



Oshkosh Area Voter

January / February 2009

Calendar January & February

Monday, January 12
LWV Board Meeting 5:30 – 7:30 PM
 1707 Chestnut Street

Wednesday, January 14
Food for Thought Lunch 12:00 PM
 Vitale’s Italian cuisine, 215 W. Murdock
Mark Harris, Winnebago County Executive on State of the County and Issues for 2009

Tuesday, January 27
Parks Committee Meeting 11:00 – 1:30
 2033 Menominee Dr.

Thursday, January 29
Primary Candidates Forum 6:30 – 8:30
 (City council 6:30, County executive 7:30)
 215 Church Ave, City Hall 4th floor

Saturday, February 7
Lively Issues Potluck Brunch & State Election Consensus
 9:00 am – 12:00 pm, Coughlin Center

Monday, February 9
LWV Board Meeting 5:30 – 7:30 PM

Wednesday, February 11
Food for Thought Lunch 12:00 PM
 Vitale’s Italian cuisine, 215 W. Murdock
Darryn Burich, Oshkosh Director of Planning Services, on Comprehensive Plan Implementation.

Tuesday, February 17
Spring Primary Election

Monday, February 23: 6:30 – 8:30 pm
Oshkosh Public Library
National Popular Vote Compact consensus

February Events

Saturday, February 7, 9:00 am – 12:00
Lively Issues Potluck Brunch & Election Administration Consensus

Coughlin Center, 625 E. County Y

- Bring tasty brunch dish to share
- Plan local League issues for 2009 – 2010
- Blend Neenah/Menasha & Oshkosh Area study and action topics and be a part of the state election consensus. (see p. 4 -5)



National Popular Vote Compact

Debate and Consensus

Mon. February 23, 6:30 – 8:30 pm

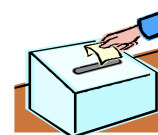
Oshkosh Public Library

“Two Points of View”

UW Oshkosh Political Science Department

Followed by consensus

See pages 6 – 8 and LWVUS website for background papers and consensus questions on this LWVUS study.



School Superintendent Explains Referendum at Food for Thought Lunch

Bette Lang, interim superintendent of Oshkosh Area public schools, gave a positive, upbeat presentation on the three referenda planned for the April 7 election at the November 12 Food for Thought lunch at Vitale's Restaurant. Ms. Lang was appointed last June after the search for a new superintendent for the Oshkosh public schools failed. She began by reminding us that she is an interim superintendent and that the process to hire a new superintendent will be initiated by the December 3rd School Board meeting.

She thinks that superintendents should stay with a district three to five years; that the old idea of superintendents remaining for ten to fifteen years is now passé. She outlined her career in education starting in the Stevens Point area, getting advanced degrees in administration and landing her first assistant principal job in Sheboygan after sending out 73 resumes. Since then she has worked in other districts, retiring from the Superintendent position in Stevens Point last spring.



Bette Lang with school board member Tom McDermott

She outlined how the state has made changes to school district law with its 1993 funding formula that changed the "lives of Wisconsin schools and people" as the state now determines how much revenue a district can get and set its 2/3rd funding and Q.E.O. (Qualified Economic Offer). School districts needing more money than this formula allows are forced to go to referendum. To bring expenditures and revenues into line "you have to plan not to have new teachers, supplies, and so forth," she said. School boards talk about "what we can't do." With the funding formula in place most districts increase class size, cut administration, or defer maintenance.

As Superintendent of Stevens Point schools, she explained how that district went to referendum in order to raise money just to meet personnel costs as well as other day to day school expenses.

The proposed referendum for Oshkosh falls into three parts:

- Address deferred maintenance.
- Add additions and renovations to some existing buildings.
- Build a new north side elementary school to replace Oaklawn.

Oaklawn was built in 1953 and additions were added in 1969. The building needs major work, its 1953 boiler needs replacing and its site is small. Where to put the new school is up in the air. The Ryf Road site would require busing for all students; a site east of Highway 41 would cut the busing by about 30%. In the questions and answer portion of the meeting, Ms. Lang said that by January the district should have the site chosen, architectural drawing done and the conditional use permit (a City of Oshkosh requirement) met. The new school will be "green." Maintenance projects with existing schools, such as new heating systems and lighting, will reduce energy usage.

