for all you have done to make 2015 another successful year. We couldn't have done it without you.

We wish each and every one of you a Happy Thanksgiving.

*Peggy & Helen*



**Ten members of the Fairfax League attended the recent workshop in Richmond. Several can be seen in this photo. (Story on page 6.)**

### **LWVFA Fairfax VOTER 2015 - 2016**

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The League of Women Voters of the Fairfax Area  
4026-B Hummer Road  
Annandale, VA 22003-2403  
703-658-9150 (Info/fax/answering machine)  
www.lwv-fairfax.org league@lwv-fairfax.org

Co-Presidents: Peggy Knight 703-532-4417  
peggy.knight1@verizon.net  
Helen Kelly 703-437-3087  
hmkelly1@verizon.net  
Editor: Ron Page 703-690-0908  
pagegolfer@cox.net  
Coordinator: Liz Brooke 703-281-3380  
lizbrooke@cox.net

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

## Volunteers Made the Meet and Greet Sessions a Success

By Sidney Johnson, Voter Service Coordinator

Many, many thanks to all the volunteers who helped at the thirteen Meet and Greet Candidate Forums we held this year to provide venues for 95 candidates for local and state offices. We could not have held these events without those generous offers of time and energy. Many of our members attended more than one event.

New partners joined us. The Zeta Phi Beta Sorority printed flyers and joined us in some of the events. Genie Nguyen publicized our events through the Voice of Vietnamese Americans and translated all of our flyers and the WOTB into Vietnamese. We continued to enjoy the enthusiasm of AAUW members, PTA members, and high school volunteers, many of whom helped at more than one event.



Meet and Greet volunteers take a break to pose for our camera (left to right): Betty Ellerbee, Co-President Peggy Knight, Therese Martin and Mary Valder.

We arranged venues that would focus on specific elected offices instead of mingling candidates for the state offices with those for local offices in district meetings. Each supervisory district had an event that featured its candidates for Supervisor and School

Board. We also had an event especially for the candidates for Chair of the Board of Supervisors and At-Large School Board candidates.

The two Meet and Greets televised on *Inside Scoop* were a new venture for us. The first one, for the candidates for State Senate and the House of Delegates, gave us a new way to focus the attention of the public on state legislative issues. We were not sure how much support we could get for the event, so we scheduled it for one evening only. There was enough interest to make us think that we can have more than one broadcast and allow more than one hour for each group of candidates next time.

In the second program we provided half an hour to each set of candidates for Clerk of the Court, Sheriff, and the Directors of the Northern Virginia Soil and Water Conservation District. Unfortunately, the Commonwealth's Attorney did not attend. We hope that

the YouTube of this event attracts the attention of the voters during the campaign season and that voters will know what the holders of these offices do.

## LWV-VA Releases Video "Why Vote?"

The League of Women Voters of Virginia has just released a public service video "Why Vote?" encouraging citizens to vote on November 3. The one-minute video asks the viewer what issues they really care about and how to find information about where candidates stand on issues using the League's Vote411 website. State Co-President Lois Page, stated "It's so important that people take part in this election process, since those elected make the real decisions that affect areas such as education, health care, employment and voting equality."

Leaguers are encouraged to view the video and send the link to friends in an effort to get out the vote on November 3. If each League member sends the link to 10 friends, we will

have reached almost 1,000 voters. Do your part and make this campaign effort a success. This is a first of a kind for LWV-VA and the difference it makes is important in planning for future videos.



To view the video, go to <https://youtu.be/JJ7GX3rLuoE>

## Cameron Sasnett Appointed General Registrar for Fairfax County



The Fairfax County Electoral Board has appointed Cameron Sasnett as general registrar for Fairfax County, the largest jurisdiction in Virginia with almost 700,000 registered voters and 241 voter precincts. His four-year appointment is effective Oct. 5. Role of general registrar in

Virginia elections.

Sasnett is founder and chief executive officer for Elect-Logic Consulting, an election administration consulting firm, which specializes in the use of technology solutions. In this role since 2011, he has been a consultant for the Virginia Department of Elections and the Stafford County Office of

the General Registrar. He also served as a consultant in 2013 for the Fairfax County Office of Elections in the procurement of the county's new voting machines.

His elections management experience includes:

- Technology consultation, training and support for voting systems, electronic poll books, photo ID software and election results reporting.
- Elections policy development and implementation.
- Logistics management of personnel, materials and voting systems.
- Election officer (poll worker) recruitment and training.
- Communications and social media outreach for voters and stakeholders.
- Emergency planning and response development.

Prior to his career in elections management, Sasnett was a firefighter and paramedic in the Fredericksburg area for six years and is a certified emergency management professional.

He holds a bachelor's degree in political science from Loyola University in New Orleans and is a 2015 graduate of the Sorenson Institute for Political Leadership at the University of Virginia. Sasnett will earn an annual salary of \$110,000.

## Swifter Response to Voter Registration Requests Needed

We need a new way of responding to requests for voter registration that come to us from condominium complexes and independent senior residences. These requests often come in the second half of September and do not leave us enough time to find volunteers from among the units.

It would be helpful to have a couple of rapid response teams, one in the eastern part of the county and one in the western part, equipped with registration forms, applications for absentee ballots, County literature and our own literature. The teams could have VR bags designated for them. When we get a request, we could alert one of these teams.

