

# WHERE WE STAND



**LEAGUE OF WOMEN VOTERS  
OF PENNSYLVANIA**

**POSITIONS ON ISSUES  
2007-09**

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# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	1
<b>ADOPTED STATE PROGRAM IN BRIEF 2007-2009</b> .....	2
<b>REPRESENTATIVE GOVERNMENT</b>	
LWVUS 2006-2008 REPRESENTATIVE GOVERNMENT	
LWVUS Positions in Brief .....	4
LWVPA 2007-2009 REPRESENTATIVE GOVERNMENT	
Apportionment and Redistricting.....	7
Election Laws .....	8
Governmental Authorities.....	13
Initiative & Referendum .....	15
Judiciary .....	17
Legislature .....	19
Municipal Government .....	21
<b>NATURAL RESOURCES</b>	
LWVUS 2006-2008 NATURAL RESOURCES	
Positions in Brief .....	23
LWVPA 2007-2009 NATURAL RESOURCES	
Land Use .....	25
<b>SOCIAL POLICY</b>	
LWVUS 2006-2008 SOCIAL POLICY	
Positions in Brief .....	28
Health Care	
Death Penalty	
Gun Control	
LWVPA 2007-2009 SOCIAL POLICY	
Child Health and Welfare and Juvenile Justice .....	31
Collective Bargaining in the Public Sector .....	33
Education .....	35
Family Issues and Laws.....	38
Fiscal Policy .....	39
Gambling .....	42
Transportation.....	45
<b>LEAGUE PRINCIPLES</b> .....	47

# INTRODUCTION

*Where We Stand* is the platform of the League of Women Voters of Pennsylvania and is designed to be used in conjunction with the LWVUS publication *Impact on Issues*. Taken together, these positions and the League Principles form the basis for all action taken by the League in Pennsylvania on state and national issues.

The book is organized in three topic sections: **Representative Government, Natural Resources, and Social Policy**. Because League leaders often take action on issues based on a combination of state and national positions, each section:

- Begins with a summary of LWVUS positions in that area followed by action, if any, taken at the state level under each LWVUS position.
- Contains a brief background of the LWVPA position, including when and why it was adopted and how it has been used since that time.
- Lists the LWVPA position in detail.

Details of LWVUS positions can be found in *Impact on Issues*. *Impact on Issues* also contains a section on International Relations. There is no comparable section in *Where We Stand*.

## TAKING ACTION ON STATE/NATIONAL POSITIONS

The League is a complex organization with positions at local, state, and national levels, but always speaking with one voice. To that end, a clear understanding of state and national League positions, how they interrelate and how they can complement and reinforce local and regional positions is necessary before taking action at any level of government.

It is each local League's responsibility to inform LWVPA or LWVUS before it takes action on state or national issues at state or national levels. Leagues taking local action on state and national positions are encouraged to consult with the appropriate board or staff member.

## ACTION?/EDUCATION?/FACILITATION?

Faced with an emerging issue, Leagues sometimes find they can be more effective by playing an educational or facilitative role, even when they have local, state or national positions in the issue area. Before taking action, be sure to consider the options available and what strengths your League has to offer.

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# **LWVPA ADOPTED STATE PROGRAM IN BRIEF 2007-2009**

## **REPRESENTATIVE GOVERNMENT**

### **APPORTIONMENT AND REDISTRICTING**

Support apportionment based substantially on population of all voting districts, with additional consideration given to compact and contiguous territory and with respect given to municipal boundaries.

### **ELECTION LAWS**

Support effective election laws and uniform procedures.

### **GOVERNMENTAL AUTHORITIES**

Support measures to ensure that governmental authorities act in the public interest, that the powers of authorities are clearly defined, and that authorities are established only when the authority structure enhances the ability to provide a public service.

### **INITIATIVE AND REFERENDUM**

Support adoption of popular initiative and referendum in Pennsylvania, with initiative permitted for both statutes and constitutional amendments.

### **JUDICIARY**

Support an efficient unified court system and a responsible, ethical judiciary that is free from political influence.

### **LEGISLATURE**

Support improvements to the structure and practices of the Pennsylvania General Assembly.

### **MUNICIPAL GOVERNMENT**

Support measures that enable local governments to operate more effectively.

## **NATURAL RESOURCES**

### **LAND USE**

Support more comprehensive statewide land use planning and adoption of a comprehensive land use policy; support a comprehensive program for the preservation of agricultural and open space lands for Pennsylvania; promote environmentally sound agricultural practices in Pennsylvania.

## **SOCIAL POLICY**

### **CHILD HEALTH AND WELFARE AND JUVENILE JUSTICE**

Promote the health and welfare of children and youth. Support legal procedures, programs and facilities that enable Pennsylvania agencies and communities to meet the needs of children in the juvenile justice and child welfare systems.

### **COLLECTIVE BARGAINING IN THE PUBLIC SECTOR**

Support collective bargaining in the public sector that maintains the balance between the rights and obligations of employees and employers, with the goal of providing citizens with essential public services.

### **EDUCATION**

Support equal access to quality public education, to be achieved by participation of government and citizens at all levels and by adequate financing based on an equitable and flexible tax system.

### **FAMILY ISSUES AND LAWS**

Support gender neutral and equitable laws in marriage, divorce, property, child custody, and child support in Pennsylvania.

### **FISCAL POLICY**

Support an equitable and flexible tax system for state and local government in Pennsylvania.

### **GAMBLING**

Oppose the legalization of additional forms of gambling in Pennsylvania.

### **TRANSPORTATION**

Promote energy-efficient and environmentally sound transportation systems that afford access to housing and jobs, relieve congestion and enhance the quality of life in communities of all sizes. Support predictable public funding that enables fiscally stable transportation systems to provide consistent levels of service.

# LWVUS 2006-2008 REPRESENTATIVE GOVERNMENT

**Promote an open governmental system that is representative, accountable and responsive.**

## POSITIONS IN BRIEF

### VOTING RIGHTS

**Citizen's Right to Vote.** Protect the right of all citizens to vote; encourage all citizens to vote.

**DC Self-Government and Full Voting Representation.** Secure for the citizens of the District of Columbia the rights of self-government and full voting representation in both houses of Congress.

### ELECTION PROCESS

**Apportionment.** Support apportionment of congressional districts and elected legislative bodies at all levels of government based substantially on population.

**Campaign Finance.** Improve methods of financing political campaigns in order to ensure the public's right to know, combat corruption and undue influence, enable candidates to compete more equitably for public office and promote citizen participation in the political process.

**Selection of the President.** Promote the election of the President and Vice-President by direct popular vote and work to abolish the Electoral College. Support uniform national voting qualifications and procedures for presidential elections. Support efforts to provide voters with sufficient information about candidates.

### CITIZEN RIGHTS

**Citizen's Right to Know/Citizen Participation.** Protect the citizen's right to know and facilitate citizen participation in government decision making.

**Individual Liberties.** Oppose major threats to basic constitutional rights.

**Public Policy on Reproductive Choices.** Protect the constitutional right of privacy of the individual to make reproductive choices.

### CONGRESS AND THE PRESIDENCY

**Congress.** Support responsive legislative processes characterized by accountability, representativeness, decision-making capability and effective performance.

**The Presidency.** Promote a dynamic balance of power between the executive and legislative branches within the framework set by the Constitution.

**For LWVUS positions in detail see *IMPACT ON ISSUES***

## BACKGROUND

Under these LWVUS positions and the LWV Principles, LWVPA supports the following:

- **Campaign Finance Reform**

1. **Effective campaign finance disclosure requirements.** In 2003, LWV of Greater Pittsburgh successfully lobbied for candidates for county office to have their campaign finance information posted on the LWVGP web site.
2. **Limits on contributions to candidates for public office at all levels of government.** In 2003, LWV of Philadelphia successfully lobbied for municipal legislation that limits an individual's contributions to candidates for Mayor and City Council to no more than \$1000 and Political Action Committee (PAC) contributions to no more than \$5000 per year, as well as limits on the total amount candidates can receive in contributions during an election year (\$500,000 for Mayor, \$50,000 for City Council). The law also authorizes candidates to sign a contract to abide by campaign spending limits
3. LWVPA has unsuccessfully lobbied for reforms that would limit the size of contributions to candidates for state public office. There are now no limits. LWVPA also supports a system of partial public funding of campaigns for statewide office.

- **Lobbyist Disclosure Legislation**

Under the LWVUS Citizen's Right to Know/Citizen Participation position, LWVPA successfully lobbied for the Lobbyist Disclosure Act of 1998 (Act 93), which substantially improved on past disclosure requirements that were among the weakest in the nation. In 2002, the Pennsylvania Supreme Court declared the law unconstitutional because it required registration and disclosure by lobbyists who are also lawyers, a provision which allegedly violated a provision that only the Supreme Court can regulate the practice of law. This left the state without any lobbyist disclosure law. The Supreme Court later issued a ruling directing that all lawyers comply with any lobbyist disclosure requirements. A new lobbyist disclosure law, taking into account the Supreme Court ruling (Act 134 of 2006), was finally enacted in October 2006. The new law tightened standards for reporting gifts and hospitality, makes registration and reporting compliance easier and broadens reporting requirement, covers indirect lobbying, and provides stiffer penalties for violations. However, in October 2008, the PA Independent Regulatory Review Commission (IRRC) voted to disapprove the final versions of regulations issued by the Department of State to implement the law. The status of the regulations was unresolved as of November 11, 2008.

- **Open Records Legislation.**

In 2002, Pennsylvania's Open Records Law was amended to make important improvements regarding access to what the law defines as a public record. LWVPA supported the amendments, while acknowledging that they fell far short of needed reform because the very limited definition of what constitutes a public record was left unchanged and the law did not apply to the state legislature, Auditor General, Treasurer, and Attorney General. In 2007 the League successfully lobbied for much stronger legislation. For the first time in Pennsylvania, the law presumes records held by state and local agencies, all legislative records of the General Assembly and all financial records of the Pennsylvania court system are public unless specifically exempted under the law. Citizens can appeal denials of access to an Office of Open Records housed in the PA Department of Economic and Community Development, instead of having to go to court.

- **Open Meetings (Sunshine) Legislation** LWVPA supported Sunshine Law legislation originally enacted in the mid 1980's including passage in 1993 of amendments to the act providing for public comment at open meetings.

