



VOTER

THE LEAGUE OF WOMEN VOTERS OF CUPERTINO-SUNNYVALE

March 2009

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MARCH LUNCHEON

Date: Saturday, March 21
Time: 10:00 Consensus Meeting
 11:30 Lunch
Place: Fairbrae Clubhouse
 696 Sheraton Drive, Sunnyvale
RSVP: lwvcseditor@comcast.net or 806-9022

Join us for our quarterly member luncheon. Feel free to bring friends.

Prior to lunch we will hold a consensus meeting to determine whether or not our League supports the National Popular Vote Compact (NVP Compact). To prepare for the consensus meeting, see pages 4 and 5 of this VOTER for pros and cons of NVP Compact and last month's VOTER for a background article on this issue.

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LWVC CONVENTION 2009
Long Beach, CA

Catch the Wave to the Future

Friday, May 15 through Sunday, May 17

LWV League of Women Voters of California®
www.lwvc.org

save the date

PRESIDENT'S MESSAGE

We live in interesting times. There is so much happening in the world today. I think it's important that we recognize some things are bigger than we are, but more importantly recognize there are many things we can do to make things better. For instance, redistricting passed in November. The State League is coordinating how the League can effectively help with this process. If you'd like more info, please email me at league@cs.ca.lwvnet.org

We have some serious funding problems for our schools. The Cupertino School Board is proposing a parcel tax. If you have an interest in learning more about this, please contact lwvcseditor@comcast.net

Another area of activity is the Instant Runoff Vote. As you may recall, there was a runoff election for Dave Cortese and Otto Lee in November for the Santa Clara County Board of Supervisors. There is a proposal being made by New America Foundation to change that contest to an instant runoff. You can reach them at <http://www.newamerica.net/> to get more involved in that and other topics.

We plan to get together to discuss the National Popular Vote on March 21. I hope you'll join us to learn more about this concept to help make our elections represent the popular vote.

We have several members doing great work - Roberta Hollimon, Linda Davis, Susan Hough, Laurel Stell, and several others. You can make a difference. Let us know your areas of interest and I'm sure there are opportunities for you to do something you enjoy and continue to help keep democracy working.

Elaine Manley

First Call to the LWVC Convention 2009

- WHAT:** The 63rd State Convention of the League of Women Voters of California
WHEN: Friday, May 15, through Sunday, May 17, 2009
WHERE: Long Beach Marriott, 4700 Airport Plaza Drive, Long Beach, CA 90815.

Convention is fast approaching and it's time to make your plans. The members only convention web page is live, and new information will be added as it becomes available. There also is a public convention page on the state League home page, ca.lwv.org, at the bottom left of the navigation bar under Events, to which you may direct **partners and prospective members** in case they'd like to attend a workshop, special event, or meal.

Our League is entitled to 3 voting delegates plus the president. If you would like to be one of our League's representatives, please contact us at lwvcseditor@comcast.net.

Deadline for registration is April 23.

Board Briefs

At its February meeting your board:

- Formed a committee to study the Parcel Tax proposed by the Cupertino Union School District.
- Learned that our Webmaster, Laurel Stell is working on making information on elected officials easier to follow.
- Heard a report on Instant Runoff Voting.

Looking Back

5 years ago: our members heard speakers from our two cities and three school districts address the topic, "How Does the State's Fiscal Crisis Affect Our Cities and Schools?"

Membership News

Thank you for renewing your membership: Delores Carson, Roberta Flood, Alice McAllister, Michael O'Quin, June Padilla, Barbara Sullivan, and Katharine Turner.

Thank you for including a donation with your dues: Dianne and Regis McKenna, and Sonja Messner.