There is an alternative method for senior residences. The County is legally bound to send a voter registration team to senior residences if they are asked. Very often the administrators of these residences do not know that they can ask. If we can't send a team, we can advise the administration to go to the county. However, we would prefer to send a well-trained and equipped team from our local League.

If anyone is interested in forming or joining such a team for next year, please contact Sidney Johnson at 703-476-0581 or [sidneyjohnson3@verizon.net](mailto:sidneyjohnson3@verizon.net).

## New Requirements for Voter Registration

By Sidney Johnson, Voter Service Coordinator

This year there was a new wrinkle in the requirements for third-party voter registrations. We have to issue separate receipts instead of tearing off the receipt portion of the registration form, as we used to. For that purpose, the voter registration bags supplied to the units contained pale yellow sheets with three copies of the receipt form. These can be copied again as needed. We are supposed to attach our return mailing label to represent our institution and use the phone number of our office—703-658-9150—as the local contact number. The Office of Elections itself uses yellow paper for its own receipts because they are not supplied by the state.

Fairfax County Office of Elections now scans the whole voter registration application form into the state electronic database. In order to do that, the Office needs to receive the 8 ½ " by 11" form, not the short form that results from tearing off the receipt.

This new requirement was not mentioned in the online voter registration training because not all counties are scanning in their voter registration forms. We are complying with all Fairfax County requirements.



*ALWVUS Study . . .*

# Amending the U.S. Constitution

Article V of the U.S. Constitution provides two ways to propose amendments to the nation's fundamental charter. Congress, by a two-thirds vote of both chambers, may propose constitutional amendments to the states for ratification. Or, the legislatures of two-thirds of the states may ask Congress to call a convention to propose amendments to the Constitution; this is commonly called an Article V Convention. Amendments proposed by either method must be ratified by three-fourths of the states.

The first method has been used by Congress to submit 33 amendments to the states, beginning with the Bill of Rights. Of these, 27 were approved; 26 are currently in effect, while one - the 18th Amendment (Prohibition) - was ultimately repealed. The second method, an Article V Convention, has never been successfully invoked.

In addition to other topics, our League study will explore the process for proposing an Article V Convention in order to determine whether LWVUS would support such a convention and if so, under what circumstances.

## Introduction

*(The information in this article - except as otherwise noted - is excerpted from two documents cited below by Thomas H. Neale that are recommended readings by the LWVUS for this consensus.)*

The Philadelphia Convention of 1787 provided two methods of proposing amendments to the U.S. Constitution. In the first, Congress, by two-thirds vote in both houses, proposes amendments to the states. If three-fourths of the states (38 at present) vote to ratify the amendment, it becomes part of the Constitution. Since 1789, Congress has proposed 33 amendments by this method, 27 of which have been adopted. In the second method, if the legislatures of two-thirds of the states (34 at present) apply, Congress must call a convention to consider and propose amendments, which must meet the same 38-state ratification requirement. This alternative, known as the Article V Convention, has not been implemented to date. Several times during the 20th century, organized groups promoted a convention that they hoped would propose amendments to the states, or to "prod" Congress to propose amendments they favored. The most successful was the movement for direct election of Senators, which helped prod Congress to propose the 17th Amendment. The most recent, which promoted a convention to consider a balanced federal budget amendment, gained 32 applications, just two short of the constitutional threshold. When the balanced budget amendment campaign failed in the 1980s, interest in the convention option faded and remained largely dormant for more than 20 years.

Within the past decade, interest in the Article V Convention process has reawakened: several policy advocacy organizations have publicized the Article V Convention



option, particularly as an alternative to what they portray as a legislative and policy deadlock at the federal level. An important issue in the contemporary context is the fact that advances in communications technology could facilitate the emergence of technology-driven issue advocacy groups favorable to this phenomenon. The rise of instant interpersonal communications, email, and other social media helped facilitate the rapid growth of such groups as MoveOn.org, the Tea Party movement, and, most recently, Occupy Wall Street. These tools could be harnessed to promote a credible campaign in a much shorter time than was the case with previous convention advocacy movements.

Reviewing the history of the Article V Convention alternative, the record of the Constitutional Convention of 1787 clearly demonstrated the founders' original intent. During the convention, they agreed that a second mode of amendment was needed to balance the grant of amendatory power to Congress. This method, clearly identified in Article V as co-equal to congressional proposal of amendments, empowered the people, acting through their state legislatures, to summon a convention that would have equal authority to

propose an amendment or amendments, which would then be presented to the states for ratification.

Only the states can summon an Article V Convention, by application from their legislatures. Some of the issues concerning this process include procedures within the state legislatures; the scope and conditions of applications for a convention; steps in submitting applications to Congress; and the role of the state governors in the process.

### Proposal of Amendments by Congress

Congress has used this first, or “congressional,” amendment process to propose 33 amendments to the states since 1789, 27 of which have been successfully ratified to date.