- **Ethics** LWVPA supported original passage of the Ethics Act and a 1989 reauthorization that included stronger ethical standards for government employees at all levels.
- **Voter Verifiable Paper Ballots** LWVPA supports state legislation to require that voting systems employ a voter-verifiable paper ballot or other paper record, said paper being the official record of the voter's intent. The full position is set forth in *Impact on Issues* under Citizens Right to Vote.
- **Voting Rights.** LWVPA is monitoring implementation of the Help America Vote Act of 2002.in Pennsylvania. *See Election Laws.*

Under LWVUS positions, LWVPA has opposed:

- Reauthorization of the Independent Regulatory Review Commission (IRRC), which LWV believes violates constitutionally required separation of powers of branches of government
- Efforts to restrict funding for family planning agencies
- Legislation to restrict reproductive choices.
- A requirement that all electors show a picture ID at the polls before they can vote.

Under LWUS position, LWVPA has supported:

- Allowing citizens to both register and vote on Election Day.
- Requiring all electronic voting systems to have a voter verifiable paper ballot.

**For LWVUS positions in detail see *IMPACT ON ISSUES***

# **LWVPA 2007-2009 REPRESENTATIVE GOVERNMENT**

## **APPORTIONMENT AND REDISTRICTING**

### **POSITION IN BRIEF**

**Support apportionment based substantially on population of all voting districts, with additional consideration given to compact and contiguous territory and with respect given to municipal boundaries.**

### **BACKGROUND**

Following the 1990 census, LWV testified at Legislative Reapportionment Commission hearings before and after the commission began its work, stressing the importance of meeting constitutional criteria of compactness and contiguity and further urging respect for municipal boundaries. Similar testimony was given to the Senate Government Committee regarding congressional reapportionment.

In 1992, after the failure of both the Legislative Reapportionment Commission (General Assembly districts) and the legislative process (U.S. congressional districts) to resolve disputes, the PA Supreme Court had to make final rulings to set election district lines. Several local Leagues joined in challenges to redistricting decisions that violated the criterion of “respect for municipal boundaries,” – in some cases, by dividing townships and even voting precincts.

In December 2003 the U.S. Supreme Court heard arguments in a challenge to Pennsylvania’s congressional reapportionment plan following the 2000 census. The case involved the division of one township in Montgomery County into four Congressional districts. It tested whether state legislatures can consider politics in defining congressional boundaries. The US Supreme Court upheld the redistricting plan in a 5 to 4 vote. The nine justices issued five different rulings in the case. The dissenting opinion by Justice Stevens said that such a redistricting was paramount to partisan discrimination and should have been decided on the same basis as racial discrimination.

In 2007-08 LWVPA unsuccessfully lobbied for an amendment to the Pennsylvania Constitution that would put reapportionment of both Congressional and General Assembly districts into the hands of a nonpartisan bureau. Districts would be determined in line with the League position, and no consideration would be allowed for incumbency, party registration, or other political agendas. Following this defeat LWVPA drafted a bill to achieve through legislation, some of the reforms that were in the proposed constitutional amendment.

# ELECTION LAWS

## POSITION IN BRIEF

Support effective election laws and uniform procedures.

## BACKGROUND

LWVPA has supported bills which are now law, including registration by mail and the use of electronic voting devices, and laws to make it easier for the disabled and the elderly to vote. Legislation to eliminate cross-filing for school directors has been opposed by the League.

Beginning in 1989, the League supported a package of laws designed to remove obstacles to registration and voting. The legislation included supplying registration forms to citizens applying for or changing his or her address on drivers' licenses ("motor voter"), providing the forms to graduating high school seniors, providing forms at state agencies, lengthening or eliminating the purge period for voter lists, and permitting election-day registration.

After passage of the National Voter Registration Act of 1993 (NVRA), the League worked hard for legislation to bring Pennsylvania into compliance with the Act. Under threat of a suit filed by LWVPA and others, a state motor voter bill was finally passed in 1995. The bill ended the two-year purge of non-voters, but did not include establishment of a central computerized registry of all state voters, a provision supported by the League.

In 2001, LWVPA was represented on a Voting Modernization Task Force created by Governor Schweiker in response to problems found in Florida during the 2000 elections. The task force issued recommendations including:

- Counties consider upgrading their method of voting to direct recording electronic voting systems (DRE).
- Changes in how voting systems are certified.
- Recommendations on voter referenda required to change to a DRE system.
- Development of procedures to determine criteria for what constitutes a vote.
- Collection and reporting of data on problems and difficulties with voting systems.
- Opposition to on-line voting unless security concerns can be overcome.
- Voting equipment accessibility for disabled.
- Alternate language accessibility.
- Education programs for voters and poll workers.
- Financial aid to counties for upgrading equipment and procedures.

In 2002, LWVPA supported legislation that established the Statewide Uniform Registry of Electors (SURE), which creates a single computerized database of registered voters.

After the Federal Help America Vote Act of 2002 (HAVA) was signed into law, the Pennsylvania General Assembly enacted Act 150, which amended the Pennsylvania Election Code to include several provisions designed to comply with HAVA. These amendments included requirements for county boards of elections to process provisional ballots, identification requirements for those who vote for the first time in an election district, a system for filing complaints regarding provisional ballot and voter ID requirements, creation of the Voting Systems Development Board to determine what constitutes a vote on voting systems in use in Pennsylvania, and a State Plan Advisory Board to advise the Secretary of the

Commonwealth regarding development of The State Plan to implement HAVA. LWVPA opposed the voter ID requirements in Act 150, which went beyond federal law by requiring identification by first time voters in a district, regardless of how they registered. HAVA only makes this requirement of those who register by mail.

After learning that the two positions on the State Plan Advisory Board reserved for public members had been filled by PA Senate staffers, LWVPA successfully petitioned to have meetings of the Board open to the public for observation and input. LWVPA also presented testimony at a public hearing before final adoption of The State Plan. LWVPA recommendations included:

- Uniform statewide standards for poll worker training.
- Voter friendly posters at every polling place informing voters of their rights.
- Have the provisional ballot form also serve as a voter registration form.
- A way to use the Statewide Uniform Registry of Electors and other databases to provide missing and incorrect information on voter registration forms if all other information matches up.
- Delay purchase of DREs pending improved technology with the exception of providing DREs for disabled as required by HAVA
- Inclusion of physical accessibility to polling places.

The testimony also recommended legislative changes to amend Act 150 to: remove the ID requirement for first time voters that goes beyond federal requirements; provide for election day registration for those who come to the correct polling place with appropriate identification and allow them to cast a provisional ballot; and provide permanent absentee ballots for voters with disabilities who voluntarily wish to vote absentee.

In 2003-04, LWVPA was represented on five Advisory Groups formed to help the Department of State carry out The State Plan, as follows:

- Election Official Training
- Voting Systems Review and Procurement
- Polling Place Accessibility
- Voter Education
- Election Day Activities and Voting Rights

LWVPA revised its voter education materials to include new requirements and procedures under HAVA.

Pennsylvania's ballot access laws for independent and minor party candidates are among the most restrictive in the nation. In 2005 Local Leagues concurred with a position on Ballot Access for independent and 3<sup>rd</sup> party candidates that was adopted by the Centre County League after member study and consensus. The position would equalize ballot access for minor and major party candidates.

In 2002 LWVPA was instrumental in forming a statewide coalition of voting and citizen's rights organizations called the Pennsylvania Voter Coalition. Through the coalition we successfully fought legislation to require voters to present a photo ID at the polls. The bill would also have denied voting rights to paroled ex felons. In 2008 we joined a coalition effort to seek PA Department of State directives requiring uniform application of provisional ballot and emergency paper ballot procedures throughout the Commonwealth. Emergency paper ballots are used in cases of voting machine failure. The League believes such ballots should be used in all cases where at least one-half of the machines in a precinct are not working. We also believe that any voter who is denied the right to vote because their name is not on the voting list for that precinct or for any other reason should be allowed to cast a provisional ballot if they request one.

In 2005 LWVPA was represented on the Governor's Election Reform Task Force. In its final report, issued in 2006 the Task Force made the following recommendations:

- Moving the presidential and state primary elections to an earlier date to provide Pennsylvanians with a greater voice in the selection of the President considering its electoral importance based on population.
  - Providing so called "no-excuse" absentee ballots that would allow voters to cast their votes via absentee ballot if unable to vote at their polling place for any reason.
  - Authorizing the use of the Federal Write-In Absentee Ballot (FWAB) in all elections for all offices.
  - Designating the date of the primary and general election as a school in-service day.
  - Specifying polling place accessibility requirements and standards for compliance.
  - Allowing the use of "curbside voting." Curbside voting will allow a voter with a disability to vote at his or her assigned polling place by paper ballot or other means, but outside of the building where the polling place is located.
  - Incorporating federal law regarding alternative language accessibility into Pennsylvania law.
  - Adopting the Voting Standards Development Board report "What Constitutes a Vote."
- The Task Force narrowly rejected a proposal to recommend that eligible citizens be able to register to vote and cast a ballot on Election Day.

On July 25, 2007, we presented major election reform testimony before a hearing of the Senate State Government committee. In our testimony

- We reluctantly supported moving the primary election to February 5 in 2008. Because our primary date is so late in the presidential election year calendar, Pennsylvania votes had not had a substantial influence on the selection of major party presidential candidates since 1976.\*
- We supported no fault necessary absentee voting and other changes to simplify PA's absentee voting process.
- We said all polling places should be accessible to the physically handicapped.
- We said eligible citizens should be able to register and vote on Election Day.
- We said provisional ballot envelopes should be redesigned so, that in cases where a person's provisional ballot is not counted because their name is not on the voter registration list, the information can be used to add them to the voter rolls for the next election.
- We said making Election Day a holiday is unlikely to increase voter participation.
- We said voting systems should provide a voter verifiable paper ballot.
- Election processes should be uniform through out the state and be open, accountable and transparent.
- We recommended upgrading Election Official recruitment and training statewide.
- We supported tightening and rigorous enforcement of laws governing election fraud.
- We also supported less restrictive ballot access requirements for minor party and independent candidates and reiterated our opposition to voter ID requirements.

*\*As it turned out, the Democratic Primary was still contested when the PA primary was held April 22, 2008. However, by that time, the field of potential candidates had been narrowed from eight to just two.*

In 2008 LWVPA signed a coalition letter to the Secretary of the Commonwealth seeking clarification of a long standing dispute over whether the passive wearing of buttons, tee shirts and other paraphernalia with a candidate or party name into a polling place constitutes improper “electioneering”. The Secretary responded that in their opinion, as long as the individual makes no additional action to attempt to influence other voters, the wearing of such items does not constitute “electioneering” as that term is used in the PA Election Code.