The Cupertino-Sunnyvale VOTER

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WATER: California's New Gold

Mining some of that Gold with Fran Grabau

IT WAS A FOGGY MORNING. *No way am I going to hit the trail north to Oakland with this cover! I'll wait a bit until I see some light penetrating the haze.* And the sun chased away the fog rapidly as I left Sunnyvale, going around the Bay to get to Route 880. Of course, I was late for the beginning of the Bay Area League Day which began 9:30 on Jan 31, 2009. I looked around to see some of you. The room was filled to capacity but I didn't see a single person from Cupertino/Sunnyvale. I always am embarrassed to be escorted down to the front of the audience, revealing my tardiness. Come on, at least I'm here, though the first speaker, Lois Wolk, newly elected State Senator, has already presented her Keynote Address. And that is what I especially wanted to summarize for you! We need to know what all of us are facing here in the Bay Area concerning the state of the Delta and our water resources defined by it and related to this agricultural center. I'll check with a reliable LWV member and pass on the message to you.

Lois Wolk represents the 5th Senate District that includes parts of Sacramento, Yolo and San Joaquin Counties and served in the State Assembly from 2002 to 2008 where she won many accolades for her work. Currently she serves on the State Revenue and Taxation committee as well as other Senate Committees. She is very experienced in federal, state and local water problems, flood risk, and protection issues. There are 224 agencies involved in control of the Delta. A long-term plan is needed and enforcement and management along with this. Supply of water must take into consideration our ecological system. A plan for Delta protection is being addressed in a Bill soon to be presented. It will take \$4 to 16 billion dollars to build a canal. *

Christina Swanson, Executive Director of the Bay Institute, addressed the **question as to whether a healthy Delta habitat can be restored.** This 'think-tank' was the first to develop a report card for the Bay. One can find the work of this scientific-centered organization on the Web. Animal, Plant and Fish life are studied among the issues of the Bay and Delta.

Crop choices: Can California be more water-wise in growing crops? I'm a gardener, and that has my complete attention! A.G.Kawamura, Secretary CA Dept of Food and Agriculture and Heather Cooper, Research Assoc., Pacific Institute had plenty to say. If you thought that nothing was possible or that nothing is currently being done, think again! No single cure is going to do the job. We not only must look and work on levees but we also can see what can be done by changing the products grown in the face of a paucity of water. By reducing the amount of water given to wine grapes it is possible to produce less, but superior flavorful grapes. Coastal

tomato growers already shut down the water for tomatoes at mid-summer, producing a sweeter flavor with the tartness of the fruit. Farmers whose crop or crops are water-demanding are already switching to other crops.

When the levees broke in New Orleans, 80% of the city was flooded. The city was unprepared and losses were \$150 billion. Loss of life was dreadful. We all are still remembering the sad story. Says Heather Cooper, "**Sacramento is unprepared** also." To make the Delta area secure, billions of dollars are needed to prevent the liquefaction of the soil caused by an earthquake. How is California going to afford such spending? We can 1. Wait, or 2. Be proactive, dedicate resources and the planning needed to head off disaster. Don't build on flood plains; levees are going to fail.

Levee maintenance: What are the threats to the Delta levees? Raymond B. Seed is a professor of Civil and Environmental Engineering at UC Berkeley. His dry humor made it almost pleasant to hear of the catastrophes of earthquakes. He described the harbor facilities ruined in Japan during the Kobe tremor. The data alone brings chills. Think Oakland, Long Beach, for starters. In the chaos, where do we find potable water? Our politicians cannot play their scenarios lightly in view of time passing and facing the next 'big-one'.

Regional-conveyance of water: Who owns the waters of the state? Katherine Kelly, California Dept. of Water Resources, discussed the problems in crop needs as related to water requirements. Raisins have much different requirements for water than the possible neighboring field of table grapes. Delivery of water can be very wasteful. Techniques are needed to deliver it in the most efficient way. Cheap water has caused built-in inefficiencies in the delta area. Every strategy of farming is based on water. An inefficient farmer is not in business for long. By the way, the water of California belongs to the people of this state. We have to pay for its delivery to our homes. It is important to understand how to make the best use of it and not to waste it.

Bay Area regional perspectives of the Delta Vision. The last speaker, Kathleen Van Velsor, is Project Director for Water and Land Use Studies for ABAG. There are many Water Quality Control Boards. At last count it was 1,641. That should impress you; communities, towns, cities are trying, it would seem, to make sure that we have safe water. It is imperative in our lives. All of the speakers have made a case for great need for changes, for protection of this resource and for the research needed to find all possible ways to maximize what we have. We can't wait. There's a problem for you!

