



Bulletin

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P.O. Box 514
Andover, Massachusetts 01810
www.LWV-Andovers.org

President: Stefani Traina
Membership: Paulette Zuena
Editor: Cynde Egan

League of Women Voters of Andover/North Andover

President's Letter

By Stefani Traina

March is shaping up to be a busy month, with preparations for League candidates' forums and local elections in both towns. Planning for our annual budget forum (in early April) with the Service Club of Andover is underway, as well, thanks to Bonnie Zahorik and John Roberts.

As we head into Town Meetings in April and May, remember that there is lots of information posted on www.andoverma.gov and www.townofnorthandover.com. Both websites have won Common Cause E-Government awards for the amount and quality of information that is available to the public. Subscribing to the electronic email lists that both towns provide is another good way to keep up with what's new.

Our guest columnist this month is Greg Sebasky, chairman of the Andover Green Advisory Board. Mark your calendars to attend the public forum on the Stretch Energy Code this Thursday, March 4, 7pm at the Andover Public Safety Center.

This issue includes the testimony that LWVUS president, Mary Wilson, gave before Congress on *Citizens United v. FEC* in early February. There is also a recap of the LWVUS advocacy priorities for 2010. The LWVUS celebrated its 90th anniversary on February 14. Our citizen education and advocacy activities remain as relevant as ever in this era of single-issue organizations and special interest funding of political campaigns.

Many thanks to Becci Backman, and Willard and Joyce Robinson, who attended the LWVUS program planning meeting last month. We had a good discussion and ended up recommending a re-study of the LWVUS Fiscal Policy position. Our League has also received many requests from other Leagues across the nation, asking us to join with them to propose various studies or concurrences. An update will be coming.

Finally, as we head into the time when our local League starts to put together a plan for next year's board of directors, I came across this quote from Pauline R. Kezer, a former Connecticut State legislator. *"When you do nothing, you feel overwhelmed and powerless. But when you get involved, you feel the sense of hope*

and accomplishment that comes from knowing you are working to make things better."

Joining the League board is a great way to get involved in your community. On a personal level, becoming a board member provides many opportunities to interact with local and state officials about issues that interest you. You'll learn how things work, help plan events, and do research on issues. All of this leads to becoming more civically engaged and educated about your community. It allows you to participate in Town Meeting and town government in a more meaningful way. I speak from my own experience when I say that being involved in the League has given me invaluable insight and perspective and an appreciation for the complexity of town government. Contact Joan Duff jandjuff@verizon.net or Amy Janovsky amy-janovsky@comcast.net for more information about joining the board.

Final reminders:

The federal Census will reach our mailboxes later this month. Be sure to fill it out and return it.

Remember to vote on Tuesday, March 23 in Andover and on Tuesday, March 30 in North Andover.

SAVE THE DATE!

THE LWVMA ANNUAL DAY ON THE HILL

Wednesday, APRIL 28, 2010

Getting Around in Massachusetts

Transportation
Operations
Policy
Legislation
Finance



9:00am Gardner Auditorium - Registration
9:30am Gardner Auditorium - Program Panel & Legislative Update
12:00pm Adjourn to Lobby State Legislators

North Andover Vice President Report

By Sandy Gleed, VP North Andover

I've been thinking lately about the different ways we communicate with our government officials. Having the freedom to express our concerns and the ability to ask for attention to the issues we feel are important is a primary benefit of living in a democratic society. There are, however, legislative restrictions on how we can exercise that freedom of expression. For instance, when is an activist a lobbyist that must communicate under a separate set of rules than the general public?

The ethics reform provisions signed into law last year redefined what constitutes lobbying activity by including research, planning, and background strategizing meant to influence official government policies.

You can read the law at <http://www.mass.gov/legis/laws/seslaw09/sl090028.html>

These changes are a concern for non-profit organizations active in the political arena. Fears that steep costs to register their staff as lobbyists might hamper their ability to advocate for their causes, or discourage public support of their goals, or unduly interfere with their ability to converse with government officials, have prompted calls to loosen the lobbying rules.

So, if you work with a non-profit corporation to advocate for changes in government policy or legislation, regardless of whether it's on the local, state or federal level, do you now need to register as a lobbyist? The primary litmus test is whether you receive payment for your efforts or if you are strictly a volunteer. If the non-profit you volunteer for has paid staffers/employees, they probably do.

There's a great overview of this issue in the Worcester Business Journal at <http://www.wbjournal.com/news45048.html>

Also, Common Cause of Massachusetts has posted a great discussion of the issue at <http://www.commoncause.org/site/pp.asp?c=dkLNK1MQIwG&b=5714421>

Join Us for Lunch!

It's a great way to meet League Members and to keep up with events

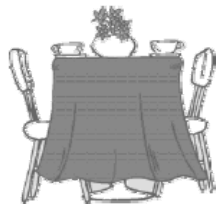
We meet at 11:30 on the 14th of every month
[or the Friday before if the 14th falls on a weekend]

Everyone is Welcome.

