

# WHERE WE STAND

## LEAGUE OF WOMEN VOTERS OF PENNSYLVANIA



POSITIONS ON ISSUES  
2015-2017

LEAGUE OF WOMEN VOTERS  
OF PENNSYLVANIA

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## 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 LWWUS publication *Impact on Issues*. Taken together, these positions and the League Principles form the basis for all action carried out 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 LWWUS positions in that area followed by action, if any, taken at the state level under each LWWUS 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 LWWUS 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 LWWUS 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 2013-2015**

### **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.

## **NATURAL GAS EXTRACTION FROM MARCELLUS SHALE**

- Support the maximum protection of public health and the environment in all aspects of Marcellus Shale natural gas production, the prevention of burdening the taxpayer with costs of industrialization and unanticipated consequences.
- Support the prevention of burdening the taxpayer with costs of industrialization and unanticipated consequences.
- Support the 2006 Pennsylvania Property Rights Protection Act without amendment, the adoption of minimum spacing requirements for wells, and the pooling of properties between corporate entities to maximize efficiencies and reduce risk in the extraction process.
- Support the maximum protection of public health and the environment in all aspects of Marcellus Shale natural gas transmission operations through improved siting, regulation, inspection, and enforcement that is transparent and responsive to stakeholder input.

## **SOCIAL POLICY**

### **CHILD HEALTH AND WELFARE**

Promote the health and welfare of children and youth.

### **JUVENILE JUSTICE**

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.

## LWWUS 2012-2014 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 LWWUS positions in detail see *IMPACT ON ISSUES 2014-2016***

## BACKGROUND

Under these LWWUS positions and the LWW Principles, LWWPA supports the following:

- **Campaign Finance Reform**

1. **Effective campaign finance disclosure requirements.** In 2003, LWW of Greater Pittsburgh successfully lobbied for candidates for county office to have their campaign finance information posted on the LWWGP web site.
2. **Limits on contributions to candidates for public office at all levels of government.** In 2003, LWW 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  
LWWPA has unsuccessfully lobbied for reforms that would limit the size of contributions to candidates for state public office. There are now no limits. LWWPA also supports a system of partial public funding of campaigns for statewide office.

- **Lobbyist Disclosure Legislation**

Under the LWWUS Citizen's Right to Know/Citizen Participation position, LWWPA 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.

- **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. LWWPA 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.
- **National Popular Vote.** LWVPA supports Pennsylvania joining the National Popular Vote Agreement Among the States that would award Pennsylvania's electoral votes to the winner of the popular vote nationwide. The agreement would take effect only if enough states join the agreement to make up the 270 or more votes needed for an electoral majority.
- **Voting Rights.** LWVPA is monitoring implementation of the Help America Vote Act of 2002 in Pennsylvania. See *Election Laws*.
- **Voter Registration.** LWVPA supports allowing citizens to both register and vote on Primary or Election Day.

**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
- A requirement that all electors show a picture ID at the polls before they can vote.
- Legislation that would have changed Pennsylvania's system of awarding presidential electoral votes from winner-take-all according to one in which all but two are awarded according to which candidate won a majority in each congressional district.

*Updated February 2012*

**APPORTIONMENT AND REDISTRICTING**

**POSITION IN BRIEF**

**Support apportionment and redistricting 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. The Redistricting Openness and Fairness Act of 2010 was voted unanimously out of the House State Government Committee but never made it to the House floor for a vote.

In January 2011, the League kicked off an aggressive campaign demanding transparency and fairness in the redistricting process which was about to commence. As a result, the process was somewhat more open. The 2011 Legislative Reapportionment Commission created a website with information on the redistricting process, meeting notices, copies of written testimony, videos of meetings and hearings, and interactive maps. The Commission held hearings before and after adoption of a preliminary legislative redistricting plan. The House and Senate State Government Committees which oversee congressional redistricting held joint public hearings as well.

However, both plans were crafted largely in secret. The Congressional plan was made public and adopted by the state legislature in less than three legislative days under a procedure that circumvented the PA Constitution's requirement that bills be considered on three separate days in each chamber. The legislative plan was successfully appealed to the PA Supreme Court which remanded it to the Commission for revision after finding it "contrary to law." The Court said it violated Article II, Section 16 of the Pennsylvania Constitution that says: "Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or a representative district." The appeal was successful because one of the appeals, *Holt et al.* proved that a statewide map could be drawn that made fewer splits than the Commission map and still comply with requirements that districts be substantially equal in population and that the plan comply with the federal Voting Right Act requirement on majority-minority districts.

The League continues to work on a redistricting reform amendment to the PA Constitution.

*Updated February 2012*

## **ELECTION LAWS (Currently undergoing review process)**

### **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 never 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 throughout 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.

Delegates to the 2009 LWVPA Convention voted to add a section on voting system verifiability to bring our position in line with the LWWUS position. They also voted to add a statement to the section on absentee voting to clarify that we believe that qualified electors should not have to give an excuse in order to cast an absentee ballot. Delegates to the 2011 LWVPA Convention voted to support Pennsylvania joining the National Popular Vote Compact Between the States.

In 2011-12 LWVPA again carried out an aggressive campaign in opposition to legislation requiring all voters to present government issued photo identification at the polls in order to cast a ballot.

