

# Denton VOTER

*The League of Women Voters of Denton, Texas*  
*Established 1961*

April - May, 2009

P. O. Box 424945, TWU Station  
Denton, Texas 76204  
[www.lwvdenton.org](http://www.lwvdenton.org)

Sue Smith, President  
Byron Witmer, VOTER Editor

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## LWV DENTON CALENDAR

### **Thursday, April 16, 7 pm.**

General Meeting: National Popular Vote Compact. Environmental Education Science and Technology Building (EESAT), Room 176 on the University of North Texas campus, Hickory at Avenue C. Come a few minutes early to get a hang tag for your car before parking.

### **Voters Guide to the May 9 Elections (City Council and School Board).**

LWV-Denton will publish a Voters' Guide for the May 9 Elections. We anticipate that we will have copies for distribution at the April 16 General Meeting.

### **Saturday, April 25, 10:30 am, with luncheon to follow. Annual Meeting.**

Unitarian Universalist Fellowship, 1111 Cordell. Speaker: Mayor Mark Burroughs. Bring your Workbook for Annual Meeting and a covered dish to share at lunch.

## DENTON ELECTION CALENDAR

**Thursday, April 9.** Last day to register to vote in May 9 election.

**Monday, April 27.** Early voting by personal appearance begins.

**Tuesday, May 5.** Last day to vote early by personal appearance.

**Saturday, May 9.** Election Day. Polls open 7 am to 7 pm.

**Tuesday, May 19.** City Council meeting to canvass election returns.

**Saturday, June 13.** Run-off election if needed (tentative).

**PRESIDENTS PODIUM – SUE SMITH**

Welcome to our new VOTER editor, Byron Witmer. Sondra Ferstl has been doing triple duty on the board and is probably the most relieved member to have Byron take on this very important position.

How important is it for you to attend Annual Meeting? Without a quorum we couldn't adopt proposed program, budget, by-laws and report from the nominating committee. In other words, we can't operate next year without you. Please mark your calendars for Saturday, April 25, 10:30 a.m., Unitarian Universalist Fellowship. Bring your March-April Annual Meeting Workbook VOTER and a covered dish for the luncheon following the meeting. In addition to our guest speaker, Mayor Mark Burroughs, we will also hear from Dr. Jim Alexander, member of the Denton ISD Board of Trustees.

Before Annual Meeting, we will have our last general meeting of the year on Thursday, April 16<sup>th</sup> at 7:00 p.m. at UNT EESAT Building. There is a lot of material in this VOTER on National Popular Vote Compact. Please read it carefully and be prepared to help us reach consensus on this timely topic.

Peg La Point will format the Voters Guide for the City Council and Denton ISD Board of Trustees elections and we should have them ready for distribution at the April 16<sup>th</sup> meeting.

## **NEW MEMBER**

We have a new National Member. Add this name to your directory: Mrs. Sandi West, 2005 Marshall Road, Denton, Texas 76207.

## **FINANCE DRIVE STATUS TO DATE**

Twenty-two members have contributed a total of \$3,860. Seventeen non-members have contributed a total of \$875. We have met our goal of member contributors but still need \$565 from non-members to reach the goal set for that category.

## **UPDATE ON BOARD NOMINEES**

Kay Branum's name as Board Secretary was inadvertently omitted from the list of nominees. The updated list of nominees follows:

President:	Sondra Ferstl
Organization VP:	Barbara Coe
Community Service VP:	Open
Treasurer:	Sue Smith
Secretary:	Kay Branum
Director:	Barbara Burns
Director:	Linnie McAdams
Nominating Committee	Dorothy Damico, Chair Barbara Huggins Ann MacMillan

## **NEW VOTER EDITOR**

Byron Witmer succeeds Sondra Ferst as VOTER Editor, beginning with this issue.

LWVUS has asked us to have a consensus meeting on the issue of electing the President through a popular vote. Please join us for this interesting and important discussion that goes to the heart of our democracy and the reason for the League.

Because there are many considerations, I urge you to read the following background material so you can come to the meeting ready to make a contribution.

