

PRESIDENTS' DAY — February 16

The League of Women Voters of Fremont, Newark and Union City's Education Committee presents:

**State Fiscal Crisis Meets Political Gridlock  
and How That Affects the Fremont Unified  
School District.**

February 23

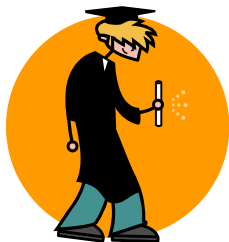
At Centerville Jr. High Music Room  
37720 Fremont Blvd.  
(in front of the school)

Lost? Call Ann Crosbie's cell: 510-557-5469

6:30 PM—7:00—coffee and dessert  
7:00 PM—Program

Speakers: Dr. Milt Werner, Superintendent of Schools,  
FUSD

Lara York, member of FUSD School Board



Dear Fellow Leaguers:

January 2009 has started of auspiciously with the inauguration of the 44<sup>th</sup> President of the United States of America. Millions of people here and around the world were held transfixed and ebullient as President Obama was sworn in. His inauguration speech held promise that the federal government would emphasize transparency and accountability and most importantly the fundamental ideal of the need for grassroots involvement of **“We the People”**. The following is an excerpt from President Obama's speech:

*Forty-four Americans have now taken the presidential oath. The words have been spoken during rising tides of prosperity and the still waters of peace. Yet, every so often the oath is taken amidst gathering clouds and raging storms. At these moments, America has carried on not simply because of the skill or vision of those in high office, but because We the People have remained faithful to the ideals of our forbearers, and true to our founding documents. So it has been. So it must be with this generation of Americans.*

LWV and Leaguers across the nation have been true to these ideals and our league is no exception. I am very thankful to belong to an organization that works actively to engage our community in the business of government, for ultimately, we hold responsibility for how it functions.

I was especially grateful for the dedication of our Board and Off-Board members who managed well when I had to go overseas for a personal leave including addressing the important work of program planning. We have some outstanding forums and other activities scheduled for the upcoming months. We welcome you to provide your input - because ultimately, this is your League.

—Syeda R Yunus, President

### BOARD BRIEFS

At the January 15 board meeting, the board discussed

- ▶ Fund Development - Sandi Pantages and her committee are working on a plan, looking at projects that would encourage or make businesses/ individuals want to donate or be sponsors.
- ▶ Guide to Government - This will soon be available online.
- ▶ Projector - LWVFNUC would like a projector to use with a laptop computer for presentations.
- ▶ Program -There was no consensus on the Prison System proposal at the Program Planning meeting. The board approved the Program Planning report to retain all present positions and to ask for a *California Voter* article to explain the League position on legal aid. We also want the LWVC to put emphasis on water and energy issues.

LWVFNUC is updating some of its publications and needs the help of a person who can do the page layout for us. The immediate project is *Facts for Voters*, a quad-fold brochure that we distribute to help the public find and contact local elected officials.

If you have experience with such projects and are willing to team up with an eager squad of voter service volunteers, please contact Marilyn Singer or Miriam Keller.

Miriam: 510-683-9377 - Marilyn: 510-657-1969

### **ACTION COMMITTEE TESTIMONY**

Testimony was presented to FUSD on January 14, 2009 that was based on the LWVUS Meeting Human Needs position that states:

*The LWVUS believes that access to health care includes the following: preventive care, primary care, maternal and child health care, emergency care, catastrophic care, nursing home care and mental health care as well as access to substance abuse programs, health and sex education programs and nutrition programs.*

The testimony our League presented is as follows:

"Good Evening. I am Marilyn Singer, and I am speaking on behalf of the League of Women Voters of Fremont, Newark and Union City. The League strongly supports the adoption of curriculum that teaches comprehensive, age appropriate sex education in the junior high schools. Teaching students about HIV/AIDS is not enough. Students deserve factual materials that cover the full range of sexual health. The responsible action for the Board to take is to approve materials that have been studied and recommended by the District's Health and Sex Education Advisory Committee and the Teachers' Committee."