#### Constitutional Provisions

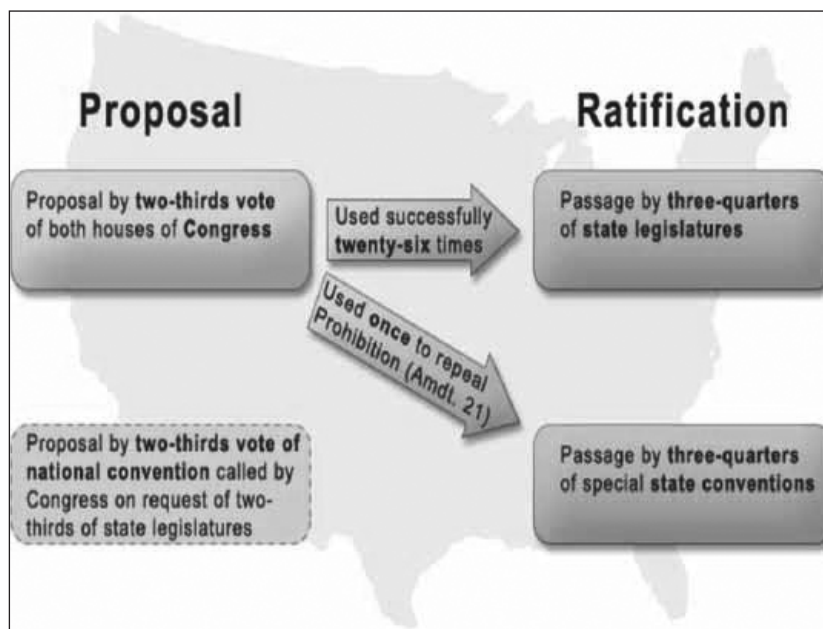
Key constitutional elements include the following:

- • Amendments proposed by Congress must be approved by two-thirds vote in both the House of Representatives and the Senate.
- • The proposed amendment must be subsequently ratified by three-fourths of the legislatures of the states, 38 at present.
- • Alternatively, Congress may direct that ratifications shall be by ad hoc conventions called by the states for the specific purpose of considering the ratification.
- • The same three-fourths requirement for adoption would also apply if Congress voted to require ratification by ad hoc state conventions.

#### Supplementary Provisions

Over the years, Congress has added four additional elements in the amendment process that were not included in the text of Article V.

- • First, the congressional vote to propose an amendment must be approved by a two-thirds vote of the Members present and voting, a quorum being present,



in both the House and Senate. The Supreme Court ruled in National Prohibition Cases of 1920 that Congress had the authority to set these thresholds.

- • Second, amendments are not incorporated into the existing text of the Constitution as adopted in 1788, but rather, are included as supplementary articles.
- • Third, beginning in the 20th century, Congress has required

that ratifications must be roughly contemporaneous, and has set a seven-year deadline for the 18th and 20th Amendments and all subsequent proposed amendments. This practice was upheld by the Supreme Court in its 1921 ruling, *Dillon v. Gloss*, later confirmed in 1939 in *Coleman v. Miller*.

- • Finally, the Constitution does not require approval of proposed amendments by Presidents, who have no function in the process of proposing an amendment to the states. Their approval or signature has no bearing on the process, and they cannot veto or pocket veto proposed amendments that have been approved by the requisite congressional majorities or by an Article V Convention.

### Proposal of Amendments by an Article V Convention

The second method provided in Article V empowers the states to petition Congress for a convention to consider amendments. This procedure is generally known as the Article V Convention

#### Constitutional Provisions

Key constitutional elements include the following:

- • The legislatures of two-thirds of the states, 34 at present, must present applications to Congress.
- • Congress shall then “call a Convention for proposing Amendments.”
- • Amendments proposed by an Article V Convention must also be ratified by three-fourths of the states.
- • Congress may provide for consideration of such

amendment either by state legislatures or ad hoc state ratification conventions, at its discretion.

The Article V Convention for proposing amendments was the subject of considerable debate and forethought at the Constitutional Convention. The founders clearly intended it as a balance to proposal of amendments by Congress, providing the people, through their state legislatures, with an alternative means to consider amendments, particularly if Congress was unable or unwilling to act on its own. Since it is one of the few provisions of the Constitution that has never been implemented, however, the Article V Convention presents many questions for Congress.

### Recent Developments

While the Article V Convention option was largely dormant for more than two decades after the early 1980s, there is evidence of revived interest both in new constitutional amendment proposals and in the use of the Article V method as a grass-roots or state-driven alternative that could empower a convention to propose amendments without securing a two-thirds majority in both chambers of Congress. Indeed, the evidence of the founder's actions at the 1787 Constitutional Convention suggests that they intended the Article V Convention as a "way around" a Congress unwilling to consider an amendment or amendments that enjoyed broad support. Whether current efforts to promote an Article V Convention enjoy sufficiently broad support to make serious progress toward their goal remains to be seen.

In the past, the need to mobilize public support, coupled with the measured pace of state legislative action, guaranteed that an organized movement for an Article V Convention would take considerable time to develop public awareness and support and move the application process forward. Over the past 15 years, however, extraordinary advances in communications technology may have altered this calculation. The swift rise of Internet- and social media-driven policy campaigns suggests that the time-consuming organization and development once considered prerequisite to an effective Article V Convention advocacy movement could be greatly compressed in the contemporary context, and that much of the infrastructure previously thought necessary for such a campaign might be avoided altogether.