### **Selection of the President**

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. At the 2002 Convention, the League expanded its position, and in 2008, 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**

*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. In 1876, Rutherford B. Hayes beat Samuel J. Tilden by one electoral vote, becoming President despite trailing in the popular vote. In 1888, Benjamin Harrison beat Grover Cleveland in the electoral vote,

despite Cleveland's popular vote margin. 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. 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 supported the states 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, (July 20 of each presidential election year through the January 20 inauguration), during which no state can withdraw from the compact. 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](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.

## **ARGUMENTS IN FAVOR OF THE NPVC**

**Difficulty of Amending the Constitution.** Amendment of the Constitution is a very long process with uncertain results. Most of the electorate is also in favor of a system in which the candidate who receives the most votes wins. Thus, a more rapid, direct path to the national popular vote would be in the interests of the electorate.

**Amendment Necessary or Not.** No constitutional amendment is needed to implement the NPV Compact. Under the U.S. Constitution, the states already have the right and power to implement the change. Primary constitutional authority for the Compact is found in Article II, section 1, clause 2.

**Interstate Compacts are Legitimate.** The crux of the NPV Compact proposal is an interstate compact in which states would commit to cast their votes for the winner of the national popular vote.

**Congressional Consent.** Supreme Court rulings have established that most compacts

do not, in fact, require congressional approval. However, to avoid time-consuming litigation on this procedural issue, backers have decided to seek congressional consent. In deference to the exclusive power of the states to decide the manner of awarding electoral votes, the question might be presented to Congress in the form of a bill to grant consent to the Compact on behalf of the District of Columbia. Proponents believe that positive action on this legislation would imply tacit congressional consent to the Compact as a whole.

**President of the Minority.** Voters assume that the candidate who wins an election will be the candidate that received the most votes—either a majority or a plurality (in multi-candidate elections). When the "victor" actually receives fewer votes than another candidate, people are led to question the nature of our electoral system. Furthermore, presidents elected by a popular majority via the NPV Compact would be "stronger" presidents because they would have a greater, more democratic legitimacy.

**Few Battleground States.** Presidential campaigns currently focus on a few key states which are the determinants of an Electoral College victory or loss. Most media and candidate attention are focused on the few "competitive" states whose Electoral College votes are believed to be at stake. Under this system, some votes are worth much more than other votes. A large portion of the country is ignored by the major candidates, except to the extent that the candidates visit "safe" states in search of campaign funds to fuel their activities in the toss-up states.

Under the NPV Compact, candidates would have to be sensitive to the trend of opinion in all states and to develop campaign strategies that appeal to a very broad spectrum of the electorate. This would bring many more voters directly into the electoral process and take them out of the "spectator from afar" role, thereby increasing interest in the election nationwide.

**State Identity.** States' rights advocates argue that it is an affront to state sovereignty to award a state's electoral votes to a candidate who did not carry that state. This assumes that the voters within that state care more about their state identity than their own personal vote. The question is whether it is more important for the winner in a particular state to receive the state's electoral votes or for the winner of the entire country to be selected as president. Polls indicate that only about 20 per cent of the public support the current system of awarding all the electors of that state on a winner-take-all basis.

**Influencing the Winner.** Critics of the NPV Compact claimed that "11 colluding states" (as they term them) could theoretically impose their will on the country because those states contain the majority of the population and account for the 270 electoral votes needed for the Compact to take effect. While these 11 largest states do contain 56 per cent of the population, the real likelihood of such "collusion" is extremely small as they have little in common politically. Of the 11 states, recently five tended to vote Republican (Texas, Florida, Ohio, North Carolina, and Georgia) and six tended to vote Democratic (California, New York, Illinois, Pennsylvania, Michigan and New Jersey). Furthermore, the NPV Compact has so far been enacted by four states: Hawaii (a small state), Maryland (an average-sized state), and New Jersey and Illinois (large states). Although passed by the Maine Senate and both houses in Vermont, California and Rhode Island, the Compact has not been signed into law by the governors of those states. Support for the NPV Compact has been across the board so far and in no way limited to the largest states.

**Questioning the Approach.** Opponents have portrayed the interstate compact approach as disregarding the U.S. Constitution. This argument ignores the fact that many amendments to the Constitution have begun as state actions to change practices which could have been (and eventually were) changed by constitutional amendment.