### **WHAT CAN YOU FIND ON OUR WEBSITE? WWW.LWVFNUC.ORG**

You can find a great deal of information about our League. When you log on, you will find:

Calendar of Events

Information about our League

A list of our cable programs—*Voting Matters*

Issues of *The Voter* back to 2004

Election and Voter Information

Useful Links to

Our League

LWV of the US

LWV of California

LWV of the Bay Area

Bay Area Monitor

LWV Alameda County Council

LWVFNUC Board\*

LWVFNUC Members Only\*



\*Secure sites—you need to know the password.

You can join our League or renew your membership by credit card or cash.

You can make a donation to LWV.

You have the opportunity to receive your *Voter* electronically, saving our League printing and mailing costs.

**Phase One Underway for South Bay Salt Pond Restoration Project**

By Gail Schickele, Bay Area Monitor

A mosaic of tidal wetlands and managed pond habitat is shaping the southern periphery of the San Francisco Bay as Phase One of the South Bay Salt Pond Restoration Project restores land once spoiled by urbanization and industry. Phase One will restore 3,069 acres and create, upgrade, and maintain public access trails and facilities.

The massive project is a giant step to refurbish 15,100 acres of industrial salt ponds acquired from agribusiness Cargill Salt in negotiations facilitated in 2003 by Senator Diane Feinstein. The \$100 million public acquisition was funded by the U.S. Fish and Wildlife Service (FWS, \$8 million), the State Wildlife Conservation Board (WCB, \$72 million) and private foundations. It's the largest restoration project on the West Coast and one of the largest in the U.S.

The 15,100-acre purchase represents the biggest single acquisition in a broader campaign to restore 40,000 acres of lost tidal wetlands to San Francisco Bay.

The project area consists of 54 ponds ranging from 30 to 680 acres in size in three distinct pond complexes bordering South San Francisco Bay. The Ravenswood complex (pictured below) spans 1,618 acres that include 7 ponds. The Eden Landing complex (opposite page, top) totals 5,450 acres that contain 22 ponds. And the Alviso complex (opposite page, bottom) comprises 7,997 acres with 25 ponds. The entire project area is surrounded by the highly urbanized landscape of the South Bay, also known as Silicon Valley. The area — roughly the size of Manhattan Island — stretches across 24 miles from Redwood City to San Jose to Hayward.



Shortly after the property was purchased, the FWS together with the California Department of Fish and Game (DFG) and the California State Coastal Conservancy (SCC) launched a four-year public process to design a restoration plan for the property. The final plan was adopted in 2008.

Phase One conditions designed to restore and minimize project impacts include:

- Managing natural resources and water quality during construction;
- Monitoring highly toxic methyl mercury, as well as dissolved oxygen, salinity and other parameters that may affect water quality and wildlife;
- Monitoring sediment dynamics and potential scouring erosion in adjacent mudflat and tidal marshes;
- Monitoring use of public access areas and nearby parking facilities to assess if the public's needs are being met;
- Protecting endangered and threatened species, including the salt-marsh harvest mouse, the California clapper rail, the Central Coast steelhead, the Western snowy plover, and California least tern;

and

- Maintaining water quality and habitat value in the remaining ponds that are not being restored as part of Phase One, and extending such maintenance activities until November 2020.

Phase One project areas owned and managed by FWS are within the Alviso and Ravenswood Complexes in Alameda, Santa Clara, and San Mateo counties, and will restore approximately 2,209 acres of salt ponds to tidal wetlands and managed pond habitat, construct or upgrade four miles of public access trails, construct three viewing platforms, and install other public access amenities.

Phase One project areas owned and managed by DFG are within the Eden Landing Complex in Alameda County, and will restore approximately 860 acres to tidal wetlands and managed pond habitat, construct 3.8 miles of new public access trails, construct a boat launch and one viewing platform, and install other public access amenities.

The project will follow a 50-year adaptive management process for continually improving management policies and practices by learning from their outcomes and then using the results to improve management actions.

“

There are no clear cut phases; it's more of an organically evolving process,” explained Max Delaney, coastal program analyst for the Bay Conservation and Development Commission. “The management plan identifies the triggers, so if adjustments are needed, alternative management actions will be made.”