*Updated February, 2012*

**On May 1, 2012**, the ACLU of Pennsylvania, the Advancement Project, the Public Interest Law Center of Philadelphia (PILCOP), and the Washington, DC law firm of Arnold & Porter LLP filed a lawsuit ***Applewhite v. Commonwealth of Pennsylvania*** in the Commonwealth Court of Pennsylvania to overturn the voter ID law passed by the General Assembly in March 2012. LWVPA along with the NAACP

Pennsylvania State Conference, and the Homeless Advocacy Project joined as plaintiffs in the suit. Lead petitioner was Viviette Applewhite, a 93-year-old African-American great-great grandmother and resident of Philadelphia who marched for civil rights with Dr. Martin Luther King, Jr., but was unable to get an ID needed to vote under the law. Other petitioners were Philadelphia residents Wilola Shinholster Lee, Gloria Cuttino, and Dorothy Barksdale, all African-American women born in the Jim Crow South who, like so many of their generation, were never issued a birth certificate which was needed to get an ID in order to vote under the law; Nadine Marsh, a Beaver County grandmother; and Grover Freeland, a Philadelphia-area retired veteran, whose veteran's ID card would not have been acceptable to allow him to cast a ballot. Had the voter 2012 photo ID law not been struck down, none of them would have been allowed to vote in November - despite the fact that most had voted for decades. The lawsuit alleged that the state's voter photo ID law violated the Pennsylvania Constitution by depriving citizens of their most fundamental constitutional right - the right to vote.

- A preliminary injunction was issued on October 2, 2012, blocking the voter ID law from going into effect for the November 2012 election for voters casting ballots in person. The injunction was extended to cover the May 2013 primary. The trial for a permanent injunction began Monday, July 15, 2013, and concluded July 31, 2013. Judge Bernard L. McGinley presided.
- On January 17, 2014, a judge issued an injunction permanently blocking the enforcement of Pennsylvania's voter ID law. On Monday, April 28, 2014, Judge McGinley denied the commonwealth's motion to reconsider his January 17 ruling in which he found the voter ID law to be unconstitutional. The Commonwealth had 30 days to appeal to Pennsylvania Supreme Court. On Thursday, May 8, 2014, Governor Tom Corbett announced that the commonwealth would not be appealing a Commonwealth Court judge's ruling that prohibits enforcement of Pennsylvania's voter ID law on the grounds that the law unconstitutionally disenfranchised large numbers of voters.

*Updated May 2015*

## **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.
- Intensified voter education in methods of splitting a ticket.
- 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.

### **Voting Systems**

The League supports only voting systems that are designed so that:

- They employ a voter-verifiable paper ballot or other paper record, said paper being the official record of the Voter's intent; and the voter can verify, either by eye or with the aid of suitable devices for those who have impaired vision, that the paper ballot/record accurately reflects his or her intent; and
- such verification takes place while the voter is still in the process of voting; and
- the paper ballot/recount is used for audits and recounts; and
- the vote totals can be verified by an independent hand count of the paper ballot/record; and
- routine audits of the paper ballot/record in randomly selected precincts can be conducted in every election, and the results published by the jurisdiction.

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.

The League believes that any qualified elector should be able to choose to cast an absentee ballot without a reason.

### **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.

### **Election of the President**

LWVPA supports Pennsylvania joining the National Popular Vote Compact between the States.

## 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.

*Updated February 2012*

### 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.

As of the conclusion of the 2010 session the General Assembly had not passed a merit selection bill. 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. Justice Cappy passed away while the case was still pending. Scheduled oral arguments were cancelled and the Court declined to take up the case.

*Updated February 2012*

## **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 bi-partisan 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.

In 2008 an investigative Grand Jury was convened to investigate allegations that legislative staffers worked on campaign while they were on the public payroll and were rewarded with taxpayer financed bonuses. At the completion of its criminal investigation, the Grand Jury voted unanimously to stay in session six additional months to investigate legislative procedures and practices. The result was a May 24, 2010 report recommending reforms, many of which corresponded to LWVPA positions. In its report the Grand Jury concluded: *“without any hesitation, that the current operational structure and ingrained procedures of the Pennsylvania House Democratic and Republican Caucuses are irretrievably broken and in desperate need of system change.”* They also said: *The current hierarchy of the House is designed to bestow the vast majority of the power on a select few, to the detriment of other members of the House, as well as the public.”*

No substantive changes were made in response to the report. Other LWVPA actions related to legislative reform include:

- Co-authorship of “A Citizens Guide to a Modern Constitutional Convention” which we will use to guide us in taking a position should a proposal to hold a constitutional convention gain traction.
- Endorsement of a proposal to create a Public Integrity Commission with investigative and subpoena powers.

*Updated February 2012*

## **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 2012-2014 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 2012-2014***

## **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 groundwater 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.

*Updated February 2012*

### **Statement of Position on Federal Agriculture Policies**

*As Announced by the National Board May 2014*

The League believes that government should provide financial support for agriculture that includes disaster assistance, crop insurance, need-based loans and incentives to adopt best management practices. Support should be extended to specialty crops, such as fruits, vegetables and nuts, to new production methods, such as organic, hydroponic, and urban practices, and to farms that supply local and regional markets. Subsidized crop yield insurance should be linked to implementation of best management practices with the subsidy denied for marginal or environmentally sensitive land. The premium subsidy for crop insurance

should be available for a wide range of crops, such as fruits, vegetables and specialty crops. Government should limit the amount of the premium subsidy received by larger farms. The League supports policies that increase competition in agricultural markets. Antitrust laws should be enforced to ensure competitive agricultural markets. Alternative marketing systems such as regional hub markets, farmers' markets and farmer cooperatives should be promoted.