After nearly three decades of comparative inactivity, public interest in the Article V Convention option has revived in recent years. Advocacy groups representing much of the political spectrum from left to right have embraced the convention alternative as a vehicle to bypass perceived policy deadlock at the federal level.

Significant developments in this issue have occurred

recently: in March 2014, the Georgia Legislature applied for a convention to consider a balanced federal budget amendment, revoking its rescission of an earlier application; on April 10, 2014, the Tennessee Legislature completed action on a similar measure, H.J. Res. 548, an application to Congress for a convention to consider an amendment requiring a balanced federal except in time of war or national emergency. While both applications are valid, they may revive questions as to the constitutionality of rescissions of state applications for an Article V Convention and whether convention applications are valid indefinitely. Either issue could have an impact on the prospects for a convention.

Other state actions have drawn attention in recent months, particularly adoption by the legislatures of Ohio, in November 2013 and Michigan, in March 2014 of first-time applications for an Article V Convention to consider a balanced federal budget amendment. Unlike Georgia and Tennessee, neither state had previously applied for a balanced budget convention. These applications call on Congress to summon a convention to consider an amendment requiring a balanced federal budget except in wartime or instances of declared national emergency. The potential significance here is that:

- they are the first entirely new state applications since 1983 to request a convention to consider such an amendment; and
- they also claim association with the text and format of applications made by 32 states between 1975 and 1983 as part of an earlier, nearly-successful campaign to call for a convention to propose a convention to consider a balanced budget amendment.<sup>21</sup>

If the Ohio and Michigan applications are included in this series dating to the 1970s and 1980s, they would be the 33rd and 34th such applications for a balanced federal budget amendment convention. If, moreover, all 32 similarly phrased previous state applications for such a convention are valid, including Georgia and Tennessee's recent re-applications, advocates for the Article V Convention would almost certainly argue that the constitutional requirement for applications from two-thirds of the states has been met for the first time, and that Congress must consider implementing the relevant section of Article V. The viability of this assertion arguably depends, among other things, on two factors: the long-term status or lifespan of earlier state applications, and the question of whether states have the constitutional authority to rescind applications for an Article V Convention.



In 2011, the “Conference on a Constitutional Convention,” drew participants ranging from conservative libertarians to progressives together to discuss and promote a convention. In December 2013, a meeting of state legislators advocated a convention, while the “Convention of States” called for a convention to offer amendments to “impose fiscal restraints and limit the power of the federal government.” Also in 2013, the advocacy group Compact for America proposed the “Compact for a Balanced Budget,” an interstate compact that would provide a “turn-key” application, by which, with a single vote, states could join the compact; call for a convention; agree to its format, membership, and duration; adopt and propose a specific balanced budget amendment; and prospectively commit themselves to ratify the amendment.



Congress would face a range of questions if an Article V Convention seemed likely, including the following: What constitutes a legitimate state application? Does Congress have discretion as to whether it must call a convention? What vehicle does it use to call a convention? Could a convention consider any issue, or must it be limited to a specific issue? Could a “runaway” convention propose amendments outside its mandate? Could Congress choose not to propose a convention-approved amendment to the states? What role would Congress have in defining a convention, including issues such as rules of procedure and voting, number and apportionment of delegates, funding and duration, service by Members of Congress, and other questions. Under these circumstances, Congress could consult a range of information resources in fashioning its response. These include the record of the founders’ original intent, scholarly works..., historical examples and precedents, and relevant hearings, reports, and bills produced by Congress from the 1970s through the 1990s.

### **Congress and the Article V Convention in the 21st Century**

Three decades have passed since the high-water mark of the balanced budget amendment convention campaign in the 1980s. Few current members of either chamber have experienced the prospect of an Article V Convention. After 30 years of relative inactivity, however, there is evidence of renewed public interest in the convention alternative.

### **Congress: Key Actor in the Article V Convention Process**

What compelling interest, among the many competing

demands for its time and energy, does Congress have in the Article V Convention mechanism? There is little to command its interest if the Article V Convention remains, as it has for the past three decades, a constitutional footnote. In the event of revived public interest in this issue, however, Congress might choose to reexamine its constitutional duties under Article V.

### **Traditional Deterrents to an Article V Convention**

It may be argued that there is no immediately pressing need for Congress to examine its Article V options and responsibilities. Historical precedent suggests that attaining petitions from two-thirds of the states in a timely manner is a difficult obstacle, as demonstrated by the several unsuccessful convention drives in the latter part of the 20th century. As noted earlier, these fell short of the two-thirds mark, despite the

vigorous efforts of organized support groups over a period of several years, and until recently, there has been little apparent interest in the Article V Convention mechanism in the states since the 1980s. Judging by the historical record, the process might arguably be described as a footnote to constitutional history.

The obstacles to any campaign for an Article V Convention remain daunting even in the face of rapid change: the Constitution sets a considerable hurdle for the Article V Convention process by requiring that applications for a convention be made by the legislatures of at least two-thirds of the several states. Further, as this report demonstrates, there are competing schools of thought on how a convention should be called, what would be an appropriate mandate for the convention, the scope of any amendments it might propose, and, perhaps most important, the role of Congress in all these questions. Moreover, any amendments proposed would face the same task of securing approval of three-fourths of the states before they were ratified.

