



IMPACT ON ISSUES

Representative Government



LWV

Promote an open governmental system that is representative, accountable, and responsive.

Founded by the activists who secured voting rights for women, the League has always worked to promote the values and processes of representative government. Protecting and enhancing voting rights for all Americans; assuring opportunities for citizen participation; and working for open, accountable, representative, and responsive government at every level—all reflect the deeply held convictions of the League of Women Voters.

In the 1950s, the League worked courageously to protect fundamental rights and individual liberties against the threats of the McCarthy era. In the 1960s, attention turned to securing “one person, one vote” through apportionment of legislative districts based substantially on population. In the 1970s, members worked to reform the legislative process and open it to scrutiny, and to balance congressional and presidential powers. The League also sought to reform the campaign finance system to reduce the dominance of special interests, affirmed support for the direct election of the President, and fought for full voting rights in Congress for the residents of the District of Columbia.

In the 1980s and 1990s, the League worked to break down the barriers to voting, first through multiple reauthorizations of the *Voting Rights Act* (VRA), and then through a campaign for passage and implementation of the landmark *National Voter Registration Act* (NVRA). Campaign finance reform, with a focus on public financing and closing loopholes, again was a major activity at the federal and state levels, with the goal of enhancing the role of Americans in the election and legislative processes. In the late 1990s, the fight for DC voting rights was reinvigorated. During that same period, the League worked to ensure the constitutional right of privacy of the individual to make reproductive choices and opposed term limits for legislative offices.

In the mid- to late 1990s, the League launched its Campaign for Making Democracy Work®, focusing on five key indicators of a healthy democracy: voter participation, campaign finance reform, diversity of representation, civic education and knowledge, and civic participation. The 1998 Convention added “full congressional voting representation for the District of Columbia” to the campaign. State and local Leagues measured the health of democracy in their communities, reported the results, and worked with other groups to seek change. The LWVUS report, *Charting the Health of American Democracy*, took a nationwide measure and made recommendations for change.

In the 2000s, this campaign continued. Convention 2002 decided to update the position on the Selection of the President, focusing not only on the electoral process, but on the other factors that affect the presidential race (e.g., money, parties, the media). The position was expanded and formally approved at Convention 2004.

In the second half of the 2000s, the League supported legislation to reform the lobbying process and rebuild public confidence in Congress. In 2008, the House passed new ethics guidelines, including new ethics rules, disclosure requirements for campaign contributions “bundled” by lobbyists, and a new ethics enforcement process. The League also continued its work seeking full enforcement of the *National Voter Registration Act*.

In late 2010 and again in 2012, the League and coalition partners urged the Speaker to preserve and strengthen House ethics rules and standards of conduct.



Campaign Finance in the 2000s

The five-year fight for campaign finance reform paid off in March 2002 when President George W. Bush signed the *Bipartisan Campaign Reform Act* (BCRA) into law. The League was instrumental in developing this legislation and pushing it to enactment, and we remain vigilant in ensuring the law is enforced and properly interpreted in the courts.

In the late 2000s, LWVUS filed amicus briefs in two pivotal US Supreme Court cases: *Caperton v. Massey* and *Citizens United v. FEC*. In the latter case, the League argued that corporate spending in elections should not be equated with the First Amendment rights of individual citizens.

In 2010, the League reacted swiftly and strongly to the Supreme Court's adverse decision in the *Citizens United* case, which allowed unlimited "independent" corporate spending in candidate elections. The League president testified before the relevant House committee on the key steps that can be taken to respond, focusing on the importance of including tighter disclosure requirements. The League continues to urge passage of the *DISCLOSE Act* to ensure that corporate and union spending in elections is fully disclosed.

With the explosion of supposedly "independent" spending by outside groups in the years since *Citizens United*, the League is pushing for tougher rules on coordination, because much of the outside spending is not independent, and instead is coordinated with candidate campaigns. In addition, the League continues to push for legislation to protect and refresh the presidential public financing system and to institute congressional public financing. The League is also working to reform the dysfunctional Federal Election Commission (FEC), which has refused to enforce the law.

Election Administration in the 2000s

When the disputed 2000 elections exposed the many problems facing our election administration system, the League leaped into action. Bringing our coalition allies together, the League worked to ensure that key reforms were part of the congressional debate. In October 2002, the *Help America Vote Act* (HAVA) was signed into law, creating the Election Assistance Commission and authorizing funds for each state to improve the operation of elections according to federal requirements.

The League continues to fight to ensure that the requirements of HAVA are implemented in ways to assure voter access. The League created the 5 Things You Need to Know on Election Day public awareness campaign in 2004 to educate voters about the new requirements and the steps each voter could take to protect access. The campaign was highly successful and has continued in subsequent election seasons with a particular emphasis on providing high-quality voting information to first-time voters and other impacted communities.

Convention 2006 clarified the League's stance on voting systems to assure that they would be secure, accurate, recountable, accessible, and transparent.

Voter Protection in the 21st Century

In 2006, the League launched its highly successful Public Advocacy for Voter Protection (PAVP) project and by the early 2010s, the PAVP project had expanded to more than 20 states as the League engaged in targeted state-based advocacy. LWVUS collaborates with state Leagues to enhance their public education and advocacy campaigns



to fight barriers to voter participation and ensure election laws and processes are applied in a uniform and non-discriminatory manner.