Next Date:

Friday, March 12th

Panera Bread, corner of Rtes
114 & 133., North Andover.



Local Election Events

By Stefani Traina, Sandy Gleed & Kathy Stevens

North Andover

Candidates Forum: Wed, March 10, 7 pm, North Andover High School Cable Studio

Town Elections: Tue, Mar 30, 7 am-8 pm, High School

Questions from League members, the general public, forum attendees and the candidates themselves are welcome and may be used if time allows.

Andover

Candidates Forum: Sat, Mar 13, 2 pm, Memorial Hall Library

Town Elections: Tue, Mar 23, 7 am-8 pm, High School

Bring your friends, neighbors and questions for the candidates.

The forums will be broadcast live and replayed on cable until Election Day.

We have offered the candidates in both towns the opportunity to post a statement on our website to better inform voters about their background and positions. To see the statements, go to <http://www.lwv-andovers.org/elections.html> and click on "Andover Candidates" or "North Andover Candidates."

Nominating

The Nominating Committee is initiating its process of identifying and recruiting candidates for our 2010-2011 Board of Directors. Anyone who has a love for the League, an appreciation for its programs, and an interest in working with a dedicated board is the right candidate for our many open positions. Positions range from lesser to greater time commitments, but **all positions are important** and one is right for you! A list of the open board positions and a description of the duties is available on the LWV of Andover/North Andover website at: <http://www.lwv-andovers.org/members.html> under the header of LWV ANA Board Positions.

If you have an interest, please contact Amy Janovsky (978.475.8655, amy-janovsky@comcast.net) or Joan Duff (978.685.3212, jandjduff@verizon.net) to talk about the positions, to nominate yourself or another member.

Andover Green Advisory Board (AGAB) Overview

By Gregory Sebasky, Chair

The Andover Green Advisory Board (AGAB) was formed in April 2009 at the request of the Planning Department, Town Manager, and Selectmen to explore ways to contribute advice and solutions to interested parties in Town government. The AGAB mission was expressly approved as follows:

The mission of Andover Green Advisory Board (AGAB) is to provide support and advice, which contribute to practical environmental solutions to various town boards and town departments in Andover. Through outreach, technical assistance, research and advocacy, AGAB will promote increased use of renewable energy and resources, reduction of solid waste, conservation of energy and natural resources, prevention of pollution and improvement of personal and community health.

The Advisory Board will accomplish this mission in a twofold way:

- to provide ongoing expertise to appointed town boards, committees and departments on matters of sustainability; and
- to facilitate communication, education, collaboration and outreach among the various sectors, organizations, departments, community groups and institutions that have an interest in Andover's sustainability.

The AGAB is composed of nine appointed volunteers, plus the Director of Planning, who is a non-voting member, but acts as a liaison to town departments, the Town Manager, and the Selectmen. The AGAB objectives for its first year are as follows:

- Formalize Metrics to measure cost savings and sustainability
- Sustainable Building and Land Use
 - Standards for Green Construction
 - Zoning Ordinance for Sustainable Development
 - Promote Use of Open Space
- Expand Renewable Energy Options
- Reduce Solid Waste
- Local, Sustainable Food Options
- Green Schools
- Public Outreach and Education
- Assist with Green "branding" for Town

Specifically, the AGAB hopes to help Andover qualify as a Green Community under the Green Communities act of 2008, and has been actively working with the Town and its consultant to draft specific actions and timelines. We hope that Andover will qualify as early as May 2010 and be able to participate in bidding for project funding from a pool of \$10M per annum that has been set aside for this purpose.

The AGAB is also actively supporting the next phase of solid waste reduction in the Town and assisting the "green" schools initiative to bring green teams from all schools in Andover to an

agreement about what policies and practices constitute a "green" school.

Of course, we also see our role as providing outreach to the public through forums such as the Greening Andover event last October, co-sponsored with Representative Barry Finegold. Board members attend key meetings to provide AGAB representation at critical stages such as at the new Bancroft School Building Committee, Recycling Committee, Town Yard Task Force, and I-93 Interchange Tri-Town Task Force. The board is composed of individuals with a diverse set of general and technical backgrounds that allows them to engage constructively with key stakeholders.

Still to be determined is whether Andover will adopt any formal metrics framework, such as ICLEI (International Council for Local Environmental Initiatives), or MCAN (MA Climate Action Network), to establish a baseline and measure progress in the Town over a multi-year period. The League of Women Voters is a critical stakeholder and partner in helping advance the awareness and education required in order to make Andover a sustainable community, in an environment of severe resource constraints. We look forward to further discussions.