* Thanks to G. Stewart for coming to my rescue!

As a result of action taken by delegates at League of Women Voters of the United States (LWVUS) Convention 2008, the LWVUS was charged to: "Study the advisability of using the National Popular Vote Compact (NVP Compact) among the states as a method for electing the President." The following articles are an introduction to this study, visit the LWVUS website for more information on the NVP Compact

SUPPORT FOR THE NATIONAL POPULAR VOTE COMPACT

Because the League already supports direct election of the president, arguments against the Electoral College (EC) are not included in the material supporting the National Popular Vote Compact (NPV Compact).

Constitutional Issues The NPV Compact is a way to assure that every person's vote counts equally and that the person receiving the most votes is the winner of the presidency. The same result would be achieved by constitutional amendment but the U.S. Constitution is difficult to amend. The NPV Compact is a viable way to attain the same goal as amending the Constitution to eliminate the EC.

A constitutional amendment is not needed to effectuate the NPV Compact because states already have the right to implement changes in how electors are appointed.

The NPV Compact is a compact between states—a method of concerted state action that has long been sanctioned by the Constitution and the courts.

Evaluating Fairness A candidate can be elected president by receiving the most electoral votes even though he or she did not receive the most popular votes. This is not a result voters expect or desire. As election campaigns are now waged, major emphasis and resources are concentrated in key EC battleground states because that is where elections are won or lost. The NPV Compact would eliminate the emphasis on battleground states and would be more apt to assure campaign strategies that appeal to a broad spectrum of the electorate which would foster greater voter participation.

The argument that the plan would negatively impact states' rights is countered by poll results showing that most voters want their individual vote to count, rather than allotting them to electors representing the state as a whole.

Any claim that the NPV Compact is an unprecedented disregard for the U.S. Constitution ignores the reality that voting rights have been changed through state action many times. Women's suffrage, for example, was instituted by twenty states before passage of the constitutional amendment that made the right universal.

Mechanical Considerations Those opposed to the NPV Compact cite mechanical issues that might lead the NPV to fail, but the Compact includes provisions that address issues of enforcement, winning levels and recounts.

Other Issues The Voting Rights Act and the NPV Compact are in harmony, assuring equality of votes throughout the United States.

League Issues Opponents say that the NPV Compact conflicts with the League's support of uniform voting standards. Supporters of the Compact advocate its passage in all states, which would result in uniform voting standards. It is true that the NPV Compact could be in effect for an interlude when not all states had signed on to it. The same could be demonstrated for other laws, such as the Equal Rights Amendment. Nonetheless, it must be remembered that uniform voting standards are not now in effect. The NPV Compact could help assure that every vote would be counted equally.

Further, implementation of a method which assures direct election of the president by popular vote is in keeping with the League's long-held position.

To prepare for the consensus meeting, please read the complete version of this paper (available at www.lwv.org) by the LWVUS National Popular Voter Compact Study Committee.

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OPPOSITION TO THE NATIONAL POPULAR VOTE COMPACT

There is little respect for the Electoral College (EC). The League opposes it and most voters want a direct popular vote. But is the National Popular Vote Compact (NPV Compact) an appropriate way to achieve that result?

Evaluating Fairness Voters supporting the candidate who receives the majority of votes in their state want their state's electors to support their choice. Adoption of the NPV Compact may require a state elections official to direct its state's electors to cast their ballots in support of a candidate who was not favored by the voters of that state.

Passage of the NPV Compact will result in the emphasis of presidential campaigns shifting from the battleground states to areas of large concentrations of population. So, while some voters are disenfranchised by the EC, others might be disenfranchised by the NPV Compact. Because the Compact requires entry into a contract with other states which binds state elections officials to direct electors to vote in a certain way, regardless of the outcome of the election in their state, states' rights are diminished.

In addition, one can question the advisability of a method that bypasses the normal constitutional amendment process in this manner.