Since its inception, the PAVP project has helped to remove or mitigate barriers to voting by underserved populations and to advance the capacity of state Leagues to become even more effective advocates in five focus areas identified by the League as essential to protecting the votes of all citizens and improving election administration overall: (1) oppose photo ID and documentary proof of citizenship; (2) improve administration of statewide database systems; (3) guard against undue restrictions on voter registration; (4) improve polling place management; and (5) improve poll worker training.

League work includes advocating for compliance with existing laws and regulations, such as the *National Voter Registration Act*, advocating for key reforms through education and advocacy, and pursuing litigation when necessary. League action has been directed toward legislators, state/local elections officials, other policy makers, the media, and concerned citizens, as appropriate.

One of the most significant threats tackled by Leagues through the PAVP project is onerous and restrictive voter photo ID requirements. As late as 2008, as many as 21 million Americans did not have government-issued photo identification, with communities of color and individuals with limited income disproportionately less likely to have photo ID showing a current address. The League's efforts to combat voter suppression require issue monitoring and action by League advocates, often over multiple state legislative sessions, countless articles and opinion pieces placed in national and regional media, and multiple steps in the state and federal courts. League leaders and their partners have worked every step of the way to ensure all eligible voters have the opportunity to participate and have the tools necessary to overcome the confusion that results from these drawn-out battles.

During the 2011 – 2012 cycle, the League's efforts resulted in the defeat of five strict voter photo ID bills during state legislative sessions (CO, IA, ME, MO, and NC); successful court action to block restrictive ID laws from implementation in four more states (SC, TX, PA, and WI); and success of the "People's Veto" in ME in protecting same-day voter registration.

On Election Day in 2012, Minnesota voters were the first in the country to soundly reject a proposed constitutional amendment that would have required government-issue voter photo ID and eliminated Election Day registration in future elections. The League and its partners were instrumental in securing this success for voters.

In the late summer and fall of 2012, the League was also a leader in pushing back against illegal purging of voters from voter registration lists in Colorado and Florida. Through additional court action, the League succeeded in overturning onerous restrictions on voter registration and quickly moved to fill the gap created by limits to independent voter registration in Florida.

The 2013 – 2014 period brought renewed national and state legislature attempts to restrict voting. LWV staff assisted 31 state League affiliates as they encountered voter suppression issues, and Leagues were instrumental in advocating against approximately 25 strict voter photo ID bills during the 2013 – 2014 state legislative sessions.

LWVUS and state Leagues across the country undertook court action to block restrictive laws in Kansas, North Carolina, Ohio, South Carolina, Wisconsin, and other states, with several major victories prior to Election Day



2016. We distributed an updated “ID Toolkit” to ensure that Leagues across the country disseminated a unified, comprehensive, and sustained message. The toolkit includes national overview of photo ID laws, overview of major court cases across the country, and a host of useful advocacy suggestions and templates.

The Ohio League received support in a challenge to reinstate the “golden week” of early voting that overlapped with open voter registration following the legislature’s action to cut it. In Georgia, a League-led coalition successfully stopped legislation that would have significantly reduced the early voting period.

In early 2013, the US Supreme Court heard two important cases challenging the *Voting Rights Act* and the *National Voter Registration Act*, and their ruling eliminated key voting rights safeguards that have been in place for decades. LWVUS submitted an amicus brief in each case, and the Arizona state League was a plaintiff in the NVRA challenge. The League strongly supported the enforcement mechanism in the VRA and, in support of the NVRA, continued its opposition to a documentary proof-of-citizenship requirement for voter registration.

During the 2014 – 2016 biennium, LWVUS with state Leagues successfully challenged purging rules in Florida and sought to reverse a decision by the new executive director of the US Election Assistance Commission to allow documentary proof-of-citizenship requirements in Arizona, Georgia, and Kansas.

State Leagues in Kansas, North Carolina, Ohio, and Wisconsin were active participants and leaders in a variety of lawsuits seeking to block voting restrictions in those states.

During the 2016 – 2018 biennium, LWVUS partnered with state Leagues in challenging illegal purging practices and strict voter ID laws in Arizona, Florida, Georgia, Ohio, Texas, and Wisconsin.

Preventing Election Day Barriers

In the lead-up to Election Day 2016, League volunteers worked around the clock to protect the rights of voters. They staffed English and Spanish language hotlines answering voters’ questions and troubleshooting for them. They set up poll observation programs, served as poll workers, and reported challenges to the national Election Protection Coalition, all with the goal of ensuring votes were successfully cast and counted. In states where restrictive photo ID laws had passed and were implemented, the League actively sought out and provided assistance to individuals who could have difficulty getting the required ID. Assistance included education about the requirements, transportation to Department of Motor Vehicles offices, and help in obtaining—and in some instances paying for—underlying documentation (e.g., birth certificates). As part of this effort, LWV printed tens of thousands of state-specific voter education materials. In 2016 alone, the League’s work to protect and mobilize voters was featured in more than 35,000 news stories.

Leagues also regularly met with election officials to encourage Election Day preparedness, poll worker training (especially in states where changes have been made), and fair distribution of resources so that all polling places were staffed and prepared for voters. In all, Leagues had more than 1,000 meetings with election officials. Across the country, hundreds of League volunteers staffed hotlines and worked as election observers to ensure voters’ rights were protected on Election Day itself.

