



# LWV of Albany County

December 2007

Educate

Participate

Advocate



## December Luncheon

Thursday, December 20, 12 noon

Normanside Country Club, Delmar

\$20 for Hot and Cold Buffet Lunch

**"The Politics of Further Decline: How former White Knight Eliot Spitzer got knocked off his high horse and dragged down into the mire of Albany politics"**

**Speaker: Jay Gallagher**

We are delighted to have Jay Gallagher, a very well-known Albany pundit, as our speaker for the December Luncheon. Jay Gallagher has been a journalist for 34 years and has been covering Albany for Gannett News Service since 1984. He has been the bureau chief and has written a weekly column on state government and politics since 1989. Before that he was an editor and reporter at newspapers in Rochester, Providence, R.I. and Waltham, Mass. He has a B.A. in government from Colby College in Waterville, Maine.

He is a regular panelist on "New York Week in Review," a statewide public-television show, and has appeared on the CNN show "Inside Politics" and "The News Hour with Jim Lehrer" on PBS.

Mr. Gallagher received the 2002 top award from the National Association of Capitol Reporters and Editors for wire-service beat coverage of a state capitol; the 1997 Walter T. Brown Award from the Legislative Correspondents' Association as the outstanding reporter covering the New York State Capitol; and the 1993 New York Common Cause award for best commentary on New York State government.

He is the author of the 2005 book The Politics of Decline: A Chronicle of New York's Descent, and What You Can Do to Save Your State.

Mr. Gallagher is an enthusiastic fan of our well-informed League audiences, and we will have plenty of time for questions and discussion!

**RSVP by *December 15* to Gael Vecchio (459-9958)**

**Come enjoy a break from the holiday stress!**

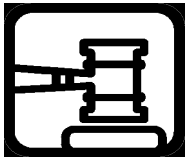
**League of Women Voters of Albany County**

**Website: [www.lwvalbany.org](http://www.lwvalbany.org) Email: [lwvac@crisny.org](mailto:lwvac@crisny.org)**

**Lori Keegan-Brady and Maggie Moehringer, Co-Presidents**

**Susan Coleman (330-2992) and Audrey Kibrick (489-9931), Membership Co-Chairs**

**Laura Ladd Bierman, Newsletter Editor**



# From the Co-Presidents

Hello everyone – Happy Holidays!

This past month was a busy one for us. We had poll reporting – thank you to all who do this every year and to anyone who did this for the first time. It’s an experience that most voters never get to see. A group of us enjoyed “Lunch with the League” – a lunch just for fun - at the Albany Pump Station. It was a delight to see some new members and catch up with other long time members.

Please give a big round of applause to Ann Brandon (chair), Katie Henrikson (facilitator and master discussion manager), and Mary Ann Lettau (recorder) and the rest of the committee for the great experience we all had with the immigration study and consensus meetings. The idea of setting the timer and moving right along was a stroke of genius. Thanks to you all for bringing such energy to our League!

We have the Annual December luncheon at Normanside Country Club in Delmar on December 20<sup>th</sup>. We are delighted to have Jay Gallagher, a well-known Albany pundit, as our speaker. He is the author of the 2005 book The Politics of Decline: A Chronicle of New York’s Descent, and What You Can Do to Save Your State. This will be an interesting inside look at politics in NYS – you won’t want to miss it!

Mark your 2008 calendars for February 11<sup>th</sup> and 28<sup>th</sup>. The Albany County Legislature – Opening Meeting Reception is scheduled for February 11<sup>th</sup> at the Albany County Courthouse on the 2<sup>nd</sup> floor. This is a great opportunity to meet and talk with your elected representatives on Albany County issues that matter to you. February 28<sup>th</sup> is our second “souper supper” on “The 100 Mile Diet” at the Bethlehem Public Library. If you have not come to one of the “souper suppers” you are missing out on some of the best soup in town, great camaraderie and good information.

Hope you all have a very Happy and Healthy Holiday Season and a Happy New Year!