Clean air and water regulations should apply to all animal and aquaculture production and processing facilities, and not just to the very large confined animal feeding operations (CAFOs). Such regulations should be designed in a manner that takes into account environmentally sound technologies and the scale of the operation being regulated. Small size operations should not be granted automatic exemption from regulation.

The League believes that government regulatory agencies dealing with animal and aquaculture production should have adequate authority and funding to 1) enforce regulations and 2) gather information that supports monitoring the impacts of all animal feeding and aquaculture operations on human and animal health and the environment.

Government should fund basic research related to agriculture. Government funded research should also address the impact of new technologies on human health and the environment prior to widespread adoption of products developed with such technologies. Assessment of products developed with new technologies should be conducted as transparently as possible, while respecting intellectual property rights. Research should be funded to support the continuation of diversified and sustainable agricultural systems, such as seed banking and promoting and preserving genetic diversity.

To provide adequate safety of our food supply, government should:

- Clarify and enforce pre-market testing requirements for foods and food additives developed using any new chemical technology, such as genetic engineering or nanotechnology;
- Require developers to monitor all such new food products developed after releasing to the market;
- Require developers of such new food products to provide data and other materials to independent third parties for pre- and post-marketing safety assessment;
- Fund independent third party risk assessment examining how long term and multiple exposures to such new foods affect human health and the environment;
- Withdraw marketing approval and require recall if such products are shown to be unsafe;
- Require post-market monitoring of human health and environmental impacts for pharmaceutical applications used in animal and aquaculture production;
- Limit use of antibiotics in animal production to the treatment of disease;
- Promote crop management practices that decrease dependency on added chemicals; and
- Fund, employ and train sufficient personnel for assessment and compliance functions of regulatory agencies.

The League supports government developing and requiring more informative and standardized definitions on product labeling. Food labeling and advertising should display only approved health and safety claims and an accurate representation of the required ingredient and nutrition lists. The League supports consumer education about labeling of foods developed using any new technology.



## LWVPA 2013-2015 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.

## **MARCELLUS SHALE NATURAL GAS EXTRACTION**

### **POSITION IN BRIEF**

**Support the maximum protection of public health and the environment in all aspects of Marcellus Shale natural gas production, site restoration, and delivery to the customer by requiring the use of best practices and promoting comprehensive regulation, communication, and adequate staffing across government agencies.**

**Support the prevention of burdening the taxpayer with costs of industrialization and unanticipated consequences.**

**Support the 2006 Pennsylvania Property Rights Protection Act without amendment, the adoption of minimum spacing requirements for wells, and the pooling of properties between corporate entities to maximize efficiencies and reduce risk in the extraction process.**

**Support the maximum protection of public health and the environment in all aspects of Marcellus Shale natural gas transmission operations through improved siting, regulation, inspection, and enforcement that is transparent and responsive to stakeholder input.**

### **BACKGROUND**

A state-wide study of Marcellus Shale natural gas extraction, including its ramifications for Pennsylvania's water, air, infrastructure, agriculture, forests, tourism and economy, was adopted by the 2009 LWVPA Convention. Spearheaded by the League of Women Voters of Indiana County, the usual two-year study process was fast-tracked, and a position statement adopted by the LWVPA Board on May 1, 2010.

The resulting study guides, posted on the LWVPA website, provide needed information to citizens of Pennsylvania and other states about the extraction process and its impacts. In collaboration with other state Leagues, this position statement guided efforts that resulted in the unanimous adoption of a resolution in "Support of Safe Drilling and Mining for Energy Resources" at the 2010 national convention of LWVUS, held in Atlanta, Georgia.

The development of natural gas from Marcellus Shale has served as a catalyst for political, civic, economic, and environmental action in which the League has played a part. Working with coalition partners, the League served on the Citizen's Marcellus Shale Commission. Based on hearings and testimony throughout the Commonwealth, a report was published along with recommendations for improved regulations.

Educational efforts expanded beyond the guides through the generosity of the Colcom Foundation. Funding from their grant enabled the League to provide a variety of venues throughout the western part of the Commonwealth to help educate the public regarding natural gas operations.

Delegates to the 2010 Southeastern PA Region ILO approved two additional, related studies on pipelines and pooling. In collaboration with the LWV of Indiana County, study guides were developed, consensus was held, and position statements adopted through concurrence by the delegates to the June, 2011 LWVPA Convention.

During the 2011 legislative session, over 200 bills were introduced regarding Marcellus Shale operations. In February 2012, HB 1950 was passed that revised the Oil and Gas Act and imposed an impact fee on drilling. It failed to incorporate a severance tax, included limited environmental safeguards, and provided provisions to pre-empt local zoning and municipal ordinances that hinder natural gas operations. Additional pieces of legislation are being considered as elected officials continue to weigh environmental issues with economic opportunities.