The measured pace of the legislative process in the states has also traditionally served as a check to haste in calling such a convention. For instance, in the case of the balanced budget amendment convention drive, it took seven years for an organized campaign to gain convention applications from 32 of the necessary 34 states. Nevertheless, given the extraordinary speed and flexibility of contemporary social media and communications technology, interested organizations could conceivably launch an Article V Convention campaign for a specific amendment or amendments, or perhaps for a general



constitutional convention, within a shortened time frame. In the 1960s, 1970s, and 1980s, it took time for “grass roots” efforts to emerge, form organizations to promote their causes, communicate with like-minded groups, undertake campaigns in state legislatures, and generally to learn and perfect the ancillary skills necessary for nationwide issue advocacy. Today, in contrast, the greatly enhanced level of communications technology and widespread use of social media arguably provide a ready-made infrastructure for emerging advocacy campaigns.

### Concluding Observations

The Article V Convention for proposing amendments was the subject of considerable debate and forethought in the Philadelphia Convention of 1787. Clearly intended as a balance to proposals of amendments by Congress, it sought to provide the people, through their state legislatures, with an alternative method of offering amendments to the nation’s fundamental charter, particularly if Congress proved incapable of, or unwilling to, initiate amendments on its own. It also enjoys distinction as one of the few provisions of the U.S. Constitution that has never been implemented. Under these circumstances, the Article V Convention presents many questions that Congress would be called on to consider, and perhaps answer, in the event a convention became a serious possibility. If so, Congress would not be without resources. It is perhaps fortunate that guideposts, if not simple answers, exist in the broad range of sources cited in this report: the original intent of the founders as preserved in the record; historical examples and precedents, particularly those of the last decades of the 20<sup>th</sup> century; a large body of scholarly writing on the subject; and not least, the work and products of two decades of serious congressional consideration, from the 1970s to the 1990s, of the question of an Article V Convention.

### Sources:

“The Article V Convention for Proposing Constitutional Amendments: Historical Perspectives for Congress” by Thomas H. Neale, Specialist in American National Government, Congressional Research Service. October 12, 2012 (22 pages)

“The Article V Convention to Propose Constitutional Amendments: Contemporary Issues for Congress” by Thomas H. Neale, Specialist in American National Government, Congressional Research Service. April 11, 2014 (43 pages)

### Differing Views on Constitutional Conventions

The following information is from the LWV website on the Constitutional Amendment Study. It summarizes the writings of four authors who take divergent views of using

a Constitutional Convention.

In support of using the convention method to amend the Constitution, Robert G. Natelson in a University of Florida law review article “believes there is no uncertainty about the rules and procedures governing such a convention. He relies on historical precedent...to support his conclusion that the states are in charge of the process from beginning to end. He is joined in the view that there is no uncertainty about the operations of a Convention by Milton Eisenhower...who calls fears of a ‘runaway’ convention ‘extreme nonsense,’ based on the contention that Congress can regulate the process.”

“On the other hand, The Center on Budget and Policy Priorities produced a position paper on Article V Constitutional Conventions in 2014. Their conclusion is that since the convention would write its own rules and set its own agenda, no other body including Congress or the courts would have authority over it. Larry Greenlee, writing for the John Birch Society in 2013 agrees that there would be no way to control a constitutional convention. He is critical of the Natelson position because it is based on customs and procedures of 200 years ago, and he believes the Declaration of Independence would further support the position that the convention could take whatever steps it wished.”

### Guidelines For Constitutional Amendments

1. Does the proposed amendment address matters that are of more than immediate concern and that are likely to be recognized as of abiding importance by subsequent generations?
2. Does the proposed amendment make our system more politically responsive or protect individual rights?
3. Are there significant practical or legal obstacles to the achievement of the objectives of the proposed amendment by other means?
4. Is the proposed amendment consistent with related constitutional doctrine that the amendment leaves intact?
5. Does the proposed amendment embody enforceable, and not purely aspirational, standards?
6. Have proponents of the proposed amendment attempted to think through and articulate the consequences of their proposal, including the ways in which the amendment would interact with other constitutional provisions and principles?
7. Has there been full and fair debate on the merits of the proposed amendment?
8. Has Congress provided for a nonextendable deadline for

ratification by the states so as to ensure that there is a contemporaneous consensus by Congress and the states that the proposed amendment is desirable?

Source: "Great and Extraordinary Occasions; Developing Guidelines for Constitutional Change." The Century Foundation, Inc., 1999, New York