Delegates to the 2005 LWVPA Convention adopted a review and update of the LWVPA Election Law position. The update is still pending.

*Last updated November 2008*

## **POSITION IN DETAIL**

### **Registration**

The League supports:

- Increasing the ease and accessibility of registration.
- Maintaining accurate and current voting lists.

### **Election Procedures**

The League supports:

- State administered elections with a single appointed official having authority to define responsibility and to direct the activities of county and district election officials.
- Appointment of district election officers by county boards of elections from lists submitted by political parties on the basis of bipartisan representation, qualifying tests, and mandatory training.
- Use of public buildings as polling places wherever practical.
- Wearing of identification badges by election officials.
- Increased use of the provision that watchers may be appointed to serve in districts other than their own.
- Strict enforcement of present election procedures.
- Extension of election hours.
- Extension of the use of voting machines, and electronic voting devices where feasible, with continued investigation and implementation (by the proper authorities) of improved means to record and count votes.
- Intensified voter education in methods of splitting a ticket.
- Continuation of the direct closed primary, which should be moved from the spring to the fall, with appropriate changes in the election calendar.
- Nonpartisan election of school directors. As an interim step toward the ultimate goal of nonpartisan election of school directors, LWVPA supports cross-filing on the ballot by candidates for school director.

The League opposes simultaneous holding of public and party offices.

### **Absentee Voting**

The League supports:

- Simplified procedures for all qualified absent electors.
- Guarantees against fraud.
- Protection of the secrecy of the ballot, including the counting of absentee ballots at the county level.

The League believes the only absentee voting provision in the Constitution should be that it is mandatory upon the Legislature to provide for civilian absentee voting.

### **Ballot Access**

The League believes that

- A minor party candidate is to submit the same number of signatures on their petition as required for a major party candidate.
- When an objection is filed to the nomination of a candidate, in regard to signature irregularities, all candidates for that office will have their petitions reviewed by the appropriate election board.

## **GOVERNMENTAL AUTHORITIES**

### **POSITION IN BRIEF**

**Support measures to ensure that governmental authorities act in the public interest, that the powers of authorities are clearly defined, and that authorities are established only when the authority structure enhances the ability to provide a public service.**

### **BACKGROUND**

Governmental authorities are frequently involved in providing infrastructure needs of communities, as well as other facilities and services. The LWVPA consensus position was reached in 1987 after a two-year study during which Leagues surveyed their local authorities for the functions they perform, their funding, whether they are operating or leasing authorities, and their ethical and management practices.

This position is for use primarily at the local government level. LWVPA monitors relevant state legislation and can provide information and assistance to Leagues who wish to support or oppose the formation or operation of governmental authorities in their areas.

The main problem with authorities is lack of oversight. The chain of command on this matter is a problem since the Public Utilities Commission looks over some authorities but others are on their own. Authorities such as water and sewer providers usually are run fairly well. The problems are with others such as industrial development and parking authorities whose charter is too often non-specific. Any new authority needs close attention by the public.

### **POSITION IN DETAIL**

#### **Use of Authorities**

The League of Women Voters of Pennsylvania believes:

- Authorities should not be formed solely for the purpose of funding projects and services.
- Authority structure is appropriate, though not necessarily preferred, to provide for continuity of service or administration, to separate the project from political pressures, and/or to enhance efficiency.
- Authority structure is preferred for regional facilities or services.

#### **Management and Controls**

In order to protect the public interest, the League of Women Voters of Pennsylvania believes:

- The scope and responsibility of the authority should be clearly defined.
- Authority board members should be representative of the range of community interests, including the consumer, without reference to political party affiliation.
- Authority board members should be required to have periodic training.
- Authority projects should conform to municipal and/or regional comprehensive plans.
- Public hearings should be held on authority projects.
- Authorities should be required to institute a system of internal fiscal and management controls.
- A consumer advocate should be available at the state or local level.
- The Public Utilities Commission should have oversight for utility authorities.

A referendum should not be required for:

- The formation of an authority.
- Expansion of the purpose or domain of an authority.
- Bond issues of an authority.

## **Ethics**

The League believes near relatives of board members should not benefit financially from the authority. Solicitors for authorities should be subject to a code of ethics which assures that they and their law firms:

- Avoid any conflict of interest or appearance of impropriety.
- Do not represent persons appearing before the authority.
- Do not represent the parent municipality(ies) creating the authority.

## **Oversight**

Financial reports, long-range plans, and management and performance audits should be made available by the authority to the general public, the creating municipality(ies), the grant-making agency where applicable, and the state.

# INITIATIVE AND REFERENDUM

## POSITION IN BRIEF

**Support adoption of popular initiative and referendum in Pennsylvania, with initiative permitted for both statutes and constitutional amendments.**

## BACKGROUND

The position was adopted in 1991 following a two-year statewide study. LWVPA publicized the new position widely and notified the legislature of its support for initiative and referendum.

LWVPA monitors and comments on relevant legislative proposals, which to date have gone nowhere in the General Assembly.

## POSITION IN DETAIL

The League supports the adoption of popular initiative for Pennsylvania. Citizens should be given the power to initiate statutes and constitutional amendments. The League prefers the indirect initiative process, whereby a proposal goes before the voters only if the legislature fails to act on it within a prescribed period.

LWVPA supports popular referendum, believing that Pennsylvanians should have the right to propose that a passed law be placed on the ballot for ratification or rejection by the voters. Application for a petition to repeal should be made within a limited time period, which should be no less than 30 days after the law in question has been enacted.

Legislation to provide for popular initiative and referendum should include certain requirements and safeguards.

### **The Initiative**

LWVPA supports:

- Setting a time limit for legislative action before an indirect initiative is placed on the ballot.
- Limiting each proposition to one subject.
- Barring propositions that would abrogate rights guaranteed by the U.S. or Pennsylvania Constitution.
- Limiting the number of measures that can appear on a ballot.

### **The Petition Process**

LWVPA supports:

- Mandatory identification of sponsors and sponsoring organizations on the petition.
- A required minimum number of signatures to qualify the petition.
- Imposition of a filing fee.
- Giving sponsors access to help in drafting petitions, including advice on constitutionality of the proposition.

- Mandating state-provided consultation on final wording of the petition, including review of constitutionality.
- Limiting the time allowed for collecting signatures on a petition.
- Requiring a greater number of signatures for constitutional amendments than for statutory laws.
- Mandating verification of signatures by the state.
- Requiring that petition circulators be registered to vote in Pennsylvania.
- Setting geographical representation requirements for signatures on a petition.
- Prohibiting the use of paid petition circulators; if paid circulators are permitted, all circulators should be required to identify themselves as either volunteer or paid.
- Prohibiting circulation of petitions by mail.

## **Financing of Initiative Campaigns**

The League believes the public has a right to know the amounts and sources of money spent to support or oppose ballot measures. LWVPA supports:

- Requiring full and timely disclosure of the amounts and sources of contributions and expenditures in ballot campaigns.
- Requiring advertisements for and against propositions to include identification of funding sources.
- Setting limits on campaign spending.
- Setting limits on out-of-state contributions to campaigns.

## **Voter Education**

LWVPA believes that the state should be required to provide voter education on proposed ballot questions. Information should include:

- The identity of supporters and opponents of propositions.
- A fiscal and/or environmental impact statement, when relevant.

The state should establish a minimum time period for voter education between petition certification and placement on the ballot.

## **Enactment**

LWVPA supports:

- A prescribed waiting period before a failed proposition can be reintroduced.
- A prescribed waiting period before a successful proposition can be challenged by a counter proposal or by legislative action.

LWVPA opposes permitting executive veto of a popular initiative.

## **Voting**

LWVPA believes that initiatives and referendums should be placed on the ballot in general and municipal elections only, and not permitted in primary elections; and that voter participation should be a factor in the passage of both statutory and constitutional initiatives and referendums.

# JUDICIARY

## POSITION IN BRIEF

**Support an efficient unified court system and a responsible, ethical judiciary that is free from political influence.**

## BACKGROUND

LWVPA support for a merit appointment system for judges dates back to 1949. Following the narrow defeat in 1969 of the necessary constitutional amendment, the League has supported merit selection proposals in every session of the Legislature, believing that such a process will help remove judges from partisan politics.

In 1989, following a two-year study of the state district justice system, LWVPA adopted a revised statement of position that included support for state funding of all courts, inclusion of constables in the unified judicial system, and specific recommendations regarding minor court administration, educational requirements for district justices and court administrators, and oversight of the minor courts. The new position reaffirmed an earlier consensus that district justices need not be lawyers.

A League-supported constitutional amendment to restructure the judicial discipline system was approved in 1993. The amendment provided for a two-tiered system consisting of a Judicial Conduct Board and a Court of Judicial Discipline, and eliminated a practice that required Supreme Court justices to sit in judgment on their peers.

Campaign expenditures by candidates for Pennsylvania's three appellate courts have escalated dramatically over the years, reaching a peak in 2007 and raising public concern over possible conflicts of interest for judges and justices whose campaigns are funded largely by lawyers and law firms. This concern has prompted more widespread support for the idea of a merit-based appointment system that would eliminate the necessity to raise funds for partisan elections. Some suspicion was also cast on the elected judiciary due to the very unpopular and unconstitutional legislative pay raise that had been approved by the state Supreme Court, and in 2007 voters took unprecedented action by voting against retention on the Court for a sitting justice.

The 2007-2008 session of the General Assembly concluded without passage of a merit selection bill, so the process leading to a constitutional amendment will have to begin again in 2009. LWVPA will continue its support for the necessary legislation, along with a large and growing coalition that favors the change.

LWVPA continues to support passage of a constitutional amendment to provide for merit selection, rather than election, of judges and is active in a large and growing coalition that favors the change.

In May 2008 the League brought a civil rights lawsuit against former Chief Justice of the PA Supreme Court, Ralph J. Cappy alleging improprieties linking negotiations with legislative leaders on a pay raise for judges to the outcome of a challenge to the constitutionality of gambling legislation that the League was a party to. The outcome of that lawsuit is still pending (see Legislature position for information on a related lawsuit)

*Last updated November, 2008*

## **POSITION IN DETAIL**

The League of Women Voters of Pennsylvania supports a unified court system and a judiciary that abides by a code of ethics and is accountable to the public for disclosure of personal finances, conflicts of interest, and costs of administration.

### **Selection of Judges**

The League supports nonpartisan merit selection of trial and appellate judges. Until such merit selection becomes a reality, all candidates for elected judicial office should be permitted to cross-file. We support retention elections for trial and appellate judges.

