

LWVMP Dec. 2015 C&C (Calendar & Comments)

Featured in this this C&C.....

1. *Confused about where AZ is headed with Education Funding? An Explanation of Prop 123.*
2. *TWO (2) important letters coming from LWVMP re a tax deductible LWVMP Ed Fund contribution & a membership renewal letter.*
3. *Consensus submitted to LWVUS re Constitutional Amendment/Conventions and Money in Politics*
4. *Monitoring the Maricopa County Elections Department*
5. *Team reports (in alpha order):*
 - *East Valley*
 - *Phoenix*
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6. *Voter Service*
7. *So, Do You Think AZ Has a Presidential Primary Election? Guess Again!! Plus Important Election Dates in 2016*
8. *State Council, March 30 – May 1, 2016*
9. *"Is Democracy at Risk?"*
10. *Reports on the Citizens Clean Elections Commission*

AND, while the LWVMP web site is being revised/update by Care Lengel, please continue to "LIKE" the LWVMP Facebook page + add comments!!

1. CONFUSED ABOUT WHERE ARIZONA IS HEADED WITH EDUCATION FUNDING? FIND OUT MORE HERE.

K-12 PUBLIC EDUCATION FUNDING: THE SETTLEMENT PLAN -- PROP 123

The Arizona Constitution states

“the legislature shall make such appropriations, to be met by taxation, as shall insure the proper maintenance of all state educational institutions, and shall make such special appropriations as shall provide for their development and improvement. “

Why Prop 123?: Education funding for K-12 public education has remained low in Arizona for many years. Proposition 301, when approved by voters in 2000, provided for inflation funding and raised the sales tax from 5.0 to 5.6 percent with the increased revenues dedicated to public education at all levels. The new sales tax rate went into effect in 2001 and, under the terms of Proposition 301, will expire June 30, 2021. The mandated cost of living inflation increase for school budgets does not expire.

A lawsuit was filed after the legislature failed to include the full inflation funding for the schools' base formula in the fiscal 2011 budget and again in fiscal 2012 and 2013. In a lawsuit

called Cave Creek v. Ducey, the state Supreme Court ruled unanimously in 2013 that the state legislature had violated the voter mandate by only partially funding inflationary adjustments for three years. Noting adjustments in Prop 301 could not be undercut by legislative action, they ruled the legislature had run afoul of the Voter Protection Act and its limits on changes to laws approved by voters.

The Court sent the case back to Superior Court to determine how the decision would be implemented. The state was ordered to re-set the funding base by adding \$336 million every year. The state legislature appealed the ruling and political fighting continued while Arizona's public K-12 school budgetary needs have remained underfunded. Since Feb. 2015, settlement discussions had been proceeding over the disputed state funding and a settlement agreement (forged by the Governor, majority legislative leadership and the plaintiffs) was approved by the state legislature in the recent special session. The agreement, Prop 123, must now be approved by the voters of the state in a special May 17, 2016 election.

What does the plan entail? The funding, which would provide \$3.5 billion over the next decade, requires approval by Arizona voters in the special election. If the measure is approved by voters, schools will begin receiving additional funds after the election.

- Appropriates an average of \$348 million to public school budgets for inflation each year for 10 years: (\$206 million from the state land trust distributions, already designated for education; \$80 million from current state funding; and \$62 million in new general fund dollars)
- Continues the inflation language as is current -- at 2% or the rate of inflation whichever is less.
- Distribution annually of additional funds in consideration of back inflationary payments to schools (\$50 million per year for the first five years; \$75 million per year for the second five years). The agreement will account for 72% -- or 50% by some accounts -- of what the courts identified was owed in back inflationary payments.
- Provides a series of triggers whereby the state legislature can reduce the inflation agreement payments for K-12 education.
- Allows the legislature, beginning in FY 2026, to suspend inflation payments and, thereby reduce K-12 funding if the K-12 education percentage reaches 49% of the state's general fund expenditures.