Yours in League,

Lori Keegan Brady and Maggie Moehringer, Co-Presidents

**Please Note:**  
**There will be no bulletin in January; look for your next bulletin in early Feb.**

*Just because you do not take an interest in politics doesn't mean politics won't take an interest in you!*  
  
-Pericles (430 B.C.)

**New Member**  
**Thayer Heath**  
**Albany**  
**Welcome!**

The League of Women Voters is a nonpartisan citizen organization that promotes the informed and active participation of citizens in government, and influences public policy through education and advocacy. Any person of voting age, male or female, may become a League member.

This newsletter is published by the League of Women Voters of Albany County, 12 Coventry Road, Glenmont, New York 12077 and mailed to League members. The frequency of publication is as follows: one mid-summer issue followed by nine monthly issues from September to May.



# League in Profile

Margaret Sawyer

I serve as the Public Relations member of the Board of Directors for the League of Women Voters of Albany County (LWVAC). It's been quite a while since I became a member of the LWVAC and I don't really remember how I got the information about becoming a member. My reasons for becoming a member stem from the fact that I spent the first 20 years of my working life employed by non-profit membership organizations that were actual registered, paid lobbyists. During my tenure for these organizations my work was primarily in the legislative and public relations areas. So, when I joined LWVAC, I filled out the form for areas of interest and put these areas down. Three years ago, the Nominating Committee called me and asked if I would serve as the Director for Public Relations. Since I really missed being active in advocacy work, I said yes. Hopefully, the rest of the members will fill out that form so that we can tap into their expertise as well.

Missing the advocacy aspect in my work is not the only reason I became a member. Whether we want to admit it or not LWVAC is a form of special interest group (one of the good ones) and these groups do perform services on behalf of their membership as a whole that the membership cannot do as a single individual. Remember – "United we stand, divided we fall."

Additionally, the LWVAC advocates good government and encourages all individuals to vote. This is the basic tenet of our democratic way of government. The United States was founded by people who thought all citizens had the right to voice their opinion on political issues and vote for their elected officials. This concept is something that I strongly believe in, so does the LWVAC. For those of you who have not seen it, the State League sells T-shirts that have the slogan: "Mumble, Rumble, Grumble, BUT VOTE!" Everyone should take this slogan to heart and partake in his/her constitutional right to freedom of speech and follow that up with voting.

The paragraphs above illustrate that the League's mission and goals are aligned with my personal values and beliefs. That is why I am a member of the League of Women Voters of Albany County.



# Immigration Reform Meetings

Ann Brandon, Committee Chair

We had a great turnout, with a combined attendance of 52 people, at our immigration reform consensus meetings. I want to thank our committee and each of you who attended one of the meetings for making immigration reform a fascinating and stimulating study. I think it made us all more aware of the many issues involved in this subject. Unfortunately, we're not allowed to discuss the results of our local consensus because it will be combined with all others across the country for a national League position. That should be decided in early spring. Then we will see what, if anything, Congress does next year about the issue. In the meantime, I'm sure you will find plenty to follow in the media about this timely topic.

## Save the Date!

### Albany County Legislature Opening Meeting Reception

February 11, 2008, 5:30 pm

Albany County Courthouse, 2<sup>nd</sup> Floor

The LWVAC has had the tradition of wishing our Albany County Legislators well before their first meeting of the year by welcoming legislators, new and old, with a reception prior to the meeting. It's a wonderful opportunity to meet the legislators, let them know of our interests, and spark interest in our membership in following the important affairs of this legislative body. Please come! All contributions of goodies are very welcome.

The Albany County Legislature serves as the County's policy-making body. The Legislature comprises 39 legislators who are elected to four-year terms to represent the citizens residing in a legislative district.

The County Legislature meets on the second Monday of every month in the Legislative Chambers at the Albany County Court House. These meetings are now televised on your local Government Access Channel monthly; the dates are noted on the schedule on the Legislature's web site (<http://www.albanycounty.com/departments/legislature/>). Prior to each monthly meeting, the Legislature holds a public forum to allow the public to speak on issues which may come before the Legislature. There are ten (10) standing committees of the Legislature and additional special or sub-committees that meet on a monthly basis, or as necessary. The public is always welcome to attend both the Legislative and Committee Meetings.