### **Unified Court System**

The League supports a unified court system, which includes the minor courts and constables. The unified court system should be funded by the state; the Chief Justice of the Supreme Court, supported by an adequately staffed administrative office, should be responsible for its administration.

### **Minor Judiciary**

The League supports:

- A minor court system that provides:
  - Swift handling of cases.
  - An entry-level court accessible to the community.
  - A court where cases can be heard informally and with minimal expense to the parties involved and the public.
- Minor court administration that includes:
  - Clearly defined areas of responsibility assigned to the Administrative Office of Pennsylvania Courts (AOPC), the president judge and the court administrator.
  - Increased administrative support by the AOPC, including regular and timely procedural audits and corrective action where necessary. Financial audits should be conducted by the appropriate governmental entities and corrective action taken where necessary.
  - Delineation of the disciplinary powers of the president judge over district justices.
  - Mandatory instruction by the Commonwealth for court administrators.
- Educational requirements for the minor judiciary that include:
  - Expanded instruction before and after certification to meet the demands of the office.
  - Continuing education, including regional instruction where appropriate, and successful completion of tests.
  - Successful completion of the certifying examination by attorney district justices before taking office.
  - Limits on civil and criminal cases that reflect current economic conditions.

# THE LEGISLATURE

## POSITION IN BRIEF

**Support improvements to the structure and practices of the Pennsylvania General Assembly.**

## BACKGROUND

LWVPA's position on the legislature was originally based on the results of studies conducted in the 1970s. Since that time, some League-advocated changes have taken place. Legislative salaries increased, committee staff and facilities were improved, and a constitutional amendment reforming the Senate confirmation process removed 500 positions from the system. Of those offices still requiring Senate confirmation, most need only a constitutional majority, the exceptions being judicial and state regulatory agency appointments, which still require a two-thirds vote. The number of standing committees has been reduced and parallel committees have been established in both chambers where practical.

A study of term limits for state legislators was undertaken in 1993. Responses from members were almost evenly divided between opposition to term limits (50%) and support (42%), with 7% undecided. As a result, LWVPA takes no position for or against term limits for state legislators. (Under the LWVUS position on Government, the League opposes term limits for the U.S. Congress.)

Because the position had been last updated in 1979, and because the operation of government is a primary concern of the League, a committee was appointed by the state board to review the position in 1995-96. A revised statement of position was written to reflect changes made since 1979 and add specifics regarding a code of ethics for legislators and recommended changes in the General Assembly's Rules of Procedure. The new Position in Detail was adopted in 1997.

In 2005 the PA Legislature passed and the governor signed controversial legislation (Act 44 of 2005) granting a pay raise to members of the General Assembly, the Executive Branch and all Judges. LWVPA and other good government groups objected to the legislation because the process of its passage violated the State Constitution setting forth procedures for enacting legislation. We joined a federal law suit to have Act 44 declared unconstitutional. It asks that the Federal Court prohibit the legislature from enacting legislation by means that violate citizens' rights under the First, Fifth and Fourteenth Amendment of the U.S. Constitution. (See our Gambling and Judiciary positions for related lawsuits brought by LWVPA.) The U.S. District Court for the Middle District of Pennsylvania refused to try the case on the basis that it was moot because the pay raise was repealed, we lacked standing, and the case does not belong in Federal court. Our appeal to this decision is still pending in the U.S. Court of Appeals for the Third Circuit.

Citizen outrage over the pay raise resulted in an unprecedented turnover in the General Assembly after the 2006 election and a movement to reform legislative procedures. The new House Speaker formed a bipartisan Legislative Reform Commission which adopted several reforms including limiting business to the hours between 8 a.m. and 11 p.m. and a rule requiring members to be present and in their seats in order to vote. Other reforms were left unaddressed including downsizing the legislature, prohibiting so called "lame-duck sessions, redistricting reform and campaign finance reform.

*Last updated November, 2008*

## POSITION IN DETAIL

The League believes:

Legislators should:

- Regard the office as a full-time job and a primary obligation during their time in office.
- Account for all expenses subsidized by public monies.
- Have sufficient trained staff to support legislative obligations and provide constituent services.
- Have the capability to make optimum use of current technology, particularly electronic communications technology.
- Abide by a code of ethics, compiled from current legal requirements and other ethics precepts, applicable to all legislators and staff, and easily accessible to citizens as well as legislators. Enforcement and administration of the Code of Ethics should be strengthened, with clear procedures for filing a complaint and penalties and sanctions sufficient to encourage compliance. Enforcement and administration of the Code of Ethics should not be solely the responsibility of the Ethics Committees of the House and Senate but also involve an independent agency. Review and training on the Code of Ethics should be provided for both legislators and staff at the beginning of each legislative session. At a minimum, a code of ethics should:
  - Limit the value of gifts received to a small amount (e.g., \$50), requiring all gifts to be reported.
  - Require an annual statement of financial interests, including real estate and business interests.
  - Forbid acceptance of honoraria.
  - Prohibit conduct that would constitute a conflict of interest.
  - Require legislators to abstain from voting on matters that may constitute a conflict of interest.

The legislature could be made more effective by:

- A substantial reduction in size.
- An increase in the terms of representatives to four-year staggered terms.
- The use of joint hearings.
- Access to all pertinent information on executive programs through periodic reports of departments, agencies, and commissions.
- The use of a simple majority for Senate confirmation of all gubernatorial appointees, including those appointed to the judiciary and to state regulatory positions.
- Changes in the Rules of Procedure that would:
  - Limit the number of bills each legislator could introduce.
  - Set a deadline after which only bills addressing an emergency could be introduced.
  - Provide for an automatic calendar.
  - Set a limit of 5 legislative days for the Appropriations Committee to release bills requiring fiscal notes.
  - Provide for committee membership that more closely reflects the ratio of party members in the House and Senate.
  - Require committee chairs to be elected by committee members.
  - Be uniform for both House and Senate.
  - Require a supermajority vote (2/3) to suspend the rules.
  - Establish a training program on the rules for all legislators at the beginning of each session.

To increase public trust in and improve public access to the legislative process:

- The rules requiring open committee meetings and public reports should be enforced.
- A suitable mechanism for advertising public meetings in a timely manner should be provided.

# MUNICIPAL GOVERNMENT

## POSITION IN BRIEF

**Support measures that enable local governments to operate more effectively.**

## BACKGROUND

The League's interest in the role of the state in local government began decades ago as members studied municipal problems in their communities. Member consensus in 1969 approved optional forms of government for all communities, and the position was expanded in 1971.

The position is primarily for use by local Leagues in monitoring and evaluating municipal government. Leagues may work for the establishment of government study commissions and members may serve on commissions, testify, observe, consult and educate the public on local issues.

Since the League adopted this position the number of municipalities has not changed. Fragmented government is very costly for all levels of government. Taxpayers are being charged for services that are duplicative and inefficient. The state has taken steps to provide economic incentives to municipalities to share services. In 2008 the General Assembly passed and the Governor signed legislation to consolidate the collection of the Earned Income Tax by municipalities and school districts across the Commonwealth.

Act 62 of 1972, the Home Rule and Optional Forms law, implemented Article IX (Local Government) of the PA Constitution of 1968. It provides procedures by which a county, city, borough or township may choose to change its government.

Under this position Local Leagues have been involved in public information and advocacy on local government proposals to adopt home rule including support of proposals to create home rule study commissions. Local Leagues can support home rule if it meets with our Municipal Government position. In 2007 LWVPA offered these guidelines to a local League considering a local government change to home rule:

Are the terms of the home rule publicly announced and have hearings been held?

Will minority representation be addressed?

Will ethics be addressed in the form of government?

How will the public interest be managed?

Will major parties be fairly represented?

Will the home rule charter improve the efficiency of local government in regard to tax equity, government operations, and election of government offices?

Even when local governments have home rule, there have been instances where the General Assembly and the PA Supreme Court have nullified ordinances passed by home rule entities. Specifically, Philadelphia was excluded from provisions included in the law legalizing casino gambling which gave every other municipality the right to decide if and where casinos could be located. Also, the Supreme Court has ruled against the right of Philadelphia to adopt gun control laws. Philadelphia has, however, adopted its own rules governing campaign finance.

Another issue that Leagues may want to consider in structural changes in local government is representation on the legislative body by district rather than at-large. Representation by district raises the whole issue of decennial redistricting and possible gerrymandering.

## **POSITION IN DETAIL**

The League believes:

- Further fragmentation of local governments in Pennsylvania should be discouraged.
- Criteria for assigning, limiting, or sharing governmental functions and powers should be:
  - Geographic area and characteristics.
  - Population size and/or density.
  - Economy and efficiency of performance.
  - Financial resources.
  - The need for a regional approach.
  - Responsiveness to citizens.

Community identity and current performance should be considered. Criteria should be used selectively in evaluating functions and powers.

Under a county or area home rule charter, a local municipality may be excluded only if it meets or exceeds standards of performance set by charter government.

# LWVUS 2006-2008 NATURAL RESOURCES

**Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest.**

## POSITIONS IN BRIEF

**Natural Resources.** Promote the management of natural resources as interrelated parts of life-supporting ecosystems.

**Resource Management.** Promote resource conservation, stewardship, and long-range planning, with the responsibility for managing natural resources shared by all levels of government.

**Environmental Protection and Pollution Control.** Preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment.

**Air Quality.** Promote measures to reduce pollution from mobile and stationary sources.

**Energy.** Support environmentally sound policies that reduce energy growth rates, emphasize energy conservation and encourage the use of renewable resources.

**Land Use.** Promote policies that manage land as a finite resource and that incorporate principles of stewardship.

**Water Resources.** Support measures to reduce pollution in order to protect surface water, groundwater and drinking water.

**Waste Management.** Promote policies to reduce the generation and promote the reuse and recycling of solid and hazardous wastes.

**Nuclear Issues.** Promote the maximum protection of public health and safety and the environment.

**Public Participation.** Promote public understanding and participation in decision making as essential elements of responsible and responsive management of our natural resources.

**Agricultural Policy.** Promote adequate supplies of food and fiber at reasonable prices to consumers and support economically viable farms, environmentally sound farm practices and increased reliance on the free market.