With no new mandates from the state, public schools (charter & district) could use the funding increase to meet their most important needs

What are the counter points?

- ◆ Increasing withdrawals from the State Land Trust from 2.5 to 6.9% for 10 years will mean dipping into the corpus of the trust fund & result in less funding available from the Trust for education every year after 2026. In other words, it will mean borrowing from tomorrow's education funds to partially restore the court mandated inflation payments & needs today. There is a question about increased withdrawal from the state land trust ending up in new litigation.
- ◆ Arizona may face additional funding crises for schools when the Proposition 301 sales tax expires in 2021 and again in 2026 when the high withdrawals from the Land Trust expire.

◆ Triggers included in the plan mean the legislature could further reduce the proposed school funding if there are (1) large dips in the Land Trust earnings, (2) economic slowdowns with loss of sales tax revenue and/or employment. The triggers appear to protect the legislature but not the public K-12 education of Arizona youth.

◆ Capping the K-12 funding at less than 49% of the general fund beginning in FY2026 or suspending any further inflation factor allocations. This action would further push local districts to seek additional funds through override elections if budget needs are not being met by state funding.

◆ New individual & corporate tax cuts & continuing &/or expansion of tuition tax credits to support private schooling could further divert funds from the general fund & thus, the availability for K-12 public education funding.

If prop 123 is not approved by the voters in the special election on May 17, 2016, the legal process to resolve the conflict over the court mandated inflationary payments would resume. For further understanding of the State Land Trust see the Children's Action Alliance's August 2015 Return on Education Brief, State Land Trust Funds for Schools at <http://azchildren.org/return-on-education-what-does-the-state-land-trust-mean-for-az-schools>

2. BE ON THE LOOKOUT FOR TWO (2) IMPORTANT LETTERS FROM LWVMP

1. Ed Fund End of Year Donations TAX DEDUCTIBLE. A letter will be coming soon reminding each of you to make a tax deductible donation to the LWVMP Education Fund, to be used to assist the state in the preparation and distribute of 2016 Voters Guides on statewide ballot measures, to gather information about county-wise/city ballot measures, candidate events and hosting another very successful Running & Winning event. PLEASE BE GENEROUS as you make your checks to: LWVMP Ed Fund, 4423 N. 24th St., Phoenix, AZ 85016.

2. Membership Renewal Letter. Look for membership renewal letters in January now that we are on an annual calendar year but pro rating for new members. Please respond promptly to save time and \$\$ (for our Part Time staff) following up!!

3. CONSTITUTIONAL AMENDMENTS/CONVENTION & MONEY IN POLITICS (MIP) CONSENSUS SUBMITTED.

Thanks to **Barbara Robertson**, Recorder, LWVMP submitted our Consensuses on both of these significant topics to LWVUS. As soon as the LWVMP website is functional again -- which Care Lengel is working on -- these will be posted. And thanks to all of you who attended the two meetings on these important topics & provided such thoughtful insights/perspectives.

4. MONITORING THE MARICOPA COUNTY ELECTIONS DEPARTMENT COMMUNITY NETWORK MEETINGS

Thanks to **Anne Pyron**, LWVMP's Voter Services Chair, LWVMP who is seeking information about the most current election changes in Arizona. Anne attended an October 28th Network meeting & plans to attend again on Dec. 2. The December meeting topic is: **2016 Preview & Voter Registration 101**. The meetings are held at the Maricopa County Elections office downtown at 510 S. 3rd Ave. Phoenix on the northwest corner of Lincoln & 3rd Ave.

5. TEAM REPORTS

EAST VALLEY COMMUNITY TEAM REPORT – Karen Michael

The East Valley Community Team met on Thursday, November 19 at the home of **Marge Thornton**. **Karen Michael** passed out copies of the Summary of LWVUS Public Policy Positions & asked us to review them for the January meeting. Karen also reminded us that the National League is doing a member survey & if we haven't done it yet, to please do so and send it back. The holiday lunch will be on Wednesday, December 9 at the Terraces. A reminder was given about making reservations. We will carpool from Marge Thornton's house leaving at 11:00 a.m.