The very right to vote for president was begun through enactment of laws by state legislatures - on a state-by-state basis. In 1789 only five states permitted a direct vote for electors. By 1824 three-quarters of the states had such a right, but it was not until 1880 that a direct vote of the people was fully enacted.

Other fundamental voting changes have been accomplished through state-by-state changes in law. Among such changes were the abolition of the requirement that voters be property holders and the extension of the franchise to women, blacks and persons under 21. All of these changes were begun by legislation in individual states, and few criticized the approach as an end run around the Constitution.

**Small States.** The political power of small states would be increased under the NPV Compact. Currently, political power generally resides in the closely divided battleground states. Few of the 22 least populous states are battlegrounds. With the NPV Compact each vote becomes important regardless of the state; state size and closeness of the race within a state would be less relevant.

**Electing the REAL Winner.** Out of our nation's 55 presidential elections, there have been four in which the candidate elected to the presidency is not the person who won the most votes. This is a failure rate of 1 in 14, which does not instill confidence in the procedures for electing the President of the United States. When an election is a landslide, there is less chance of a "wrong winner," but the more divided the country and the closer the elections, the greater the chance of erroneous results.

**Enforcements: Post-Election Protection of Rules.** Some critics warn that a state legislature might, for partisan reasons and after signing onto the Compact, change the rules for awarding electoral votes—after the people have voted, but before the Electoral College meets.

The drafters of the NPV Compact have anticipated such a problem and have included a mechanism which permits a state to withdraw from the Compact, but only according to a timetable which prevents deleterious effect upon a particular election.

There black-out period was chosen because it includes six major events relating to the presidential election: the national conventions, the campaign period, Election Day, Meeting of the Electoral College, counting of the electoral votes, and Inauguration Day.

**Winning Levels.** The winner-take-all rule (currently used by 48 of the 50 states) is not required by the U.S. Constitution. Changing the winner-take-all rule does not require an amendment to the Constitution but may be changed in the same way that it was originally adopted, namely by the enactment of state laws by state legislatures on a state-by-state basis.

**Recounts.** It is anticipated that the need for recounts will diminish under the NPV Compact because, although the vote count can be extremely close in battleground states, the numbers are not close on a nationwide basis. Should a recount be necessary, the plans and resources to conduct a recount would still be the responsibility of the state experiencing the close vote.

**Election Fraud.** The adoption of the NPV Compact would diminish the danger of both voter fraud and election fraud/voter suppression. Under the current system, with only a few battleground states in play, the temptation to engage in election fraud or voter suppression is increased by the skewed weight of votes in battleground states. In the Electoral College system, with most states using a winner-take-all process, one fraudulent vote could affect the entire state's electoral votes. Under a direct popular vote system nationwide, one fraudulent vote has far less effect on the outcome.

**Voting Rights Act.** The NPV Compact is in total harmony with both the terms and purpose of the Voting Rights Act, which was enacted to guarantee equality of the vote throughout the United States, particularly in relation to racial minorities. The NPV Compact's goal is to create an equal vote for all voters throughout the United States.

**Faithless Electors.** The faithless elector issue is not a practical concern. States already have constitutional authority to address problems as they come up. The NPV Compact, awarding the nationwide winner the majority of electoral votes as a base, makes the possibility of a faithless elector having any effect on the election unlikely. Considering the support the winner would need to garner a nationwide win, the candidate would probably earn at least another half of the remaining votes in non-compacting states as well – a strong support that would discourage faithless electors. Additionally, the state electors casting their votes for president will be from the party that won nationwide. The NPV Compact is more likely to protect against faithless electors than does the current system.

**Uniform Standards.** The LWVUS supports uniform national voting standards. The NPV Compact aims for having all the states become members of the compact, and thus shares the goal of a uniform and universal method of electing the President. The fact that the Compact will become effective at a time when states representing 270 electoral votes have joined does not change the ultimate goal that all states adopt the Compact. Further, the NPV Compact creates uniform standards because every national vote would be counted equally if it were to go into effect.

