



**JANUARY 28<sup>TH</sup>**

**Student Success Initiative  
And  
Community Colleges' Five Missions  
Fremont Main Library**

**Dr. Gari Browning  
President, Ohlone College**

**Bay Area League Day  
Water: California's Gold 2013  
Saturday, February 2, 2013  
First Unitarian Church of Oakland  
685 14<sup>th</sup> St At Castro, Oakland, CA  
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**2013 LWVC Convention  
myLeague - Leading the Charge for  
Change  
May 17-19, 2013  
Hayes Mansion, San Jose**

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**DECEMBER HOLIDAY PARTY  
and  
PROGRAM PLANNING**

Date: December 10<sup>th</sup>  
Time: 6:30 P.M.  
Place: Carolyn Hedgecock's

Main dish will be provided.  
Please bring either drinks,  
appetizer, salad or dessert.  
Check with Carolyn at  
792-2260 on what to bring.

Program Planning for the 2013  
LWVC Convention will follow  
dinner.

Help decide where LWVC's focus  
should be in the next two years –  
government, social policy,  
environment, education. Where can  
LWVC have the biggest impact?

## President's Message



. You all worked very hard the last few months helping with Voter Service activities. We thank you very much for all your endeavors. So now it is time for some relaxation and rest. That's why the next item on our agenda is a potluck Holiday party.

But being Leaguers we know that your brains are always turned on so we have coupled the party with a program planning session for the State League. We are being asked to come up with one or more issues that we think all the Leagues in California should study in order to provide us with a state position on that issue.

At every election the state League recommends that we support or oppose some of the propositions. But there are some where we have no position. We cannot act upon an issue until we have studied it and come to a consensus. So in this last election the League had no voice on Prop. 35, Human Trafficking, Prop. 36 the Three Strikes law and prop. 37 Genetically engineered foods labeling.

It turns out that the National League is starting an Agriculture update at this time and the subject of genetically engineered foods is listed in the scope of the study.

What issue of importance to you should the League study and come to consensus?

Come to our December party and Program Planning and help us decide. And read the background material in this Voter to prepare for the February Initiative and Referendum update study.

### Board Briefs

Decided that we should have a car pool committee to provide rides for members who do not drive at night

Will look into buying a mike and camera or camcorder for our General Meetings

Heard about our successful Mandarin & Farsi recordings of the ballot initiatives that were made available on our website

## BOARD OF DIRECTORS 2012-13

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## INITIATIVE AND REFERENDUM

### Brief History of Initiatives – Why do a Study Now?

From the ancient city-state of Athens to today, initiatives have been called various names but they all reflect the idea that this is a form of direct democracy where citizens vote directly on public questions rather than through elected representatives.

At times it represented the fringes of democracy but has mutated into the mainstream today. Currently putting initiatives on the ballot is an industry all by itself. Financial disclosure laws have helped the voters find out who is supporting a measure.

We now have the Legislative Referendum where the legislature can send proposed bill to the people instead of deciding themselves. The Popular Referendum is an attempt by the people to repeal law passed by the legislature.

Today more than three quarters of the initiative measures are proposed by the citizens. Under the California Constitution an initiative is the power of the electors to propose statutes and amendments to the Constitution and to adopt or reject them. A Referendum is the power of the electors to approve or reject statutes or parts of statutes except urgency statutes, and statutes providing for tax levies or appropriations for usual

There is a 7-step process involved in the initiative road: write the initiative proposal; request title and summary; format the petition; circulate the petition & gather signatures; turn in signatures; verify signatures; election. During the process there is ballot measure financing and disclosure.

The newest twist in this discussion is the use of technology. Could this use of the internet help balance the influence of money? Could signing on online petition work? Can the use of digital signatures work? Could electronic voting be used? Security issues remain as well as access issues. And of course there is the cost issues as well.

Other points to consider with reliance on ballot measures to solve public problems include:

Making law by ballots pit one side against another

Rigidity makes it difficult to correct errors

The influence of money

Judicial review increasingly needed due to by-pass of legislative check and balances

Less accountability from representatives

Finally, LWVC states that, “If the Constitution is premised on the expectation that representatives of different communities and states would come together and seek the compromise and consensus that all could accept, it is appropriate to consider how effectively the initiative and referendum are in meeting that challenge. And if they are not, can they be made more useful without undermining the balance of liberty and freedom so critical to our survival as a complex and diverse nation? Additionally the current position does not allow LWVC to testify or take a position on signature gathering,, financing of proposals, time allowed for gathering signatures, etc.