Barbara Sherman reported that we will be doing a class presentation on Maricopa County Government for Rio Salado College, Surprise campus during their Spring Semester. There will be two 2 hour sessions. Next EVCT meeting we will start preparing the materials & will devote the whole meeting in February to that.

Sandy Kaszeta presented a review of Redistricting. In 2014 the National League convention voted to look at the "Three Key Structures of Democracy": positions on redistricting, amending the Constitution and money in politics. The National League has no official position on redistricting. However redistricting positions are developed from a position on apportionment. This position was adopted in the 1960ties & upgraded in 1982. The League is requesting that we study this to determine if we need to reaffirm, update or develop a new position. As of the morning this was presented the consensus questions had not been posted. So for the discussion we used the Restricting Committee documents: "Redistricting Glossary" and Redistricting FAQ's". For further discussion we reviewed "Redistricting the U.S. Constitution: What's the Issue?" by Anne Schneider who prepared it for our League & presented it a year ago. We particularly discussed the section on Gerrymandering which does lead to many concerns. We also reviewed the Arizona court case regarding an Independent Redistricting Committee. That case is expected to be heard in December by the U.S. Supreme Court. Our conclusions are that we do need to update this position. There is tentatively a consensus meeting scheduled in January if the consensus questions are out. Sandy will notify EV Team members when they have been posted. The next meeting is scheduled for January 21, 2016. Karen is watching the national materials for what might be program issues heading for next June's convention. So, we will discuss National Program Planning & also will begin our work toward updating the material for the spring class.

PHOENIX TEAM REPORT – Rivko Knox

The Phoenix Team has focused on hosting the consensus meetings on Constitutional Conventions/Amendments & Money in Politics & on planning for the Dec. 9 Holiday Lunch. If the consensus questions on Redistricting are available in time, we will host another consensus meeting on this topic on January 13th. If not, the able team of **Alison Brevard & Maria Phipps** have agreed to identify another topic of interest on that date PLUS through the May meeting.

SCOTTSDALE TEAM REPORT – Judy Levine

The Scottsdale unit meeting on Nov 12 was held at home of **Judy Levine**, unit leader. This was the unit's third meeting. At this time we have 9 participating members, of which four were present. It was a very productive session. **Kathy Schwarz**, former Scottsdale unit leader attended & brought us very useful information & possible sources/resources to aid in our study of the City of Scottsdale. **Paula McKey** is attempting to set up a tour of City Hall & meeting with a government representative. **Kathy Wilke offered** to assist her. **Doris Perlmutter**, whose address places her under three separate municipalities for various services, will be focusing on an issue affecting all. The discussion among the group was very stimulating & far-reaching. We anticipate having speakers on city history & other issues at future meetings which are held

monthly. Since there will be no meeting in December, **Judy Levine** will be in contact with all by email or phone. We are off to a good start!

6. VOTER SERVICE

On Saturday, 24 Oct 2015 at César Chávez High School in Phoenix, **Arizona Council for the Social Studies (ACSS)** held their Annual Conference. LWVAZ was invited to participate in this annual event as an Exhibitor. **Anne Pyron & Barbara Robertson** of LWVMP & **Susan Penner** of **LWV of Northwest Maricopa County** brought brochures and a storyboard to the event & spent the morning talking to some of the 200 Arizona teachers of Social Studies about Civic education & voter registration. Twenty-nine vendors & exhibitors were invited. LWVMP was happy to also meet up & network with friends from Inspire Arizona, Junior State of America, Veteran's Heritage Project, Sierra Club & others. We were especially happy to meet **Tammy Waller, Arizona Department of Education Director of K-12 Social Studies** & the new manager of the Excellence in Civic Engagement Program taking over for John Ballentine. The five Leagues & LWV Ed Fund of Arizona have assisted the Dept. of Education for the past 2 years by providing stipends for teachers who wish to attend the Annual Civic Learning Conference held each year in February. By Barb Robertson



League of Women Voters of Arizona display at ACSS Annual Conference 24 Oct 2015 Cesar Chavez High School, Laveen, AZ. Pictured: (left) Tammy Waller, Arizona Dept. of Education Director K-12 Social Studies. (right) Barb Robertson, president LWVMP.