In 2018, LWVUS along with a legal partner worked with state Leagues in Alabama, Indiana, and Maine to successfully combat purging practices in violation of the NVRA. Letters were sent to each secretary of state



specifically asking for a commitment in writing that these purging practices would not be implemented during the midterm election cycle.

LWVUS staff also renewed its activity in the Election Protection coalition, serving as lead for states with a history of voter suppression. The work done on Election Day influenced lawsuits that were successful in keeping polls open for disenfranchised voters in the South.

In all, the League protected more than 4.2 million voters through its advocacy, litigation, and education efforts throughout 2018.

When possible, Leagues also worked to improve voter registration database matching criteria; ensure students' right to vote using their campus address; increase the effectiveness of public assistance office voter registration; and ensure fair and equitable implementation of early voting and vote centers. LWVUS has promoted key proactive election reform priorities since 2013, including secure online voter registration, permanent and portable statewide voter registration, expansion of early voting, improvement of polling place management, and electronic streamlining of election processes.

COVID-19 Pandemic

As the world dealt with the COVID-19 pandemic and prepared for the 2020 election, a host of states quickly adjusted their election and registration rules. The pandemic created ample opportunity for anti-voter rules, such as reduced mail-in voting options and last-minute election changes, to thrive. Leagues across the US fought these rules by initiating or joining dozens of cases focused on expanding voting options through added protections for in-person voting; the elimination or relaxation of discriminatory ID requirements; support for the US Postal Service; increased opportunities for early and mail-in voting; and much more. League litigation pushed for expanded options for mail-in voting and no-excuse absentee voting, as well as increased accessible drop boxes, to balance health and safety with the right to vote. Ultimately, the League protected 25,831,538 voters through legal actions in 2020, which was among the League's largest voter protection results in recent history. Nonetheless, an explosion of anti-voter laws emerged following the 2020 election, and the League jumped into action to counter ongoing discrimination, voter intimidation, and suppression.

Key Structures of Democracy

At the 2014 Convention, delegates voted on an ambitious program to examine three key structures of democracy: redistricting reform, amending the Constitution, and money in politics. Through League studies, new positions were developed on Money in Politics, Considerations for Evaluating Constitutional Amendment Proposals, and Constitutional Conventions under Article V of the US Constitution. A League task force recommended a new position on Redistricting to Convention 2016, and it was adopted by concurrence.

Based on these new positions and the positions on Voting Rights, LWV launched a Campaign for Making Democracy Work® for the 2016 – 2018 biennium. Voter registration, education, mobilization, and protection are key parts of this campaign, which extends to legislative reform at the state and local levels as well as the national level.



Campaign for Making Democracy Work

The 2018 convention reaffirmed the League's commitment to the Campaign for Making Democracy Work (CMDW) and updated the program to include advocacy of the National Popular Voter Interstate Compact as resources allowed. LWVUS initiated an NPV task force in early 2019 to assess viability of this reform. In November 2019, the League signed on to a report by the Leadership Conference on Civil and Human Rights (LCCHR), *Vision for Democracy*, which details the massive systemic reforms needed to protect and improve our democracy. These reforms include preventing barriers to the ballot box, ending felony disenfranchisement, expanding voter registration, increasing voter participation and access, strengthening election security, and creating structural reform (addressing gerrymandering, DC statehood, and money in politics).

The CMDW was reaffirmed as part of the program by Convention in 2020 and 2022. As part of the campaign, LWVUS launched People Powered Fair Maps™, a project to build fair and transparent redistricting processes in all fifty states and DC, following the disappointing decisions in *Rucho v. League of Women Voters of North Carolina*. The League also started work at the federal level to support legislation like the *For the People Act*, the *Freedom to Vote Act*, and the *John R. Lewis Voting Rights Advancement Act*.

When the COVID-19 pandemic stalled the nation in the spring of 2020, the League was forced to pivot to seeing elections through a lens of pandemic preparedness. The 2020 elections created unique challenges that required new thinking and forced elections officials to expand voting options to protect public health. Many states expanded no-excuse absentee voting or extended mail-in ballots to all voters. The League was at the forefront, fighting for funding to aid election workers facing unique challenges and informing voters about their options to participate in a way that made them feel comfortable. With the US Postal Service beginning wide-scale changes just before an election, the national League joined partners to file a lawsuit against the postmaster general and US Postal Service asserting that recent changes to the postal service and procedures and equipment presented an undue burden on the fundamental right to vote, infringed on free speech rights, and violated the Administrative Procedures Act (APA). Within a week after filing our lawsuit, the postmaster general issued an announcement that the agency would suspend certain "operational initiatives" until after the election.

While the pandemic expanded opportunities for voters, it also created stress for the 2020 Census. The League was a partner with the US Census Bureau, helping to share information on the ground and through social media about the importance of the 2020 Census. When the US Census Bureau was forced to shut down enumeration and then restart on a shortened timeline, LWVUS and three state Leagues joined partners to file a lawsuit to protect the Census count. We argued that the Trump administration's decision to stop collecting data on September 30, 2020, rather than October 31, 2020, was an attempt to exclude undocumented immigrants and would result in an undercount of minority communities. We requested that the timeline be restored so that a full count could be completed. The lawsuit resulted in eleven additional days of counting before finally being shut down on October 15, 2020.

Following the 2020 election, and in the face of lack of protections from the *Voting Rights Act*, states began enacting changes to roll back the expansion of voting that occurred during the COVID-19 pandemic. State Leagues in Georgia, Texas, Florida, and other states were forced to fight back against omnibus voting laws.