Project funding for initial stewardship (\$20 million), planning and design (\$17 million), and Phase One (\$35 million) has been primarily contributed by DFG, FWS, SCC, WCB and private foundations, with some additional funding from mitigation funds from Caltrans and the City of Menlo Park.

The Project Management Team is comprised of the DFG, FWS, SCC, the Santa Clara Valley Water District, the Alameda County Flood Control and Water Conservation District, and the project's lead scientist, all of which are coordinated via the Center for Collaborative Policy. The team also works with the U.S. Army Corps of Engineers (USACE), although the latter is not a signatory in the memorandum of understanding (MOU) among these groups. The project's lead scientist, Lynne Trulio, is currently working with a transition team as a new signatory, the U.S. Geological Survey, takes on the task of recruiting a new lead scientist (expected to be on the job by early 2009).

An MOU also integrates the national Environmental Protection Act and California Environmental Quality Act with state and federal permitting to provide checkpoints for project review by regulatory staff.

“Everybody works very well together,” Ritchie offered. “We all have our eyes on the common prize, on the common vision, and implementing it in a way that makes sense.”

The overarching goal of the Long-Term Restoration Plan is the restoration and enhancement of wetlands in the South San Francisco Bay while providing for flood management and wildlife-oriented public access and recreation.

Migrating shorebirds, waterfowl, fish, and wildlife are already teeming in these historic wetlands, which are vital to the health of the Bay as they filter toxic pollution and excess nutrient runoff, provide essential wildlife habitat, act as natural flood control, prevent shoreline erosion, recharge groundwater, form the foundation of the Bay's food web, and provide recreational and educational opportunities.

Visit [www.southbayrestoration.org](http://www.southbayrestoration.org) to learn more about the South Bay Salt Pond Restoration Project.

Visit [www.bavareamonitor.org/dec05/bay.html](http://www.bavareamonitor.org/dec05/bay.html) for previous *Monitor* coverage of the South Bay Salt Pond Restoration Project.



Q &amp; A

JANUARY 2009



## The Basics of California's School Finance System

Every summer, the California Legislature and governor decide how much money will go to kindergarten through 12th grade (K–12) public education and how it will be divided among school districts, county offices of education, and the California Department of Education. A series of voter-approved initiatives provide significant restraints on both revenue options and how much funding must go to public schools. Although some changes occur each year, the system has looked about the same for more than 25 years.

### What are the sources of district operating funds?

The column on the left of the diagram below shows the five sources of operating funds for schools in California:

- The federal government contributes about 10% of the education budget.
- About 60% of the funds are from the state—generated by business and personal income taxes, sales taxes, and some special taxes.
- Local property taxes are a little less than 23% of all funds. The Legislature and governor determine what part of these revenues goes to schools.
- The tiny line near the bottom of the column—less than 2% of the total, or about

\$150 per student—is from the California Lottery.

- Miscellaneous local revenues are about 6% of the total. These come from a variety of sources, such as special elections for parcel taxes (needs a two-thirds vote for approval); contributions from foundations, businesses, and individuals; food service sales, and interest on investments.

These simple boxes tell the whole story: there are no other sources of funds to run California's K–12 public schools.

### How are the funds distributed to local school districts?

The column on the right shows how the different sources feed into school districts' operating budgets. Currently, about two-thirds of the money is for general purposes and almost one-third is earmarked for special purposes or categories of students.

Each district has its own particular combination of federal, state, and local sources. The amount depends on:

- the average number of students attending school during the school year (average daily attendance or ADA);
- the general purpose money the district receives for each student (its "revenue limit"), and

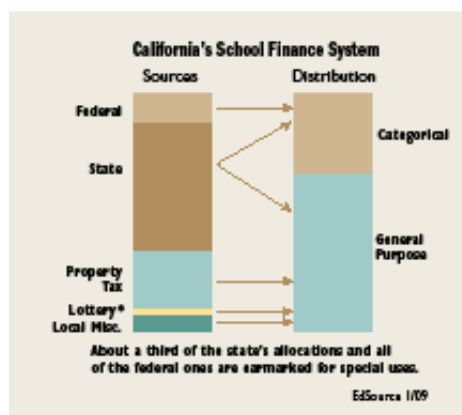
- the support for specific programs for which it qualifies ("categorical aid").

