



LEAGUE OF WOMEN VOTERS®

VOTER



FREMONT, NEWARK & UNION CITY

OCTOBER 2015



SAVE THE DATE

NOVEMBER 16, 2015

CONSENSUS MEETING ON

Constitutional Convention/Amendment Study

Study Chair: Merna Morse

Expert Information Available on L WVUS web site
League Office
Time to be Determined



MONEY IN POLITICS

**Monday, October 19, 2015
7:00 P.M.**

Fremont Main Library

**Guest Speaker:
Professor Bruce Cain**

Come early – Meet and Greet 6:30

Dr. Cain is a well-known expert on elections, term limits, polling, and the relationships between lobbyists and elected officials. He has authored many publications. In his recent book **Democracy More or Less: America's Political Reform Quandary** he explains the weaknesses in today's most popular reform proposals and offers a convincing alternative.

Professor Cain is currently a Professor of Political Science at Stanford University and the Spence and Cleone Eccles Family Director of the Bill Lane Center for the American West. His areas of expertise include political regulation, applied democratic theory, representation and state politics

December 7, 2015

**HOLIDAY PARTY
And
PROGRAM PLANNING**

Hosted by Pauline Weaver

Time to be determined

PRESIDENTS' MESSAGE



Money and politics can sometimes be a lethal combination. Those running need funds for ads, leaflets, and voter outreach. But does that mean that they have to compromise their values to get money to run? Do top donors have a corrupting influence on our democracy? How much has *Citizens United* changed the political landscape?

A few years ago, a hundred million dollars really meant something. Now, some super PACS will likely spend more than a billion dollars trying to influence the elections. The general election has just begun and companies may still be pouring money into groups that do not have to disclose their membership. All of this should alarm anyone who cares about the integrity and transparency of government.

Join us on Monday, October 19 at Fremont Main Library, when we will hear from Dr. Bruce Cain, a distinguished professor at Stanford University and author of *Democracy More or Less* to learn more about this important issue. This promises to be a provocative start to our discussion of the LWVUS study on Money and Politics.

Syeda Inamdar and Pauline Weaver

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p. 3 Communications Training

p. 4 Constitutional Convention Study

p. 5 Voter Registration Victories

p. 6 95 for 95

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FROM LWVC

Free Communications Training for All Members: Register Now!

Are you ready for a fun, interactive, and practical 3-part communications training series made especially for the League by the Nonprofit Marketing Guide? Our goal is to give local Leagues the knowledge, tools, priorities and common communications terminology so that we are all more effective online.

These aren't just for webmasters or newsletter editors!

Learn more and register now at:

<https://lwvc.org/new-information/2015/aug/communications-training>

10/22 Thursday 1pm EST - Communications 101: The Basics

11/16 Monday 1pm EST - Communications Roles & Planning

12/2 Wednesday 1pm EST - Writing for the Web

If you can't attend on those dates, you can still get the training:

We will be sharing the recordings of the webinars

NEWS FROM LWVC

Make It Fair

The LWVC has joined a coalition, *Make It Fair*, to close the commercial property tax loophole in Prop 13. This move to reform California's property tax system protects home owners and renters as well as small business owners. The final step is educating people and communities about the need for this change. Watch for ideas about how your League can get involved. More information is available on their web site, makeitfairca.com.

The LWVC Receives Irvine Foundation Grant

The LWVC Education Fund was awarded a two-year grant from the Irvine Foundation. This grant will help our voter service activities through the presidential primary and general election. We intend to use the funds for our Voter's Edge California project which is the partnership between Smart Voter and Map Light, for our continuing efforts with the *Best Practices Manual for Official Voter Information Guides*, and other projects to support our work to increase voter participation.

Constitutional Convention Study

Synopsis of “Constitutional Amendments and the Constitutional Common Law” Prepared by the LWVUS Study Committee on Constitutional Amendments, July, 2015

This short paper presents a synopsis of the Chicago Public Law and Legal Theory Working Paper titled “Constitutional Amendments and the Constitutional Common Law,” written by Professor Adrian Vermeule, Professor of Law at the University of Chicago in 2004, available at <http://www.law.uchicago.edu/files/files/73-av-amendments.pdf> (accessed July 2, 2015).