She likes the give and take between the school board and the superintendent. This is the way things should go; that is how "we move forward," she said. "A budget is a plan to spend," she said. The district had to reduce its budget by 1.4 million. The decision was not to do anything to reduce personnel. All cuts were made on the operation side of the budget. Most cuts came from capital improvements and maintenance.

Asked how a district gets the general public to support a referendum, Ms. Lang recounted her success in getting a major referendum passed in Stevens Point. She met with citizens and civic groups to explain the importance of the referendum. The city had a Vote Yes committee that actively campaigned for passage of the referendum, and she got the support of the University of Wisconsin, Stevens Point. Although the Point referendum asked for money for personnel, she thinks a "brick and mortar" referendum has a better chance of passage. The change in state funding for school districts in 1993 has forced many districts to go to referenda to provide money for school districts. She estimates about 50% of these referenda pass.

(Editor's note: Since this November lunch, the Oshkosh Area School Board has chosen the Ryf Road site for the new school for a couple of reasons. One, the district already owns the land and second the site is larger than other sites. Also, the Board has delayed the search for a new superintendent and asked Ms. Lang to remain interim superintendent for another year. She has agreed to do this.)

Mike Lizotte Lists Winnebago Lakes Issues at December Lunch

Mike Lizotte, President of the Winnebago Lakes Council, outlined the issues the Winnebago lakes face at the Food for Thought lunch on December 11. Lizotte is the Director of the Aquatic Research Laboratory on the UW Oshkosh campus. The Council is dedicated to protecting and improving the ecological health and scenic beauty of lakes Winnebago, Butte des Morts, Winneconne, and Poygan. *(Pictured Jan Scalpone, secretary of Lakes Council and Mike Lizotte)*

These lakes are one of the largest lake areas in the United States. Other lakes, such as Lake Champlain and Lake Okeechobee are better known, but our lakes do not share their borders with other states. Therefore, they avoid conflicts with border States.

Lizotte discussed the three main issues the lakes face

- ★ Too much nutrients
- ★ Too much sediment
- ★ Dam control that is more than 100 years old



He discussed each issue as stories. For over 100 years, farming has been responsible for the high nutrients in the water. Particularly cows. Yet, millions have been spent to reduce the damage to water caused by fertilizer, manure and pesticide runoff. Algae blooms are less common now and “plants are coming back,” he said.

His second story dealt with dams which caused the loss of about 40,000 acres of marshland. Twenty percent is now open water that used to be marsh. The original marshes were lost due to rising water levels. Three floods in the 1960s ripped out additional marshes on upriver lakes. These marshes would have acted as filters, preventing the build up of sediment. The extreme algal blooms from the 1960s to 2000 are also the result of the lack of marshes.

His third story described the urban legacy begun 60 years ago when industry ramped up and pollution became more chemically based. In the 1970s government demanded clean up of the rivers and lakes. As a result industry is heavily regulated; he pointed out the elimination of PCBs in the Fox River. Now that the industries are “under control,” citizens are responsible for urban pollution, for example, storm water runoff. Within the next 10 to 15 years “we will have a handle on runoff problems,” he said.

Despite all this, our lakes are of high quality and a quarter of a million people depend on them for drinking water.

Another issue he addressed was invasive species. There are about a dozen “nasty” ones, a number considerable lower than the invasive species in the Great Lakes. Carp were deliberately added in the 1880s as it was a popular food for the immigrant population. He cited two plants that are particularly troublesome: curly leaf pond weed and Eurasian water milfoil.

The Winnebago Lakes council tries to be involved with education programs. It had a DNR grant to survey all home owners on Lake Butte des Morts and from this survey learned the attitude of shoreline residents toward management of their shoreline. Project was started, but “it’s too big for us alone,” Lizotte said.

The dream of the Council is to have a lake education center in Oshkosh preferably on land between the Convention Centre and Riverside Park. Lizotte described the Mississippi River Museum and education center at Dubuque, Iowa as an ideal model for such a center.