The miscellaneous and lottery revenues provide less than 8% of funding statewide. But this money is important to school districts because few restrictions are placed on its use. In some districts, this income represents a significant source of discretionary funds.

### How is the amount that goes to each school district determined?

The Legislature established revenue limits at roughly what each district spent on general education programs in 1973, and it has adjusted them for inflation since then. The *Serrano v. Priest* court case, decided in 1976, had the net effect of making districts' general purpose money more nearly equal per pupil in each type of district (elementary, unified, high school). Since the late 1990s, revenue limit equalization has been an intermittent issue, and various strategies have been implemented when funding was available. Revenue limits are now within about a \$450 range for school districts.

A district's revenue limit can be increased only by legislation, not by the school board, superintendent, or local voters. When property taxes rise, most schools do not directly benefit. The additional income goes toward the revenue limit, and the state's share is reduced proportionately. In about 60 of the



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Independent and impartial, EdSource strives to advance the common good by developing and widely distributing trustworthy, useful information that clarifies complex K–12 education issues and promotes thoughtful decisions about California's public school system.

## Q &amp; A

almost 1,000 school districts, however, property taxes fill up or exceed the revenue limit. These districts are allowed to keep their excess property tax revenues.

Categorical aid is distributed by the state and federal governments according to the needs of the children in the district and the special programs for which the district qualifies. This aid is quite substantial in some districts and minimal in others. Since the 1960s, court decisions, legislative priorities, and pressure from interest groups have created a wealth of categorical programs.

Funding for some programs can be used only to provide specific services, such as school lunches, or to serve the needs of particular students, generally those who were traditionally underserved. The largest of these programs is Special Education, which provides funds for extra services needed to educate students with disabilities. Some programs are completely voluntary. Others provide money to help districts pay for services they are required by law to provide. Still others are incentive programs intended to encourage districts to implement a specific program or reform, such as California's K-3 Class Size Reduction program.

Since the late 1990s, state policymakers have made some attempts to consolidate and simplify categorical programs. But that has been balanced by their tendency to create new programs when extra funds are available.

### Do California schools receive enough funding?

In California, the question of funding adequacy consistently underlies discussions about improving public schools. Many people point to comparisons with education funding in other states to say California's funding is insufficient.

For almost three decades, this state's expenditures per pupil have trailed the national average. The precise amount varies from year to year, depending on a variety of economic factors and policy decisions among the 50 states. Since 1996-97 the state's expenditures have ranged from 87% to 96% of the U.S. average, depending on the year.

In addition, the number of personnel California schools are able to hire is substantially lower than is true in most of the country. California has a high cost of living, and its residents' salaries are also consistently near the top.

The combination of below average per-pupil expenditures and above-average salaries results in some of the lowest ratios of staff to students in the country. On average, California school districts have about three-fourths as many adults available—and three-fourths as many teachers—as is true on average in the nation. The numbers of school site administrators, district administrators, counselors, and librarians have historically been even lower.

### What can California do to improve its funding system?

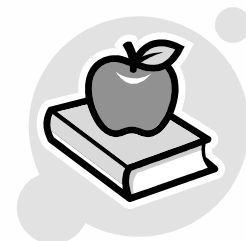
There are many critics of the state's funding system, and the debate about school finance has intensified.

Some people focus on how much money schools receive, and others worry about how fairly the funds are distributed. A serious and compelling question is whether schools in this state have the resources they need to meet California's demanding academic goals—in particular the extra investment that may be necessary to improve the achievement of the state's English learners, low-income students, and students with disabilities. Some people advocate for greater flexibility for local school districts and schools. Others worry about how to hold them more accountable for spending their resources appropriately and in ways that improve student achievement.

