Leaders' Guide for the LWVPA

Election Laws Review and Update

Contents

Introduction to the Study Process

Studies are part of League Program and, in League parlance, League Program includes all of the positions the League uses to affect public policy as well as the procedure for adopting these programs. Program is such an integral part of the League that, according to *League Basics*, the League publication formerly titled *In League,* "Program is the League's reason for being."

Program has three parts: 1) selection of an issue, 2) study of that issue, consensus and formulating a position, and 3) use of that position to influence public policy. All LWVUS positions are included in the League publication, *Impact on Issues,* and all state positions are in *Where We Stand.*

A **Review and Update**, as the title suggests, provides opportunity to collect current positions from both LWVPA and LWVUS, evaluate their ongoing relevance and identify areas for further study and consensus.

Selection of an issue begins with the **Program Planning** each League is asked to do. This is where the local Leagues identify issues that deserve a study at the state level or updates of existing positions. These are issues where neither LWVUS nor LWVPA has a position, and, therefore, cannot act. Remember, Leagues cannot take action without a position.

In **Program Planning** before the 2015 state Convention, several local Leagues expressed interest in reviewing and updating LWVPA positions on election laws. The LWVPA Program Planning Committee recommended and the LWVPA Board approved the Election Laws Review and Update and delegates from local Leagues adopted it at the 2015 Convention.

In the summer and early fall of 2015, the LWVPA Board appointed a committee chairs, set up the process for selecting the committee, and approved the scope and timeline for the study. Since then, the committee has investigated current positions, evaluated areas needing study and prepared materials and consensus questions. All materials are posted

on the LWVPA website.

Responses to consensus questions are due on March 1, 2017. As each local League reports its consensus (or lack thereof) the reports will be consolidated, and, based on this information, the committee will formulate the updates to current positions for Board approval and future action.

What is a consensus? It is easier to say what consensus is not than what it is. Consensus is not a vote; rather, consensus is mutual agreement of League members arrived at through discussion. During discussion, everyone has an opportunity to express viewpoints, and the issue is examined from all sides. Consensus questions, created by the review and update committee and approved by the Board, provide structure for the meeting. Members discuss the pros and cons until it becomes apparent that consensus has/has not been reached on each question.

Timeline for the Review and Update:

- June 2015: The Election Law Review and Update was proposed and passed at the biennial Pennsylvania League of Women Voters Convention in Pittsburgh, PA.
- August 2015: The committee was selected and approved by the LWVPA Board of Directors.
- September 2015 to June 2015: Update materials, consensus questions, resources and timeline under development
- June 2016: The LWVPA Board of Directors approved consensus questions.
- July-August 2016: Presentation materials were prepared and posted on the LWVPA website.
- September 2016 – February 2017: Local Leagues meet to review and discuss materials and come to consensus.
- March 1, 2017: Consensus reports due to LWVPA website at www.palwv.org.
- March – April 2017: Committee analyzes the data from consensus and writes a revised Election Law position paper.
- May 2017: Board of Directors reviews the consensus results for comment and approval of revised Election Law position.
- June 2017: The new Election Law position is distributed at the LWVPA 2017 Convention with ideas for education and advocacy.

Leaders' Guide

Scope of the Study

The scope of the study, as approved by the delegates at the 2015 Convention states:

> Review and update Election Laws Positions, focusing specifically on apportionment and redistricting, election procedures, registration requirements, alternatives to closed primaries and alternatives to 'winner take all' election systems.