*Updated February 2012*

## POSITION IN DETAIL

### NATURAL GAS EXTRACTION

The LWVPA recognizes that natural gas extracted from Marcellus Shale is a finite, carbon-based, energy resource and that its production significantly affects the environment and the economy of the Commonwealth. Under Natural Resources positions adopted by LWVUS, we believe government policies should promote an environment beneficial to life through the protection and wise management of natural resources in the public interest. Under the Fiscal Policy position adopted by LWVPA, we support an equitable and flexible revenue system for funding state and local government services. Finally, in concert with the Pennsylvania Constitution, Article 1, Section 27, we believe:

*The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people."*

The League supports

- the protection of public health and the environment in all aspects of Marcellus Shale natural gas production, site restoration, and delivery to the customer, by requiring the use of best practices, and promoting comprehensive regulation, communication, and adequate staffing across government agencies.
- encouragement of employment opportunities at the local level and economic development related to natural gas extraction that will result in new streams of revenue for state and local government agencies—but not at the expense of tourism related to natural recreation areas.
- a sufficient fee structure on natural gas extraction for permits, bonds, and surcharges for the funds to plug abandoned and orphan oil and gas wells that reflects projected costs, to prevent a burden on Pennsylvania taxpayers.
- creation of a severance tax on natural gas as a revenue source primarily designated for
  - the monitoring and protection of public health;
  - the preservation and enhancement of natural resources;
  - an escrow fund for supporting community adjustment as the industry grows and declines; and
  - research on the effects of natural gas extraction from Marcellus Shale on the economy, environment, and public health of Pennsylvanians.
- legislation and regulation that provides for
  - transparency in all stages of exploration, drilling, and production;
  - insuring public input into decision-making regarding the location of facilities and related pipelines;
  - extending the timelines and parameters for testing water supplies;
  - balancing the rights of mineral and surface owners; and
  - establishing an efficient and effective oversight system for reporting potential violations and accidents.

*Adopted May 1, 2010*

## **POOLING**

### **Amassing Property for the Extraction of Natural Gas from the Marcellus Shale**

LWVPA recognizes that consolidating adjacent properties for drilling is a means to increase efficiency and minimize risk. At the same time, the League believes that individual rights now protected by the Constitution should not be weakened or abridged.

Therefore, LWVPA supports:

- the 2006 Pennsylvania Property Rights Protection Act (PRPA)\* without amendment for the development of natural gas resources so as to restrict the use of eminent domain and safeguard citizen's rights;
- minimum spacing requirements, based on technological limits, between unconventional drilling sites to limit the number of wells; and
- pooling of lands between corporate entities holding lands for the extraction of natural gas as a reasonable means to reduce environmental impacts without impacting individual property rights.

Pooling of lands held by individuals rather than corporate property owners is problematic. Used as a means to implement best practices for environmental management, policy makers should adopt specific criteria and clear qualifications as to how this goal will be accomplished. Any specific action should include, but not be limited to, safeguards to protect the rights of individual property owners, input from county conservations districts and other local stakeholders in the environmental decision-making process and precise data defining compliance with previous agreed to criteria and qualifications.

\* In response to the Supreme Court decision, *Kelo v. City of New London*, Pennsylvania adopted the 2006 PRPA that includes the eminent domain code for the Commonwealth. The act prohibits the condemnation of privately-owned property by eminent domain for use by private enterprises (26 Pa. CS. Section 204 (a), except for certain limited exceptions that primarily pertain to blighted property (26 Pa. CS. Section 204(b)).

*Adopted June, 2011*

## **PIPELINES**

LWVPA recognizes that pipelines are a relatively safe and efficient means of transporting natural gas. We support

- siting of natural gas pipelines through coordinated federal, state, regional, and local efforts that are objective and responsive to safety considerations, accurate environmental assessments, county conservation districts, land use planning agencies, and local communities. The process should include adequate public notice of local stakeholders from the beginning of the process, convenient input venues, timelines reflective of the PA Municipal Planning Code, consistency with existing state and local regulation, and a mediation process to resolve conflict.

- regulation for the safety of natural gas pipelines that encompasses the entire transmission system, including gathering lines, with standard location data, current, comprehensive maps that are publically accessible, on-going inspection, One Call coverage, odorization, emergency/hazard response contingencies, adequately funded maintenance plans, a reserve trust to compensate for unanticipated events, and mandated best practices to promote the integrity of the system.
- standardized and comprehensive inspection of all natural gas pipelines by an adequate number of qualified inspectors who are continually updated in their training and employ best practices including on-site evaluations, objective information to verify self-reporting, accurate data gathered from sophisticated technological devices, and the support of local agencies such as emergency response teams and county conservation districts
- enforcement of regulations for all natural gas pipelines that demonstrate standardization, best practices, costly penalties that encourage compliance, and fines consistent with the nature of the violation.
- legislation at the State level that would
  - authorize the PA Public Utility Commission (PUC) to regulate all natural gas pipelines for safety without providing the right of eminent domain for gathering lines, and
  - promote the development of a regional interstate compact for siting interstate pipelines.
- ordinances/zoning regulations, where and when possible, for natural gas pipelines at the local level sited and designed to protect the public, prevent environmental degradation, and reflect community or county-wide land-use planning.
- measures to insulate regulatory agencies from political influences and other considerations provided by the natural gas companies that they are authorized to regulate. This would prevent the appearance of a conflict of interest and potential ethical concerns.