**For LWVUS positions in detail, see Impact on Issues 2006-2008**

## BACKGROUND

Using these positions, LWVPA has supported:

- Comprehensive amendments to the PA Air Pollution Control Act that` implement the federal Clean Air Act Amendments of 1990.
- The Pennsylvania Safe Drinking Water Act and legislation to create the Technical Assistance Center for Small Water Systems; legislation to establish a comprehensive water resources management and conservation program for Pennsylvania; the Nutrient Management Act of 1993 to protect groundwater and reduce nutrient loading of the Chesapeake Bay and other surface waters; bans on the use of phosphates in detergents and on the use of lead in plumbing; and the PA Infrastructure Investment Program that provides funding to local governments for improvements to sewage and water treatment facilities.
- The establishment of the State Planning Board and improvements to the Municipalities Planning Code, with emphasis on the need to recognize the relationships between land use and both surface and ground water quality and quantity.
- Solid waste management and planning legislation and mandatory recycling legislation.
- The PA Hazardous Sites Clean Funds (HSCA) or “superfund” legislation and continued funding, hazardous materials emergency planning legislation, and low-level radioactive waste disposal siting legislation.
- Programs and laws to protect critical natural areas such as wetlands, flood plains, coastal areas, rivers, watersheds, and agricultural lands, especially:
  - Preservation of the wetlands regulatory program.
  - Establishment of the PA Rivers Conservation Program.
- Legislation to fund state parks and forests, river conservation, municipal parks, historic sites and museums, and public libraries.
- Legislation to adopt a Renewable Portfolio Standard that would require electricity suppliers in Pennsylvania to include up to at least ten percent renewable content by about 2014.
- A package of legislation to reduce energy use and set goals for reduction of greenhouse gas emissions in Pennsylvania
- Legislation in support of a statewide ban on smoking in public indoor spaces.

In all Natural Resources areas, we have worked to increase public participation in environmental decision making. As part of this effort, the League is represented on several advisory committees to the PA Department of Environmental Protection.

# LWVPA 2007-2009 NATURAL RESOURCES

## LAND USE

### POSITION IN BRIEF

**Support more comprehensive statewide land use planning and adoption of a comprehensive land use policy; support a comprehensive program for the preservation of agricultural and open space lands for Pennsylvania; promote environmentally sound agricultural practices in Pennsylvania.**

### BACKGROUND

A two-part study of state land use issues resulted in consensus on comprehensive state land use policy and planning (1976) and the effect of taxation on agricultural and open space lands (1977). The position was updated in 1983 and 1991 to include language promoting agricultural production in Pennsylvania and indicating the importance of environmentally sound agricultural practices.

LWVPA supported legislation permitting preferential assessment for farmland and open space and has opposed efforts to weaken its farmland preservation intent. We supported legislation which allows creation of “agricultural security areas” as a means of preserving farmland, and passage of a \$100,000,000 bond issue in 1987 to provide funds for the purchase of agricultural conservation easements (development rights) in those areas.

In 1988, the League supported amendments to the Municipalities Planning Code that authorized local governments to include water supply planning in their comprehensive planning and to protect sources of water supplies by zoning.

LWVPA supported the Keystone Recreation, Park and Conservation legislation and bond issue referendum of 1993 which provides annual funding for planning and implementation by municipalities and counties for open space conservation, river conservation, trails and greenways, local parks and recreation.

Since the late 1990s, the League has opposed state “takings” legislation that would require compensation to owners of property whose value is decreased by any action, regulation or decision of local or state government. Such a law would effectively inhibit any efforts at comprehensive land use planning.

Most recently, LWVPA supported land use legislation, passed in June 1999 that provides a number of improvements to the PA Municipalities Planning Code, including authorization for voluntary multi-municipal planning and zoning and for transfers of development rights across municipal boundaries. Priority for state funding may be given to municipalities that adopt plans and ordinances consistent with county or regional plans.

This important land use legislation gives the tools to local governments to preserve agricultural land, open space and historic heritage, as well as to revitalize declining communities that wish to attract growth and development. League members can play an important role in encouraging their communities to take advantage of these tools.

## **POSITION IN DETAIL**

### **Land Use**

A comprehensive statewide land use plan:

- Should contain overall state guidelines and minimum standards set by the state for various levels of governmental action.
- Must contain critical area guidelines, which are consistent with the nature, size, and criticality of the area.
- Should have planning for critical areas exercised by a level of government higher than the local level, with local input, and consistent with state guidelines.
- Should allow the state to exercise veto power over critical area decisions, if they are inconsistent with state guidelines.
- Should require coordination with other statewide plans in Pennsylvania.
- Should coordinate plans and policies of regional agencies.
- Should recommend that local governments exercise at least a minimum level of planning and control over land use.
- Should require impact statements on major public and private investments.
- Must provide for continuing citizen education and citizen participation at every stage of the planning process.
- Must provide for local input and initiative.
- Must stress enforcement.

The League supports the establishment of a statewide land use board or commission, which would have advisory and regulatory authority to implement a land use policy plan. This board or commission should be:

- Representative of all interests and of all geographic areas.
- Accountable and nonpartisan in nature.
- Composed of members free from conflicts of interest.
- Composed of an existing body or selected from an existing body in order to avoid increasing bureaucratic levels.

### **Local Decision**

Local governments should exercise control over land use decisions that are of purely local concern.

Land use decisions for uncontrolled areas where local governments fail to regulate should be made at the county level, subject to compliance with state guidelines.

### **Appeals Board**

When a conflict exists in deciding whether local, county, or state plans should take precedence under a statewide program, an appeals board with power to arbitrate conflicts among governmental bodies, and among citizens and governmental bodies, should be established. This board should:

- Be composed of nonpartisan citizen representatives with no vested interests.
- Set time limits on the appeals process.

## **State Aid**

In administering all state aid, duplication of efforts should be avoided, coordination should take place, and the aid should be used for intended purposes.

In order that state government can help local governments develop and exercise local land use management functions, the League supports:

- Increased state financial aid for research.
- Increased state technical assistance.
- Increased state data information.

## **Agricultural and Open Space Lands**

The League supports a comprehensive program for the preservation of agricultural and open space lands for Pennsylvania, and promotion of environmentally sound agricultural practices. Such a program should:

- Be flexibly designed to address the variety of needs that exist throughout the Commonwealth.
- Include differential assessment and agricultural districts.
- Include a reappraisal of the tax structure.
- Include investigation, by the state, of the concept of development rights.
- Strengthen programs for the acquisition of open space lands.

The League supports differential assessment for actively farmed agricultural lands and open space as one means of preserving these areas in the Commonwealth.

A differential assessment program should contain:

- Minimum income and acreage requirements for eligibility.
- Eligibility requirements for open space lands, which are flexible enough to include critical environmental areas and to encourage the preservation of smaller pieces of open space, especially in densely populated areas.
- Provisions that restore a portion of deferred taxes to a community when land changes use, and include a disincentive for change in land use.

# LWVUS 2006-2008 SOCIAL POLICY

**Secure equal rights and equal opportunity for all. Promote social and economic justice and the health and safety of all Americans.**

## POSITIONS IN BRIEF

### EQUALITY OF OPPORTUNITY

**Equal Rights.** Support ratification of the Equal Rights Amendment and efforts to bring laws into compliance with the goals of the ERA.

**Education, Employment, Housing.** Support equal access to education, employment and housing.

### FISCAL POLICY

**Tax Policy.** Support adequate and flexible funding of federal government programs through an equitable tax system that is progressive overall and that relies primarily on a broad-based income tax.

**Federal Deficit.** Promote responsible deficit policies.

**Funding of Entitlements.** Support a federal role in providing mandatory, universal, old-age, survivors, disability and health insurance.

### HEALTH CARE

Promote a health care system for the United States that provides access to a basic level of quality care for all U.S. residents and controls health care costs.

### MEETING BASIC HUMAN NEEDS

Support programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families.

**Income Assistance.** Support income assistance programs, based on need, that provide decent, adequate standards for food clothing and shelter.

**Support Services.** Provide for essential support services.

**Housing Supply.** Support policies to provide a decent home and a suitable living environment for every American family.

### CHILD CARE

Support programs and policies to expand the supply of affordable, quality child care for all who need it.

### EARLY INTERVENTION FOR CHILDREN AT RISK

Support policies and programs that promote the well-being, development and safety of all children.

## **VIOLENCE PREVENTION**

Support violence prevention programs in communities.

## **GUN CONTROL**

Protect the health and safety of citizens through limiting the accessibility and regulating the ownership of handguns and semi-automatic weapons. Support regulation of firearms for consumer safety.

## **URBAN POLICY**

Promote the economic health of cities and improve the quality of urban life.

## **DEATH PENALTY**

The LWVUS supports the abolition of the death penalty.

## **BACKGROUND**

Under these LWVUS positions LWVPA has supported

- Pay equity for women
- Sex neutral insurance laws
- Confidentiality of rape crisis and domestic violence counseling
- Family and medical leave
- Access to health care for the uninsured \*
- Expanded health care for children including the State Children's Health Insurance Program (SCIP)
- Availability of good, affordable child care including subsidized care for families receiving Temporary Assistance for Needy Families (TANF).
- An increased supply of adequate, decent, affordable housing
- A moratorium on the death penalty in PA\*\*
- Gun control legislation\*\*\*

\*HEALTH CARE In 2008 LWVPA testified in support of legislation to create a comprehensive, statewide, single pay, privately delivered health care plan for all Pennsylvanians financed by combining all current PA government health care spending with a 10% payroll tax paid by all employers and a 3% personal income tax paid by all PA citizens. The League also supported legislation proposed by the governor to expand an existing program for low income Pennsylvanians called adultBasic to cover all low income Pennsylvanians.

\*\*DEATH PENALTY In 2003, local Leagues adopted by concurrence the LWV of Greater Pittsburgh Area position in support of government action for a moratorium on the death penalty in Pennsylvania. The LWVGPA position concluded that a moratorium should be imposed to provide the opportunity to assess the administration of capital punishment in PA, its fairness and consistency, the availability of adequate defense counsel, racial equity, its use in cases of developmentally disabled and mentally ill defendants and its application to juveniles. When subsequent to adoption of this position, the LWVUS adopted its position in support of abolition of the death penalty, the LWVPA moratorium position was dropped.

\*\*\*GUN CONTROL In 2007 LWVPA joined Pennsylvanians Against Trafficking Handguns (PATH), a coalition devoted to strengthening PA's gun laws to 1) Require gun owners to report lost or stolen gun to police; and 2) limit handgun purchases by individuals to one a month.

LWVPA is a member of the Pennsylvania Moratorium Coalition which is calling for a suspension of executions in Pennsylvania while all aspect of the death penalty, as currently administered in the Commonwealth are reviewed and any resulting recommendations fully addressed. In 2008 the Coalition supported legislation to establish a commission to study all aspects of capital punishment in Pennsylvania.