Stretch Code Forum on March 4, 7:00 p.m., Andover Public Safety Center

The Andover Green Advisory Board, appointed by town leaders in 2009, continues to advance local initiatives that promote Sustainability, with an eye toward cost reduction or revenue enhancement. The town already has a strong reputation for energy conservation, recycling, and other programs, and has an opportunity to improve further by becoming a "green community".

If residents vote to take a few more steps, Andover could become one of the first towns in the state to make that description official. The Green Advisory Board will host a public forum on **March 4, 2010 at 7pm in the Public Safety Center**, to have a conversation with the public about adopting a "stretch code", a list of green regulations on new building construction and renovations.

In order for Andover to become a green community, it must meet all five requirements specified by the Massachusetts Green Communities Act of 2008. The five are:

1. As-of-Right Siting
2. Expedited Permitting
3. Energy Use Baseline Inventory and Reduction Plan
4. Policy to Purchase Only Fuel-Efficient Vehicles
5. Minimize Life-Cycle Costs in Energy Construction

Doing so would qualify Andover to bid for a share of the \$10 million, per annum, in state funding set aside for green projects. 100 cities and towns applied for consulting assistance to help reach these goals, but only a few have reached all of them as of this writing.

However, Andover is extremely close. All five requirements are currently being pursued via various required approval processes, with the stretch code having a placeholder on the 2010 Town Meeting warrant.

The proposed new construction regulations are called a "stretch code" because they effectively stretch existing state building codes into stricter energy-efficiency regulations within a town. Normally, Massachusetts towns cannot adopt their own building codes and must adhere to state regulations, but the Green Communities Act allows towns to adopt local bylaws imposing tighter restrictions regarding insulation, air sealing, doors and windows and heating and cooling systems.

The stretch code would not retroactively apply to existing buildings. If adopted, it would only apply to new construction and renovations that currently fall under state regulations and would not apply to historic buildings, commercial buildings of certain sizes or affordable housing projects. For renovations, the stretch code would only apply to the parts of the building being updated.

Green engineering consultants say new building codes are the best way to reduce energy consumption in buildings, as forty percent of energy expenditure in the U.S. comes from buildings. Applying the stretch code regulations when building a typical \$400,000 three-bedroom home in Andover would cost about \$8,000 more to construct, and would be estimated to save \$1,360 per year in energy costs. Adopting the stretch code would allow homebuyers to make an educated investment, knowing the new house would be energy efficient.

The public forum will include a presentation by members of the Green Advisory Board, Planning Department, as well as consultants retained by the State as part of the Green Communities program.

For more information on the stretch code and the Green Communities program, please feel free to visit the following web links:

www.mass.gov/energy/greencommunities

<http://www.mass.gov/Eoeea/docs/doer/gca/MA%20stretch%20code%20Wed19%20webinar.pdf>

Legislative Action

By Diana Walsh

Two legislative action items that the state League has been working on are affordable housing and voter ID requirements. The League achieved success in their lobbying efforts for affordable housing with the passage of senate bill S2190 in November, 2009. The announcement is printed below. To read the entire bill visit www.mass.gov and follow the instructions using the S2190 number for identification.

AN ACT PRESERVING PUBLICLY ASSISTED AFFORDABLE HOUSING - S2190

The League of Women Voters of Massachusetts has been supporting "AN ACT PRESERVING PUBLICLY ASSISTED AFFORDABLE HOUSING," that gives public entities or affordable housing organizations first rights to buy "expiring use" properties that would lose affordability restrictions. This bill (final number S. 2190) was passed in mid-November by the legislature and signed by Governor Patrick.

This is a real victory on behalf of affordable housing! At a time when the need for subsidized housing is growing, this law is a critical part of keeping the affordable housing that the state already has and protecting those individuals and families that need subsidies to be able to live in decent housing.

Clarice B. Gordon, LWVMA Meeting Basic Human Needs Specialist
IN OPPOSITION TO H.569, H.578, H.581, H.663, H.668, H.670, S.335 and S.360

Relating to Voter Identification Requirements

Voter ID regulations are undergoing scrutiny by the legislature. The League has always strongly opposed the imposition of requirements that could lead to disenfranchisement of voters. Printed below is the LWVMA's reasoning for opposing any restrictive requirements.

August 16, 2009, By Shawna Reid, Executive Director

The League of Women Voters of Massachusetts strongly urges you to oppose the above noted bills related to expanding voter identification requirements at the election polls. These bills will make it more difficult to vote and have a chilling effect on voter participation. The right to vote is the foundation of our democracy, and voting should be as easy and accessible as possible. Expansion of voter identification requirements beyond what is mandated by the Help America Vote Act (HAVA) will suppress voter turnout, be burdensome to voters and election officials, and create barriers - especially for voters who are disabled, are members of a racial or ethnic minority, are new citizens, or are young voters. In addition, it has been frequently demonstrated that voter disenfranchisement is a greater problem than voting fraud.