*Adopted June 2011*

## **GREAT LAKES CONCURRENCE**

### **Position in brief**

*Recognizing the importance of preserving and enhancing the environmental integrity and quality of the Great Lakes-St. Lawrence River Ecosystem, and the need to support the attainment and maintenance of high water quality standards throughout the Great Lakes Basin, with emphasis on water pollution and water conservation; and there being no LWVUS positions covering these issues, the LWVPA Board proposed that the League of Women Voters of Pennsylvania adopt by concurrence the Great Lakes Ecosystem Position adopted by the state of Michigan LWV in 2005 which addresses the aforementioned issues.*



## **Background**

### League of Women Voters of Michigan Great Lakes Ecosystem Position

Adopted in 1974, 1981; title amended 1985; Great Lakes Diversions and Consumptive Uses and the Great Lakes System positions combined, 1988; updated 2005. The League of Women Voters of Michigan supports preserving and enhancing the environmental integrity and quality of the Great Lakes-St. Lawrence River Ecosystem. We support the attainment and maintenance of high water quality standards throughout the Great Lakes Basin, with emphasis on water pollution prevention. Water conservation should be a high priority of all governments in the Basin.

### I Protective Measures

To achieve protection and improvement of this valuable, international resource, the League of Women Voters of Michigan supports efforts to:

1. Limit uses of "fragile," historical, cultural and scenic shoreline areas.
2. Preserve wild and pristine areas within the watershed, with no new development in these special habitats without adherence to strict criteria as prescribed by federal, state, or local governments.
3. Provide for appropriate recreational opportunities in and public access to sensitive areas without destruction or harm to the ecosystem.
4. Protect the quality of the air and waters of the ecosystem by strict adherence to agricultural, industrial, residential, environmental, and commercial zoning regulations that prohibit the introduction of toxic or polluting discharges or detrimental land use techniques within the Basin.
5. Protect the remaining dune formations. Enforce strict regulation of sand dune mining or development on the dunes.
6. Strengthen upstream land management to eliminate sources of siltation and pollution.
7. Control the invasion and spread of non-native aquatic and terrestrial nuisance species.

### II Threats to the Ecosystem

The League of Women Voters of Michigan opposes the following activities as they can lead to the degradation of the special natural resources of the Great Lakes Ecosystem:

1. Inefficient or excessive water uses. Proposals for new or increased withdrawals within the Basin, e.g. for agricultural or municipal uses, should be carefully evaluated before being permitted. Withdrawals should be regularly monitored for potential or actual damage to the ecosystem.
2. Destruction of marshes and other wetlands throughout the watershed. Mitigation should be accepted only as a last resort. Mitigation proposals should be rigorously evaluated and projects should be strictly monitored to assure no net loss to the ecosystem.
3. New or increased diversions or transfers by any means of Great Lakes waters and adjacent groundwaters to a place outside the Basin. Projects already in place should be carefully monitored and restricted if there is evidence of damage to the ecosystem.
4. Dredging and filling of river inlets, harbors, lakes or wetlands except for tightly-controlled, non-degrading and non-repetitive activities.
5. Discharge to air or water of toxic pollutants and other material from industrial, agricultural, residential or commercial operations that may damage the ecosystem in violation of laws and ordinances.

### III Public Participation

The League of Women Voters of Michigan supports informed and responsible action on behalf of the preservation of the Great Lakes Ecosystem. Relevant information should be readily available to the public. Opportunities for public input should be timely, accessible, convenient and well-advertised.

### IV Role of Government

The League of Women Voters of Michigan supports:

1. Coordination of functions among various governmental agencies charged with protecting the Great Lakes and elimination of unnecessary overlap.
2. Use of area-wide coordinated management plans and techniques in the solving of Great Lakes ecosystem problems.
3. Participation by all affected governments in the Basin in review and decision making on Great Lakes agreements and projects, facilitated in open meetings and hearings.
4. Strengthening of existing mechanisms for intergovernmental discussions and decision-making.
5. Separation of responsibility for submitting recommendations for governmental projects from issuing permits for such projects.
6. Monitoring and enforcement of treaties, ordinances, laws and master plans.

### V Research Priorities

The League of Women Voters believes that research on Great Lakes issues should focus on:

1. Effective, non-toxic control and removal of invasive aquatic and terrestrial species.
2. Restoration of health to the overall resource.
3. Survival of native aquatic and terrestrial species and their nutrient sources.
4. Continual testing of Great Lakes water quality for impact from the following: pesticides and fertilizers, resistant bacteria, persistent pharmaceuticals and other chemicals.
5. Evaluation of water accountability systems, groundwater monitoring and water use planning and conservation efforts throughout the Basin.

### Pros & Cons for Leagues addressing Concurrence on LWVMI Ecosystem Position

Prepared by the Lake Michigan League of Women Voters, who endorsed the Position, 7/22/2012.