Support our Schools (SOS) event at Talking Stick Casino & Resort in Scottsdale -
On Oct 24 LWV had a table at the Talking Stick Resort ballfield arena in Scottsdale. This was an LWVAZ project & **State Pres. Shirley Sanderlands** drove up from Tucson to help staff the table. I'd like to thank our LWVMP members **Sue Alcock, David Janusz & Cynthia Magazine** for their assistance that day. David was standing in for his wife **Loree Janusz** who was recuperating from surgery. **Lillian Barber** should also be thanked for her valiant efforts to find us, only to arrive as we were shutting down. Unfortunately, the event was poorly organized, difficult to find & our table moved to a site that had very little traffic. All "action" seemed to stop once a ball game began at the stadium. Although we didn't register anyone, a few forms were taken. We also had a few people express interest in joining League. By Judy Levine

7. SO DO YOU THINK AZ HAS A PRESIDENTIAL PRIMARY? GUESS AGAIN!!! But AZ Does Have a Primary!!! Go Figure!! – Rivko Knox

Arizona Presidential Preferential Election (PPE), Primary and Independent Voters

Arizona voters have two elections occurring that will influence the choice of the candidates who ultimately will appear on the ballot in November 2016. First, on March 22, 2016, the Presidential Preferential Election will be held. Did you know that this is not a Presidential Primary? The Secretary of State’s website explains:

“The PPE is a preference election, whereby registered voters of participating, recognized political parties cast their vote for who they prefer the Arizona delegates cast their vote for at their party's national convention.”

If you are a registered Independent, you will not be able to vote in the PPE because only voters registered with a participating political party may cast votes. February 22, 2016 is the date to register or change your party status for the PPE.

Next, on August 30, 2016 the Primary Election for all other non-presidential offices occurs. Independent voters may vote for one of the organized political parties in the Primary. How does an Independent voter participate in the Primary? According to the Arizona Secretary of State’s website:

An independent voter on the early voter list will receive a post card in the mail asking for the voter to choose which party ballot the voter wishes to receive for the Primary Election. If the independent voter goes to the polls on Election Day the voter will be given the option to choose a party ballot at that time.

Here are the important dates on the 2016 Elections calendar:

Mon. Feb. 20	Voter Registration Deadline for Presidential Preference Election
Wed. Feb. 24	Early Voting for Presidential Preference Election
Tues., March 22	Presidential Preference Election
Mon. Aug. 1	Voter Registration Deadline for Primary Election
Wed. Aug. 3	Early Voting Begins for Primary Election
Tues. Aug. 30	Primary Election
Mon. Oct. 10	Voter Registration Deadline for General Election
Wed. Oct. 12	Early Voting for General Election
Tues. Nov. 8	General Election

For additional information

see: https://en.wikipedia.org/wiki/United_States_presidential_primary

8. LWVMP HOSTS THE 2016 LWVAZ COUNCIL MEETING

Please save the date: **Saturday, April 30**. The event is open to all LWVMP members with Program Details & location to be announced soon.

9. 'IS DEMOCRACY AT RISK?' By Rivko Knox

Working with AAUW & the ASU New School, several LWVMP members – along with LWV NWMC members - participated in various components of an outstanding three day event at ASU West titled “Is Democracy at Risk?” that took place on October 29-31. LWVMP members who participated were: **Anne Pyron, Jeanine Starrett, “Mac” McGartland (a prospective LWVMP member), Marilyn Holroyd & Rivko Knox.**

The event started with a day of movies covering the long, hard fought (still not fully won) battle to expand voting rights for all: to include “Iron Jawed Angels,” “Selma” & “Recount”. Each was followed by a discussion led by an ASU West professor.