LWVPA continues to work for legislation that reflects the League's national priorities in the social policy area. These LWVUS positions can also provide the basis for local League action and education programs in such areas as housing, domestic violence, teenage pregnancy, and violence prevention.

*Last updated November, 2008*

**For LWVUS positions in detail, see *IMPACT ON ISSUES***

# **LWVPA 2007-2009 SOCIAL POLICY**

## **CHILD HEALTH AND WELFARE AND JUVENILE JUSTICE**

### **POSITION IN BRIEF**

**Promote the health and welfare of children and youth. Support legal procedures, programs, and facilities that enable Pennsylvania agencies and communities to meet the needs of children in the juvenile justice and child welfare system.**

### **BACKGROUND**

The original position on juvenile justice was adopted in 1979 and expanded in 1985 to include provisions relating to children and youth and child welfare. In 1997, Pennsylvania Leagues concurred with a revision of the position that emphasized the necessity for services for delinquent and dependent children, especially in the areas of training for personnel dealing with juveniles, rehabilitative programs, and supervision and aftercare following the release from correctional or residential programs.

The position was retitled to include Child Health in 1991, following a survey by local Leagues of the child health needs of their communities and the services available to meet those needs. LWVPA published a handbook for advocacy for children's health, and many local Leagues undertook specific advocacy activities in their communities. The League actively supported development and passage of the Children's Health Plan, Act 113 of 1992.

Since 1997, LWVPA has monitored and commented on implementation of Pennsylvania's welfare reform law, Temporary Assistance for Needy Families (TANF), with particular attention to the need for helping former recipients become economically self-sufficient. Child care for working parents has been identified as a vital necessity for these families, and the League is a partner in a large and active coalition working to ensure that they have access to adequate, affordable child care. LWVPA has also monitored enrollment in the Children's Health Insurance Program (CHIP) and medical assistance.

### **POSITION IN DETAIL**

- The League of Women Voters of Pennsylvania believes the juvenile justice system should provide services adequate to meet the needs of delinquent and dependent children.
- Personnel dealing with juveniles (judges, police, probation officers, childcare workers) should have training in human relations and child development. Interdisciplinary training should be encouraged to increase effective collaboration and cooperation among programs and facilities.
- Adequate residential facilities must be available to house dependent children (status offenders and neglected and abused children) separately from delinquents. Supervisory and treatment programs, including protective services and shelter care, should be available to meet the specific needs of dependent children.
- LWVPA supports rehabilitation as the primary goal of the juvenile justice system. The League supports programs that offer a broad range of services designed to hold juveniles responsible and accountable while also providing appropriate supervision, treatment, and education. These include, but are not limited to, early identification and intervention, crisis intervention centers,

alternative schooling, intensive probation and detention. Personnel, procedures and facilities should be adequate to ensure that the least restrictive alternative required is used.

- Juvenile offenders should have access to due process and legal procedures including representation by counsel. Sentencing for offenses should be proportionate to the crimes committed and not more punitive than for adults.
- The League supports community-based programs emphasizing protection, prevention and treatment including effective supervision and aftercare following release from correctional or residential programs.

Some shortcomings highlighted by the 1989-91 Child Health Care study were:

- Lack of access to health services for children in some rural areas.
- Lack of adequate transportation to available services.
- Inadequate medical insurance coverage for children of low-income working families.
- Lack of access to, and under-utilization of, existing programs to protect the health of children.

LWVPA and local Leagues address these and other issues concerned with child health care under two LWVUS positions: Health Care Policy and the “access to health care” portion of Meeting Basic Human Needs, which reads:

The LWVUS believes that access to health care includes the following:

- Preventive care
- Primary care
- Maternal and child health care
- Emergency care
- Catastrophic care
- Nursing home care
- Mental health care

Health care should also include access to:

- Substance abuse programs
- Health and sex education programs
- Nutrition programs

# **COLLECTIVE BARGAINING IN THE PUBLIC SECTOR**

## **POSITION IN BRIEF**

**Support collective bargaining in the public sector that maintains the balance between the rights and obligations of employees and employers, with the goal of providing citizens with essential public services.**

## **BACKGROUND**

Since the late 1980s, LWVPA has used the position on collective bargaining in support of bills designed to achieve prompt settlement of school strikes and to reduce their number in Pennsylvania. The law covering collective bargaining in the public sector (Act 195) failed to curtail school strikes and efforts to amend the act were unsuccessful.

As public pressure in 1992 forced several school negotiations bills to a vote, LWVPA was active in the development of Act 88, which placed new negotiation provisions into the School Code and repealed language in Act 195 that was inconsistent with these new provisions. Act 88, the first piece of school negotiation reform in 22 years, includes the following measures supported by the League:

- Mandatory mediation.
- Fact-finding initiated by either party.
- Binding arbitration by mutual agreement.
- Publication of the results of final best offer arbitration.

LWVPA continues to monitor legislative proposals dealing with school strike negotiations. Although Act 88 of 1992 has greatly reduced the number of strikes, some questions remain as to whether additional measures may be needed to force closure of negotiations.

## **POSITION IN DETAIL**

### **Right of Public Employees to Bargain Collectively**

The League of Women Voters of Pennsylvania believes that public employees should have the right to organize and to bargain collectively with employers, and supervisory personnel should have the opportunity to “meet and discuss” issues with employers.

### **Strikes by Public Employees**

Public sector bargaining laws must, however, reflect the essential nature of certain public services. To suspend these services even temporarily is to compromise public health and safety. To protect the public, employees such as police, firefighters, and guards at prisons and mental hospitals should be prohibited from striking. At the same time, when employees are prohibited from striking, binding arbitration must be required to resolve impasses and to bring bargaining to a meaningful conclusion. When public employees have the right to strike, the courts must be empowered to enjoin those strikes that threaten the public’s health, safety, and public welfare.

## **Negotiation Process**

Employers, employees, and the public have a stake in avoiding strikes. The negotiation process must be one that provides every possible opportunity to reach an agreement and to avoid impasses. The League believes:

- The bargaining period should be shorter than the current nearly six-month period.
- Mediation should be mandatory when negotiators cannot reach an agreement after a reasonable period of time.
- Fact-finding can be an important tool for resolving conflicts and should be used whenever there is a possibility that an impasse can be avoided.
- Either party or the Pennsylvania Labor Relations Board (PLRB) should be able to initiate fact-finding.
- If both parties agree, they should be able to submit their unresolved disputes to binding arbitration (when strikes are permitted).
- Arbitrators should adhere to standards and guidelines and be required to submit a written rationale for their decisions.
- Union security measures such as maintenance of membership and membership dues deductions are valid topics for bargaining, but a union shop is not an appropriate topic for public sector bargaining.

## **Injunctions**

If injunctions are to be an effective means of protecting the public, penalties are an essential enforcement measure; employers should not be required to discuss amelioration of penalties. Once a strike has been enjoined, it is important to continue negotiations to maintain an even balance between the two parties, and to resolve areas of disagreement as quickly as possible. Steps to achieve this could include binding arbitration.

## **School Negotiations**

School district negotiations are unique. The School Code sets a standard for the minimum number of days in a school year, and make-up days are an important factor in school negotiations. The courts and the legislature must consider both what constitutes a threat to a thorough and efficient education and when students' welfare has been endangered.

The League believes that every effort should be made to curtail long strikes and frequent interruptions of the educational process. Any changes designed to shorten strikes and to create greater incentives to reach a contract agreement should balance employee's rights in the collective bargaining process with the students' right to a thorough and efficient education.

## **The Public Role**

The League supports the tradition of private bargaining sessions between employer and employee. The League believes, however, that both sides must make their positions public and that citizens should have the opportunity to comment publicly, particularly before a strike occurs or an impasse is reached. Just as the legislative process should not be immune to public scrutiny, neither should agreements between public employers and employees be reached without public understanding of the issues involved.

# EDUCATION

## POSITION IN BRIEF

**Support equal access to quality public education, to be achieved by participation of government and citizens at all levels and by adequate financing based on an equitable and flexible tax system.**

## BACKGROUND

The original position was adopted in 1975, recognizing the interrelationship of LWVPA positions on education, equality of opportunity, and taxation. Since that time, language on school funding has reflected current positions on taxation and fiscal policy. The position was updated after a 1985-1986 review of teacher and other professional evaluations, preparation, certification, and tenure.

In 2003, the position was further updated, emphasizing the need for both adequate state funding and a system that distributes these funds in a manner that diminishes the dependence of school districts on the resources of local taxpayers, thereby decreasing the unacceptable disparities in resources between rich and poor districts.

As part of the 2003 update, the position was expanded to address implementation of the 1997 Charter School Law and the problems inherent in the system of state funding of local special education costs.

Under a state law passed in the last legislative session (Special Session Act 1 of 2006), voters going to the polls in the May 15, 2007 Primary in virtually every school district in the state had the opportunity to vote for or against a ballot question allowing school district to reduce local property taxes by shifting some of their revenue to a local income tax. . Exceptions were Philadelphia, Pittsburgh and Scranton which already have high wage/income taxes. School Boards in affected districts were required to appoint citizen's commissions to make recommendations on the amount of the income tax to be levied and whether the tax should be a personal income tax (PIT) or an earned income and net profits tax (EIT). A personal income tax would be based on all income except Social Security and pensions. An earned income tax would be a tax on wages and salaries only. The commissions' recommendations were not binding. School Boards had the option of modifying the recommendation. While school boards were required to put a tax shift proposal on the May 15 ballot they could also recommend that voters reject the proposal. If the referendum was defeated it can be put on the ballot again in every odd numbered election year. If the tax proposal was approved the voters had the option, in two years, to get further property tax relief by increasing the income tax. School boards had to institute some kind of a system to collect the tax.

The new law also requires every school district to decide between not raising taxes above inflation or, if they do raise taxes above that rate, submitting the preliminary budgets to a voter referendum in the Spring Primary. School boards can apply for a referendum exception for certain above inflation increases such as emergencies and disasters, construction, and other cost increases that are not under their control. By a time certain each year, school boards that do not plan to raises taxes above the rate of inflation are to adopt a resolution to that effect so they can use the standard timeline for adopting their budget.

Property tax relief only applies to a homeowner's primary residence. Act 1 also provides expanded property tax relief for low income homeowners and rebates for low income renters. In addition, all taxpayers will have option of paying their school property taxes on a monthly installment plan.