PROS:

- The Great Lakes ecosystem crosses state and international boundaries. The scientific delineation of the ecosystem watershed imposes greater policy implications than individual states can address unilaterally. By viewing Great Lakes issues from a regional perspective, the LWV can reflect the scientific and legal realities in which our advocacy should be rooted.
- The protection of the Great Lakes as one large interconnected system is necessary because human and natural activity in one part can have profound impact elsewhere. For example, outflows of water compared to volume and surface area are very small. Thus pollutants that flow or drop into the Great Lakes in Canada or any of the eight US States that border the lakes have a large collective impact. The Great Lakes Restoration Initiative and the Great Lakes Compact reflect this reality -- as should our League positions.
- The Great Lakes Ecosystem is under stress and may be nearing a tipping point. It is urgent that our nations address Great Lakes issues, which President George Bush first acknowledged in 2005. Being in the "Great Lakes State" which touches four of the five great lakes, our sisters in LWVMI have taken the lead on what is truly a national issue and certainly one that is critical for IL, IN, MN, NY, OH, PA,

and WI. We ought to support the important work they have done in crafting an excellent position because it will strengthen our ability to advocate effectively on these issues with a unified voice.

- The Great Lakes –St. Lawrence River Ecosystem is home to about 20% of the world’s fresh drinking water. This fact alone makes the area worthy of special attention and special protection. Climate change, population increase, and pressures for economic growth make it more important than ever that we prioritize the protection of water we depend on for life.
- The Great Lakes –St. Lawrence River Ecosystem is home to about 20% of the world’s fresh surface water used for drinking by 40 million people in the U.S. and Canada. This fact alone makes the area worthy of special attention and special protection. Climate change’s unique effects, population increase, and pressures for economic growth make it more important than ever that we prioritize the protection of water we depend on for life.

CONS:

- The LWWUS Positions on Natural Resources cover advocacy for the Great Lakes Ecosystem, if interpreted broadly.
- Further protections for natural ecosystems may be interpreted to impede economic growth in some depressed areas, or may limit property rights for certain individuals. This is always a concern when protecting natural resources and the balance must be weighed.
- Great Lakes problems fall under separate legal categories which may be addressed on a case by case basis not specific to the Great Lakes. For example, nonpoint source pollution (like Combined Sewage Overflows) may be addressed through state and national efforts that need strengthened water pollution enforcement and increased local infrastructure funding, and invasive species are a problem in many ecosystems and require national or even global policy solutions. Water conservation is also a global concern and could be addressed through economic incentives or penalties broader than a Great Lakes policy.
- Each state and lake has slightly different problems, laws and regulations which may complicate cooperation.

*Adopted June 9, 2013*

## LWVUS 2012-2014 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.

#### IMMIGRATION

Promote reunification of immediate families; meet the economic, business and employment needs of the United States; be responsive to those facing political persecution or humanitarian crises; and provide for student visas. Ensure fair treatment under the law for all persons. In transition to a reformed system, support provisions for unauthorized immigrants already in the country to earn legal status.

#### 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.

## **LWVUS Position on Human Trafficking**

*The following position was adopted by delegates at the 2014 LWVUS Convention.*

The League of Women Voters opposes all forms of domestic and international human trafficking of adults and children, including sex trafficking and labor trafficking. We consider human trafficking to be a form of modern day slavery and believe that every measure should be taken and every effort should be made through legislation and changes in public policy to prevent human trafficking. Prosecution and penalization of traffickers and abusers should be established, and existing laws should be strictly enforced. Extensive essential services for victims should be applied where needed. Education and awareness programs on human trafficking should be established in our communities and in our schools.

**For LWVUS positions in detail see *IMPACT ON ISSUES 2016-18***

## **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\*\*\*

- Efforts to expand funding for family planning agencies
- Legislation to preserve and expand reproductive choices.

**\*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.

*Updated February 2012*

## **CHILD HEALTH AND WELFARE POSITION IN BRIEF**

**Promote the health and welfare of children and youth.**

### **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. The 2007 Convention voted to split Child Health and Welfare and Juvenile Justice into two separate positions since they deal with different issues regarding children. 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 renamed 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.

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

## **JUVENILE JUSTICE**

**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.**

- 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.

*(Last updated October 2009 to reflect 2007 approved split of Child Welfare and Juvenile Justice in to two separate positions)*



## 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. In 2014, the League added to its Charter School position by incorporating LWVUS's privatization position to provide more detail in what we believe about the establishment, governance, and funding of Charter Schools. In 2015, the League added positions about high-stakes testing based on a study done by 9 local Leagues and adopted by concurrence at the 2015 state convention.

### 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 nonpublic 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.

Based on the LWVUS privatization position:

- School districts should not be privatized in their entirety.
- Authorization of charter schools should be made after an informed, transparent planning process and thorough analysis of the implications of privatizing service delivery.
  - There should be on-going and timely communication with parents, teachers, students and the public.
  - There should be clear statement of the circumstances as they exist and what is to be gained by opening a charter school.
  - There should be definition of the quality, level and cost of charter school(s) expected.
  - Consideration of authorization of charter schools should include cost-benefit analyses evaluating short and long term costs of privatization, including the ongoing costs of contract administration and oversight.
  - Authorization of charter schools should consider an understanding of the impact on students and parents, the broader community, environment and public employees.