## Existing Amendments to the U.S. Constitution

- 1- Freedom of religion, speech, press, assembly, and petition the government for redress of grievances (1791)
- 2- Right to bear arms (1791)
- 3- No one may be forced to house soldiers (1791)
- 4- Protects against unreasonable search and seizure (1791)
- 5- Rights of the criminally accused (indictment by grand jury, no double jeopardy, no self incrimination, due process of the law, eminent domain (1791)
- 6- Rights to a speedy trial by jury (speedy trial, impartial jury, informed of charges, right to an attorney) (1791)
- 7- Rights to a jury trial in Civil Cases more than \$20, people may sue over money/property (1791)
- 8- No excessive bail, no cruel and unusual punishment (1791)
- 9- People have other basic rights not listed in Constitution (1791)
- 10- All powers not given to the federal government are left for the states to take care of/decide (1791)
- 11- Federal courts do not have jurisdiction in cases against a state (1798)
- 12- Provides for separate elections for president and vice president (1804)
- 13- Abolishes slavery (1865)
- 14- Person born or naturalized in the U.S. are citizens; state governments must follow previously passed amendments (1868)
- 15- Right of citizens to vote shall not be denied or abridged. (i.e., All males have the right to vote.) (1870)
- 16- Congress has the power to pass direct taxes, such as income tax (1913)
- 17- Senators are to be elected by the voters in their state; governor fills state senator positions if position opens during a term (1913)
- 18- Selling and drinking of alcoholic beverages is made illegal (prohibited) (1919)
- 19- Right to vote shall not be denied on account of sex. (Gives women the right to vote.) (1920)
- 20- Beginning of President, VP and Congress terms in office begins in January; presidential succession can take place before Presidential inauguration (1933)
- 21- Selling and drinking of alcoholic beverages is made legal (#18 was repealed) (1933)
- 22- Presidents may serve no more than 2 terms or a total of 10 years (1951)
- 23- District of Columbia is allowed presidential Electoral College votes (1961)
- 24- Eliminates poll tax (no required payment needed to vote) (1964)
- 25- Provides for presidential succession and filling a vacant office of vice president, if VP dies or his removed from office (1967)
- 26- Lowers voting age from 21 to 18 (1971)
- 27- Congressional compensation increases may not take effect until after that congressional term is over (their pay raise doesn't go into effect until new term) (1992)

## Constitutional Amendment Consensus Questions

The questions in Part I are designed to develop guidelines for evaluating constitutional amendment proposals. Part II asks about aspects of an Article V Constitutional Convention that may be important in conducting such a convention. Part III asks two overall balancing questions between process and positions. Answer each question, regardless of your answers to other questions.

### Part I - Considerations for Evaluating Constitutional Amendment Proposals

1. Which of these should or should not be a consideration in identifying an appropriate and well-crafted amendment?
  - a) Whether the public policy objective addresses matters of such acute and abiding importance that the fundamental charter of our nation must be changed.

**PRO:** *Amendments are changes to a document that provides stability to our system and should be undertaken to address extreme problems or long-term needs.*

**CON:** *When public sentiment is overwhelmingly in favor of change, restraint based on veneration of the document is misplaced.*

- Should       Should not       No consensus

- b) Whether the amendment as written would be effective in achieving its policy objective.  
**PRO:** *Amendments that may be unenforceable, miss the objective or have unintended consequences will not work to achieve the policy objective.*  
**CON:** *It's all right to deliberately put something in the Constitution that will need to be interpreted by courts and legislatures over time.*  
 Should       Should not       No consensus
- c) Whether the amendment would either make our political system more democratic or protect individual rights.  
**PRO:** *Most amendments have sought to make our system more democratic by extending voting rights, for example, or to protect the rights of minorities from powerful interests.*  
**CON:** *What has been typical in the past is not a good measure of what's appropriate or necessary today or in the future, especially since there have been relatively few amendments.*  
 Should       Should not       No consensus
- (d) Whether the policy objective can be achieved by a legislative or political approach that is less difficult than a constitutional amendment.  
**PRO:** *Due to the difficulty of amending the Constitution, it is important to consider whether legislation or political action is more likely to succeed than an amendment, in order to achieve the objective and to expend resources wisely.*  
**CON:** *Important policy objectives should sometimes be pursued through a constitutional amendment even though it may be difficult for it to be enacted and even when other options are available.*  
 Should       Should not       No consensus
- e) Whether the public policy objective is more suited to a constitutional and general approach than to a statutory and detailed approach.  
**PRO:** *It is important to consider whether the goal can best be achieved by an overall value statement, which will be interpreted by the courts, or with specific statutory detail to resolve important issues and reduce ambiguity.*  
**CON:** *Getting action on an issue is more important than how a policy objective can best be achieved.*  
 Should       Should not       No consensus

## Part II - Aspects of an Article V Constitutional Convention

2. What conditions should or should not be in place for an Article V Constitutional Convention initiated by the states?
- a) The Convention must be transparent and not conducted in secret.  
**PRO:** *The public has a right to know what is being debated and voted on.*  
**CON:** *The lack of public scrutiny and the ability to negotiate in private may enable delegates to more easily reach agreement.*  
 Agree       Disagree       No consensus
- b) Representation at the Convention must be based on population rather than one state, one vote.  
**PRO:** *The delegates represent citizens and should be distributed by U.S. population.*  
**CON:** *The U.S. is really a federation of states that must agree by state to any change in the Constitution.*  
 Agree       Disagree       No consensus
- c) State delegates must be elected rather than appointed.  
**PRO:** *Delegates represent citizens and therefore need to be elected by them.*  
**CON:** *Appointment allows for experts who wouldn't run in an election.*  
 Agree       Disagree       No consensus



d) Voting at the Convention must be by delegate, not by state.

**PRO:** *As at the Articles of Confederation Convention, delegates from one state can have varying views and should be able to express them by individual votes.*

**CON:** *Because any amendment proposal will go to the states for ratification, voting by state blocs—however the delegates are originally chosen—reflects the probability of eventual ratification.*

Agree  Disagree  No consensus

e) The Convention must be limited to a specific topic.