Voting Rights

CITIZEN'S RIGHT TO VOTE

The League's Position

Statement of Position on Citizen's Right to Vote, as announced by the national board, March 1982:

The League of Women Voters of the United States believes that voting is a fundamental citizen right that must be guaranteed.

League History

The Voting Rights Act of 1965

The right to vote for every eligible American has been a basic League principle since its origin. Early on, many state Leagues adopted positions on election laws. But at the national level, despite a long history of protecting voting rights, the League found itself during the civil rights struggle of the 1960s without authority to take national legislative action on behalf of the *Voting Rights Act of 1965* (VRA). Stung by the League's powerlessness to act on such a significant issue, the 1970 Convention adopted a bylaws amendment enabling the League to act "to protect the right to vote of every citizen" without the formality of adopting voting rights in the national program. This unusual decision reflected member conviction that protecting the right to vote is indivisibly part of the League's basic purpose.

When the 1974 Convention amended the Bylaws to provide that all League Principles could serve as authority for action, the separate amendment on voting rights was no longer needed and in the 94th Congress (1975 – 1977) the League was part of a successful coalition effort to extend the VRA and expand its coverage to language minorities. The 1976 Convention's adoption of voting rights as an integral part of the national Program and the 1978 confirmation of that decision underlined the already existing authority under the Principles for the League to act on this basic right.

In May 1982, the LWVUS Board made explicit the League's position on voting rights, and the 1982 Convention added voting rights to the national program. In the 97th Congress (1981 – 1983), the League was a leader in the fight to strengthen the VRA and extend its major provisions for 25 years. The 1986 Convention affirmed that a key element of protecting the right to vote is encouraging participation in the political process. The 1990 Convention affirmed that LWVUS should continue emphasis on protecting the right to vote by working to increase voter participation.

In the 102nd Congress (1991 – 1993), the League successfully sought reauthorization of the language assistance provision for an additional 15 years. In 2006, the League sponsored a major public initiative to support the *Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act of 2006*. After months of action by Leagues across the country, the bill was passed and signed into law.

The League has played a role in every major reauthorization of the Voting Rights Act. After the 2013 decision in *Shelby County v. Holder*, in which the League participated with an amicus brief, the League again joined



with coalition partners to restore the VRA. The League participated in the 50th Anniversary of the March on Washington with President Obama and all other living presidents, as well as leaders from the civil rights movement, Congressman John Lewis, and other elected leaders. The League continued to push for action on the Voting Rights Advancement Act during the 115th and 116th Congresses.

In response to threats to voting rights, the League has actively pursued litigation and administrative advocacy. In 1985, the League filed comments objecting to proposed regulations that would weaken the administrative enforcement provisions of Section 5 of the Act. And with other amici curiae, the League successfully urged the US Supreme Court to adopt a strong interpretation of Section 2 for challenges to minority vote dilution.

From 1984 to 1989, building on a 1982 pilot project to monitor compliance with the *Voting Rights Act* in states covered by Section 5 of the Act, LWVEF conducted projects to apply monitoring techniques in jurisdictions considering bailout from Section 5, to establish the League as a major source of information on bailout and compliance issues. Since 1988, LWVEF has worked with state and local Leagues to encourage full participation in each census and to ensure that subsequent reapportionment and redistricting complies with one-person, one-vote requirements and the *Voting Rights Act*.

In 1996 and 1998, LWWUS worked against congressional “English-only” legislation that would have effectively repealed the minority language provisions of the *Voting Rights Act*.

National Voter Registration Act (NVRA)

In 1990, LWVEF convened a symposium of scholars, journalists, campaign consultants, and activists to examine the role of negative campaigning in the decline in voter participation and possible grassroots remedies. The symposium led to a comprehensive effort to return the voter to the center of the election process. The Take Back the System campaign coordinated League activities to make voter registration more accessible, provide voters with information about candidates and issues, and restore voters’ confidence and involvement in the electoral system. The program included LWWUS efforts on voter registration and campaign finance reform; an LWVEF presidential primary debate; a national voter registration drive; voter registration efforts aimed at young people; a Campaign Watch pilot project to help voters deter unfair campaign practices; and grassroots efforts to register, inform, and involve voters. The League’s grassroots campaign to secure national legislation to reform voter registration resulted in the 1990 House passage of the *National Voter Registration Act (NVRA)* — also known as the “motor-voter” bill — but the bill did not reach the Senate that year.

In 1991, the effort to pass national motor-voter legislation intensified, and the *National Voter Registration Act of 1991* was introduced in the Senate. Leading a national coalition, the League executed a high-visibility, multifaceted, grassroots drive, resulting in passage by both houses in 1992, but President George H. W. Bush vetoed the bill and the Senate failed to override.

In May 1993, the years of concerted effort by the League and other organizations paid off when both houses passed, and President Clinton signed, the *National Voter Registration Act*. The President gave one of the signing pens to LWWUS and saluted the League and other supporters as “fighters for freedom” in the continuing effort to expand American democracy. The motor-voter bill enabled voter registration at motor vehicle agencies automatically, as well as by mail and at public and private agencies that service the public.



In 1994, LWVEF launched the Wired for Democracy project, anticipating the potential of the internet for providing voter education and opening government to citizens. In 1996, the League focused its energies on getting voters to the polls.