Constitutional Issues Many constitutional scholars argue that this plan will lead to extensive litigation involving challenges to the NVP Compact on issues such as the scope of constitutional powers, the Compact itself, the need for congressional approval, the concerns of non-compacting states, and constitutional protections of state interests and their role in elections.

Mechanical Issues/Flaws The methods for enforcement of this plan are unclear. Opponents

question the power and timing to withdraw from the Compact and the power to enforce compliance.

Others express concern about an onslaught of lawsuits between compacting and non-compacting states, as well as procedures in close elections.

The plan, allowing the election of a president by a plurality of votes, does not improve on the current system; neither the present system nor the NPV Compact requires that the president be elected by a majority.

Other Issues The Voting Rights Act requires pre-clearance for legislative changes. This, too, has the capacity to engender lawsuits to ensure compliance.

League Issues This proposal does nothing to achieve the goal of uniform standards of voting. The NPV Compact is effective when passed by states representing 270 electoral votes, effectively negating the impact on presidential elections of the voters in states which represent the other half of electoral votes. A system which assures no voter disenfranchisement is a better way to assure that every person's vote counts.

The League has long supported the abolition of the EC. Although the NPV Compact purports to foster the same result, it creates additional concerns. Amending the U.S. Constitution is a difficult process, and we should seriously consider supporting the normal amendment procedures to abolish the EC versus this specific "work-around."

To prepare for the consensus meeting, please read the complete version of this paper (available at www.lwv.org) by the LWVUS National Popular Voter Compact Study Committee.

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LWVUS National Popular Vote (NPV) Compact Study Committee

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BETTER ELECTIONS FOR SANTA CLARA COUNTY

By Blair Bobier, Deputy Director
Political Reform Program, New America Foundation

We all know some of the more obvious problems with political campaigns and elections—they're too long, too expensive, and, far too often, they're full of mudslinging rather than substantive debate. What might not be so obvious are the solutions.

An innovative election reform known as instant runoff voting, or IRV, can reduce the length and expense of campaigns, and promote civility and cooperation among candidates. In 2005, after a year-long study, the five Leagues of Santa Clara County voted to support using IRV to elect the county Board of Supervisors. This followed the adoption of a position by the California League supporting the use of IRV for all executive offices.

IRV saves time and money because it combines two rounds of elections into one. Instead of having one election, and then a second runoff election months later, IRV allows both elections to be held simultaneously—hence the name “instant” runoff. Here's how it works: instead of voting for just one candidate, voters indicate their first, second and third choices among candidates on the ballot. If a candidate wins a majority of first choice rankings, that candidate is elected. If no candidate receives an initial majority of first choice rankings, the candidate with the fewest first choice rankings is eliminated from the contest and that candidate's supporters have their votes count for their second choice. The process repeats until a candidate emerges with majority support.

In San Francisco, where IRV has been successfully used for five different elections, it is known as ranked choice voting, because it allows voters to rank candidates in order of preference. When San Francisco first used IRV in 2004, the New York Times reported that it resulted in an unprecedented level of cooperation and civility among candidates. That's because, with IRV, candidates have to reach out to the supporters of their opponents, in an effort to gain their second-choice rankings, which may well be the key to victory. This helps place the focus of campaigns on issues, rather than personalities.

Santa Clara County's current two-round runoff system no doubt discourages many qualified people from seeking public office, because of the high probability of their having to run two separate campaigns; one campaign for the first election in June and (if no candidate wins an

outright majority of votes) a second campaign for the November runoff. IRV eliminates the need for a second campaign and trims five months off the election season. Having to mount one, shorter, campaign instead of two also greatly reduces the cost of running for office, making the possibility of public service much more palatable to those citizens so inclined.

In 1998, Santa Clara County voters approved Measure F, a charter amendment allowing the use of IRV for county elections “when such technology is available to the County.” The technology, essentially the same equipment and software used in San Francisco, is indeed now available. Since the county uses the same equipment as San Francisco, all that is needed to switch to IRV, besides the approval of the Board of Supervisors, is a software upgrade.