The second day featured a roundtable panel “Activism through the Ages.” Participants included several women who were in the south in the 1960’s trying to register voter, -- one of whom is now an 88 year old woman who marched in/experienced Selma -- along with current young people here in AZ struggling to educate others about voting and in some instances to gain the right to vote for themselves & others. Some were ‘dreamers’ one of whom is now an assistant to a Phoenix City Council member, one who was a dreamer when she & her high school classmates won a nationwide robotics competition (she is now a successful engineer) & one was Representative Steve Gallego who is now in Congress!

The last day of the event featured several outstanding speakers:

* **LWVAZ’s own President Shirley Sandelands.** She focused on recent actions that are and/or may suppress the vote to include the Supreme Court’s holding that Section V of the Voting Rights Act requiring pre-clearance for some states regarding all changes affecting voting (and that included AZ!!) is unconstitutional as currently written, which leaves only the option of suing (under Sec.2) after there have been negative impacts on voting as well as the moving or closing of offices where voters can easily register.

* **Linda Hallman, CEO, AAUW.** She pointed out that ‘not voting’ is a form of voting & that a new version of the Voting Rights Act has been introduced – but not passed – the Voting Rights Advancement Act – that would acknowledge the impact of technology on voting.

* **Tom Collins, Executive Director of the Arizona Clean Elections Commission.** He talked about the history of the Clean Elections Act & Commission; the fact that the Commission just voted unanimously to strengthen disclosure requirements for all candidates (over the objections of many, to include the AZ Secretary of State & Attorney General); attempts to suppress voting by the AZ Legislature to include bills to limit the number of vote-by-mail ballots any one person can deliver; the fact that it took a lawsuit to allow federal registration forms to be used in AZ, which do not require ID (with LWVAZ a plaintiff) & the biggest problem in AZ being very low voter turnout, which he said he feels is a symptom of how far many people are ‘separated’ from government!

* **Rev. Warren H. Stewart, First Institutional Baptist Church.** He just wrote a book titled “The Unfinished Business of the Voting Rights Act.” Also, he pointed out that voting is the most powerful non-violent tool we have in our democracy; and mentioned the issue of voting rights for felons/restoration along with private for-profit prisons that profit off more prisoners = more felons= fewer eligible voters.

* **Professor Stephen Nuno, NAU.** He said that democracy is about both processes AND values; & how race matters because it has such a predictive power relating to income, imprisonment along with the conundrum that: we look at who is in jail/prison & then say that group is most likely to commit a crime vs. who is more likely to be arrested!!!

* **Jodi Liggett, Vice President of Public Affairs for Planned Parenthood AZ.** She talked about her own non-partisan history & focus on problem solving vs. party. She also stated that as women we can understand white privilege because of the ‘male privilege’ we have experienced; she reiterated the history of the expansion of voting rights to include that it was only in 1948 that Native Americans won the right to vote!! Liggett discussed the various bills submitted in the AZ Legislature to limit voting, pointing out that all studies show voter fraud is virtually non-existent while voter intimidation is much greater. Finally she stated that though courts have often helped expand voting rights, the AZ merit selection of judges is now under attack.

* **Dennis Burke, Former US Attorney for the District of Arizona.** He talked about laws to suppress voting rights nation-wide, the important of who is in charge of the US Department of Justice; the fact that DOJ sent monitors to 14 states in the 2014 election (so voter suppression is NOT ancient history); & how important citizen monitoring of elected official is!!