Dealing with these concerns is made more difficult by the complexity of the state's school finance system. A system that was simple and transparent might better enable the public to understand how much money their local schools receive, how they spend it, and who is responsible for those decisions. It could also make it easier for policymakers to evaluate the impact various investments have on student performance and adjust school expenditures accordingly. □□

#### How do I find out more?

- For more detailed information and tools for understanding and explaining California school finance, go to: [www.edsource.org/iss\\_fin\\_tools.html](http://www.edsource.org/iss_fin_tools.html)
- For detailed financial data on districts, counties, and the state, go to the Ed-Data Partnership website: [www.ed-data.k12.ca.us](http://www.ed-data.k12.ca.us)
- For information and publications about California's education issues, go to EdSource's website: [www.edsource.org](http://www.edsource.org)



## State-wide Student Identifiers (SSIDs)

As part of authorizing CALPADS, SB 1453 changed the state's model for collecting data. The bill called for the assignment of a unique number for every K–12 student enrolled in a California public school. These numbers are called state-wide student identifiers (SSIDs). Assigning an individual, yet nonpersonally identifiable number to each student is a necessary first step for tracking students in a longitudinal system.

The transition to student-level data submission was the first and most crucial step in moving toward CALPADS. With the help of California School Information Services (CSIS), the state has now assigned to each student an SSID that “stays” with them throughout their K–12 education in California's public schools. This will make it possible to link each student's information over time, and across schools, but cannot be directly linked to students' names or any other personally identifiable information.

SSID numbers are the tool that will allow student-level data to be fully integrated into CALPADS—the system that will maintain longitudinal K–12 data at the state level. CSIS manages the annual student and educator data collection, which will eventually populate CALPADS when it is fully launched in 2009–10.

In the fall of 2006, LEAs for the first time submitted their enrollment data to the state using individual student records rather than aggregate counts. California Department of Education (CDE) used this data to determine official enrolment counts for 2006–07. By the next fall, the state used SSID data to count 2007–08 enrolments as well as graduates and dropouts from the 2006–07 school year, resulting in more accurate data on dropouts. CDE released that official data in July 2008.

## Compliance with No Child Left Behind

The actual scope of the system is expected to fall short of what was authorized under SB 1453. This is due in part to concerns about avoiding mandated costs.

CALPADS data collection is mainly limited to those data elements specifically required by the federal No Child Left Behind Act. Additional data elements that were previously included in the state's annual collection of basic student and staff data known as CBEDS (California Basic Educational Data System) will also be included in CALPADS. This includes staffing data on teacher demographics, type of assignment, and more. Lastly, course completion data will be included in order to meet reporting requirements for the federal Perkins grant.

The data elements that will make up CALPADS include:

- Student-level demographic data
- Program participation data
- Student discipline
- Enrolment status
- Course-taking data
- Student assessment data

Requiring school districts to provide additional information would impose greater costs on the districts that the state is not prepared to reimburse, as they are required to do by law. Issues related to data management and governance may have also contributed to CALPADS' narrow scope.

A full list of the data elements that will be included in CALPADS is still being developed, but a current draft of the file formats that LEAs will use to collect and submit data can be found on the CSIS website: <http://www.csis.k12.ca.us/e-learning/class-desc.asp#SSID-CP1>

The League of Women Voters of the United States is conducting a study regarding direct popular vote for President. The following pages provides background information. Arguments for and against this and consensus questions will appear in March and April Voters.



## ***LWVUS Study on the National Popular Vote Compact Background Paper***

### **SELECTION OF THE PRESIDENT**

#### **The League's History**

A League study of the presidential electoral process culminated in its 1970 position supporting direct election of the President by popular vote as an essential element of representative government. The League also has supported national voting qualifications and procedures for presidential elections to ensure equity for voters from all states and to facilitate the electoral process.

At the 2002 Convention, the League voted to expand and update its position. The League came to concurrence on a new position in June 2004. The new position takes into account the entire presidential selection process and supports a process that produces the best possible candidates, informed voters and optimum voter participation.

At the 2008 Convention, the delegates voted to adopt a new study, "The Advisability of Using the National Popular Vote Compact among the States as a Method for Electing the President."