### WHY DO WE HAVE AN “HOA” COMMITTEE?

The League of Women Voters is often recommended to act as Independent Inspectors to certify the validity of the election procedure of Members of the Board of Directors of Home Owners Associations, HOA’s.

These Independent Inspectors are required by State of California Civil Code to protect the interest of members of Common Interest Developments, CID’s. These are developments in which there is property owned by all, Condominiums, for example, or developments with Club Houses and/or Pools. .

Our HOA Committee can offer this service to the home owners at a very reasonable fee. Thus, LWVFNUC is providing a valuable service to the community and source of revenue to fund our League’s activities.

If helping with this election service: verifying ballots, tallying votes, reporting results, etc, sounds like something that you would like to do contact us @lwvfnuc.org/hoa or email Jean Holmes @holmes\_jean20@hotmail.com.

## OUR VOTER INFORMATION BOOK

Several years ago our League recognized that the high cost of funding a local election campaign was keeping some qualified candidates from running for office. And, that the costs of printing, postage, etc. made it difficult for those who were seeking office to inform voters of their qualifications and goals.

The Voter Information Book is designed as a cooperative project, funded by those candidates wishing to participate, to reach the households of likely voters at a reasonable cost. Final cost depends on the number of participants in each city and the cost of preparation.

## VOTER SERVICE

At a post-election Action Committee meeting on November 13th, League members involved in Voter Service activities reviewed the highs and lows of the General Election cycle as it pertained to our League.

Members agreed that the most important function of the League is to provide the public with relevant information. We felt that perhaps we should work to educate voters more about voting procedures, especially with absentee ballots, covering issues like where to sign the envelope, when the absentee ballots are counted, etc.

We received some complaints about the Voter Information Booklet: one complaint concerned the cost to participants; another one about the inclusion of LWVC ballot recommendations - they felt it made the booklet biased. We agreed that the Table of Content page was not clear about explaining the difference between light colored and dark colored print. We also agreed to take more care with the League letter, and make it understood that a candidate **CHOOSES** not to be in the booklet. We also felt that we should include a disclaimer that we neither edited nor suggested content for candidate pages. Next time we should also include on the inside page in large letters, **WATCH FORUMS ON THE LEAGUE WEBSITE.**

The candidates donate a small percentage to the League to fund Voter Service activities: Candidate Forums, Pro/Con publications, Voter information, etc. This November 2012 we were able to mail 43813 Fremont Books at a cost of 2.4 cents per household, 8782 Newark Books at a cost of 4.9cents per household, and 13483 Union City Books at a cost of 8.3 cents per household. The League of Women Voters never indorses candidates, but the League does seek to encourage participation in government by informing Voters about qualifications of local candidates.

We held ten forums. The Ohlone forum location was difficult for the audience to find. If we have just one candidate participating we should do 15 minute interviews with a League timer present to insure fairness.

Publicity was another topic discussed. We need to get people to watch the website and use Smart Voter. We agreed to ask Smart Voters how many people are watching. We need to research to find a studio for filming. ROP???? Newark?? Logan?? It is increasingly difficult getting newspaper articles on Smart Voter. We need help! We cannot expect 100% participation, as some candidates are not interested. We should announce at School Board meetings and other meetings that candidates can post FREE information .

We found that working with other groups, especially those who speak another language, is a challenge. There needs to be an accountable translator. We lament the fact that the State League will not take charge of producing English foreign language DVDs of state ballot measures. We should seek a grant. Next time we should request a bigger donations from co-sponsors since the cost of producing these forums is high. We need to have back-up for our webmaster.

## ALEC: Modeling Legislation for Corporate and Personal Wealth

If you've never heard of ALEC, you're not alone. The American Legislative Exchange Council – ALEC for short– has operated under the radar for over 40 years. Information contained in recently leaked documents from within the organization provides an illuminating and thorough introduction. It turns out that ALEC may well be the most politically influential organization we've never heard.