#### CONCLUDING ARGUMENTS SUPPORTING THE NPV COMPACT

One of the most compelling arguments in support of the NPV Compact is that this method ensures the candidate who receives the most votes in the national election is elected President, and does so by using the Electoral College system of electing the President of the United States. Amending the U.S. Constitution in order to eliminate the Electoral College and, instead, establish the direct election of the president is much more cumbersome and much less likely to succeed. Above all, the most appealing argument in support of the NPV Compact is that every vote, of every party and of every voter is counted fairly and equally.

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

### **CONSENSUS QUESTIONS TO BE DISCUSSED ON APRIL 16**

#### **Amending the Constitution**

**1. Which statement best reflects the consensus of the group? Select one.**

- a. Action to alter a basic element of the Constitutional framework, which is achievable by amendment to the Constitution, should be accomplished by amendment to the Constitution.
- b. Action by states through a compact process is an acceptable way to alter the method for electing the President and Vice-President.

c. The group could not reach consensus.

**2. Which statement best reflects the consensus of the group? Select one.**

a. Because a compact has never before been used to address a fundamental constitutional issue such as voting, the chance that it might set a precedent for the future leads to the conclusion that it is better that the League continue to work for an amendment to the Constitution to establish the direct popular election of the President and the abolition of the Electoral College.

b. Despite the novelty of the use of the compact approach to address a fundamental constitutional issue such as voting, the League should support the NPV Compact as a way of achieving an important goal.

c. The group could not reach consensus

**Congressional Consent**

**3. Which statement best reflects the consensus of the group? Select one.**

a. The possibility that the NPV Compact will require congressional consent is not of sufficient concern to block the implementation of the plan.

b. The possibility that the NPV Compact will require congressional consent is sufficient to conclude that the plan should not be implemented without obtaining such consent.

c. The group could not reach consensus.

**Enforcement**

**4. Which statement best reflects the consensus of the group? Select one.**

a. The NPV Compact contains sufficient enforcement provisions to assure smooth operation of the plan.

b. Although it is not possible to determine whether the enforcement provisions will be sufficient to assure smooth operation of the plan, the plan should be passed anyway

c. Enforcement of the plan is likely to add uncertainty and bring the courts into the presidential election in ways that raise substantial concerns.

d. The lack of adequate enforcement provisions is sufficient to conclude that the NPV is not a viable plan.

e. The group could not reach consensus.

**Uniformity**

**5. Which statement best reflects the consensus of the group? Select one.**

a. The uniformity of voting systems is more important to American democracy than the possibility that the NPV Compact can be adopted.

b. The NPV Compact is more important than uniformity of voting systems because it would succeed in achieving the popular election of the President.

c. The group could not reach consensus.

**Popular Election of the President**

**6. Which statement best reflects the consensus of the group? Select one.**

a. It is more important to achieve the goal of national popular election of the President than it is to achieve the goal of abolition of the electoral college.

b. It is more important to amend the Constitution to abolish the Electoral College than it is to achieve the goal of popular election of the President by alternative methods, such as the NPV Compact.

c. The group could not reach consensus.

**Achievability**

**7. Which statements reflect the views of the group?**

a. The NPV Compact will have problems being passed because of the need for congressional consideration and the need for action by so many states.

Agree                      Disagree                      No Consensus

b. A constitutional amendment to establish the direct popular election of the President and the abolition of the Electoral College will continue to have problems being passed.

Agree                      Disagree                      No Consensus

**A YEAR ROUND SCHOOL IN DENTON ISD – MAGGIE DODD**

At its March 12 general meeting, Dalton Gregory, principal of Lee Elementary, relayed in his familiar storyteller style, the years of an alternative calendar at Lee Elementary, beginning in 1995 and finishing in 2001. Faced with population growth and building more schools, Denton ISD explored the prospects of a year round calendar as a possibility for district savings.

Lee adopted a single-track schedule, which kept the same number of instructional days with breaks interspersed throughout the year. We began the school year in July, alerting parents that school was in session. This calendar allowed for an easier transition to instruction from summer. The year was divided into four nine- week terms separated by three- week vacations or inter-sessions. Those who preferred the traditional calendar were allowed to transfer. Faculty preferred a calendar which allowed for vacationing at different times. Some chose to substitute during breaks, others taught inter-session classes.