February 7: Lively Issues:

Leagues across the country spend time each January or February examining their local topics, suggesting new ones for study, consensus and action. In odd numbered years, local leagues also suggest state studies. The local studies are refined by the board and put to the membership for a vote at the Annual Meeting in May.

At this Lively Issues, we will also be taking consensus on a state election study.

(The following four pages contain information and consensus questions on both a state election administration topic and an LWVUS election topic on replacing the Electoral College. Please bring this material to the consensus meetings)

Election Administration Discussion/Consensus Guide

January 2009

With the November 2008 Presidential Election behind us, many questions and suggestions have surfaced. Based on your own experiences, on the information you have obtained from your clerks, from poll workers, and your own readings, consider the following questions:

Early Voting Vs. Absentee Voting

When faced with the lines and other problems with the in-person absentee voting in the days before the election, a number of officials have suggested that Wisconsin move to an early voting system.

In true early voting the voter checks in to verify her/his registration (or registers then), obtains and marks a ballot, and inserts it in the optic scanner machine to be counted. If there is any problem with the ballot the machine rejects it so that the voter can correct the problem. This is a shorter process than checking registration, applying for an absentee ballot, obtaining and marking the ballot, filling out and checking the envelope for the absentee ballot (with signatures of both voter and election official) and the sealed envelope being checked against the poll list.

Then, of course, there is the process of counting the absentee ballots. In November twenty municipalities counted absentee ballots in a central location. The rest were delivered to their proper ward to be counted there whenever voting volume allowed. In each case, the name on the absentee ballot envelope is read aloud, the ward on the ballot is verified with the ward on the outside of the envelope, a voter number is written on the envelope and on the ballot and checked off the list of numbers, ballot is straightened and inserted in the machine to be counted. If the machine rejects the ballot, two or three persons must attempt to determine the intent of the voter and reconstruct the ballot if possible using the same number.

Proponents of early voting believe it will reduce the administrative work, increase accuracy and reduce lines both during early voting and at the polls on election day. There are concerns about added costs to municipalities for new machines and for staffing. How would the running totals be protected from leaks or tampering? How would an early voter be kept from voting again on election day? Government Accountability Board director Kevin Kennedy has started a review of best practices in other states with early voting.

For additional opinions you may wish to read "A Better Vote," NY Times 11/9/08 and "Voting Alone," Washington Post 11/5/08.

DISCUSS: What are the advantages and disadvantages of early voting vs. in-person absentee voting?

CONSENSUS: Should Wisconsin move to a true early voting system? _____

If yes:

What precautions should be included? _____

What aspects of absentee voting should be retained? _____

Should the state provide additional resources to municipalities for early voting, possibly based on the percentage of absentee/early voters in the last presidential election?

COMMENTS:

Expanding Access to the Polls

Review the paper the state League provided in the spring and decide what measures would be the most effective and suitable to Wisconsin to expand access to the polls. Rate the following in order of importance to improve access to the polls (1 is most important, 7 is least important):

- expanding voting hours _____
- weekend election day _____
- school holiday election day _____
- election day state holiday _____
- internet voting _____
- voting by mail _____
- early voting _____

COMMENTS:

Statewide Voter Registration System (SVRS) Matching, Non-matches and Purging

Thanks to the Attorney-General Van Hollen pre-election lawsuit, there has been much discussion of matching the new registrations on the SVRS with their driver's license or social security information. On August 6, 2008 the software was in place to match new voter registrations against the Department of Transportation or Social Security lists. On August 23rd the checking process became mandatory for all new voter applications entered into the system.

Since then, local municipalities have "run" the matches and made efforts to clear up the non-matches. Many were found to be data entry errors or simple differences like a middle initial missing, or name format and spacing differences. The purpose of the HAVA check process is to improve the quality of the data in the SVRS. It was never intended to determine a voter's eligibility to vote.

Fortunately, in Wisconsin, if a name was improperly struck from the registration list and the voter arrived at the polls and found her name missing from the registration list, she had the option to re-register and vote.

The Government Accountability Board is in the process of setting standards, procedures and a timetable for the **state** to run all the retroactive checks for new registrations from January 1, 2006 to the date the checks were started. It is felt that having the state do the checks will assure uniformity, efficiency (municipalities can only check one name at a time), and reduce a significant burden on local officials. These should be adopted by the GAB at its December 17, 2008 meeting. Check the GAB website for updates: www.elections.state.wis.gov.