The above-noted bills expand the requirements for showing identification to vote. These bills will require the voter to present various types of identification at each election. Amongst those noted were some form of photo ID, for example, a Massachusetts driver's license, a Massachusetts voter identification card, a United States passport, or an employer photo ID. Some offer various other non-photo documents. Many of the bills state that "Any Person desiring to vote who fails to present suitable identification shall not be permitted to vote." Some offer the possibility of a provisional ballot with a requirement to present a photo to the city or town clerk before that ballot will be accepted. Photo ID requirements disproportionately impact those who are least likely to possess a current photo ID: the elderly, young people, people of color, rural voters, individuals with disabilities and frequent movers. Many Americans live in domiciles as roommates, spouses, or relative, or live on a college campus, where their name is not on the lease or on a utility bill. This means they do not have these items as forms of identification at the polls. At the polls, acceptance of an ID, particularly when IDs are not limited to a driver's license, passport, etc., would be dependent upon individual poll workers and election officials. Such tests and devices have historically resulted in discrimination and disenfranchisement of eligible voters.

In February 2007 the Eagleton Institute of Politics at Rutgers University completed a study that examined the 2004 election and concluded that, in states requiring voters to present an ID at the polls, voters were 2.7 percent less likely to vote than in states where voters were merely required to state their names. This research is supported by a poll conducted by the Brennan Center for Justice at New York University School of Law in November 2006 that found as many as 11% of Americans - more than 21 million individuals, did not have a current government ID. These individuals included 6 million elderly, 15% of voting-age citizens who earn less than \$25,000 a year, and 25% of voting age African Americans. H.565 and H.587 are two similar bills, however, the League has not had an opportunity to subject them to our process for determining support or opposition. Once this has been completed, they will no doubt be added to the list.

Under HAVA, states must, among other things, require all voters to provide their driver's license number or the last four digits of their social security number when registering to vote. HAVA also requires first-time voters who registered by mail to produce evidence of their identity before voting. The League believes these requirements for identification are adequate to prevent fraud.

2010 Federal Census Information

Here are the important facts why every resident needs to return their 2010 census. We are encouraging everyone to participate. Go to <http://2010.census.gov/2010census/> for information.

What is a person worth?

Eighteen of the largest federal grant programs rely (at least in part) on census data to distribute funds. The federal government provides over \$400 billion a year in funding to states.

Federal Funding allocated using Census Data:

1. Medicaid
2. Foster Care
3. Rehabilitation Services Basic Support
4. Child Care and Development Block Grant
5. Social Services Block Grant
6. Substance Abuse Prevention & Treatment Block Grant
7. Adoption Assistance
8. Vocational Education Basic Grants

State Level Distributions to Local areas based on Federal Census

1. Gaming Revenue
2. Cigarette tax fund
3. Excise tax revenue
4. Conservation Trust Fund
5. Local road and street accounts
6. Rural development fund
7. Motor vehicle highway account fund
8. Evaluation of enterprise zone applications
9. Establishing priorities for community residential facilities
10. Insurance of permits by the alcoholic and tobacco commission

Ways Census Data is Used

- Determines amounts of federal funding for Massachusetts.
- Assists families and low-income populations.
- Assists the elderly, the disabled and veterans.
- Determines federal funding for schools and education.
- Draws local and federal legislative districts.
- Creates maps to speed emergency services to households in need of assistance.
- Funds and develops programs for women, infants, children and the elderly.
- Plans for hospitals, nursing homes, clinics and the location of other health services.
- Forecasts housing needs for all segments of the population.

- Assesses public transportation needs.
- Identifies road rehabilitation and construction.
- Estimates the number of people displaced by natural disasters.
- Designs public safety strategies.
- Determines where jobs and job programs are needed.
- Determines locations of food stores, pharmacies and other essential services.
- Forecasts development of rural and urban areas.
- Assists in budget planning at all levels of government.
- Helps make business decisions.
- Guides the publication of economic and statistical reports about the United States and its people.
- **Helps potential homeowners research property values, median income and other demographic information about a particular community.**

United States[®]
**Census
2010**



IT'S IN OUR HANDS

Frequently Asked Questions

What?

Count. The census is a count of everyone living in the United States. This mandatory count is required by the United States Constitution.

Who?

Everyone. All residents of the United States must be counted. This includes people of all ages, races, ethnic groups, citizens and non-citizens. Federal law protects the personal information you provide during the census.

When?

Every 10 years. The federal census is conducted every 10 years. The next Federal Census will occur in 2010. Census questionnaires will be mailed or delivered to every household in the United States between February and March 2010. The questions ask you to provide information that is accurate for your household as of April 1, 2010. The Federal Census is different than your annual street listing, which is sent every year by the city or town in which you reside. This document is based on your voter registration status and is not part of the 2010 Federal Census. It is important to return both the Town Census and the Federal Census 2010 in 2010.

Where?