The gist of the paper is that we should not be predisposed against using the Article V constitutional amendment process. Vermeule critiques the position attributed to Kathleen Sullivan and others that there should be a general presumption against amending the Constitution.—Such a view favors constitutional change through court decisions as opposed to constitutional amendments. He argues that this position, when widely adopted, exerts a drag on the amendment process that may do more harm than good.

By disadvantaging the amendment process, the court-centered view tips the balance in favor of constitutional change brought about through common law judicial decisions, which he believes hold equal or greater peril. The alternative to the amendment process is continuous reinterpretation of the Constitution left to the courts – that is, “to an ongoing constitutional convention whose delegates are all judges (and hence all lawyers).” He points out that *no member of another profession has ever been appointed to the Supreme Court*, although no law prohibits the appointment of others. Whatever the other advantages or disadvantages of the amendment process, it would presumably involve a more diverse group of actors.

In responding directly to Kathleen Sullivan’s paper, he argues that the case against the Article V process is based on a fallacy: that the alternative to constitutional amendment is stability, when in fact the alternative is continual judicial updating of the Constitution, which often produces as bad or worse results than the constitutional amendment process does.

Here are some of the prominent arguments that Vermeule counters:

Amendments politicize the Constitution: so, he argues, do judicial interpretations of the Constitution, as we have seen in the continuing political struggle after *Roe v Wade* and as we may yet see with decisions on campaign finance, the Affordable Care Act, and same-sex marriage. Amendments clutter up the Constitution: the real alternative to lengthy text in the Constitution is to have a complex and tangled underbrush of judicial decisions. “A complex society will produce complex constitutional law; the only real question is whether it is good to outsource ... complexity... to the adjudicative process.”

Amendments represent a “mutiny” against the Supreme Court: on the contrary, more amendments would leave less room for judicial flip-flops, over-rulings, creative and novel interpretations. An increased rate of amendment might actually legitimize the Court.

Amendments have bad unintended consequences: judicial updating may also have unforeseen consequences, as may judicial inaction or amendment restraint. “Worry about perverse consequences ... yields paralysis, not safety.” Amendments should not encode “mere social policies” but should expand individual rights or improve government structure: why shouldn’t other types of amendments be considered as circumstances change? The fact that the previous 27 amendments can be largely categorized this way is “curve fitting” on a very small number of amendments.

In conclusion, Vermeule argues that both the amendment process and the judge-made constitutional law may be appropriate alternatives in different circumstances.

Contact Merna Morse or Miriam Keller to help with the Constitutional Convention Study Committee. The consensus meeting will occur on November 16th at the League Office.

FROM LWVUS

Four More Online Voter Registration Victories

By: Cynthia Sebian-Lander 09/29/2015

In the past month, four states have taken a step to improve access to the polls. Voters in Pennsylvania and Nebraska can now register to vote online, while Iowa and Kentucky will have online voter registration systems by early 2016. All four states join the fast growing list of over 23 states plus the District of Columbia that offer online voter registration. Online voter registration is a critical step to bringing our voting systems into the 21st century. With an increasingly mobile society, it is critical that these systems are available to all eligible voters.

[While the League praises these states for taking a big step forward, they require the individual registering online to have a specific form of state ID with a signature on file with the state.](#) This requirement is simply not necessary and means a significant portion of the eligible voting population is left behind. [Data from the Brennan Center](#) clearly shows that acquiring a state issued ID can be a burden on some citizens, especially low-income individuals, minorities, students and the elderly. Across the country millions of eligible voters are not able to access systems with such rules in place. The League is committed to ensuring that every eligible voter can register and update their registration through online systems, not just those with a driver's license or non-driver photo ID and signature on file with the state.