Charles E. Houghtaling, Jr. was the 2007 presiding Chairperson of the Legislature and was elected by the body at its organizational meeting. The Majority Leader (Frank Commisso in 2007) and Minority Leader (Christine M. Benedict in 2007), are elected by their party's legislators.



## Great Decisions Study Group

The group will hold regular meetings again in the winter, beginning **January 28**. The Great Decisions handbook, published by the Foreign Policy Association, will again be used. The topics include: Iraq, European Union, Russia, Latin America, China, Defense and Security, and Philanthropy. The books will be available at The Book House in mid-January.

New members are welcome. Contact Katie Henrikson at 439-4308 or [khenriks@nycap.rr.com](mailto:khenriks@nycap.rr.com).

## We Need Your Help! LWV Fund Drive Request

By now you have received our annual fund drive request. As you know, we are an organization of volunteers, we have no paid staff, get not a dollar of support from our state and national organizations, and we need your help to carry out our important work. Here are some interesting facts about what its costs to run our League.

Did you know that:

- for every single LWVAC membership we must pay dues to the national and state Leagues, and we are only left with just \$0.20
- if you donate \$20, you would pay for 10% of our bulk mailing permit for one year
- if you contribute \$40, you would pay for the mailing of one bulletin to all our members
- our popular recent potluck dinner cost us \$60
- if you write a check for \$175, you would pay for one printing of the monthly bulletin
- printing the membership directory and mailing it costs \$285
- our study groups have a budget of about \$100.

You can see that we need your donations to keep our League operating and to fund the work we do with our volunteer labor!

As the 2007 calendar year ends, please remember to support our League. Every little bit helps us achieve our goals! **Please send your check to LWVAC, P.O. Box 611 Slingerlands, NY 12159.**

# Compact for the National Popular Vote

**What is it, why are New York State Leagues interested in it, and what's happening with the study?**

At State Convention this year, Leagues throughout the state became very enthusiastic about studying the advisability of New York State joining the "Compact for the National Popular Vote". Given the League's position against election of the president by the Electoral College and in favor of election by popular vote, New York State local Leagues considered this a valid and exciting State study, and overwhelmingly voted for adopting it as a study for this coming year. Many local Leagues have, in fact, started work on the study, educating their members and starting discussion groups. However, National League has informed New York Leagues that they do not consider this an appropriate study for states, that the method of electing the president is a national issue, and that states cannot undertake a study on a national issue. New York State League has discontinued the study on the state level. BUT, at National Convention this coming year, Leagues in New York State WILL propose that National undertake a study on the National Popular Vote as a national study, and hope to persuade other Leagues throughout the country to do the same.

The LWVAC Board had voted to undertake the study and was prepared to get underway starting this winter. We have been very impressed with the degree of enthusiasm and engagement that the study has engendered among League members. It will be a fascinating study, since the National Popular Vote is, in fact, a way to by-pass the Electoral College! Is this advisable? Is this constitutional?

***"The Compact": What is it, and how would it work?***

At the present time, the Electoral College reflects the voters' *state-by-state* choices for President in 48 states, while reflecting the voters' *district-by-district* choices in Maine and Nebraska. The United States can have nationwide popular election of the President if the states reform the Electoral College so that it reflects the voters' *nationwide* choice. This means changing the state laws that establish the state-level winner-take-all rule (or the district-level winner-take-all rule).

Under the state legislation proposed by National Popular Vote, the popular vote counts from all 50 states and the District of Columbia would be added together to obtain a national grand total for each presidential candidate. That is, state election officials would simply perform, in an official manner, the adding-up of the nationwide vote for President that is now performed by almanacs and news media. Then, state elections officials in all states participating in "The Compact" would award their electoral votes to the presidential candidate who receives the largest number of popular votes in all 50 states and the District of Columbia. Under the proposal, no state would act alone in offering to award its electoral votes to the nationwide winner. Instead, the National Popular Vote plan would take effect only when the plan has been enacted by states collectively possessing a majority of the electoral votes - that is 270 of the 538 electoral votes. This threshold guarantees that the presidential candidate receiving the most popular votes nationwide would win enough electoral votes in the Electoral College to become President. The 270-vote threshold corresponds essentially to states representing a majority of the people of the United States.