Everywhere in the U.S. The Federal Census counts everyone living in the United States, including all 50 states, the District of Columbia and U.S. territories.

How?

By mail. The U.S. Census Bureau will mail or deliver questionnaires to your house between February and March 2010. It takes less than 10 minutes to complete the questionnaire.

If the U.S. Census Bureau does not receive a response from your household, they will mail a second form. Households that still do not respond will be called or visited by a Census worker. (Census workers can be identified by a census badge and bag.)

Why?

It's important. The data collected during the Federal Census determines federal funding for your community, your community's representation in Congress and planning decisions made in your community.

It's easy. It takes less than 10 minutes to complete the 10 question questionnaire.

It's required by law. The information you provide is combined with responses provided by your neighbors and other households across the country, to provide summary statistical data that are used by various local, state and federal agencies.

Is Census Confidential?

YES! Your responses are protected by law (Title 13, U.S. Code, Section 9). All U.S. Census Bureau employees have taken an oath to protect Confidentiality and are subject to jail, a fine – or both – for disclosing any information that could identify a respondent or household.

It is illegal for the U.S. Census Bureau, or its employees, to share your personal information with anyone, including other government agencies such as law enforcement, IRS, FBI or Immigration.

No court of law or even the President of the United States can access individual responses.

2010 Advocacy Priorities

From www.lwv.org

Each January, the LWV Board of Directors adopts Priorities for Advocacy for the calendar year. Priorities are established in order to assure the best use of LWV resources. Consideration must be given to issues that are likely to be addressed by the Congress. Among these considerations are: member interest; the political climate for action on a specific issue; the resources that are available; opportunities for successful advocacy; and, whether the LWV is the organization that can make a difference.

LWV members responded to the request for recommendations for LWV Advocacy Priorities for 2010 following several announcements in the *Leaders' Update* beginning in early December, 2009 through January 15, 2010. The following is a list of the input received from members in descending order:

1. Campaign Finance Reform – many of these suggestions were in support of the Fair Elections Now Act (HR 1826 and S 752)
2. Global Climate Change
3. Health Care Reform
4. Arms Control
5. Immigration Reform
6. Election Reform, Ethics and Lobbying Reform, Abolition of the Electoral College, Concerns about how the Congress conducts itself (rules, earmarks, cloture), Civil Liberties, Redistricting, Census 2010
7. Specific suggestions to support HR 2766 and S 1215, legislation that would amend the Safe Drinking Water Act to repeal a certain exemption for hydraulic fracturing and other purposes
8. DC Voting Rights and Budget Autonomy
9. Gun Control
10. Misc: Year Round School, Abolition of Death Penalty, ERA, Veterans' Assistance, Civic Education, Affordable Rental Housing

These suggestions were received from individual members, LWV Boards, and committees who held meetings to discuss Advocacy Priorities. All suggestions were tallied for the report to the LWV Board of Directors.

LWVUS 2010 Legislative Priorities

After a review of congressional action in 2009 and a discussion of expected activity in 2010, the LWVUS Board of Directors has adopted the following Legislative Priorities for 2010: Global Climate Change, Health Care Reform, and Money in Elections (campaign finance reform). On the Legislative Watch List are: Arms Control, DC Voting Rights, Election Reform, Ethics and Lobbying Reform, and UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This Watch List includes issues which need to be monitored for action opportunities in the 111th Congress. It is understood that the Board will have opportunities to review the priorities throughout the year to make changes if the situation requires it. It should also be noted that DC Voting Rights and CEDAW are perennial legislative priorities that the LWV has worked hard for in the past and is committed to working for successful passage. For a tally of the member recommended items for advocacy, see the www.lwv.org

An Act Relative to the Achievement Gap

Summary by Heather McNeil

The Massachusetts Legislature recently passed the Act Relative to the Achievement Gap (see <http://www.mass.gov/legis/bills/senate/186/st02pdf/st02247.pdf> for full text), an education reform bill aimed at turning around the most underperforming schools, supporting and spurring innovation, and strengthening our state's application for federal Race to the Top funds.

The Act does three main things.

1. It allows the Commissioner of Elementary and Secondary Education to designate up to 4% of public schools as **underperforming or chronically underperforming schools**. These schools will be determined through multiple measures of quality including MCAS results, attendance rates, dismissal and graduation rates, and improvements in core academic subjects. Upon designation as *underperforming*, the superintendent, with input from various stakeholders (the commissioner, chair of the school committee, president of the teachers union, administrators, teachers, parents, social services providers, health and child welfare agencies, and community and business members), will be given the authority to develop a three-year **turnaround plan**. The superintendent can implement the plan or designate an external receiver to do so. If the school is *chronically underperforming*, the commissioner will create the turnaround plan and then designate implementation of the plan to the superintendent or to an external receiver. The turnaround plan could include changing the curriculum, reallocating the use of funds, merit pay, extending the school day or year, adding pre-K or full day K, providing more common planning time and targeted professional development for teachers, and/or requiring any staff to re-apply for positions. The plan must address the needs of the most at-risk students including ELL and special education students as well as the social and health needs of students and families. It also must be reviewed annually using several pieces of data to assess the plan's success. If an entire district is deemed chronically underperforming, an external receiver – either a non-profit organization or individual - with proven success will be appointed by the commissioner to take over the district. No more than 2.5% of districts will be deemed as chronically underperforming.