ALEC describes itself as the “nation’s largest, non-partisan, individual public-private membership association of state legislators”.<sup>i</sup> The ALEC website describes its mission as bringing public and private leaders together “to conduct a policy making program that unites members of the public and private sectors in a dynamic partnership to support research, policy development, and dissemination activities.” Analysis of over 800 leaked documents previously available only to its members tells a different story.<sup>ii</sup>

ALEC was founded in 1973 by Paul Weyrich, a noted conservative activist. ALEC now has an estimated 2,000 conservative state legislators and corporate members.<sup>iii</sup> Among ALEC’s 300 corporate members are some of the largest corporations in our nation – Wal-Mart, Coca-Cola, AT & T, ExxonMobile, Johnson & Johnson and Koch Industries. Annual membership dues for legislators are \$50 while corporate memberships range from \$7,000-\$25,000. Corporate members spend thousands more to work on ALEC legislative task force teams.

Money also flows to ALEC from foundations and other groups that are closely associated with organizations focused on derailing legislation that might constrain corporate behavior and profit or contrasts with the ideology of benefactors.<sup>iv</sup> The hefty corporate dues and fees buy members the privilege of equal say regarding model legislation developed by the group. Corporate members also hold veto power over the language of the legislation.<sup>v</sup>

Many of the corporate members are experienced lobbyists who draft the model legislation for consideration by legislators. The 2,000 state legislator ALEC members represent all 50 states. This national presence combined with the deep pockets of its corporate members and donors, makes ALEC a major player on the American political scene. A thousand bills are introduced by ALEC legislators each year.

Approximately 20% make it into law. ALEC founding member, Paul Weyrich, believed that the smaller the electorate, the greater the possibility of achieving conservative goals<sup>vii</sup>. The spate of Voter ID laws sweeping the nation after the 2010 elections are a recent example of ALEC generated legislation that may move the country closer to that aim. Compliance with the stringent requirements imposed by these bills will be difficult if not impossible for a significant number of minority and younger voters – voters who are known to vote predominately for Democratic candidates.<sup>viii</sup>

ALEC also targets federal and state environmental and financial regulation, health care reform, state minimum wage laws and trade and public employee unions.<sup>ix</sup> Documents from within the organization offer evidence<sup>x</sup> that the organization is “the mechanism through which some of America’s largest corporations are seeking to secure legislation designed to advance their bottom lines.”<sup>xi</sup>

It is the apparent pattern of lobbying efforts by ALEC, revealed in the pages of leaked documents, that raises questions about the legitimacy of ALEC as a tax exempt organization. Status as a charitable organization allows ALEC to bypass lobbying disclosure requirements and frees corporate members to claim payments to ALEC as ‘charitable’ thereby avoiding taxes that apply to lobbying expenditures.

Tax returns, correspondence between legislators, and other material available through the Freedom of Information Act bring the true function of ALEC – “developing and promoting favored state legislation” – into clear view.<sup>xii</sup> Backed by the massive amount of data found in the leaked ALEC documents, Common Cause has requested a thorough investigation by the IRS of what it describes as “massive underreporting of lobbying” and ALEC’s tax exempt status.

Should we be concerned with the operations of ALEC? Lisa Graves, the Executive Director of the Center for Media and Democracy, believes there is significant evidence that concern is warranted because legislative task forces in ALEC “target legal rules that reach into almost every area of American life: worker and consumer rights, education, the rights of Americans injured or killed by corporations, taxes, health care, immigration, and the quality of the air we breathe and the water we drink.”

Ms. Graves goes on to warn: “ALEC says it has created a “unique” partnership between corporations and politicians. And it has. It is a worrisome marriage of corporations and politicians, which seems to normalize a kind of corruption of the legislative process — of the democratic process — in a nation of free people where the government is supposed to be of, by, and for the people, not the corporations.