**PRO:** It is important to guard against a “runaway convention”.

**CON:** The convention alternative was provided for a time when Congress was not listening, so the delegates should not be constrained.

Agree  Disagree  No consensus

f) Only state resolutions on a single topic count when determining if a Convention must be called. \_\_

**PRO:** *Counting state requests by topic ensures that there is sufficient interest in a particular subject to call a convention, and enhances citizen interest and participation in the process.*

**CON:** *There is no requirement for Congress to count state requests by topic and when enough states are unhappy enough to ask for a convention, it should happen.*

Agree  Disagree  No consensus

g) The validity of state “calls” for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission should be respected by Congress.

**PRO:** *A state legislature should be free to determine its position in regard to an Article V Constitutional Convention. A rescission should be equally acceptable to Congress as a state’s call for a convention.*

**CON:** *A state legislature’s call for a Convention can not be overturned because the process may never end.*

Agree  Disagree  No consensus

3. Should the League oppose an Article V Constitutional Convention to propose amendments to the U.S. Constitution because of unresolved questions about the powers and processes of such a convention?

**PRO:** *The Constitution is too important to trust an unknown or uncontrollable process. It is unclear whether conditions or safeguards regarding powers and processes for a convention can be successfully put in place.*

**CON:** *A convention is intended to be an unrestrained process to propose amendments to the Constitution.*

Should  Should not  No consensus

### Part III – Balancing Questions

4. Should the League consider supporting a Constitutional amendment that will advance a League position even if:

a) *There are significant problems with the actual amendment as proposed?*

**PRO:** *Our positions have been studied and agreed to. If other organizations are supporting an amendment in a policy area we also support, we might participate even though it is inconsistent with the evaluation guidelines we support under Part I.*

**CON:** *If the League has a consensus on the evaluation guidelines outlined in Part I, then the League should not campaign on an amendment when it is inconsistent with those standards, even though the League supports the policy outcome.*

Should consider  Should not consider  No consensus

b.) It is being put forward by a procedural process the League would otherwise oppose?

**PRO:** *Our positions have been studied and agreed to. If other organizations are supporting an amendment in a policy area we also support, we might participate even though it is inconsistent with the process criteria we support under Part II.*

**CON:** *If the League has a consensus on the process criteria outlined in Part II, then the League*

*should not campaign for an amendment when the process being proposed is inconsistent with those standards, even though the League supports the policy outcome.*

- Should consider     Should not consider     No consensus

**Comment Section** (max. 500 words)

## Condo Elections Continue to Be a Major Source of Revenue for LWVFA

A major source of funding for LWVFA comes from members managing and tallying the results of balloting in condo elections. As a trusted and nonpartisan name, the League offers a less-expensive alternative to hiring professionals to conduct these elections. We earn approximately \$10,000 annually, or 25 percent of our Operating Fund’s income this way.

What makes this possible is the willingness of League members to give a couple of hours of their time to manage the voting or count ballots cast by condo owners. Normally, there are six League members on a team, although there may be as many as 10. When the work is in the evening, often food is provided for the team, and the fellowship that occurs is worth the time involved.

Periodically, calls go out for volunteers through the Fairfax VOTER or Constant Comment messages. Please be alert for them and make it a point to volunteer to help out. You can make a big difference by your participation for just a short time.



Bill Thomas clowns around , Ronna Pazdral enjoys the fun, and Anne Thomas (partially shown) tabulates ballots. [Ed. Note: How come Anne does all the work, Bill?]

## Units Discuss Voter Turnout at September Unit Meetings

By Sharone Lathrop

League members discussed low voter turnout at September unit meetings. In general the LWV-VA positions, such as making absentee voting easier, were supported as worthy goals.

For LWVFA action, several units suggested shifting LWVFA emphasis from voter registration to voter turnout and putting a greater emphasis on issues. Members thought we should work with other organizations like civic and homeowner associations, civics teachers and social workers to leverage what we do best--give them the information and encouragement to take the message to larger groups.

Other suggested actions included: become more active in the digital universe, publicize VOTE411, put a ‘JUST VOTE’ page on the LWV website, be more physically visible by using street banners and signs in/on cars, write letters to the editor. The importance of personal contact by both candidates and workers was emphasized by Green Springs.

**Remind Your Neighbors and Friends to Vote on November 3**



**VOTE!!**

**Democracy is NOT a Spectator Sport**  
**League of Women Voters**

## LWV-VA Stages Workshop to Aid Local Leagues With Two US Consensus Challenges

By Frances Schutz, LWV-VA Program Director

Over 60 Leaguers from all over the state, including a large delegation from the Fairfax Area, braved threats of heavy rain and flooding to gather in Richmond in early October for a forum and workshop on two upcoming consensus issues prepared by LWVUS. The national League has asked for input nationwide on two issues they call “Structures of Democracy”: Amending the U.S Constitution and Money in Politics.

Leaguers are being asked to complete their studies of the Constitution by December 1 and of campaign financing by Feb. 1, 2016.