Note that the popular votes from all 50 states and the District of Columbia are included in the nationwide count (not just the popular votes from the states that enact the compact). That is, every vote throughout the United States is counted and treated equally. Note that the National Popular Vote plan entails no significant administrative burden or fiscal cost to the state because the voting by the people in the presidential election inside the state would be conducted in the same manner as it now is.

The National Popular Vote plan is an interstate "compact" - a type of state law authorized by the U.S. Constitution that enables states to enter into a legally enforceable contractual obligation to undertake agreed joint actions. There

**(continued on page 7)**

# On The HAVA Front...

Aimee Allaud, Elections Specialist, NYSLWV

*On November 5, the US Department of Justice issued a long awaited opinion in the US District Court case against New York State for noncompliance with the federal law. Most recently the NYS Board of Elections submitted two different plans for compliance with the law – evidence once again that a bipartisan system, without a fifth board member to break a tie vote can lead to gridlock and no consensus for action. The DOJ, in their Motion to Enforce the Law, is arguing that New York must replace all lever voting machines by September 2008 and that there must be more ballot markers available throughout the state in time for the February 2008 presidential primary election. An op ed article (below) written by a colleague from New Yorkers for Verified Voting explains what is at risk under this scenario. Ann Brandon has also written a letter to the editor of the Albany Times Union, reprinted on page 7, which argues for paper ballot optical scan voting as the most secure, accurate and cost effective replacement system for levers. Note: Even lever machines have their problems if they are not programmed correctly, to wit, the town of Colonie's recent election may end up in the NYS Supreme Court due to machine and human malfunction. A coalition of civic groups, including the League, issued a press release on November 7 criticizing the DOJ action (see NYSLWV website) which threatens to cause chaos at the polls in a presidential election.*

## Feds Press New York to Change Voting System by 2008

by Wanda Warren Berry, New Yorkers for Verified Voting

The Department of Justice filed a motion with the US District Court on November 5 asking the Judge to compel New York to comply with the 2002 Help America Vote Act (HAVA) by 2008. Highly critical of the partisan gridlock in Albany that led the State Board of Elections (SBOE) recently to file two separate plans with the court, the motion says: “because of delays in the state’s HAVA compliance efforts and because of the inability of a majority of the SBOE to agree” on a plan, “it seems clear that absent court intervention the State will not achieve any additional improvement in HAVA compliance for voting systems in the 2008 federal elections.”

The federal government asks the Court to require New York to pursue options “to put in place federally-compliant voting systems in time for all federal elections in 2008.” It asks that:

- By the February 2008 Presidential Primary: ballot marking devices accessible to the disabled be implemented “on a much greater scale than was the case for the fall 2006 elections.”
- By the September/November Federal Elections: “At least one voting device accessible to persons with disabilities” should be in each polling place.
- By fall 2008, fully HAVA-compliant systems should be required for all federal elections.

The Department of Justice says HAVA requires two features that the lever machines do not provide:

- Accessible voting for persons with special needs.
- Production of a permanent paper record with manual audit capacity.

The most troubling aspect of the Department of Justice motion is that it argues that New York can meet these requirements in 2008 by settling for the federal requirements for voting machines rather than the more strict New York state regulations. For example, the motion challenges the NY requirement that all “source code” be placed in escrow with the state, even “commercial off-the-shelf” software like Microsoft Windows products. The motion says that New York could chose federally compliant machines for 2008 and that it could replace them once it completes its own certification process.

But wouldn't that waste a lot of taxpayer dollars? Instead, New York's counties should do two things: *first*, they should realize that there are ballot marking devices in use across the country that satisfy the federal accessibility requirements and that have already been authorized for use here. *Second*, they should recognize that implementation of the paper ballot scanner system is much simpler, more quickly accomplished, and less expensive than the alternative: the direct recording electronic voting machines (DREs).