#### **The League's Position**

*Statement of Position on Selection of the President, as Announced by the National Board, January 1970, Revised March 1982 and Updated June 2004:*

*The League of Women Voters of the United States believes that the direct-popular-vote method for electing the President and Vice-President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. The League also supports uniform voting qualifications and procedures for presidential elections. The League supports changes in the presidential election system – from the candidate selection process to the general election. We support efforts to provide voters with sufficient information about candidates and their positions, public policy issues and the selection process itself. The League supports action to ensure that the media, political parties, candidates, and all levels of government achieve these goals and provide that information.*

#### **Explanation of the Position**

The League strongly believes that the Electoral College should be abolished and not merely "reformed." One "reform" which the League specifically rejects is the voting by electors based on proportional representation in lieu of the present "winner-takes-all" method. Such a system would apportion the electoral votes of a state based on the popular vote in that state. Instead of making the Electoral College more representative, such proportional voting would increase the chance that no candidate would receive a majority in the Electoral College, thereby sending the



### The National Popular Vote Compact Background Paper

election of the President to the House of Representatives where each state, regardless of population, would receive only one vote. Election of the President by the House further removes the decision from the people and is contrary to the “one person, one vote” principle. The League also does not support reform of the Electoral College on a state-by-state basis because the League believes there should be uniformity across the nation in the systems used to elect the President.

#### The Electoral College - A Review

Although the LWVUS has specifically adopted a position calling for the abolition of the Electoral College, a short review of the mechanics of that system of Selection of the President is helpful to an understanding of the National Popular Vote Compact.

The Electoral College is a process established by the founding fathers as a compromise between election of the President by Congress and election by popular vote. In short, the people of the United States vote for electors who then vote for the President and Vice President.

Each state is entitled to a number of presidential electors equal to its total representation in the House and Senate. The District of Columbia is awarded a number of electors equal to that of the least populous state.

The founding fathers designed this constitutional plan to promote several principles they considered important. One goal was to ensure that smaller states had a role in the election of the President. Secondly, the emphasis on the power of the state as contrasted to the power of the individual voter fostered the principles of federalism which are the core of the governmental process. Finally, the use of electors rather than popular vote assuaged concerns that the electorate was not competent or knowledgeable enough to be entrusted with the direct election of important government officials, such as the President and Vice President.

The electors are selected, according to the Constitution, in the “manner” designated by the state’s “legislature” (the Congress in the case of the District). At present, the “manner” chosen by every state is by popular election. Most of the states (and the District of Columbia) use a winner-take-all system, in which the candidate who receives a majority of the vote, or a plurality of the popular vote (less than 50 percent but more than any other candidate) takes all of the State’s electoral votes. In Maine and Nebraska, the winner of the popular vote in each congressional district wins an elector, and the remaining two electors are chosen based on the statewide vote.

On Election Day, the voters cast their ballots for electors, even though the names of the candidates for President and Vice President are often the names shown on the ballot. Each state’s electors meet forty days after Election Day, and the formal balloting for president takes place at those meetings.

Many different proposals to alter the presidential election process by amending the Constitution, including direct nation-wide election by the people, have been offered over the years. None have been passed by Congress and sent to the States for ratification. Under the most common method

### The National Popular Vote Compact Background Paper

for amending the Constitution, an amendment must be proposed by a two-thirds majority in both houses of Congress and ratified by three-fourths of the states.

#### The Movement against the Electoral College

The most compelling argument against the Electoral College is that it prevents the direct election of the President by popular vote and is, therefore, contrary to modern principles of representative government. Studies show that more than 70 percent of American citizens favor the election of the President by popular vote.

Beyond this basic theoretical objection is the very practical objection that the Electoral College system enables candidates who have not received the most votes cast by American voters to become President.

We have seen such an outcome four times in our history. The first time was the 1824 election which was won by John Q. Adams even though he received fewer electoral votes and fewer popular votes than Andrew Jackson. (Adams won the election in the House of Representatives, with 13 State delegations voting for him, seven voting for Jackson and three voting for Crawford. This happened because there were more than two viable candidates, and would have been a less likely outcome in a two candidate race.)