2. The **cap on charter schools has been strategically lifted** to target the most underperforming districts. Up to 14 more Horace Mann schools can be created with at least 4 in districts where the resident population is 500,000 plus. No commonwealth charters can be established in districts with populations of less than 30,000. The bill raises the cap on charter school spending in the 10% lowest performing districts from 9% to 18%. Charter providers have to be proven and successful at addressing the needs of the most at-risk student populations and have to develop a re-

cruitment and retention plan for these students. The enrollment of the charter school also must mirror the student population of the district(s) it serves. No more than 120 charter schools can be in Massachusetts at any one time.

3. **An Innovation School** can be created in any district in Massachusetts and is “a public school operating within a public school district, that is established for the purpose of improving school performance and student achievement through increased autonomy and flexibility” in curriculum, school calendar and schedule, staffing policies, and professional development among other things. In an innovation school the teachers and staff are responsible for creating and implementing the innovation plan.

The bill also

- allows districts to form purchasing collaboratives so that purchases can be made through the state's purchasing agent,
- allows for “two or more school committees...and boards of trustees of charter schools” to form education collaboratives wherein the collaboration is meant to “complement and strengthen the school programs of member school committees and charter schools and increase educational opportunities for children,”
- changes funding in that the current 3-year reimbursement schedule for districts sending students to charter schools has been lengthened and increased from 100%, 60%, 40% to 100%, 25%, 25%, 25%, 25%, 25%,
- states that the state's payments for regional school transportation may not be reduced by a proportion greater than any reduction in chapter 70 aid,
- states that districts need to make a “good faith offer to sell or lease at fair market value the identified excess capacity (school buildings) to a commonwealth charter school... or applicant for a commonwealth charter school...that serves or is seeking to serve students who live in the school district,” and
- takes a first step towards a long awaited adequacy study, requiring the Department of Elementary and Secondary Education to report to the legislature on the current status of public school funding and whether or not it is adequate. This is also part of Gov. Patrick's H2 budget.

Mary Wilson Testimony

STATEMENT BY MARY G. WILSON, PRESIDENT LEAGUE OF WOMEN VOTERS OF THE UNITED STATES BEFORE THE COMMITTEE ON HOUSE ADMINISTRATION ON "DEFINING THE FUTURE OF CAMPAIGN FINANCE IN AN AGE OF SUPREME COURT ACTIVISM"

Wednesday, February 3, 2010

Mr. Chairman, members of the Committee, I am Mary G. Wilson, president of the League of Women Voters of the United States. I am very pleased to be here today to voice the League's deep concern about the Supreme Court's recent decision in Citizens United v. FEC and our strong support for legislation to address the problems it creates for our electoral system. The League would like to commend you for holding this hearing at this critical time.

The League of Women Voters is a nonpartisan, community-based political organization that has worked for 90 years to educate the electorate, register voters and make government at all levels more accessible and responsive to citizens. Organized in more than 850 communities and in every state, the League has more than 150,000 members and supporters nationwide. The League has been a leader in ensuring that democracy works for all citizens and in seeking campaign finance reform at the state, local, and federal levels for more than three decades.

Mr. Chairman, there is one overriding message I hope the Committee will take away from this hearing: With the 2010 elections fast approaching, Congress must pass and send to the President legislation governing corporate and union spending that will take effect immediately.^[1] Waiting until after the 2010 elections is simply not a viable option. We urge you to craft legislation so it can be passed by both houses of Congress and be signed by the President by Memorial Day.

The Supreme Court decision in Citizens United v. FEC now allows corporations to spend unlimited amounts of money to support or oppose candidates at every level of government. This throws out the protections against direct corporate and union spending in elections that have served our democracy for decades. It has given the green light for corporations, including foreign corporations, to intervene directly in elections – from the local school board or zoning commission to Congress and the President of the United States -- taking the power away from voters. And it has set the stage for corruption to skyrocket out of control – now that the Court has allowed unlimited corporate and union expenditures, the power of well-paid lobbyists linked with those interests will greatly increase.

Right now, the stakes are very high. We must act to protect open, honest government and a healthy democracy.

In days since the Court's decision, we have heard from citizens around the country who are deeply concerned about the direction the Court is moving and the effects this case will have on our elections and our government. They want to know what they can do to respond to the decision. Since it is unusual for us to hear from

people about a Supreme Court decision, we believe this response shows a broader concern among the public. It reinforces the need for you to act. We have also heard from state Leagues and others asking how they can counteract the decision at the state level since, as you know, the Court's decision invalidates the laws of many states.