League members also quickly turned to ensuring effective implementation of the NVRA by states and key federal agencies. In early 1994, LWVEF sponsored the Motor Voter Alert conference of representatives from more than 30 state Leagues, other grassroots activists, and representatives of civil rights and disability groups. Throughout 1994, while LWVUS successfully lobbied the President and the Justice Department for strong federal leadership, state Leagues kept the pressure on their legislatures to pass effective enabling legislation by the January 1995 deadline. On September 12, 1994, the President issued an executive order requiring affected federal agencies to cooperate to the greatest extent possible with the states in implementing the law by providing funds, guidance, and technical assistance to affected state public assistance agencies and agencies serving the disabled.

A report on the first-year impact of the NVRA indicated that 11 million eligible Americans registered to vote under required NVRA motor-voter, agency-based, and mail-in programs in 1995. State Leagues and other organizations joined the Justice Department in filing lawsuits against states that refused to implement the NVRA. By the summer of 1996, Illinois, Pennsylvania, California, South Carolina, Virginia, Michigan, and Kansas had lost Tenth Amendment states-rights arguments against the NVRA in federal court.

In 1995 and 1996, state and local Leagues worked to ensure effective state enforcement of the NVRA, as LWVUS lobbied against congressional amendments that would have weakened or undermined the new federal law.

A noncompliance suit filed by the state League against New Hampshire was dropped early in 1996 when Congress passed a legislative rider exempting New Hampshire and Idaho from the NVRA by extending the law's deadline for state exemptions based on having Election Day registration programs. LWVUS opposed the New Hampshire exemption.

LWVUS urged state election officials and Congress to give the NVRA a chance to work before proposing changes. The League opposed a Senate NVRA "unfunded mandate" amendment that would have blocked state compliance by requiring the federal government to pay for implementation. The League also opposed amendments that required proof of citizenship to register to vote. All but the New Hampshire exemption were defeated or withdrawn.

While the NVRA helped more Americans register to vote for the 1996 election than at any other time since records have been kept, LWVUS continued to fight congressional attempts to cripple the law. For example, the League lobbied and testified against the *Voter Eligibility Verification Act*, which sought to create a federal program to verify the citizenship of voter registrants and applicants, arguing that the program was not necessary, would not work, and would depress voter participation.

On related issues, the League has supported efforts to increase the accessibility of registration and voting for people with disabilities in federal elections and undertaken major efforts to encourage participation in the electoral process. Since 1988, LWVEF has been coordinating broad-based voter registration drives, combining national publicity and outreach with grassroots activities by state and local Leagues, other groups, and public officials.



The League also has worked to change aspects of the coverage and conduct of campaigns that might frustrate voter participation. From 1980 to 1985, LWVUS sought to pressure broadcasters not to air projections of election results before all the polls in a race closed.

Since 2012, the League has served on the national working committee that oversees National Voter Registration Day, a major national initiative that has brought together thousands of partners to register hundreds of thousands of voters each September. In 2016, more than 350 Leagues from 45 states participated and registered more than 19,000 individuals to vote on National Voter Registration Day. In 2018, Leagues from 40 states hosted more than 400 events and registering more than 32,000 individuals to vote—making the League the single largest on-the-ground participant for the seventh year in a row.

Voter Engagement and Turnout

Original research sponsored by LWVEF found that voters and nonvoters differ in several key respects: nonvoters are less likely to grasp the impact of elections on issues that matter to them, nonvoters are more likely to believe they lack information on which to base their voting decisions; nonvoters are more likely to perceive the voting process as difficult and cumbersome; and nonvoters are less likely to be contacted by organizations encouraging them to vote.

In 1996, armed with the message, “It’s about your children’s education, your taxes, your Social Security, your Medicare, and your safe streets. It’s about you and your family. Vote,” Leagues nationwide conducted targeted, grassroots get-out-the-vote (GOTV) campaigns. Focusing on racial and ethnic minorities and other underrepresented populations, Leagues worked in coalition with other organizations to expand their reach and let voters know they have a stake in the system. Despite an overall downturn in voter participation in 1996, precincts targeted by the League’s effort posted increased voting rates.

In the 2000 elections, LWVEF worked with state and local Leagues on intensive GOTV campaigns in 30 communities, targeting impacted voters. Training highlighted new ways to engage citizens to work in coalitions with diverse communities. The League also participated in forming the Youth Vote 2000, a nonpartisan coalition of organizations committed to encouraging greater participation in the political process and promoting a better understanding of public policy issues among youth.

Also in 2000, the League launched its Take a Friend to Vote (TAFTV) campaign, based on research showing that nonvoters are most likely to vote if asked by a friend, family member, neighbor, or someone else they respect. The TAFTV campaign featured toolkits with reminder postcards and bumper stickers, a website, PSAs on Lifetime Television, and “advertorials” in major magazines featuring celebrities and their friends talking about the importance of voting.

Help America Vote Act

When the 2000 election exposed the many problems facing the election system, the League began to work relentlessly on election reform and bringing its importance to national attention. LWVUS helped draft and pass the *Help America Vote Act of 2002* (HAVA), working closely with a civil rights coalition in developing amendments and lobbying for key provisions.



LWVUS took a leadership role in forming an election reform coalition to develop recommendations on HAVA implementation and testified before the House and Senate, stressing the importance of substantial new federal funding for election reform efforts. The League used its special expertise to argue for improved voting systems and machines, provisional balloting and other safeguards, and improvements in voter registration systems and poll worker training and administration.