In 1876, Rutherford B. Hayes beat Samuel J. Tilden by one electoral vote, becoming President despite trailing in the popular vote by a count of 4,288,546 to 4,034,311. In 1888, Benjamin Harrison beat Grover Cleveland with an electoral vote of 233 to 168, despite Cleveland's popular vote margin of 5,534,488 to 5,443,892. Most recently, in the 2000 presidential election, George W. Bush received fewer popular votes than Albert Gore, Jr., but received a majority of electoral votes. The situation was almost reversed in 2004. Although President Bush received more than three million more popular votes than John Kerry, Kerry would have been elected President if Ohio's electoral votes had been cast in his favor.

These circumstances have prompted much discussion on the advisability and feasibility of reforming our election process to eliminate the Electoral College and to elect the President by direct election. This conversation is not new. Over the past 200 years, according to the National Archives, more than 700 proposals have been introduced in Congress to reform or eliminate the Electoral College. Indeed, several joint resolutions were introduced in the current Congress on this issue. The proposals, all introduced in the House of Representatives, were referred to the Committee on the Judiciary, where no action has been taken.

Against this background comes the National Popular Vote Compact Proposal (NPV).

#### The National Popular Vote Compact Proposal

The National Popular Vote Compact proposal offers a method of achieving the result of election of the President by popular vote without amending the Constitution to eliminate the Electoral College. Instead, this method uses the mechanism of the Electoral College to ensure that the candidate who receives the most popular votes is elected President of the United States.

### The National Popular Vote Compact Background Paper

Under the proposed legislation to enact the National Popular Vote Compact, all of the state's electoral votes would be awarded to the presidential candidate who receives the most popular votes in all 50 states and the District of Columbia. The bill would take effect only when enacted, in identical form, by states possessing a majority of the electoral votes—that is, enough electoral votes to elect a President (270 of 538)

The NPV Compact proposal is predicated upon the portion of the United States Constitution which states:

“Each State shall appoint, in such Manner as **the Legislature thereof may direct**, a Number of Electors...” (*Article II, Section 1, Clause 2*) (emphasis added)

The constitutional wording, “as the Legislature thereof may direct,” contains no restriction on the states’ exercise of their power with respect to their electors. The U.S. Supreme Court has repeatedly characterized the authority of the states over the manner of awarding their electoral votes as “plenary” and “exclusive.” Therefore, the states have the right to decide how to select their electors and award their electoral votes. Thus, proponents of the NPV Compact claim that the U.S. Constitution need not be changed in order to implement nationwide NPV. Rather, they maintain, this change can be accomplished in the same way that the current system evolved—namely, the states will use their exclusive and plenary power to decide the manner of awarding their electoral votes.

An additional constitutional underpinning of the NPV is the Compact Clause (*Article I, Section 10, Clause 3*), which permits states to enter into legally enforceable contractual obligations to undertake agreed joint action with other states. Interstate compacts are typically used to address problems that concern more than one state—the states which are affected enter into a compact (contract) which regulates their actions, ensuring uniform response by the states to address their mutual concerns. These contracts are typically enacted through the passage of identical legislation by the compacting states.

Under the state legislation proposed to establish the NPV, the popular vote counts from all 50 states and the District of Columbia would be added together to obtain a national grand total for each presidential candidate. Then, state elections officials in all states participating in the plan would award their electoral votes to the presidential candidate who receives the largest number of popular votes in all 50 states and the District of Columbia. The NPV Compact plan would take effect only when it has been enacted by states collectively possessing a majority of the electoral votes. The 270-vote threshold also corresponds essentially to states representing a majority of the people of the United States. As a result, every vote in all 50 states and the District of Columbia would be equally important in presidential elections.

The compact contains a six-month blackout period during which no state can withdraw from the compact. The blackout period starts on July 20 of each presidential election year and runs through the January 20 inauguration. Interstate compacts are contracts. It is settled compact law and settled constitutional law that withdrawal restrictions—very common in interstate compacts—are enforceable because the U.S. Constitution prohibits a state from impairing any obligation of contract.