Since launching their website at the end of August, [Pennsylvania has seen over 11,000 people register online – including nearly 1,300 in the first two days alone.](#) The [League of Women Voters of Pennsylvania](#) and coalition partners worked with the Secretary of State's office to create the online system, rather than go through the legislative process. Pennsylvania League President Susan Carty was present at the administration's press conference in August announcing the official launch (pictured). The League is hopeful that online voter registration will be a stepping stone to further pro-voter reforms and election modernizations across the state.

[Nebraska passed online voter registration earlier this year](#) after two failed attempts to get the bill through the legislature in 2011 and 2013. Initially it was unclear when the system would be rolled out though, and the [League of Women Voters of Nebraska](#) urged the state to create and finalize the online system before the end of this year. [The site went live just in time for National Voter Registration Day on September 22.](#)

Iowa approved an online voter registration system in 2015, and after a state Senate committee reviewed the implementation process earlier this year after legislation was introduced, [Iowa announced that their online voter registration system will begin on January 1, 2016.](#) The [League of Women Voters of Iowa](#) advocated [for online voter registration](#) citing the benefits for both voters and election officials. Similar to Pennsylvania, [Kentucky's Secretary of State announced last week](#) that Kentucky will have online voter registrations by early 2016. With the presidential election next year, it is critical to have online registration in place early so that voters in the state can take full advantage of the new and easy way to register to vote.

Our next step is to ensure all systems across the country are access to every eligible voter. And the solution is really a simple one, collect a signature at the polls on Election Day for those voters without a drivers' license or non-driver ID and signature on file with the state.

Persons: [Cynthia Sebian-Lander](#)

WANTED VOLUNTEERS FOR MONEY & POLITICS

STUDY COMMITTEE

Contact: JOHN SMITH

Come to the Oct. 19th meeting at the library
and become inspired to learn more
about this timely topic

The League
is turning 95!
Let's celebrate
with 95 new members.

Give the gift of
membership
or treat yourself!
lwvc.org/membership

LWV LEAGUE OF WOMEN VOTERS®
OF CALIFORNIA



5 People to Give a League Membership

1. High school/college grad
2. The uncle who loves to talk politics
3. Someone with a milestone b-day
4. Your BFF who's impossible to shop for
5. Your Valentine

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Why I Joined by Alex Starr

Years ago I took some beginning computer classes at Ohlone College. I had two young children and frankly I needed somewhere to go to speak with adults again. My husband worked in computers but my brain worked in a completely different way from his - think math vs. history majors. In our class we used Apple products and we also had a computer lab to use for some of our assignments. My lab partner was a delightful woman named...Jane Mueller. She started out

by casually mentioning the League. After the class was over she never let up. Finally, after over a year of hints, I joined, basically just to stop the hints! It was the best decision I could ever have made. I love the goals of the League and the support one gets from fellow League members. My father, a very well educated immigrant, told me two things to remember as I approached adulthood - get the best education you can and VOTE! The League supports both of those goals. Come on! Try it. You'll like it.



Monday, Oct. 19	Money in Politics - Dr. Bruce Cain	Fremont Main Library 6:30 Meet & Greet
Monday, Oct. 26	Board Meeting, League Office	3375 Country Drive, Fremont 6:45 Treats, 7:00 Meeting
Thursday, Nov. 12	Action Group	League Office 11:00 AM – 12:30 PM
Thursday, Nov. 12	Money in Politics Study Group	League Office 12:30 – 1:30 PM
Monday, Nov. 16	Constitutional Convention/Amendment	Study Consensus & “Souper” Brief board meeting to follow 6:00 P.M. League Office Bring your favorite soup to share
Monday, Dec. 7	Holiday Fest & Program Planning	6:00 P.M. Pauline Weaver’s Home
Thursday, Dec. 10	Money in Politics Study Group	9:30-11:30 League Office
Monday, Jan. 25	Board Meeting, League Office	6:45 P.M. Treats 7:00 Meeting
Saturday, Feb. 6	Bay Area League Day	9:30 - 1:30 “Why Don’t We Have Flying Cars?”

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

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 Evelyn La Torre, Membership Chair, for information.

Name (s) _____

☐ New Member ☐ Renewal

☐ Transfer from _____

Address _____

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OR GO ONLINE AT LWVFNUC.ORG!

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