Another benefit of using instant runoff voting is that more voters have a say in who their elected officials will be. In the June election, when the field of candidates is narrowed down to the leading two contenders, relatively few voters participate. This is an important phase of the election; its low voter turnout means a scant percentage of the populace is determining who will appear on the November ballot. By contrast, turnout for the November election is, on average, twice as high. Switching to IRV would combine the two elections into one, guaranteeing more meaningful participation in the democratic process.

IRV has been approved for use by Oakland, Berkeley, and San Leandro; is used by cities in Maryland, Vermont and North Carolina; and has been used for years in Ireland and Australia. The San Jose Elections Commission has also agreed to take a look at using IRV for city elections.

Steve Chessin, a member of the Los Altos/Mountain View League and an expert on instant runoff voting, said “each League should meet with their own Board of Supervisor member” and encourage them to support IRV. In light of the League's statewide and local support for this election reform, Chessin said “it would be nice for the League to take the lead in implementing IRV in Santa Clara County.”

More information about instant runoff voting is available from the New America Foundation Political Reform Program at www.newamerica.net and from www.fairvote.org.

LEAGUE NEWS

National – The League and coalition partners called on the Federal Election Commission (FEC) to follow the law in issuing regulations to implement campaign finance legislation. The League pointed out structural problems with the agency and that President Obama has the ability to change the nomination process for FEC commissioners to provide for a better-functioning agency.

State – The League announced it is forming a **Redistricting Committee** comprised of League volunteers who will work with its Prop 11 partners to facilitate the best possible implementation of redistricting reform for California. There will be a variety of opportunities over the next three years and the League needs a wide array of talent and enthusiasm. More information about how you can join this exciting, diverse project is on the League's Website, ca.lwv.org or contact Chris Carson at govt@lwvc.org.

League Websites

National www.lwv.org
State www.ca.lwv.org
Bay Area www.lwvba-ca.org
County www.scc.ca.lwvnet.org

COUNTY LEAGUE MEETINGS

National Popular Vote Compact “Should We Dispense With the Electoral College”

Date: Thursday, March 12, 2009
Time: 7:00 PM – 9:00 PM
Place: Mountain View Council Chambers
600 Castro Street, Mountain View
Speakers: Gail Dryden, LWVUS NPV Study Committee
Arthur Keller, LWV Palo Alto
Dr. John R. Koza, author “Every Vote Equal:
A State-Based Plan for Electing the President
by National Popular Vote”

This is an opportunity to hear a discussion about the National Popular Vote Compact prior to our consensus meeting March 21.

Sponsored by the five Leagues of Women Voters of Santa Clara County National Popular Vote Compact.

Education Forum “Making Public Schools Work”

Date: Friday, April 24, 2009
Time: 8:30 AM – 12:30 PM
Place: Synopsis Corporation
Headquarters, Building 2
455 North Mary Avenue, Sunnyvale

Speakers and panelists will discuss the state of education in Santa Clara County and the state.

Join the League of Women Voters

Membership in the League of Women Voters is open to all men and women of voting age who are U.S. citizens. Others are welcome to join the League as associate members.

Send your check to LWV Cupertino-Sunnyvale, P.O. Box 2923, Sunnyvale, CA 94087.

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Email: _____

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To make a tax-deductible donation, write a separate check to LWVCS EdFund.

CALENDAR

March

Mon 9 7:00 pm **Board Meeting**
Meyering Office
19925 Stevens Creek Blvd. Cupertino

Thu 12 7:00 pm **National Popular Vote Compact**
Mountain View Council Chambers
600 Castro Street, Mountain View

Sat 21 10:00 am **March Luncheon & Consensus Meeting**
Fairbrae Clubhouse
696 Sheraton Drive, Sunnyvale

April

Fri 24 8:30 am **Education Forum**
Making Public Schools Work
Synopsis Corporation
Headquarters, Building 2
455 North Mary Avenue, Sunnyvale

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THE LEAGUE OF WOMEN VOTERS, 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.

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FIRST CLASS