10. REPORTS ON THE CITIZENS CLEAN ELECTIONS COMMISSION (CCEC)

Oct. 29. The CCEC Clarifies a “Dark Money” Statute – By Rivko Knox

On Thursday, October 29, the Citizen’s Clean Elections Commission (CCEC) held an ‘interesting’ meeting to discuss & potentially take final action on a revised proposed rule to define a political committee & the CCEC’s responsibilities to enforce the required public disclosure of donors to such whether the donations are on behalf of a Clean or Traditional candidate. What made the meeting ‘interesting’ was that a representative of the Secretary of State’s office, speaking also on behalf of the AG’s office, requested -- suddenly – that any action on the proposed new rule be postponed. Instead the speaker suggested that all three entities meet & work together to develop a common definition of what constitutes a ‘political committee,’ with such then to be put out for at least 60 days of public comment. However, previously the Sec. of State’s office had stated that it would consider suing the CCEC if it proceeded with its proposed rule because it has no jurisdiction to do that!!! For purposes of clarifying the exact language of the modified proposed new rule, the Commission voted to postpone the final vote, which took place on Oct. 31 at which time the CCEC voted unanimously to adopt the rule after months of debate & delay.

The reason for the CCEC’s action was that although a 2015 statute said that a “political committee” has to name its donors, it did not clearly define a political committee. The law was challenged in court due to its vagueness, thus creating a situation in which there was no existing legal definition, after which neither the Secretary of State nor the Attorney General took any action to define such. Therefore, the CCEC stepped up & proposed that any group that spends \$500 or more in a two year election cycle to influence the outcome of an election & whose expenditures on elections constitutes 50% or more of its total expenditures for any AZ electoral race (this excludes expenditures that must be reported to the FEC or on elections in other states) is a “political committee” & has to disclose its donors. Grants made to other political committees or any 527 organization are included in the expenditure total. Although this does not reduce the influence of “dark money” in Arizona elections, it does at least help ensure that voters know where the money is coming from!

Rivko Knox, as the LWVAZ observer at the CCEC, made a brief statement in support of the proposed rule, reiterating the points in a written statement previously submitted by LWVAZ. As of Nov. 28, 2015, the Secretary of State’s office has not indicated that it intends to file a

lawsuit challenging the CCEC's authority to adopt this rule. Experts anticipate that if there will be a challenge, it will be only after the CCEC actually takes action to implement the rule

CCEC Nov. 19 Meeting Report

The Nov. 19 meeting was comparatively (to the ones in the last 3 months regarding adopting a definition of a political committee & related disclosure) a very quiet & short meeting, with no media there. Highlights were:

#1. The CCEC funded (or partially funded) the ASU Morrison Institute to undertake a Study of "Who is AZ's Independent Voter?" which has already received quite a bit of publicity in the media. One of the main researchers from the Morrison Institute, David Daugherty, Ph.D., gave a short presentation on the topic. The overall findings can be summarized by saying: Independents are a distinct group, especially the largest percentage (73%) whose views do not align on most issues with either Democrats or Republicans/liberals or conservatives. Within that group, they are overall fiscally conservative (except on education spending) but liberal on social issues; they also vote at a much lower percentage than either registered D's or R's especially in the primaries. So, the question remains: how to reach and motivate them, which leads to focusing on issues & where the candidates stand on such vs. on personalities.

#2. There is a complaint, filed by the CCEC Executive Director, Tom Collins, against a group called Veterans for a Strong America (VSA) relating to a potential violation of existing regulations dealing with advocacy groups and disclosure (the group ran an ad somehow linking or allegedly linking Benghazi & Hillary Clinton to an AZ candidate). The attorney representing VSA was concerned that the group might be subjected to a two-pronged investigation by both the AG & the CCEC. Collins stated that he felt the VSA's actions fell within the jurisdiction of the CCEC. After discussion the Commission voted to continue jurisdiction.

#3. The Commission elected a new Chair, Mitchell Laird.
<http://archived.azcleanelections.gov/about-us/commissioners/current/MitchellLaird.aspx>