LWVEF worked to heighten public awareness about election administration problems and provide informational and action materials to state and local Leagues. In 2001, LWVEF hosted three Focus on the Voter symposia and worked with Leagues to design and conduct a survey of election administration practices in local jurisdictions. Four hundred and sixty Leagues from 47 states and the District of Columbia responded to the survey. A report of the findings was released at a post-election symposium in November 2001 and concluded that “good enough is not good enough.”

In 2001 and 2002, we made Election Administration Reform: A Leader’s Guide for Action, the Election 2001 Toolkit, and Navigating Election Day: What Every Voter Needs to Know available to state and local Leagues for voter education activities. In late 2002, LWVEF convened a conference, sponsored by the McCormick Tribune Foundation, to explore emerging issues in election reform.

In the 108th Congress (2003 – 2005), the key issue was funding for HAVA, as President George W. Bush initially proposed that HAVA not be fully funded. A joint lobbying effort of state and local government organizations, civil rights groups, and the League prevailed in achieving full funding for the first two years of implementation.

The League issued several publications following the passage of HAVA to support effective implementation of the bill. In mid-2003, LWVEF published Helping America Vote: Implementing the New Federal Provisional Ballot Requirement, which examined and made key policy recommendations for states and localities in implementing HAVA’s provisional balloting requirement. The second report, Helping America Vote: Safeguarding the Vote, followed in 2004, outlining a set of recommended operational and management practices for state and local election officials to enhance voting system security, protect eligible voters, manage statewide voter registration databases, and ensure that valid votes are counted. A third report, published in June 2005 by LWVEF, was Helping America Vote: Statewide Voter Registration Databases. And a fourth and final report was Helping America Vote: Thinking Outside the Ballot Box, published in 2006 by LWVEF.

In the early 2000s, the League made available its attractive VOTE brochure, a succinct, step-by-step guide to voting and Election Day, designed to reach out to new, young, and first-time voters. Our 5 Things You Need to Know on Election Day card provided hundreds of thousands of voters with simple steps to ensure their vote is counted.

At the 2004 Convention, the League determined that to ensure integrity and voter confidence in elections, LWVUS supports the implementation of voting systems and procedures that are secure, accurate, recountable, and accessible. State and local Leagues may support a particular voting system appropriate to their area, but should evaluate them based on the “secure, accurate, recountable, and accessible” criteria. While LWVUS has not commented on specific voting systems, Leagues should continue to consult with LWVUS before taking a stand on a specific type of voting system to ensure that the League speaks with a consistent voice. Leagues should also



consult standards developed by the Election Assistance Commission (EAC) pertaining to voting systems when studying or improving their own voting systems.

At Convention 2006, delegates further clarified this position with a resolution stating that the Citizens' Right to Vote be interpreted to affirm that LWVUS supports only voting systems that are designed so that:

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

At Convention 2010, delegates added the principle of transparency, so that the League supports voting systems that are secure, accurate, recountable, accessible, and transparent.

Also, in 2004, the League of Women Voters conducted a survey of local and state election officials in a number of target states to identify potential problems with HAVA implementation that could put the votes of eligible voters at risk. The League identified the top five risks to eligible voters in 2004, including voter registration problems, erroneous purging, problems with the new ID requirement, difficulties with voting systems and a failure to count provisional ballots, and asked election officials for resolution before the election. League leaders in various states were at the forefront of high-profile battles over HAVA's implementation.

In 2006, the League released *Thinking Outside the Ballot Box: Innovations at the Polling Place*, a comprehensive report aimed at sharing successful election administration stories with local officials throughout the country.

As a complement, not a substitute, to the NVRA, the League continues to support shortening the period between registration and voting or same-day voter registration. LWVUS has worked with state Leagues interested in promoting such reforms.

Choosing the President

The League's respected voter education tool, *Choosing the President: A Citizen's Guide to the Electoral Process*, was revised in 2004 and 2008. The 2008 edition was also translated into Russian and Arabic and was the basis for *Electing the President*, a 16-page education supplement created and distributed to schools in collaboration with the Newspapers in Education Institute. We updated *Electing the President* in 2012 and in 2016 and again distributed it to schools in collaboration with the Newspapers in Education Institute.

Additionally, we appointed an Election Audit Task Force to report to the LWVUS Board on the auditing of election procedures and processes. The 2009 report is available at www.lwv.org. Leagues should find this report useful in talking with their legislatures and elections officials about election auditing.



League Investment in Online Voter Information

In 1998, the League was a visionary, recognizing that the way of the future for voter education would be online. It tested two systems to transform its trusted, nonpartisan voters' guides and make them readily available online. LWVEF chose the DemocracyNet (DNet) as its nationwide online voter information platform and worked with state and local Leagues to expand the system to all 50 states for the 2000 elections. By the 2004 election, DNet was the most comprehensive source of voter information and one of the top online sites for unbiased election information, offering full coverage of all federal races as well as thousands of state and local contests.

In 2006, the League launched the next generation of online voter education with VOTE411.org, a “one-stop shop” for election-related information, providing nonpartisan information to the public with both general and state-specific information including a nationwide polling place and ballot drop box locator, absentee ballot information, ballot measure information, comprehensive candidate information, and other important resources. In 2008, 2012, and 2019, LWVEF accomplished consecutive overhauls and improvements to this award-winning voter education website, and in 2020 VOTE411 launched in Spanish, continuing the tradition of making it the most comprehensive, easy-to-use online tool for voters. The site is at the heart of the League's campaign to prepare voters.