Attendees agreed that the two speakers both broadened and deepened understanding of the issues. Leaguers also got a refresher on the consensus process, how to conduct a consensus meeting, using the Constitutional Amendment process as a guide, and finally, a short ‘teaser’ demo of the LWV US Power Point presentation on Money in Politics [MIP]. Consensus questions for both issues are now on the LWV US website, and have been shared with those who attended.

Dr. Dan Palazzolo, a Political Science professor from the University of Richmond, made an arresting analogy:

money in politics is like water—it finds its way around most barriers. He suggested that the most feasible improvement is to demand that all donations be transparent. He introduced us to a useful organization: Open Secrets, and the website connected with it.

Gail Deady, of the ACLU of Virginia, used the ERA as an example of the process of amending the Constitution, and led us through consideration of whether it might be necessary or desirable, or whether laws already in place might have reduced the need for an amendment.

Both speakers have agreed to share their Power Point files. Workshop attendees have already received Dr. Palazzolo’s. Gail Deady’s will arrive soon, after her boss has checked all the references for correct attribution.

PowerPoint presentation, “Money in Politics: Developing a Common Understanding of the Issues,” produced by the LWVUS was overviewed by Co-President Lois Page. This presentation, available on the national website, is a Primer written for the use of League members as part of informing themselves, their Leagues and the general public. The goal, as stated in the title, is to develop a common understanding of the issues. To download the presentation, go to <http://lwv.org/content/money-politics-developing-common-understanding-issues> ]

### **Save the Date – Dember 2 . . .**

## ***PRE-SESSION WOMEN’S LEGISLATIVE ROUND TABLE***

On Capitol Square -- Wednesday, December 2, 2015

General Assembly Building, House Room D  
201 N. 9th Street – Corner of 9th and Broad Streets

Speakers: Non-Profit Representatives & Governor’s Cabinet Members  
Topic: Legislation in the 2016 General Assembly



MORNING: Free and Open to the Public  
9:00 A.M. - 12:00 P.M.  
Coffee and Tea Will be Available

LUNCHEON: \$30 (Reservation deadline November 25th)

Luncheon Guest Speaker TBA  
For Registration form go to [lwv-va.org](http://lwv-va.org)



# This Month's Unit Meeting Locations

## Topic: Constitutional Amendment Study (LWVUS)

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 October 1, 2015, 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, Nov 7

#### **10 a.m. At-Large Unit and Briefing**

Packard Center  
4026 Hummer Road  
Annandale 22003  
Contact: Judy, 703-725-9401\_

#### **9:45 a.m. Mt. Vernon Day (MVD)**

Mt. Vernon Dist. Government Center  
2511 Parkers Lane  
Alexandria 22306  
Contact: Gail, 703-360-6561

#### **9:30 a.m. Springfield (SPF)**

9607 Laurel Oak Place  
Fairfax Station 22039  
Contact: Marge 703-451-0589

#### **10 a.m. Centreville-Chantilly (CCD)**

Sully District Gov. Center  
4900 Stonecroft Blvd.  
Chantilly 20151  
Contact: Leslie, 571-213-6384

### Monday, Nov 9

#### **1:30 p.m. Greenspring (GSP)**

Hunters Crossing Classroom  
Spring Village Drive  
Springfield 22150  
Contact: Kay, 703-644-2670

#### **10 a.m. Fairfax Station (FXS)**

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

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

**\*\*NEW LOCATION\*\***  
Hunter Mill District Community Room B  
1801 Cameron Glen Drive  
Reston 21090  
Contact: Kelly 202-263-1311

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

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

### Wednesday, Nov 11

#### **9:30 a.m. McLean Day (MCL)**

StarNut Café  
1445 Laughlin Ave.  
McLean 22101  
Contact: Sharone 703-734-1048 or Adarsh (703) 795-7281

### Thursday, Nov 12

#### **9 a.m. Reston Day (RD)**

11624 Sourwood Lane  
Reston, VA 20191  
Contact: Margo 703-620-9054

#### **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

# December Meetings:

## Money in Politics Consensus



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

Non-Profit Org.  
 U.S. Postage Paid  
 Merrifield, VA  
 Permit No. 1202

**The LWVFA Fairfax VOTER ©**  
**November, 2015**  
**Peggy Knight, 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.

### LWVFA MEMBERSHIP APPLICATION

(Dues year is July 1 through June 30. Current dues year ends June 30, 2016.)

**Membership Category:** Individual \$65 \_\_\_\_; Household (2 persons-1 VOTER) \$90 \_\_; Donation \$ \_\_\_\_  
 Student \$32.50 \_\_\_\_; (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!**

Name \_\_\_\_\_ Unit \_\_\_\_\_

Address \_\_\_\_\_

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

Phone (H) \_\_\_\_\_ (M) \_\_\_\_\_ 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 (Specify)    |
| <input type="checkbox"/> Public Libraries | <input type="checkbox"/> Land Use Planning     | <input type="checkbox"/> Judicial Systems  | <input type="checkbox"/> Affordable Housing |
| <input type="checkbox"/> Transportation   | <input type="checkbox"/> Water                 | <input type="checkbox"/> Juvenile Problems | <input type="checkbox"/> Domestic Violence  |

Mail to: LWVFA, 4026-B Hummer Road, Annandale, VA 22003-2403