The full sweep of the bills and their implications for America’s future, the corporate voting, and

the extent of the corporate subsidy of ALEC’s legislation laundering all raise substantial questions. These questions should concern all Americans. They go to the heart of the health of our democracy and the direction of our country. When politicians — no matter their party — put corporate profits above the real needs of the people who elected them, something has gone very awry.”<sup>xiii</sup>

Find the full story of ALEC, including the leaked documents, at:

- i [http://www.alecexposed.org/wiki/ALEC\\_Exposed](http://www.alecexposed.org/wiki/ALEC_Exposed)
- ii <http://www.theroot.com/views/who-alec-and-why-are-they-so-powerful> Published: 12/22/11
- iii <http://www.alec.org/about-alec/> Accessed: 2/26/12
- iv [http://www.alec.org/AM/pdf/2011\\_legislative\\_brochure.pdf](http://www.alec.org/AM/pdf/2011_legislative_brochure.pdf) Accessed: 2/26/12
- v <http://www.greenpeace.org/usa/en/campaigns/global-warming-and-energy/polluterwatch/koch-industries/american-legislative-exchange/> Accessed: 2/27/12
- vi <http://www.prwatch.org/news/2011/07/10882/comparison-alec-and-ncsl> Accessed: 2/27/12
- vii <http://www.theroot.com/views/who-alec-and-why-are-they-so-powerful> Published: 2/22/11
- viii A quote from the fall of 1980 while at a religious gathering provides insight into some of Weyrich’s political views: “I don’t want everybody to vote,” he said plainly. “Elections are not won by a majority of people; they never have been, from the beginning of our country, and they are not now. As a matter of fact, our leverage in the elections quite candidly goes up as the voting populace goes down.”
- ix <http://www.theroot.com/views/who-alec-and-why-are-they-so-powerful> Accessed: 12/22/11
- x <http://www.commoncause.org/atf/cf/%7Bfb3c17e2-cdd1-4df6-92be-bd4429893665%7D/MONEYPOWERANDALEC.PDF> Accessed: 2/26/12
- xi <http://www.commoncause.org/site/apps/nlnet/content2.aspx?c=dkLNK1MQIwG&b=810365&ct=10902603> Accessed: 2/26/12
- xii <http://www.commoncause.org/site/apps/nlnet/content2.aspx?c=dkLNK1MQIwG&b=810365&ct=10902603> Accessed: 2/26/12
- xiii <http://www.prwatch.org/news/2011/07/10883/about-alec-exposed> Accessed: 2/27/12

## From the Bay Area Monitor **A Fine Line: Attaining Air Pollution Standards**

By Alec MacDonald

In recent decades, researchers have found mounting evidence of the deadly threat posed by particulate matter (PM), the microscopic airborne particles that we inhale every day. PM includes a wide range of particles that vary greatly in terms of their size and mass, physical state (solid or liquid), chemical composition, and toxicity.

As studies continue to demonstrate the link between both short-term and long-term exposure to PM and a range of respiratory and cardiovascular ailments, advocates for public health and clean air have paid it increasing attention, as have publications such as this one. Likewise, regulators have ramped up their efforts to combat the hazardous pollutant.

The U.S. Environmental Protection Agency (EPA) has placed progressively stricter limitations on particulate matter emissions since Congress passed the Clean Air Act of 1970. That legislation established the National Ambient Air Quality Standards for six pollutants; the EPA has since revised the air quality standards for particulate matter three times, and intends to complete a fourth revision by this December.

The EPA issues standards for PM<sub>2.5</sub> (“fine” particles less than 2.5 microns in diameter), as well as PM<sub>10</sub>, which includes fine particles as well as coarse particles between 2.5 and 10 microns in diameter. There are both “annual” standards to limit long-term exposure to PM and “24-hour” standards to protect against short-term or acute exposure to PM.

For its next revision, the EPA will mainly focus on the annual standard for fine PM by proposing to lower the acceptable concentration from the current annual average standard of 15 micrograms per cubic meter down to within a range of 12 to 13. The change would represent the first to this specific standard since 1997, when the EPA started differentiating between fine and coarse particles.

However, the state of California already maintains an equivalent standard at 12 micrograms per cubic meter, and annually averaged measurements of air in the Bay Area have remained below that benchmark for almost a decade.

In 2006, the EPA took action to tighten the 24-hour PM<sub>2.5</sub> standard from 65 micrograms per cubic meter to 35. Based on air quality monitoring data from 2006 to 2008, the EPA designated the Bay Area as non-attainment for the 24-hour national PM<sub>2.5</sub> standard in December 2009.