The other issue to be decided on the same date is whether the state or the local municipalities will do the Four-Year voter record maintenance required by Wisconsin statutes – purging the registration lists of those who have not voted in four years. Staff will recommend that the state do this maintenance for the municipalities using the SVRS. The League should stay attentive so that this process does not unnecessarily eliminate voters from the registration lists. It is current law, but should not voting in four years remove you from the voting list?

(The following is the National LWV study on election of the President. Please bring this to the consensus meeting on Mon. Feb. 23. Background information and pro/con discussion papers can be found on the LWVUS website at www.lwv.org)

Agreement Among the States to Elect the President by Nationwide Popular Vote

Article I – Membership: Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

Article II – Right of the People in Member States to Vote for President and Vice President: Each member state shall conduct a statewide popular election for President and Vice President of the United States

Article III – Manner of Appointing Presidential Electors in Member States:

Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a “national popular vote total” for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the “national popular vote winner.”

The presidential elector certifying official of each member state shall certify the appointment in that official’s own state of the elector slate nominated in that state in association with the national popular vote winner.

At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state’s final determination conclusive as to the counting of electoral votes by Congress.

In event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official’s own state. If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state’s number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state’s presidential elector certifying official shall certify the appointment of such nominees. The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

Article IV – Other Provisions: This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

This agreement shall terminate if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

Article V – Definitions:

For purposes of this agreement,

“chief executive” shall mean the Governor of a State of the United States or the Mayor of the District of Columbia;

“elector slate” shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate;

“chief election official” shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate;

“presidential elector” shall mean an elector for President and Vice President of the United States;

“presidential elector certifying official” shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors;

“presidential slate” shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state;

“state” shall mean a State of the United States and the District of Columbia; and

“statewide popular election” shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

National Popular Vote Compact Consensus Questions

Amending the Constitution

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

- a) Action to alter a basic element of the Constitutional framework, which is achievable by amendment to the Constitution, should be accomplished by amendment to the Constitution.
- b) Action by states through a compact process is an acceptable way to alter the method for electing the President and Vice-President.
- c) The group could not reach consensus.

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

- a) Because a compact has never before been used to address a fundamental constitutional issue such as voting, the chance that it might set a precedent for the future leads to the conclusion that it is better that the League continue to work for an amendment to the Constitution to establish the direct popular election of the President and the abolition of the Electoral College.
- b) Despite the novelty of the use of the compact approach to address a fundamental constitutional issue such as voting, the League should support the NPV Compact as a way of achieving an important goal.
- c) The group could not reach consensus.

Congressional Consent

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

- a) The possibility that the NPV Compact will require congressional consent is not of sufficient concern to block the implementation of the plan.
- b) The possibility that the NPV Compact will require congressional consent is sufficient to conclude that the plan should not be implemented without obtaining such consent.
- c) The group could not reach consensus.

Enforcement

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

- a) The NPV Compact contains sufficient enforcement provisions to assure smooth operation of the plan.
- b) Although it is not possible to determine whether the enforcement provisions will be sufficient to assure smooth operation of the plan, the plan should be passed anyway
- c) Enforcement of the plan is likely to add uncertainty and bring the courts into the presidential election in ways that raise substantial concerns.
- d) The lack of adequate enforcement provisions is sufficient to conclude that the NPV is not a viable plan.
- e) The group could not reach consensus.

Uniformity

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

- a) The uniformity of voting systems is more important to American democracy than the possibility that the NPV Compact can be adopted.
- b) The NPV Compact is more important than uniformity of voting systems because it would succeed in achieving the popular election of the President.
- c) The group could not reach consensus.

Popular Election of the President

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

- a) It is more important to achieve the goal of national popular election of the President than it is to achieve the goal of abolition of the electoral college.
- b) It is more important to amend the Constitution to abolish the Electoral College than it is to achieve the goal of popular election of the President by alternative methods, such as the NPV Compact.
- c) The group could not reach consensus.