Ballot scanners only count the voter-marked paper ballots; these are retained for audits in the locked ballot box upon which the scanner sits. If New York broke through its partisan dysfunctionality and chose the paper ballot scanner system across the state, we could move forward and avoid jeopardizing our participation in next year's important federal elections. While we wait for the Judge's decision, let's go ahead to choose the accessible, auditable, and reliable voting system now used by most of the country: the paper ballot scanner system.

(continued from page 5)

# Compact for the National Popular Vote

are hundreds of interstate compacts, and each state in the United States belongs to dozens of compacts. Examples of interstate compacts include the Colorado River Compact (allocating water among seven western states), the Port Authority (a two-state compact involving New York and New Jersey), and the Multi-State Tax Compact. Some compacts involve all 50 states and the District of Columbia. Interstate compacts are generally subject to congressional consent.

To prevent partisan mischief between the November voting by the people and the mid-December meeting of the Electoral College, the compact contains a six-month blackout period if any state ever wishes to withdraw from the compact. The blackout period starts on July 20 of each presidential election year and runs through the January 20 inauguration. Interstate compacts are contracts. It is settled compact law and settled constitutional law that withdrawal restrictions - very common in interstate compacts - are enforceable because the U.S. Constitution prohibits a state from impairing any obligation of contract.

To find out more, go to <http://www.lwvny.org/npv.html>, or <http://www.NationalPopularVote.com>. There are MANY SIDES to this discussion and the study, in typical League fashion, will look at all pro and con arguments.

# Letter to the Editor *Times Union*

To the Editor:

The article on our voting system in the November 8<sup>th</sup> Times Union (Election activists call for return to paper ballots) was misleading in that it implied there are only two choices for how New Yorkers will vote in the future: (1) Electronic touch-screen voting machines or (2) hand count of paper ballots. We know from experiences in other states that the electronic machines are unreliable; none have been certified to meet New York's standards. We also know that hand counting paper ballots in a state as large as New York would be a nightmare for possibility of errors, fraud, and getting timely results.

There is a third way, which the New York State Board of Elections has seemed to ignore. That is the use of paper ballots with optical scanners. This method is much faster, user friendly, and cheaper than the electronic machines, and is being used successfully in many other states, including Massachusetts. The scanners count the ballots and retain the paper copies in a locked box that can be accessed if a recount is needed.

The delays in implementation of voting equipment have given New York the advantage of learning from the mistakes of other states. But now, what is the Board of Elections waiting for? It is time to move ahead with a paper ballot scanning system so that we can have confidence in our vote for the important election of 2008.

Ann Brandon

## Membership 2007-2008 Join & Make a Difference

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_  Individual Membership \$45/year  
\_\_\_\_\_  Household Membership \$60/year

Email: \_\_\_\_\_  Student Membership \$15/year

- Contribution in support of my local League
- Please send me more information

Mail to: League of Women Voters of Albany County, PO Box 611, Slingerlands, NY 12159  
Or Contact: Susan Coleman Tel: 330-2992

# League Calendar

<u>WHEN</u>	<u>WHAT</u>	<u>WHERE</u>	<u>MORE INFO</u>
Dec. 4, 5:30 pm	Extended Board Meeting/ Holiday Party Pot Luck Dinner	M. Kennedy's Home Call G. Vecchio (459-9958)	
Dec. 20, 12 noon	Annual Luncheon Speaker: Jay Gallagher	Normanside Country Club Delmar	see page 1
Jan. 8, 5:45 pm	Board Meeting	Albany Public Library	
Jan. 18	Deadline for Feb. Bulletin	LBierman@nycap.rr.com	
Feb. 6, 5:45 pm	Board Meeting	Albany Public Library	
Feb. 11, 5:30 pm	Albany Co. Leg. Reception	Albany Co. Court House	see page 4
Feb. 28, 5:30 pm	Souper Supper "The 100 Mile Diet"	Bethlehem Public Library	see page 2

**LEAGUE OF WOMEN VOTERS OF ALBANY COUNTY**  
**PO Box 611**  
**Slingerlands, NY 12159**

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