The Court's decision in Citizens United upends basic campaign finance law. It changes the foundation on which decades of congressional enactments on money in elections are built. Such a fundamental change, with perhaps more coming as the Court considers other cases, requires a strong and considered response from Congress and the Executive. We believe such responses are essential, and we support a wide variety of approaches. But we do not expect that legislation to be adopted this year can address every possible issue. We want to reemphasize that some steps are vital to govern the conduct of the 2010 elections.

Disclosure. After Citizens United, we urgently need enhanced disclosure. This is the most basic step toward protecting the role of the voter in making decisions in elections. It now seems possible for corporations, and perhaps unions, to secretly provide funds that another corporation uses to intervene in an election through independent expenditures. This is simply unacceptable. Voters need information about the sources of funding for the charges and countercharges that come during elections. That is one key way that voters test the accuracy of campaign statements and is essential if the "free and open marketplace of ideas" is to function properly. This is especially true in the case of huge expenditures that could drive out other political speech.

The Court pointed in the direction of enhanced disclosure when it said that disclosure is important to "providing the electorate with information." It also supported disclaimer requirements "so that the people will be able to evaluate the arguments to which they are being subjected." We couldn't agree more.

The League of Women Voters supports strong disclosure requirements for both those who receive election funds and those who provide such funds. For example, if corporation A receives significant funds from corporation B, and subsequently makes an election expenditure, then corporation A should disclose both its own expenditure and the contribution from corporation B, and corporation B should disclose its contribution to corporation A.

Thus a trade association or other corporation that receives funds should have to disclose all the funds going into its treasury if it makes or contributes to election expenditures. And all corporations that provide funds to the trade association or corporation should also have to disclose on their own behalf. The only exception should be if the entity uses a segregated account for these monies. In that case, only the funds provided to the corporation's segregated account would be disclosed, both by the corporation and by the ones providing funds.

The issue of corporate intermediaries is one the Congress should address quickly and fully. It should not be possible for a corpora-

Mary Wilson Testimony *continued*

tion to avoid disclosure and disclaimers if it provides significant sums to another corporation which then provides funds to a third corporation that makes independent expenditures. We do not believe this type of disclosure should be avoided even if one of the corporations calls such payments a "membership" fee.

Corporations should have the responsibility for providing disclosure to the public through disclaimers and the Internet, directly to their stockholders or members, and to the Federal Election Commission and the Securities and Exchange Commission.

Disclaimers on public communications should be required for every corporation that provides funds above a certain amount directly or indirectly to an election expenditure. The Court clearly approved of disclaimers in *Citizens United*, and remarked that "With the advent of the Internet, prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters."

We believe that disclosure should be cumulative so that the public and stockholders can get a full picture of the corporation's entire election activity. In other words, there should be a listing of all candidates, amounts spent in each candidate election, total amounts expended during the reporting period, and amounts and identities for funds provided to others who make election expenditures.

Do No Harm. After providing enhanced disclosure, the next most important step for Congress is to do no further harm. A decision as far-reaching in its implications as *Citizens United* will provoke a number of proposals that, we believe, could make our election system and government processes worse. Some will call for increasing or doing away with contribution limits to candidates. Others will probably support changes in limits on contributions to and from PACs. There will likely be calls to allow corporations and unions once again to make huge contributions to the political parties, effectively repealing the soft money ban in BCRA. There may even be those who call for unlimited corporate and union contributions to candidates.

The League of Women Voters strongly urges you not to do any of these things. We need fair elections, not greater involvement of big money in elections and government. Each of these steps would increase corruption or the appearance of corruption. We are also concerned that they would distort our political processes and undermine shareholder protections, the Supreme Court's rationale in *Citizens United* notwithstanding.

There are a number of other concepts which we support for moving forward in the post-*Citizens United* context. I would like to mention them, and, in some cases, make a few comments.

Corporate Governance. We support the concept that shareholders should approve election expenditures by corporations, as well as other possible reforms to corporate governance in the cam-

aign finance context. The Court recognized the importance of disclosure to corporate governance, thereby setting the stage for additional shareholder involvement. The Court said, "Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits..." In large, for-profit corporations, the mechanisms for achieving shareholder approval or disapproval will need special attention because large amounts of stock are held in mutual funds, pension and retirement funds (including government entities) and in other forms that don't reflect the interests of the underlying owners or beneficiaries. Non-profit corporations, including large ones such as health plans and hospitals, also raise a number of issues. We will look carefully at proposals for enhanced corporate governance.

Foreign Corporations. The Court's decision in *Citizens United* clearly opens the door for independent expenditures by foreign corporations in American elections. Indeed the rationale that only *quid pro quo* corruption can justify government limitations on corporate expenditures would obviously apply to foreign corporations. And in disparaging any anti-distortion rationale, the Court seems to undercut limitations based on the identity of the corporation.