In 2006 the PA General Assembly commissioned a statewide “Costing Out Study” by the State Board of Education. The study was a comprehensive audit of the way Pennsylvania funds public education and identified the level of resources every school district need to ensure that every student has access to a high quality education. Using the study, the governor proposed a six year plan to distribute state education aid more equitably. The General Assembly used the “Costing Out Study” to calculate the distribution of state aid in the 2008-09 state budget but did not commit to continuing the formula in future budgets.

## **POSITION IN DETAIL**

The League supports:

- The establishment of basic goals of education, minimum standards, and criteria for curriculum and teacher evaluation by the Pennsylvania Department of Education.
- A realistic minimum level of expenditures for all districts, set by the state. Uniform expenditures across the state should not be required, and local districts should maintain control of spending by determining local priorities with citizen input.
- A combination of state and local funds to finance the public elementary and secondary schools of the Commonwealth, with the Commonwealth’s share being the greater.
- Allocation of state funds based on a specific dollar amount per pupil. Additional funding should be provided based on an evaluation of special conditions in a district, including density, adequacy of the tax base, and the number of students eligible for specific programs.
- Allocation of state funds for special education based on the actual number of students with mental or physical disabilities, the nature of the disability, and the costs of appropriate instructional programs and support services.

The League opposes

- Tuition vouchers and tuition tax credits for students in non-public schools.

### **Setting Goals**

The local school board should be responsible for setting local educational goals, in addition to the minimum goals set by the PA State Board of Education and administered by the PA Department of Education. Administrators, teachers, students, and citizens should have a meaningful role in helping the local school board set local goals.

The administration of the local school district should:

- Be responsible for implementing the curriculum standards set by the Pennsylvania Department of Education.
- Be responsible for adding additional courses to the basic curriculum, with the final decision up to the local board.
- Encourage student, teacher, and citizen participation in the curriculum-making process.

### **Innovative Programs**

The Pennsylvania Department of Education should exercise leadership in generating interest and providing funds to encourage experimenting with alternative schools, innovative programs, and community use of school facilities. Innovative programs should be continually evaluated for their effectiveness.

## **Charter Schools**

Because of the impact of charter schools on the districts from which they draw their students, LWVPA believes that Pennsylvania law should provide:

- Accountability measures for program and achievement that hold charter schools, including cyber-charter schools, to the same standards applied to district schools.
- Clearly defined Charter Appeals Board criteria and a written rationale for upholding or overturning a school district decision.
- Greater financial support from the state for districts that are funding charter schools, including full state funding of cyber-charter schools.

## **Supervision and Evaluation of Educational Professionals**

The goal of supervision and evaluation systems should be to increase the effectiveness of education personnel, including district superintendents and assistant superintendents and all individuals identified as “professional employees” by the Pennsylvania Public School Code.

A local school district should be responsible for establishing a system to supervise and evaluate all professionals that it employs. The system should be consistent with law and regulation.

*Note: The detailed consensus statement on Supervision and Evaluation of Educational Professionals is on file in the LWVPA office.*

# FAMILY ISSUES AND LAWS

## POSITION IN BRIEF

**Support gender neutral and equitable laws in marriage, divorce, property, child custody, and child support in Pennsylvania.**

## BACKGROUND

Consensus on divorce reform and child custody and support was reached in January 1980. With strong support from local Leagues, comprehensive divorce reform was a major legislative victory that year.

Delegates to the 1991 LWVPA Convention, noting language in the position that stressed gender neutral laws, voted to change the title from Women's Issues and Family Laws to Family Issues and Laws.

## POSITION IN DETAIL

The League of Women Voters of Pennsylvania supports gender neutral laws which regard marriage as an equal partnership of serious commitment and responsibility for mutual support and concern, where the contribution of each spouse is considered equal, whether the contribution is monetary or services to the marriage and family such as homemaking and child care.

The League of Women Voters supports divorce laws which provide grounds for the legal dissolution of marriage that reasonably reflect the realities of marriage in our society – for mutual consent where both parties agree, for unilateral divorce where one party requests the divorce after a reasonable separation period of at least one year but no more than three years, and for fault grounds where appropriate.

The League of Women Voters supports:

- A counseling provision.
- Equitable distribution of property, taking into consideration all relevant factors; alimony pendente lite (pending litigation), and alimony for an economically dependent spouse as determined by taking into consideration all relevant factors. Marital misconduct will not be a consideration in economic provisions.

The League of Women Voters supports child custody based on the best interests of the child, which shall be determined by considering all relevant factors; and specific criteria to be used in establishing support for children.

The League of Women Voters supports recognition in law of legal separation and annulment.

*NOTE: The complete consensus statement, which addressed specific details of comprehensive divorce reform under consideration in 1980, is on file in the LWVPA state office.*

# **FISCAL POLICY**

## **POSITION IN BRIEF**

**Support an equitable and flexible tax system for state and local government in Pennsylvania.**

## **BACKGROUND**

The position was reviewed and updated in 1988-89 and used at that time and again in 1998 to support passage of a constitutional amendment to permit different property tax rates for residential and commercial real estate. The measure failed to pass in 1989, but was revived in 1997 in the form of a so-called homestead exemption allowing a certain percentage of the assessed value of a family's primary residence to be exempted from taxation. LWVPA was very active in support of the homestead amendment, which passed by a large margin.

The first legislation to follow passage of the amendment, passed in 1998, was limited to school districts, giving them taxing options to lessen reliance on residential real estate taxes. Options include an increase in the earned income tax, but no provision for a tax on total income, which the League believes should be the primary source of revenue for state and local government. So far, no legislation has passed that would provide new taxing options for counties or municipalities. However, in 2007, legislation was enacted to provide new taxing options for school districts (see Education position).

Regarding the budget process, the League has asked that negotiations be open to the public and has urged timely passage to allow school boards to complete their budgets in time for tax bills which must go out in early July.

In 2008 the General Assembly passed and the Governor signed legislation to consolidate the collection of the Earned Income Tax by municipalities and school districts across the Commonwealth.

See the Education position for information on Act 72 to reduce reliance on school property tax.

## **POSITION IN DETAIL**

The League of Women Voters of Pennsylvania supports adequate, flexible funding of state and local governmental programs through an equitable tax system that is progressive overall and that incorporates a broad-based income tax, responsible fiscal policies, and an open budget process with adequate citizen participation.

## **STANDARDS**

The following standards should be used to ensure an equitable and flexible system for Pennsylvania:

### **Equity**

- Revenue sources should be related to the ability to pay.
- Consideration should be given to those who bear the final burden of the tax.

### **Adequacy**

- Adequate, reliable revenues should be provided to finance mandated public services without harmful effects on individuals and businesses.

### **Flexibility**

- Control of state tax sources and rates should be in the legislature; the general framework for local revenues should be established by statute and not constitutionally mandated.
- A variety of revenue sources should be used so as to assure adequate revenues when economic conditions change.
- Tax incentives, exemptions and other concessions to encourage or discourage economic, environmental, and social activities should be used with restraint and should be subject to mandatory periodic review.
- Dedication of specific taxes for specific purposes should be limited.
- Dedication of specific taxes should not be constitutionally mandated.

### **Ease of Administration**

- Taxes should be understandable, certain, visible to the payers, and easy and economical to assess and collect.
- Compliance by the taxpayer should be simple and convenient.

### **SPECIFIC RECOMMENDATIONS:**

#### **Income Tax**

- The primary source of revenue for state and local governments should be a broad-based, progressive income tax shared by and levied on business and individual taxpayers. An exemption should be provided for low-income individuals.

#### **Sales Tax**

- The sales tax should not be extended either in scope or rate.

#### **Property Tax**

- Property tax exemptions for religious, charitable or other public property (as defined in Article VIII Section 2a of the PA Constitution) should apply only to those portions actually used for public purposes. Tax exempt properties should pay for services rendered directly to them.
- Property taxes should be levied on both land and improvements; taxing jurisdictions should have the option of levying a higher tax on land than on buildings, primarily in high-density urban areas. A graded tax should be used in other areas only when there is adequate protection of farmland and open space.
- Taxing jurisdictions should have the option of using an income tax in conjunction with a classified property tax (different classes of property taxed at different rates) to lessen reliance on the unclassified property tax.
- Property Tax Relief Programs:
  - Tax abatement for the elderly, the disabled or infirm and the poor should be based upon strictly enforced standards of real financial need; benefit levels should be adjusted periodically to reflect changes in the cost of living.

- Tax abatement for improvement of deteriorating property or industrial development should be based upon stringent standards of qualification and performance.
- The League supports a preferential property tax program to preserve actively farmed lands and open space. Such a program should include income and acreage requirements and be flexible enough to include critical environmental areas and preservation of small pieces of open space in densely populated areas.

### **Real Estate Assessment**

- Continued use of the property tax must be predicated on uniform, accurate assessment.
- Assessment should be performed at the county level by trained, qualified assessors.
- Factors, and their definitions, to be considered in the valuation of real estate should be included in statutes.
- Ratios of assessed to market value should be uniform statewide, preferably at a level of at least 50 percent.
- Property should be reassessed at regular intervals.

### **Other Local Taxes**

- Taxes should not be levied on occupation or per capita.
- A selection of local taxes should be available to local governmental units.
- A progressive, broad-based income tax should be substituted for the local earned income tax.
- Regional tax base sharing should be encouraged.

### **Local Tax Collection**

- Local taxes should be collected by a single centralized agency, preferably the county, by qualified, salaried, appointed personnel.
- Local income tax can be collected with the state income tax and rebated to local taxing jurisdictions on a timely basis.

### **Budget Process and Fiscal Policies**

The budget process at state and local governmental levels should be open to the public and should include adequate citizen participation. Officials should make a special effort to develop readily understandable procedures for public involvement and to ensure that the public has adequate information to participate effectively. Public records should be readily accessible. Adequate funding is needed to ensure opportunities for public education and effective public participation in all aspects of the decision making process.

The LWVPA supports performance budgeting. Moneys should be appropriated with specific goals in view.

Voter referenda to incur debt (as permitted by Article VIII, Section 7, PA Constitution) should occur only after legislation setting forth the standards for distributing the authorized moneys has been passed.

# Gambling

## POSITION IN BRIEF

**Oppose the legalization of additional forms of gambling in Pennsylvania.**

## BACKGROUND

After a one-year statewide study, consensus was reached in 1984 that LWVPA oppose any expansion of legalized gambling in the Commonwealth. In order to be able to comment on specific legislation, members also agreed that any bills to legalize additional forms of gambling must contain certain safeguards (see "Position in Detail" below).