Since we launched VOTE411 in 2006, more than 53.6 million people have benefited from the information available on the site. VOTE411 has expanded access to information about candidates at the state and local levels with every election year. In partnership with hundreds of state and local Leagues, VOTE411 provides voters with information on where tens of thousands of candidates stand on the issues and up-to-date election rules for all 50 states in every election year. And in 2016 for the first time, the statements from the presidential candidates were available in English and Spanish.

In 2022, VOTE411.org served nearly 5 million individuals and proved to be one of the most stable, reliable, comprehensive, and accessible platforms throughout the primary season as well as on Election Day.

Opposing Voting Barriers

In 2006, the League launched the Public Advocacy for Voter Protection (PAVP) project, and since then, the League has undertaken concerted nationwide efforts to promote voter protection and education to prevent the development of processes and laws that threaten to disenfranchise voters, educate the public on new election procedures, and provide voters with the information they need to cast a vote and be sure that vote is counted.

As part of the PAVP effort, in 2007, the League opposed state legislation that would require documentary proof of citizenship or picture ID to register to vote and to vote. The League also filed an amicus brief in a Supreme Court case regarding ID requirements in Indiana. In 2009, the League filed an amicus brief in the Arizona voter ID case, *Gonzalez v. Arizona*, asking the 9th Circuit Court of Appeals to recognize that the *National Voter Registration Act of 1993* prohibits a proof-of-citizenship requirement when using the national mail voter registration application form. The League again filed an amicus brief when the case was argued before the Supreme Court in 2013. The League and its allies finally prevailed. In the renamed *ITCA v. Arizona*, the Court agreed that the NVRA preempts state law.

2014 and 2016 brought unprecedented challenges and successes to the PAVP program, with participating Leagues ultimately defeating dozens of onerous barriers that threatened the right to vote. For the first time in 2016, LWVEF



supported state Leagues' efforts to call more than 100,000 people to encourage their participation in the 2016 election and make sure they had accurate information about early voting and identification rules.

Since its inception, the PAVP project has helped to remove or mitigate barriers to voting by underserved populations and advance the capacity of state Leagues to become even more effective advocates. The League identified five focus areas as essential to protecting the votes of all citizens and improving election administration overall: (1) oppose photo ID and documentary proof of citizenship, (2) improve administration of statewide database systems, (3) guard against undue restrictions on voter registration, (4) improve polling place management, and (5) improve poll worker training.

Expanding the National Voter Registration Act and Increasing Participation

In 2008, the League worked to support voting rights by publicly requesting that secretaries of state across the country designate veterans' health facilities as voter registration agencies as provided for in the *National Voter Registration Act*. In 2012 – 2014 this work continued as LWVUS and many state Leagues worked to ensure the state health care exchanges created under the *Affordable Care Act* were designated as voter registration agencies.

This same year, LWVEF produced *Engaging New Citizens as New Voters: A Guide to Naturalization Ceremonies*, which detailed how Leagues could get involved in such ceremonies. Starting in 2012, LWVEF built on this effort and supported targeted local Leagues with grant funding and strategic support to register new citizens at naturalization ceremonies and underrepresented community colleges. In 2014, LWVEF released a brand-new toolkit designed to support Leagues in their work to engage new citizens as first-time voters. Leveraging this toolkit in 2016, LWVEF launched its largest nationwide grant-funded effort to support state and local Leagues in registering newly naturalized citizens, ultimately resulting in in tens of thousands of new registrants at hundreds of citizenship ceremonies nationwide. In 2022, this work resulted in Leagues registering more than 34,000 new citizens at more than 650 naturalization ceremonies, and ceremony participants took home more than 21,700 voter registration applications for their friends and family.

Since 2010, the League has aimed through its national Youth Voter Registration Project to bring more young people, especially in communities of color, into the democratic process. Local Leagues in dozens of target communities have received LWVEF grant funding and strategic support to assist approximately 150,000 students to register to vote. The League used data and feedback provided by participating Leagues to determine effective strategies and produced a groundbreaking and widely used 2011 training manual, *Empowering the Voters of Tomorrow*, for Leagues and other groups interested in registering high school students. The guide was updated and republished in early 2013, 2015, and again in 2018.

All aspects of the League's 2012 – 2022 work were part of three major national initiatives, *Power the Vote*, *Women Power the Vote*, and *Women Power Democracy*. Through these initiatives, Leagues worked at all levels to protect, register, educate, and mobilize voters to participate. The League summarized its 2012 – 2014 efforts in the whitepaper, *Power the Vote: How a new initiative launched results for millions of voters*. It and many corresponding training and planning resources are available at www.lwv.org.



Opposing Voter Suppression

In 2013, the Supreme Court reversed key voting rights protections that had been in place for decades in the case of *Shelby County v. Holder*. The Court ruled that the *Voting Rights Act* formula for determining which jurisdictions had to clear their election law changes with the federal government was based on old data and was therefore unconstitutional.

The League immediately acted, urging Congress to repair and restore the effectiveness of the VRA. This work continued into 2015 and 2016, with active participation from state and local Leagues in target districts backing up the LWVUS lobbying efforts to enact a new *Voting Rights Advancement Act*, restoring key elements of the VRA while extending new protections nationwide.