Rationale for recommending the update:

> *While both LWVUS and LWVPA have positions on many aspects of election law, there are many areas of concern not adequately addressed by either. It is unclear when our current Election Laws position was adopted. Some changes have been made in recent years including the addition of a ballot access position, a position supporting voter verifiable paper ballots as the official ballot, support for no excuse necessary absentee voting and dropping our support for the closed primary. However, the rationale behind many of the other positions is unclear, making it difficult to lobby in their support. Over the past decades, there have been many changes in registration and voting technology and election administration, which suggest that a comprehensive review of our present position is necessary.*

The committee found that existing materials already covered well most of the issues presented for review and update. Knowing that LWVPA could take action at the state level, based on national positions, the committee narrowed the scope of the study to 25 topics, grouped into four broad categories:

1. Voter registration:
   - election day voter registration,
   - youth pre-registration,
   - primary voting at age 17,
   - national voter registration act,
   - automatic voter registration,
   - universal automatic voter registration,
   - non-incarcerated felon voting rights, and
   - documentary proof of citizenship requirements for registration.

2. Election day procedures:
   - poll watchers and election day challenges of voters,
   - no-fault absentee voting, early voting and vote by mail,
   - emergency absentee ballots,
   - prison voting,
   - straight-party voting option, and
   - internet voting.

3. Alternative election systems:
   - instant runoff voting,
   - the Borda count,
   - approval voting,
   - range voting,
   - mixed-member proportional vote,
   - single transferable vote,
   - limited voting, and

       o   cumulative voting.
4. Primaries:
       o   open, closed, semi-open and semi-closed primaries and
       o   top two and top four primaries or blanket primaries.

The study materials also include a summary of the myriad local government structures used in Pennsylvania. Some of the proposed alternative election systems might be more suitable for adoption at the local level. However, one size will not fit all.

Local Board Information

There are several roles for the local League board during the review and update process. The board appoints a study chair and/or committee to help educate membership and the community about the issues. It is best to have a committee to share the work and introduce less experienced members to the League process on a short-term project, but this is not always possible. Ideally, some of these members have basic knowledge of the issues and some study experience, but some may just have an interest in learning more about the subject.

With the support of the board, the committee may schedule and facilitate community meetings. Of particular interest to the general public might be a meeting about Alternative Election Systems. Political science professors at area universities or colleges might be a good source for outside speakers on this topic.

While informational meetings might include the public, consensus is only open to League members. When consensus has taken place, the committee prepares the consensus report and provides it to the local board for approval before it is submitted to the state study committee. The online report form will expedite collation of responses for the statewide Update and Review Committee, but reports can also be emailed in if preferred. Be sure in planning consensus meetings to allow time for board approval before the reporting date is due.

Guide for Discussion Leaders

The study guide is intended as a resource for local League study committees, to help presenters and facilitators knowledgeably answer questions that may arise during discussion, in a framework focused on reaching consensus. There is more detailed information included than you will want to present.

Since information on current positions is provided, it's appropriate for local Leagues to use this as an opportunity to familiarize themselves with current positions and to consider ways to act on those positions in a local context. Some ideas have been included.

On new material, a prime responsibility of the facilitator and the study committee will be to keep the discussion focused on the consensus questions and avoid distracting asides, however fascinating they may be.

Because this review and update covers a wide range of material, presentations and

meetings should be carefully planned. If you are holding more than one meeting, it is suggested that you present and take consensus on each section at the same meeting. If it is your custom to present a workshop followed by consensus in one day-long event, you may choose to either do part of the background and take consensus in the morning and the other half in the afternoon, or do all of the background in the morning and consensus after lunch.

If a public meeting is planned, a follow-up meeting for consensus will be needed, but consider that those who attend the first may not attend the second, so review or summary of information may be needed.

Getting to consensus

It is the responsibility of the facilitator(s) to keep the group focused on the consensus questions. The following are suggestions that have been found helpful in reaching this goal.

Before the consensus meeting, committee members should:

- Review the study materials on the LWVPA website
- Review the Power Point slides
- Make sure that the consensus questions have been reviewed and save time at the end to make sure your information is sent to your local board for review and completing the online Consensus form at www.palwv.org

Understand the ingredients of a successful meeting

- There is a common focus on content.
- There is a common focus on process.
- The discussion leader or facilitator maintains an open and balanced conversational flow.
- Someone is aware of protecting individuals from personal attack.
- Everyone's role and responsibility are clearly defined and agreed upon.

