



BULLETIN

LEAGUE OF WOMEN VOTERS OF WILMETTE

lwwilmette.org

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DEMOCRACY IS NOT A SPECTATOR SPORT

ALL MEMBER MEETING **The National Popular Vote Compact Consensus**

Question: Should the League of Women Voters support the National Popular Vote Compact to ensure direct election of the President and Vice President of the U.S.?

Thursday, April 30, 7:00 – 9:30 pm
New Trier High School – Northfield Campus, Room C234
7 Happ Road, Northfield, IL 60093

Purpose of meeting: To explore the pros and cons of this alternative direct approach to electing the President and Vice President of the United States and determine whether or not there is a Consensus on the questions presented.

There will be a great deal of information presented at the Consensus Meeting, so PLAN TO ATTEND, even if time constraints prevent you from doing any preliminary reading. Nevertheless, it would be helpful if you read the background paper on this study printed in this edition of the *Bulletin*. For further information and preparation for this meeting, members can access materials on the LWVUS web site: lww.org/NPV. In addition, check our web site, lwwilmette.org, for information updates as they become available.

Plans are also currently being made for a **study group/orientation session** to help members prepare for the consensus meeting. Time and place will be publicized as soon as details are finalized.

New members, this is a great opportunity to see how the League works through an issue and develops a policy position.

Questions? Call Georgia Gebhardt (847)853-8225 or email at ggebhardt@sbcglobal.net.

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PRESIDENT'S MESSAGE

On April 30, 2009, this League's membership will meet to participate in the time-honored process of determining a League of Women Voter's policy position. That is, our members will gather to learn, discuss and then determine if Consensus can be reached on specified questions regarding '**the advisability of using the National Popular Vote Compact among the states as a method for electing the President of the United States**'. 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.

Meanwhile, across the nation, every other local league will be gathering for its own National Popular Vote (NPV) Compact Study Consensus Meeting. Thus, over 900 individual leagues entities will be responding to action taken by delegates at LWVUS Convention 2008 that charged the LWV to conduct this important policy study.

What is Consensus?

In the League, Consensus is the process used to reach member agreement on study issues, and is neither a simple majority nor unanimity; instead it is *an overall sense of the group*. In other words, Consensus results from answers to questions on which members can find common ground and agreement. Group discussion that allows an exchange of ideas and opinions is the preferred way to achieve Consensus.

A Study Consensus is fundamental to what makes the League of Women Voters a forceful policy advocate; each policy position held by the League has been determined through the grassroots participation by members in Consensus Meetings throughout all 50 States of this nation. As you well know, the League of Women Voters is strictly nonpartisan; it neither supports nor opposes candidates for office at any level of government. **However, at the same time, the League is wholeheartedly political and works to influence policy through advocacy. It is the original grassroots citizen network, directed by the consensus of its members nationwide.**

Be a Part of History. Grassroots agreement on positions is one of the League's greatest strengths. Preparing for and taking Consensus is hard work, but worthwhile. The resulting position will allow the organization to educate the public and affect national policy for years to come, just as we have been doing in other areas for 88 years – it is part of the organization's history.

Do not be intimidated by this process. At the Consensus Meeting, designated members who have studied the issues will present the pros and cons of the questions to be addressed. A thorough discussion, including questions and answers will precede the Consensus taking.

So please, please join your fellow Leaguers at our NPV Compact Study Consensus Meeting on April 30. Your participation MATTERS!

As always, I welcome YOUR feedback, ideas and/or suggestions.

Libby Bankoff

Early Voting Available in Wilmette!

Wilmette is a site for early voting in Cook County. From March 16 through April 2, early voting may be done at the Mallinckrodt Community Center located at 1041 Ridge Road. On Mondays through Friday, early voting is available from 9 a.m. to 5 p.m. On Saturday, early voting is available from 9 a.m. until noon. Information on voting can be found on the Cook County Clerk's web site: voterinfonet.com.

Family Awareness Network of New Trier Township (FAN) Debate

Re-Thinking the Drinking Age: A Debate of Ideas. Is 21 Working? Is 18 the Answer?

Thursday, April 23
7:30 – 9:00 pm
Room C234,
New Trier High School, Northfield Campus,
7 Happ Road, Northfield, IL, 60093

A debate of ideas regarding the legal drinking age will be moderated by Mary Lou Aagaard of the League of Women Voters of Glenview, and is co-sponsored by the Leagues of Women Voters of Glencoe, Glenview, Winnetka-Northfield-Kenilworth, and Wilmette.