### The National Popular Vote Compact Background Paper

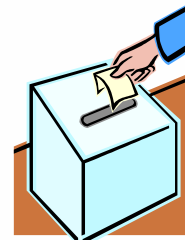
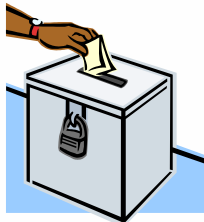
The legislation contains other procedural provisions that would ensure the smooth functioning of the agreement. For example, one clause addresses the possibility of a tie in the national popular vote. If there is no national popular vote winner, each state chooses the electors for the candidate who has won that state.

Another clause addresses circumstances in which the winner of the national popular vote might be prevented from receiving the electoral votes from a member state. For example, it is possible that the winner of the national popular vote fails to appear as a candidate in a particular state and, therefore, there are no appropriate electors for the state to certify. To address that situation and five other situations identified by the drafters of the legislation as possible anomalies in the process they have developed, a mechanism is provided whereby the desired result is obtained by allowing the presidential candidate who has received the largest number of votes in the national election to select the electors in the state in which no electors associated with the winning slate have been elected. The full text of the compact is available at [www.lwv.org](http://www.lwv.org).

### Current Status of the National Popular Vote Compact

Since passage of the National Popular Vote Compact is accomplished on a state-by-state basis, its status is fluid. As of September 1, 2008, the legislation necessary to activate the compact has been signed into law in four states: Maryland, New Jersey, Hawaii and Illinois, for a total of 50 of the 270 electoral votes required to activate the NPV Compact. NPV Compact bills have been introduced in 15 other states, where some have passed committee and others have passed one house.

*\*Portions of this background paper are from the LWVUS Impact on Issues, 2006-2008*



It's easy to JOIN the **LEAGUE OF WOMEN VOTERS**

**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.**

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**Mission Statement**

The League of Women Voters of Fremont, Newark, and Union City, a nonpartisan political organization, encourages the informed and active participation of citizens 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.



**NOTABLE WOMEN IN HISTORY**

Fannie Lou Hamer , 1917—1977

**FAMILY BACKGROUND:** Fannie Lou was the twentieth child to parents Jim and Lou Ella Townsend. As sharecroppers working for area farms, the Townsends saved money to buy a farm and mules of their own. However, a malicious white neighbor poisoned their animals to prevent the family from attaining financial freedom. While working on a cotton plantation, Fannie met and married Parry Hamer, a tractor driver on the same plantation.

**EDUCATION:** Fannie worked as a record keeper after the family she worked for discovered she was literate.

**ACCOMPLISHMENTS:** Fannie Lou Hamer is well known a fighter in the American Civil Rights Movement. Despite the prevailing literacy laws, she fought for the right to vote in 1962 as a member of the Student Nonviolent Coordinating Committee. Fannie believed that Black Americans needed to be educated on various aspects of economics and politics in order to be more successful. She not only championed for rights to vote but also fought against the pervasive poverty in the Black community. She promoted economic assistance for Black Americans. One of her projects was Freedom Farms Corporation; she founded this land coop with the intention of having poor farmers eventually purchase a stake in this land.

Fannie is well-respected for founding the Mississippi Freedom Democratic Party. The Democratic Party of Mississippi did not allow Blacks. With the founding of this party, they challenged the all-white makeup of political candidates at the 1964 Democratic Convention. She herself ran for Congress but failed because the prevailing party of the day did not permit her name to be placed on the ballot. However, she received more votes outside of the ballot than did her opponent. During the last decade of her life, Fannie was recognized by various national organizations and colleges for her groundbreaking work on behalf of Black Americans.

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**Union City**, Channel 15, every Thursday at 9:30 PM

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<http://www.lwvfnc.org>

**CALENDAR**

Thurs., Feb. 5	Action Committee	12:30 PM—2:00 PM	Kay Emanuele's home
Fri., Feb 13	Education Committee	9:30 PM—11: 30 PM	Vesta Wilson's home
Wed., Feb 18	Cable Taping	2:00 PM	Comcast Studios
Thurs., Feb 19	LWVFNUC Board Meeting	7:15 PM—9:30 PM	Cultural Arts Center
Fri., Feb 20	Voter Deadline		
Mon., Feb 23	Regular Meeting—Impact of State Budget on FUSD	6:30 Coffee 7:00 Program	Centerville Jr. High