- There should be an open process with clearly defined criteria to be used in authorizing a charter school.
  - There should be a provision and process to ensure the assets will be returned to the school district if the charter school fails to perform.
  - Selection of charter school applications should reflect a data-driven selection of entities whose goals, purposes, and means are not incompatible with the public well-being.
  - The charter contract should reflect careful negotiation and drafting.
  - There should be adequate oversight and periodic performance monitoring of the charter school by the School Board to ensure that it is complying with all relevant laws and regulations, contract terms and conditions, and ethical standards, including public disclosure and comment.
- Legislation governing the privatization of public education and creation of charter schools should include the following requirements:
    - An open process that allows for citizen input and oversight in a timely manner
    - A reasonable feasibility study and evaluation
    - The establishment of carefully crafted criteria for selection of the charter school
    - The retention of liability and responsibility with the school board and the PA Department of Education;
    - Allowance for and promotion of opportunities for innovation and collaboration, and
    - Provision for employment, benefits and training plans on behalf of employees displaced as a result of authorizing a charter school.

### **Assessment and High-Stakes Testing**

Within our schools, assessment of student learning should include measures other than standardized tests. Such assessments provide a useful tool for

- monitoring academic progress
- helping teachers modify instruction
- Identifying students who need additional support, and
- Informing placement decisions.

Standardized tests should be developed in a transparent manner with a clearly designated purpose and should be normed on populations similar to the ones to be tested. They should be aligned with state-adopted academic standards. Such assessments and their consequences should be modified based on needs of students with disabilities and those who are English-language learners. Standardized tests may be useful in

- comparing student performance across schools, districts, and states
- measuring overall academic progress and achievement within and across groups
- monitoring student academic growth, and
- promoting consistent content in subject areas.

However, standardized assessments should not be used for high-stakes determinations such as grade promotion or graduation requirements. They should not be used as a basis for evaluating the effectiveness of teachers or administration.

Funding should not be related only to standardized test performance. All schools should have adequate funding to enable their students to be successful.

The League believes that high-stakes testing negatively impacts student well-being, curricular programs, district budgets, and instructional time. These negative effects may include aspects such as student and teacher stress, a narrowing of curriculum to spend more time on tested subjects, lack of availability of student electives because of focus on tested subjects, demands on district budgets for testing and remediation, and loss of instructional time to test preparation and administration.

Information obtained through testing should be made available to students, parents and schools of attendance. Without student and/or parent permission, individual student data should not be available to colleges, employers and the general public.

The League believes that legislation and policy regarding education assessments need to be carefully formulated to reduce potential litigation in areas such as special education, parental rights, and privacy concerns.

### **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.

*Updated 06/15*

## **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.

## 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.

On August 5, 2009, after the General Assembly failed to enact a state budget by the June 30 deadline set forth in the PA Constitution, the League endorsed a proposal setting forth a set of mandatory budget planning deadlines for the executive and legislative branches. Fines would be levied on legislators for failure to meet their deadlines and on the governor, cabinet secretaries and legislators if the June 30 deadline mandated in the PA Constitution for signing a budget into law is not met. Budget allocations for the prior fiscal year would remain in effect until a new budget is passed.

*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.

### **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.

*Amended June 2013*

- 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's 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

In 2007 we supported passage of legislation amending the gaming law to implement a more thorough process for criminal background investigations of casino applicants. We supported placing responsibility for criminal background investigations of casino applicants under the direction of the Pennsylvania Attorney General. We pointed out that the Office of Attorney General and the Federal Bureau of Investigation had each determined that the Gaming Board and the Bureau of Investigations and Enforcement were not qualified to receive the confidential information needed for a full determination on the suitability of slots license applicants.

In July of 2008 we testified in support of legislation requiring casinos offering patrons total rewards cards to send those patrons monthly statements listing their gambling winnings and losses. We said the statement should include the toll free number people can call for assistance with problem gambling. We pointed out that casinos can easily do this because they already track the money these customers spend gambling in order to determine what free services or "comp" to give them. We said that by providing frequent gamblers with timely financial feedback this requirement would be another tool to help prevent problem gambling.

*Updated February 2012*

## **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

LWVPA has been acting on transportation since 1971 based on national environmental quality and urban policy positions. In 1980 LWVUS decided to consolidate these positions to put greater emphasis on mass transportation systems. The new position was incorporated into the LWVUS position on Meeting Basic Human needs (see *Impact on Issues, 2010-12*).

**The LWVUS believes that energy-efficient and environmentally sound transportation systems should afford better access to housing and jobs and will continue to examine transportation policies in light of these goals.**

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 proposal is still under consideration.

Realizing that LWVPA did not have a position that could be applied to proposals to privatize transportation systems, delegates to the 2011 LWVPA adopted the following study:

*Study privatization of transportation infrastructure and other state assets in PA. The study should be done in conjunction with the LWWUS study: "Privatization: the policy agenda to transfer government functions, services and assets to the private sector".*

*Updated February 2012*

## **CRIMINAL JUSTICE**

### **Position in Brief:**

**LWVPA believes that our justice system should be fair to all and that everyone who becomes a part of the system should be treated with dignity. The system should be effective, cost efficient, and data driven. Persons should not be deprived of constitutional rights to reasonable bail or effective counsel because they are poor, because they live in a poor community or because it is politically or economically expedient. Barriers to successful reintegration into society, including damaging conditions in jails and prison, restrictions and requirements of reentrants, and legal financial obligations that realistically cannot be paid, should be minimized.**

### **Position in Detail:**

#### **Bail/Bonding. LWVPA believes**

- Judges should use a research--based assessment protocol to determine whether an accused poses a danger to society or might fail to appear for trial.
- Uniform records should be kept and results reported on categories of type of bail, amount of monetary bail, cost to arrestee of bail, cost to county of those retained in jail, appearance rates (the percent of offenders that show up at court), the re--arrest rates of offenders released to the community, and conviction rates.
- Ability to pay should be a required factor in setting bail.