Representatives from Mothers Against Drunk Driving and the National Youth Rights Association square off in a debate of ideas format to cover the studies, the facts and the logical reasons pro and con for keeping the legal minimum drinking age at 21-years of age. The debate was inspired by the Amethyst Initiative - a call by 134 university presidents and chancellors to "weigh all the consequences of current alcohol policies and to invite new ideas on how best to prepare young adults to make responsible decisions about alcohol use."

Parents, students and all members of the community are encouraged to attend to gain insight into all aspects of this important public policy issue. For more information and links to the position papers of the participants, visit www.fan-ntts.org.

CONTACT: Chuck Jameson, FAN Communications Team
847-256-8786; cbjameson@cj4.org

LWV OF COOK COUNTY Observer Reports Have Moved to a New Site

The LWV of Cook County has a long tradition of monitoring the Cook County Board and related governmental bodies through its Observer Corps. Currently, observers are focusing on the Cook County Board, the Health and Hospital System Board, the Forest Preserve District of Cook County Board, and soon will add the Advisory Board of the Juvenile Temporary Detention Center to the list. An archive of observer reports is available at the LWVCC website, <http://cookcounty.il.lwvnet.org/>. Since January, 2009, and going forward, observer reports are posted on the LWVCC's new blog, accessible through a link on the website, or directly at <http://www.cookcountyobserver.blogspot.com/>.

You may subscribe to the blog if you use an RSS Feed Reader by clicking on the "Subscribe to Posts" button on the lower right of the blog site. Please also consider bookmarking the LWVCC website as well as the blog site, as this will increase the Google rankings of both.

VOTER SERVICES

Election Activities

A core mission of the League of Women Voters is to work for an active, informed citizenry that participates in politics and exercises their right and privilege to vote. To that end, the Voter Services Committee developed a 32 page Voter's Guide that is currently being distributed throughout Wilmette. The Voter's Guide contains candidates' answers to questions posed by the League of Women Voters. The League obtained suggestions for the questions posed from administrators of the community's various governing bodies as well from local elected officials not running for reelection. The questions were screened by the committee for relevance and accuracy. The Voter's Guide is also available on line at lwwilmette.org.

In addition, the Voter Services Committee organized a Candidates Forum on Sunday, March 15 at the Wilmette Village Hall. Forums were held for the two contested elections – the Wilmette Village Board of Trustees and the Wilmette Board of Park Commissioners. In each forum, there were four candidates running for three positions. The candidates were asked questions from the League as well as from members of the audience. The forums were broadcast live on cable channel 6 in Wilmette and will be rebroadcast up to the election.

APPLAUSE!! THANKS FOR STEPPING UP!! APPLAUSE!!

Many thanks should be extended to so many people, who, on an ongoing basis, help to make our League strong and vibrant. However, the following members deserve SPECIAL THANKS FOR 'STEPPING UP' this past month.

Heidi Voorhees (Chairman) along with Ellen Falkof, Georgia Gebhardt, Rachel German, Lesley Green, Trudy Gibbs, Jae Choi Kim, Gloria Levin, Judy Mandel, Susan Morrison, Beth Nyhan, Dorothy Speidel and Therese Steinken — for producing and staffing the March 15, 2009 Candidate Forums.

Georgia Gebhardt — for being the Wilmette League's point person on the National Popular Vote Compact Study while also planning and organizing the Consensus Meeting (April 30)

Heidi Voorhees (Chairman) along with Ellen Falkof, Ellen Krupp, Judy Mandel, Dorothy Speidel and Therese Steinken — for creating (and distributing) the excellent Voter's Guides to the 2009 Consolidated Election

Mari Terman (Chairman) along with Cinda Axley, Beth Nyhan and Dorothy Speidel — for working so diligently (and successfully) as the Nominating Committee for the 2009-2010 LWV Wilmette Board



PLEASE JOIN

THE LEAGUE OF WOMEN VOTERS OF WILMETTE

for an evening of JPF (Just Plain Fun) !

What: LWV of Wilmette's BUNCO NIGHT!

When: April 2, 2009 -- 7:00 p.m.

Where: 1440 Sheridan Road (Party Room)

If you don't know how to play BUNCO, never fear!
Everyone is guaranteed to learn in TWO minutes flat!

BYO bottle (wine, soda, whatever) and we will provide the snacks!

Feel free to invite friends! The more the merrier!

RSVP by March 31 to Libby Bankoff
Lbankoff@sbcglobal.net or 847-256-7509

CALENDAR

APRIL 2 — BOARD MEETING

APRIL 2 — BUNCO NIGHT

APRIL 23 — DEBATE: RETHINKING THE DRINKING AGE

APRIL 30—CONSENSUS MEETING

LWVUS Study on the National Popular Vote Compact Background Paper

SELECTION OF THE PRESIDENT OF THE UNITED STATES OF AMERICA

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 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 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.

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 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.

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*