Assign specific tasks to committee members. Decide:

- how much time to allot to each section of the discussion,
- who will present each part,
- who will facilitate the consensus part of the meeting if different from the presenters,
- who will be the recorder, and
- who will make sure the results of your consensus get to your LWVPA board for approval and for completing the online form at www.palwv.org. If your League is unable to complete the form online, you may print the questions, write directly on the pages and send these to the League office: Criminal Justice Consensus Questions, League of Women Voters of PA, 226 Forster Street. Harrisburg, PA 17102.

Decide how to present the study material

- Break the presentation into manageable chunks that lay people can understand.

- Be careful to explain educational jargon and acronyms.
- A variety of voices and styles help people stay focused.
- Be prepared to answer questions for clarification along the way.
- The material is complicated in some areas and you will want to check for understanding.

Schedule a practice session prior to the presentation/consensus meeting

Schedule a practice session for discussion leaders, recorders and facilitators.

It is helpful to have an experienced League member present to help with timing and balance between background and discussion.

The recorder should come away with what needs to be recorded and what to do with questions and opinions about topics not covered by the consensus questions.

(Suggestion: Another sheet of chart paper labeled "parking lot," where these may be noted for discussion later.)

Many Leagues with multiple units will hold training ahead of time for the unit leaders. This is very important so that the unit leaders understand the scope, are prepared for the discussion and understand the reporting procedures.

It is important to be aware of any place where there might be a conflict and be prepared to discuss it. Copies of the local, state and national positions should be available for reference at the meetings.

Tips for the Consensus Meeting

Explain the ground rules and meeting structure

The facilitator should explain the meeting ground rules at the beginning, e.g., meeting structure and time allocation.

Review the difference between voting and consensus

Explain the difference between a majority vote and coming to consensus as the sense of the meeting. A senior League member or board member can help the facilitator explain. The time devoted to this will depend on the experience of the members participating.

The role of the discussion leader/facilitator is to make sure that*:*

everyone has a copy of the agenda/program and knows what to expect, meeting format and ground rules are understood up front, members understand they have a role in the meeting/consensus, and everyone stays on track until the day's goal is met.

Define the recorder's role

The recorder should be at the front of the room in clear view of the members participating.

It is best to record on large easel paper that can be viewed by everyone. After each question check back with the participants to make sure the consensus of the room is captured before you move on. After each section, make notes to include in the comments section. Remember, this is limited to 200 words or less in each box. Comments are optional, not required.

Ask the group's help in keeping on topic

People will usually cooperate if they understand why you must ask them to keep their comments focused. Using a parking lot, so they do not feel ignored, is often helpful. Explaining up front encourages positive peer pressure.

Make sure everyone understands the materials presented

Encourage people to ask questions when they do not understand something. This material is often complicated and the language may be unfamiliar.

How to handle breaking news

Many of the issues we are discussing are currently in the news, both nationally and locally. These may distract from the work of the consensus meeting(s). Events may happen the morning of your meeting. If you are aware of them, present them up front before starting the discussion. Explain that these events, however interesting, are not a part of the consensus process.

Acknowledge the concerns and move them to the parking lot for discussion at another time. This is the role of the local study committee.

If you have a talkative group

You know your League. If they like to talk, have trouble keeping focused, or have many opinions, it may be useful to have a timed agenda and a timekeeper to assist the facilitator.

The importance of the end of the meeting review

It is important to allow ten or fifteen minutes at the end of the meeting for the recorder to review the notes and reaffirm the sense of the meeting. This is reassuring to everyone that his/her thoughts have been heard.

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After the meeting

Schedule a committee debriefing

Schedule a meeting of your committee to debrief as soon as possible after the consensus meeting so discussion is still fresh in their minds. Early access to the recorder's notes by email is helpful. If you have had more than one meeting or come to consensus in multiple unit meetings, it will be the job of the committee to consolidate these reports and make

one report for your board. After that approval, one delegated person will go to the website and file the online report. Full instructions will be provided when you log into the response form, and *only one report per League will be accepted.*