Achievability

7. Which statements reflect the views of the group?

- a) The NPV Compact will have problems being passed because of the need for congressional consideration and the need for action by so many states.
Agree Disagree No Consensus
 - b) A constitutional amendment to establish the direct popular election of the President and the abolition of the Electoral College will continue to have problems being passed.
Agree Disagree No Consensus
-

Redistricting Forum Mulls Over Wisconsin Redistricting Problems

With a grant from the Joyce Foundation, the Oshkosh League of Women Voters, LWV Wisconsin Education Fund, and UW Oshkosh Political Science Department sponsored a forum on redistricting, November 17 on the UW Oshkosh campus. The five panel members explained their roles in the last redistricting after the 2000 national census and presented their suggestions for making redistricting smoother and fairer. On the panel were Joe Handrick, Minocqua's fulltime Town Chairman and former legislator from Oneida and Vilas counties. He worked for Michael Best and Friedrich as redistricting coordinator for legislative Republicans. Gordon Hintz is State Assembly representative from Oshkosh. Frederick P. Kessler, current assemblyman for northwest Milwaukee and City of Wauwatosa, is a labor arbitrator and redistricting consultant. He has been a consultant on redistricting for Las Vegas City Council and anticipates he will be involved in the shaping of Wisconsin's legislative districts during the upcoming reapportionment. Ed Miller, professor of Political Science and Co-Director of the Center for the Small City at UW Stevens Point, is co-chair of the Redistricting Committee of the Wisconsin Supreme Court. James Simmons is Professor of Political Science and Chair of the UW Oshkosh Political Science Department. The forum was filmed by Empyre Pictures and is being shown periodically on Oshkosh public access television cable channel 2. Copies are available for \$8.

Lake Michigan Interleague Organization

By Fran Garb

On October 10-11, Elliott and I attended the forty-first annual meeting of the Lake Michigan Interleague Organization (LMILO) in Chesterton, Indiana (<http://www.lmilo.org/>). The LMILO, which consists of representatives from the 60 Leagues in Michigan, Indiana, Illinois and Wisconsin that are within the Lake Michigan watershed, was formed in 1967 because of the concern of league members from all around Lake Michigan regarding the future uses of the water resource. The purposes of LMILO are to 'promote political responsibility through informed and active participation of citizens in government and to act on selected governmental issues affecting the Lake Michigan watershed.' It functions like a typical League branch, doing advocacy, education and taking action based on positions of the participating state leagues or LWV-US. It also works closely with the *Healing Our Waters* coalition to 'restore Great Lakes water quality, prevent and control non-native aquatic invasive species, and clean up concentrated toxic pollution.' Within the membership there is a core of very hard working committed League members who devote substantial time and talent to this work. Wisconsin has been represented for many years by Art and Marjorie Palleon, members of the LWV of Ozaukee County.

The mood of the meeting was very celebratory. The week before, on October 3, President Bush signed the Great Lakes Compact. This Compact bans new diversions of water from the five Great Lakes, their connecting channels and the St. Lawrence River and requires the states to adopt policies for managing water use. Many members of LMILO worked for adoption of the Compact since the late 1990's.

We began Friday afternoon with a tour of the Port of Indiana at Burns Harbor. This port serves both ocean-going vessels that enter Lake Michigan via the Saint Lawrence Seaway and Great Lakes vessels. There are also 27 industrial/manufacturing tenants. We were surprised by the amount of material processing and manufacturing that takes place on-site. After dinner, a panel including Indiana Representative Scott Pelath, John Goss, Executive Director of the Indiana Wildlife Federation and Kay Nelson, Environmental Affairs Director for the Northwest Indiana Forum discussed ways that the environmental community, business leaders and governments can work together to protect the Great Lakes.

There was a lively business meeting on Saturday, which included reports from each state and discussions of pending legislative initiatives and potential coalition building. The 2009-2010 Program was adopted. It is focused on educating of the public regarding concerns about Lake Michigan, encouraging public participation in planning for protection and restoration, encouraging shoreline management planning and supporting scientific research. The members also formally adopted a new name: Lake Michigan League of Women Voters. I came away filled with admiration for the passion and dedication of our colleagues who are involved in this very important work on our behalf.