A non-attainment designation typically requires local air quality regulators to draft a State Implementation Plan (SIP) submittal that lays out a control strategy for achieving the necessary emissions reductions. However, the rules differ slightly for those places where the air now adheres to the 2006 standard despite originally failing to do

so. Because it fits this profile, the Bay Area’s air quality regulators have a choice in how to proceed — they could request to have the region’s non-attainment status redesignated to attainment, or they could pursue a course of action involving preparation of an “abbreviated” SIP. Regulators at the Bay Area Air Quality Management District decided to pursue the latter option, since particulate matter levels fluctuate from year to year, and the region could conceivably slip back out of compliance with the standard.

In December 2011, with the help of the California Air Resources Board, the Air District submitted monitoring data to the EPA that demonstrate the Bay Area’s recent attainment of the standard. In return, the regulators expect to soon receive a “clean data determination” from the EPA that will give them the greenlight to prepare an abbreviated SIP submittal. If granted that opportunity, the Air District would not need to include some of the usual SIP requirements that call for control measures to reduce emissions; as a clean data determination would indicate, those emissions have already been reduced to the necessary level.

The abbreviated SIP submittal would only require a PM<sub>2.5</sub> emissions inventory for 2010 and amendments to the Air District’s new source review rule. Air District staff has prepared both of these elements. On September 26, the Air District issued a notice of public hearing to announce that on November 7 its board of directors will consider adoption of these PM<sub>2.5</sub> elements for the SIP. Stakeholders who wish to submit written comments on these proposed SIP elements must do so by Friday, October 26.

To lay the groundwork for future efforts to further reduce PM levels in the Bay Area, the Air District has also drafted a report intended to complement the forthcoming SIP. Entitled *Understanding Particulate Matter: Protecting Public Health in the San Francisco Bay Area*, it lays out an abundance of detailed information on the subject, and will likely help guide future planning efforts. Although not an official regulatory document, it should prove useful for anyone looking to learn more about this hazardous pollutant

Dec. 5	Great Decision – Planning	7:30 PM Call Anne MacLeod, 651-7938
Dec. 10	Holiday Party and Sate Program Planning	6:30 PM, Carolyn Hedgecock’s home
Dec. 14	Education Committee	9:30 AM at Miriam’s house
Dec. 20	Action Committee	12 noon Meet at Falofel

ALL MEETINGS ARE FREE, OPEN TO THE PUBLIC AND WHEEL CHAIR ACCESSIBLE

**Mission**

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

**Diversity Policy**

LWVFNUC affirms its commitment to reflect the diversity of our communities in our membership and actions. We believe diverse views are important for responsible decision making and seek to work with all people and groups who reflect our community diversity.

**Join the LEAGUE OF WOMEN VOTERS today!**

Any person, man or woman, who subscribes to the purpose and policy of the League may join. To be a voting member, one must be at least 18 years of age and a U.S. citizen. Members under 18, or non-citizens, are welcome as non-voting Associate Members. Dues include membership in LWVFNUC, Bay Area League, and the California and National Leagues. Financial support for dues is available through our scholarship program. Contact Andrea Schacter, Membership Chair, for information.

Name (s) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

New Member       Renewal  
 Transfer from \_\_\_\_\_

Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

*Please make your check payable to:  
 LWVFNUC and mail it with this  
 form to:*  
 LWVFNUC-MEMBERSHIP  
 P. O. Box 3218  
 Fremont, CA 94539

Individual Membership—\$60  
 Household Membership—\$90  
 Donation to LWVFNUC

\$ \_\_\_\_\_

Donation to Ed. Fund (*Make  
 separate check payable to  
 LWVFNUC Ed Fund*)  
 \$ \_\_\_\_\_

Total Enclosed \$ \_\_\_\_\_

**Need a ride to one of our meetings? Don't want to drive at night? Contact Miriam Keller, 683-9377.**

**Congratulations to Ann Crosbie, newly elected FUSD school board trustee!!!**

**Don't forget to 'Like Us' on Facebook! The more 'Likes' we have, the more people see what we do for our community.**