In 2001 Lee returned to a traditional calendar. The experiment in alternate scheduling was not taken up by another campus.

## **MARCH 26 MEETING REVIEW – PEG LA POINT**

Two major initiatives of the League were discussed at our March meeting: State redistricting reform and our support of a national cap and auction system to address global climate change.

### **Redistricting Reform in Texas**

For some years the Texas League has supported reform of the system used to create voting districts. Redistricting has been growing in importance as a political problem. In Texas and many other states, the major stumbling blocks to establishing an independent, nonpolitical process are the members of the state legislatures who are reluctant to give up their traditional hold on drawing new district boundaries.

Voting districts are supposed to be drawn so that the votes of all citizens are of equal importance. After every census, the legislature is required to make any changes in voting districts needed to reflect changes in the population. Ideally, districts have equal or nearly equal populations, they are drawn in a manner that does not have the effect of denying or abridging the right to vote on the basis of race or language group, and counties are preserved within one district if possible.

However, because redistricting is in the hands of politicians, our elected officials are picking their constituents, rather than the other way around. If the majority party draws the districts, they are most likely to draw them to protect their party's power and to reduce the power of the minority party. Consequently, redistricting has evolved into an electoral instrument that serves to protect and strengthen the incumbency advantage, therefore disempowering voters and undermining democratic accountability and making it difficult for parties to work together for the good of the state. It is easy for all concerned to look both foolish and vindictive.

This is the year we need to establish an independent commission so that we will have new procedures in place before the next census.

Senator Jeff Wentworth has submitted a bill calling for a Redistricting Commission to draw the district lines of the U.S. House of Representatives. The Wentworth plan calls for a Commission of eight voting members – four Republicans and four Democrats, all chosen by members of the Texas Legislature. None would hold or be running for a political position. This group would select a chair to preside, but never have a vote. Such a structure would force fair and principled redistricting plans, since the process would never be controlled by one party. Each of us needs to write or call our elected officials, right away, in support of this legislation.

### **Addressing Global Climate Change on the National Level**

LWV-US is urging all members to contact our federal representatives in support of legislation that would create a cap-and-auction, or cap-and-trade system, to address pollution levels. Members need to contact our Senators and Representative right away in support of this idea. If a cap and auction bill is not passed in this session, it will probably not be addressed for another year. Our window of opportunity to avert the worst effects of global climate change is closing fast. Please act now.

Cap and auction (cap and trade) refers to the establishment of a national emissions cap that would limit and reduce overall greenhouse gas emissions in a certain set of economic sectors, such as energy and mining. A cap would be put on total emissions and individual producers would have to purchase, at auction, the right to emit pollution. Individual emissions permits could be traded amongst emitters: If one polluter was producing more than allowed to meet the cap, it could purchase additional "credits" from another entity that was not polluting as much as allowed. In theory, the additional cost of those credits would motivate the polluter to innovate a way to meet the lower requirements, driving new technology. Periodically, the overall cap would be lowered somewhat, so that we would eventually return to emissions levels of twenty

years ago.

The design of a cap and auction program is critical to its chances of success. Right now the carbon industries are lobbying to get a cap and trade deal that would give away carbon permits free of charge to existing polluters, which would bribe the sluggish to do nothing, and slow down innovation. **All allowances should be auctioned for the public good, not to generate windfall profits for polluting industries.** Also, the initial cap must be low enough to encourage meaningful change.

Revenue raised by permit auctions should be used to promote a clean energy future by investing in the highest-value solutions for emissions reductions first. Auction revenues should also be used to protect low- and moderate-income citizens from rising energy costs and other negative economic impacts, create new jobs, ensure fair treatment for affected workers and their communities, and drive technology transfer to help achieve emissions reductions around the world.

Success will also depend on a careful inventory of present pollution levels and accurate measurement of reductions. Enforcement of the rules is essential. Polluters must be strictly held to both short and long-term goals and there must be no loopholes that allow continued releases while making claims of reductions.

For complete success in a global climate change mitigation plan, any cap and auction program should be carried out in conjunction with the establishment of regulatory programs in three areas: a renewable electricity standard, a utility energy efficiency standard, and increased fuel economy standards.

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