Still, we urge Congress to carefully consider blocking election spending by foreign corporations. The obvious example of course is that of the corporation owned by a foreign government. Beyond that, issues arise as to what constitutes a foreign corporation and what form of regulation might be appropriate in each case.

Governments. We believe it is entirely inappropriate for government to intervene in elections. Thus, those corporations that have substantial governmental involvement, particularly financial involvement, should be barred from making independent election expenditures. The Congress will have to address a number of issues in determining which corporations have the requisite involvement. We believe that several approaches might work. Corporations that have received substantial funds (through TARP, for example) or have government guarantees deserve attention. Certainly government pension and insurance funds are another example. We believe that corporations receiving government contracts above a certain level raise issues of excessive government involvement or the potential for corruption.

Connections with Lobbyists. After *Citizens United*, every member of Congress who receives a visit from a lobbyist for a corporation knows that the corporation can make unlimited expenditures in his or her election. Surely this is a recipe for corruption. The process is corrupted even if the threat is not made or the spending is not carried out. Lawmakers will change their behavior because of the potential for unlimited expenditures. We urge Congress to explore methods to deal with this issue. Surely the anti-corruption rationale should provide a basis for regulation. The problem extends not just to registered lobbyists (after all, the lobby disclosure

Mary Wilson Testimony *continued* / Sponsors

laws were designed for disclosure rather than regulatory purposes) but includes the actions of corporate officers and others who control corporate expenditures.

At the same time, we support additional regulation of bundling by lobbyists and increased disclosure of lobbying activities.

Coordination. Though the FEC has yet to develop acceptable anti-coordination rules following enactment of BCRA, it is worth looking at tighter controls to ensure that "independent" expenditures by corporations and unions are truly independent.

Public financing. As a long-time supporter of clean money in elections, the League of Women Voters supports enactment of congressional public financing and repair and updating of the presidential public financing system. Enhanced small contributions through a fair elections system would provide candidates with clean funds, challenging both corruption and the appearance of corruption in our electoral system. We urge Congress to enact such legislation.

Conclusion. The League of Women Voters believes that the

Court's majority decision in *Citizens United v. FEC* was fundamentally wrong and a tragic mistake. The majority mistakenly equated corporate free speech rights with those of natural persons. And the majority confused associations of individuals with corporations. But this is the decision of the Court. Even though we believe it will be overturned eventually, both in the judgment of history and in the law, Congress needs to respond now, recognizing its own authority and responsibility to uphold the Constitution.

Fair and clean elections, determined by the votes of American citizens, should be at the center of our democracy. We urge Congress to act quickly, but also deliberately, in addressing the Court's decision.

Respectfully submitted,

Mary G. Wilson

[1] While the issues surrounding corporate and union activity are not always the same, many of the recommendations with regard to corporations may apply to unions as well.

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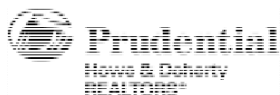
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Schedule of Events

	Date	Time	Place	Event
March	Wed, Mar 3, 2010			Last day to register to vote in Town Election.
	Wed, Mar 3, 2010	7:15pm	6 Roulston Circle, Andover, MA 01810	Board Meeting. All members welcome.
	Wed, March 10, 2010	7:00 pm	NACAM, North Andover High School 430 Osgood St., North Andover, MA	North Andover Candidates Forum.
	Fri, Mar 12, 2010	11:30am-1pm	Panera Bread, Rt. 133 & Rt 114 N. Andover, MA	Lunch & Conversation. An informal gathering of League members. Everyone welcome.
	Sat, Mar 13, 2010	2 pm	Andover Memorial Hall Library	Andover Candidates' Forum.
	Tues, Mar 23, 2010			Andover Town Election.
	Fri, Mar 26, 2010			April Bulletin Deadline.
April	Tue, Mar 30, 2010			North Andover Town Election.
	Wed, April 7, 2010	TBA	TBA	Board Meeting/Local Program Planning. All members welcome.
	Wed, April 14, 2010	11:30am-1pm	Panera Bread, Rt. 133 & Rt 114 N. Andover, MA	Lunch & Conversation.
	Thu, April 15, 2010	7:00 pm	Andover School Committee Room Whittier Court, Andover, MA	Andover Town Meeting Preview.
	Fri, April 16, 2010	10:00-noon	TBA	Member Warrant Unit Meeting.
	Fri, April 23, 2010			May Bulletin Deadline.
	Wed, April 28, 2010	9:00 a.m.-2:00 p.m	State House, Boston	League Day on the Hill.
	Wed, April 28, 2010	7 pm	AHS Collins Field House	Andover Town Meeting.
	Thu, April 29, 2010	7pm	AHS Collins Field House	Andover Town Meeting.

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