- Alternatives to commercial for--profit bail companies should be explored. If commercial bail companies operate, they should be regulated and their role in the criminal justice system carefully overseen.

**Effective Counsel. LWVPA believes**

- The American Bar Association 2011 recommendations for public defenders' offices should be enacted.
- The state should provide funding for public defenders' offices throughout the Commonwealth at a level that would provide resources to adequately defend indigent accused and to assure consistency from judicial district to judicial district.
- Training, continuing education, and state oversight of public defenders' offices, collecting and collating all relevant data on case loads and outcomes should be provided.
- Public defenders should have case loads which would enable them to provide adequate representation for their clients. If these are exceeded, resources to hire more lawyers or to contract with lawyers outside the office should be provided.
- Prosecutors should not be allowed to consider testimony and evidence that derives from practices other than best or recommended procedures during either plea bargaining or trials.
- Prosecutors and judges should ensure that all professionally recommended procedures for reliability of witnesses, testimony, and evidence are used. If these are not adhered to, defense counsel should be provided with state funding for investigators and expert witnesses to challenge reliability.

**Alternatives to Incarceration. LWVPA believes**

- Judges should receive ongoing training in alternatives to incarceration.
- Problem--solving courts accessible to all judicial districts should be developed.
- People with medical conditions, such as mental health or drug abuse should be diverted away from prisons and provided with treatment programs.
- Alternatives to incarceration should be encouraged for non--violent offenders.
- Solely technical violations of parole should not result in a return to prison.
- Programs that have been proven to reduce the rate of recidivism should be implemented.
- Restorative Justice as an alternative to incarceration should be explored.
- The state should bear the cost of alternatives to incarceration and the prison/ jail system and not charge offenders.
- Money saved from fewer incarcerations should be used to support alternatives to incarceration.

**Appropriate Sentencing. LWVPA believes**

- Pennsylvania should eliminate its "three strikes" law.
- There should not be mandatory minimum sentences.
- Plea bargaining should be monitored to avoid unnecessary pressure on accused.
- Sentencing guidelines should be reviewed for fairness.
- Those who have been imprisoned and subsequently found innocent should have recourse to compensation.
- The pardons and commutations programs should be depoliticized and revitalized.

**Prison Conditions. LWVPA believes**

- An office of ombudsman, independent of the Department of Corrections, should be established to investigate abuses within prison/jail walls.
- A state commission, independent of the Department of Corrections, should be established to oversee prison/jail conditions.
- Inmates should be paid for their labor at least 25% of minimum wage.

**Prison Conditions – Health. LWVPA believes**

- Corrections officers working with mentally ill prisoners should be trained and supervised by mental health professionals.
- All inmates should have access to good quality medical care and should be monitored to assure good health.
- The Prison Rape Elimination Act (PREA) directives should be fully implemented.
- All prospective employees of the criminal justice system should be screened to determine a history of prior sexual abuse or harassment, attitudes and understanding of the dynamics of sexual abuse or harassment.
- Counseling for victims of sexual violence and harassment should be confidential and conducted by an independent organization with experience and expertise in the field of sexual violence.

**Prison Conditions – Solitary Confinement. LWVPA believes**

- Prisoners should not be placed in solitary for more than 15 consecutive days.
- Juveniles and mentally ill prisoners should not be placed in solitary confinement.
- Use of solitary confinement should be tracked by prisoner characteristics, length of confinement and purpose of confinement.
- All inmates, even those without previously diagnosed mental illness, should have frequent and regular psychological evaluations throughout their incarceration in solitary confinement.
- Policies and procedures should be developed by the Department of Corrections to assure transparency and accountability related to assignment of inmates to solitary confinement, including those offenses which will result in the use of solitary confinement, reasonable notification and opportunity for administrative hearing.

**Re--Entry. LWVPA believes**

- “Ban the box” legislation should be enacted, removing the conviction question from job applications, following the recommendations of the U.S. Equal Employment Opportunity Commission (EEOC) best practices guidelines.
- “Ban the box” legislation should be enacted to remove the conviction question from public housing applications, with the exception of registered sex offenders and individuals who were convicted of manufacturing or processing controlled substances in a public housing facility.
- The Department of Labor and Industry should actively promote awareness and participation by businesses in the Federal Bonding Program.
- The Department of Labor and Industry should actively promote awareness and participation by businesses in the Work Opportunity Tax Credit (WOTC) program.
- Funding for appropriate transition and reentry programs should be prioritized.

- State and local governments should work with the non--profit private sector to create holistic community approaches toward reintegrating former prisoners.

**Economic Issues. LWVPA believes**

- Fiscal impact statements, prepared by an independent group, and attached to every bill that proposes to alter sentencing or correction law should be required.
- Programs that are effective in reducing recidivism and initial criminal behavior should receive financial support from the state.

*June, 2016*

## 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.