LWVPA, on its own and in coalition with other public interest groups, has opposed legislation to permit riverboat gambling, slot machines at race tracks, and any kind of land-based casinos. However, legislation (Act 71 of 2004) was passed in July 2004 to permit 61,000 slot machines at five free standing casinos, seven race tracks, and two established resorts. This total of 61,000 possible slot machines is exceeded only by Nevada. We continue to oppose legalization of additional forms of gambling, and have worked to ensure that regulation of Pennsylvania gambling is conducted by appointees who have no financial interest in any casino or gambling related business.

In 2005 the League along with the Pennsylvanians Against Gambling Expansion Coalition, four State Representatives, five individuals and the Commonwealth Foundation, sued the Governor and the majority and minority leaders of the House and Senate in Pennsylvania Supreme Court alleging that Act 71 was passed in a manner that violated the original purpose and single subject rules of Article III of the State Constitution. What began as a one-page, unrelated bill, became 145 pages of legislation. Legislators voted on this substitute amendment within a matter of hours. There were no public hearings, no committee votes, and no real opportunity for citizens to provide meaningful input into the details of the bill. This procedure constituted an end run around Article III which specified the following:

- "No law shall be passed except by bill and no bill shall be so altered or amended on its passage through either house as to change its original purpose."
- "No bill shall be passed containing more than one subject"
- "No bill shall be passed containing more than one subject, which shall be clearly expressed in its title"; "Every bill shall be considered on three different days in each House"
- "No law shall be revived, amended, by reference to its title only, but shall be re-enacted and published at length.";
- "All bills for raising revenue shall originate in the House of Representatives but the Senate may propose amendments as in other bills."

The court did not declare Act 71 to be unconstitutional. The League and Pennsylvanians Against Gambling Expansion lost on all counts. There have been several other suits relating to Act 71 since that judgment rendered in June 2005. They arose chiefly from community opposition to the riverfront site selections in Philadelphia chosen by the two casino operators granted licenses by the Pennsylvania Gaming Board, from the opposition to Philadelphia's exclusion from site selection participation, and the granting of riparian rights. The Court's decisions have affirmed that Act 71 placed control over site selection with the State or its Agency, giving little power to local governments to influence or modify site selection decisions, regardless of accompanying environmental, social or infrastructure impact of casinos on local communities.

As the Gaming Control Board conducted hearings for applicants for casino licenses in 2006 in Pittsburgh, Gettysburg, Philadelphia Bethlehem and Allentown, local groups organized to oppose specific locations and/or to seek promises of Compensation from casino applicants. Applicants for sites in Gettysburg and Lancaster County withdrew.

Several amendments to Act 71 have been proposed, however only Act 135 passed in November 2006. It removed the possibility for government officials or members of their immediate families to own any financial interest in a casino or related business and placed the investigations of license applicants and employees with a special Bureau within the Gaming Board and slightly strengthened the role of the Attorney General in oversight of casino operations. The League would support repealing Act 71, but short of that has supported proposals to place background investigations of applicants in a department of the Attorney General's office rather than with the Bureau of Investigations within the Gaming Board

*Last updated September, 2008*

### **POSITION IN DETAIL**

The League of Women Voters of Pennsylvania continues to oppose the legalization of additional forms of gambling in the Commonwealth, except that the League takes no position on the legalization of small games of chance when used solely for the purpose of private nonprofit fundraising. The League finds no merit in arguments that extending opportunities for legal gambling is an acceptable method for increasing state and local government revenue, stimulating economic development, preventing gambling dollars from leaving the state, or reducing illegal gambling.

Should any bills to legalize additional forms of gambling be proposed, the League will work to ensure that they contain environmental, economic, and social safeguards to protect the best interests of the citizens of the Commonwealth.

### **Location**

The decision to permit the establishment of gambling operations in a particular locality should be made in cooperation with the affected local municipal government and neighborhoods.

Limits should be placed on the size of video game, slot machine, and casino gambling operations and on the number of such operations within a given area. Where a regularly operated gambling enterprise likely to attract large numbers of people is proposed, licensing should be contingent upon the existence of adequate municipal services and infrastructure. A report should be required assessing the impact the gambling enterprise will have on the physical and social environment or prospective casino sites. Provisions should be made to mitigate the effects of land speculation and social and economic and residential dislocations that could result from the location of gambling enterprises.

With the exception of nonprofit bingo and small games of chance, gambling operations should not be located near schools, churches, or residential areas.

### **Regulation**

All gambling, including nonprofit games, should be regulated at the state level with local government consideration regarding location and the setting of stricter rules. Gambling regulations should include prohibitions on access by minors, limits on credit and hours of operation, mandatory maximum take-out rates, and controls on advertising content. To prevent intrusion by criminal elements, regulations should also include, when appropriate: licensing of employees, licensing of ancillary industries, and prohibitions on access by persons with known ties to criminal elements.

## **Taxation**

The League opposes earmarking gambling revenue from state gambling operations, or from gambling taxes, for specific programs. Net revenues from gambling taxes should be deposited in the General Fund. The revenues should be shared with the local governments of communities impacted by the gambling activity. The state should not specify how local governments spend their share of state gambling revenues or locally generated gambling revenues.

## **Gambling for Nonprofit Fundraising**

Gambling operations for nonprofit fundraising should be limited to bingo and small games of chance and should not be extended to slot machines and video games. The conduct and location of charity gambling should be strictly regulated to prevent its commercialization.

## **Conflict of Interest Projections**

All elected and appointed public officials involved in setting gambling policy, or responsible for enforcing gambling regulations, should be covered by a strict code of ethics to prevent conflict of interest from entering into their decision making.

The code should include:

- Comprehensive financial disclosure for self, business, and immediate family, including amounts as well as sources of income, location and value of real estate holdings, directorships, clients, and customers.
- Rules prohibiting officials and legislators who have any financial interest in the gambling industry or establishments holding or seeking a gambling license from participating in making laws or decisions involving the industry.
- Rules restricting movement of personnel between gambling regulatory bodies and the gambling industry for at least one year.

## **Compulsive Gambling**

The Commonwealth should support a compulsive gambling prevention and rehabilitation program.

# TRANSPORTATION

## POSITION IN BRIEF

**Promote energy-efficient and environmentally sound transportation systems that afford access to housing and jobs, relieve congestion and enhance the quality of life in communities of all sizes. Support predictable public funding that enables fiscally stable transportation systems to provide consistent levels of service.**

## BACKGROUND

Leagues have been acting on transportation since 1971 based on state and national environmental quality and urban policy positions. This position was written in 1981 and amended in 1983, 1985, and 1995 as an umbrella statement consistent with other League positions and providing language to support predictable funding.

## For More Background

See section on Transportation under the LWVUS position on Meeting Basic Human Needs, *IMPACT ON ISSUES* 2006-2008. Under this position, LWVPA has supported:

- Opening the national highway trust fund to permit the transfer of funds for public transportation alternatives.
- Increase in state gasoline taxes.
- Reorganization of the Pennsylvania Department of Transportation (PennDOT).
- The end of overweight trucks.
- A moratorium on new highway building.
- A reemphasis on public transportation.
- Maintaining passenger train service in Pennsylvania.
- Meeting the needs of the handicapped for accessible transportation.
- Comprehensive planning of proposed turnpike construction, including requirements for environmental impact statements, and public participation.
- Automobile emissions inspection programs.
- A proposed constitutional amendment to allow motor fuel taxes to be used for public transit purposes.
- Reorganization of the Southeastern Pennsylvania Transportation Authority (SEPTA) board.
- A recommendation to the U.S. Department of Transportation to reverse its historical priority of highway funding at the expense of public transit.

With the 1991 passage of the Intermodal Surface Transportation Efficiency Act (ISTEA), some recognition was given by Congress to the importance of public transit to the economic well being of urban areas. In 1991, the General Assembly made dedicated funding available to PA transit systems, a long-time goal of the Area Coalition for Transportation (ACT) and LWVPA.

In 2006 a state Transportation Funding and Reform Commission formed by the governor, made recommendations for funding Pennsylvania's transit infrastructure including mass transit. The recommendations included raising certain fees and taxes. Instead, the governor proposed leasing the Pennsylvania Turnpike to a private company to raise the needed money. Rejecting both proposals, the legislature passed and the governor signed into law Act 44 of 2007 to make Interstate 80 a toll road. The Act provides millions of dollars in state spending for roads, bridges and mass transit over the next ten

years. The lease of the PA Turnpike was rejected by the applicant (an overseas consortium). Any lease contract would have been for a term of 50 years in order to project a profit to the private owners.

Although the tolling of I-80 has been rejected by the US Department of Transportation, the Turnpike Commission has already given millions of dollars to support public transit. This infusion of money has made possible the elimination of much higher consumer costs in public transit. The Commission plans to resubmit its request to the US Dept. of Transportation in the new federal administration.

*Last updated, November, 2008*

# LEAGUE PRINCIPLES

- The League of Women Voters believes in representative government and in the individual liberties established in the Constitution of the United States.
- The League of Women Voters believes that democratic government depends upon the informed and active participation of its citizens and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible.
- The League of Women Voters believes that every citizen should be protected in the right to vote; that every person should have access to free public education that provides equal opportunity for all; and that no person or group should suffer legal, economic, or administrative discrimination.
- The League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government.
- The League of Women Voters believes that responsible government should be responsive to the will of the people; that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution of economic and social problems that affect the general welfare, promote a sound economy and adopt domestic policies that facilitate the solution of international problems.
- The League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems, and that the development of international organization and international law is imperative in the promotion of world peace.
- The League of Women Voters of the United States believes that all powers of the U.S. government should be exercised within the constitutional framework of a balance among the three branches of government: legislative, executive, and judicial."

## WHAT ARE THE PRINCIPLES?

The Principles are "concepts of government" to which the League subscribes. They serve two functions:

- Authorization for adoption of national, state, and local program.
- As a basis for taking action at the national, state, and local levels.

### History

The Principles are a direct descendant of the Platform, which served from 1942-1956 as the national repository for "principles supported and positions taken by the League as a whole in fields of government to which it has given sustained attention." The Platform has disappeared from League vocabulary, but the Principles survived.

### Taking Action

When taking action under the Principles, the appropriate board authorizes action once it determines that member understanding and agreement do exist and that action is appropriate. As with other action, when

there are ramifications beyond a League's own governmental jurisdiction, the League should consult other Leagues affected.

The Principles are broad when standing alone, so caution must be used when considering them as a basis for action. It is best to use the Principles in conjunction with League positions to which they apply.