Also, in the 2010s, Leagues worked in their state legislatures with other concerned organizations for bills to re-enfranchise formerly incarcerated individuals, believing that excessive disenfranchisement undermines voting rights as well as reintegration into the community. In 2018, Leagues were successful in working with a broad coalition of individuals and organizations to re-enfranchise 1.4 million formerly incarcerated individuals. This success is paving the way for similar efforts in Leagues across the country.

In 2017 – 2018 the League actively opposed the creation of the Pence-Kobach Election “Integrity” Commission. President Trump created the commission to address the so-called voter fraud in the 2016 election. The League opposed moves by the commission to collect voter registration data from all 50 states and create a national database of registration names because of voter data privacy issues. State Leagues across the country spoke with their chief election officials about the concerns over data privacy and some filed letters of intent or lawsuits with their officials over the state’s intent to share data. LWVUS worked with civil rights groups at the federal level to participate in civil disobedience events and collect and deliver comments to the commission from League members and activists around the country. The commission met twice but was unable to justify the unfounded claims of voter fraud in the 2016 election and disbanded in spring of 2018.

The For the People Act and the Freedom to Vote Act

In December 2018, the League began working with members of Congress and a new coalition, the Declaration for American Democracy (DFAD), on comprehensive legislation to address voting rights, money in politics, and ethics reform in Congress. The legislation, known as the *For the People Act (FTPA)*, was introduced in the 116th Congress (2019 – 2021) and passed the House in March 2019, but never received a committee hearing or made it to the floor of the Senate. Despite lack of movement in the Senate, the League continued to meet with lawmakers and build grassroots support for the legislation around the country.

LWVUS launched grants to key target states to run full-page ads on Easter weekend urging senators in eight states to move the legislation forward for a hearing. The ads reached hundreds of thousands of people and were complemented by an action alert, events, letters to the editor, and postcards parties around the country. The Leagues worked to pressure lawmakers into taking action and continued to build support for the legislation at the local level.

The *For the People Act* was introduced again in the 117th Congress (2021 – 2023). The League lobbied legislators in Washington, DC, engaged grassroots supporters through action alerts, and helped facilitate meetings with state



and local League members and their elected officials. In the summer of 2021, the League launched another grant to 12 states and passed through more than \$100K to Leagues to continue to build support for the legislation.

As part of the Campaign for Making Democracy Work, the League continued focusing on the protection and enforcement of voting rights in the 117th Congress, including FTPA, the *Freedom to Vote Act (FTVA)*, and the *John R. Lewis Voting Rights Advancement Act (JLVRAA)*.

If passed, this national voting rights legislation would set minimum uniform standards for conducting federal redistricting, voting, and elections across the country. The bills would hold states and bad actors accountable for attempts to restrict voting and would prevent voter suppression efforts. Collectively, these two pieces of legislation would bring us closer to a democracy that is representative of all Americans.

LWVUS staff, grassroots membership, and LWVUS Lobby Corps contacted their representatives and senators in support of this legislation. LWVUS convened a congressional panel in June 2021 to discuss the future of democracy with a focus on federal legislation.

Later in the summer and fall, LWVUS President Dr. Deborah Turner and CEO Virginia Kase Solomón, joined by Leagues from across the country, participated in actions at the White House and on Capitol Hill to demand passage of the legislation through the No More Excuses: Voting Rights Now arc of escalation rallies.

Alongside national voting and civil rights partners, LWVUS supported hundreds of Leagues in leading and joining distributed actions around the country in support of federal voting rights legislation, resulting in hundreds of actions and thousands of voters engaged.

The FTPA passed the House of Representatives but did not achieve the 60-vote threshold to move forward on all three votes in the Senate. In the fall of 2021, Senators put together new legislation, the *Freedom to Vote Act*, which combined parts of the *For the People Act* as they pertained to voting rights and money in politics with the *John R. Lewis Voting Rights Advancement Act*. The legislation was brought up for a vote in the Senate three times, but it was unable to overcome the filibuster.

In January 2022, the Senate finally got the bill to the floor, when Senator Chuck Schumer (D-NY) used a procedural motion to bypass the filibuster and bring the bill to the floor for the first time since it had been introduced. Ultimately, the legislation failed to move from debate to final passage, when two senators voted against a rule change that would have lowered the filibuster threshold.

DC SELF-GOVERNMENT AND FULL VOTING REPRESENTATION

The League's Position

Statement of Position on DC Self-Government and Full Voting Representation, as revised by the national board, March 1982 and June 2000:

The League of Women Voters of the United States believes that citizens of the District of Columbia should be afforded the same rights of self-government and full voting representation in Congress as are all other citizens of the United States. LWVUS supports restoration of an annual, predictable federal payment to the District to compensate for revenues denied and expenses incurred because of the federal presence.



League History

The League of Women Voters began early to seek redress for another disenfranchised group: the citizens of the District of Columbia (DC). The League has supported DC self-government since 1938. Realization of these goals has been slow, but since 1961 DC residents have made some gains in the drive for full citizenship rights. The remaining goals—voting representation in both the House and Senate and full home-rule powers—were made explicit in the LWVUS program in March 1982.

The League has applied a wide variety of techniques, including a massive petition campaign in 1970, to persuade Congress to change the status of the “Last Colony.” League support has been behind each hard-won step: the right of District citizens to vote for President and Vice President, through ratification of the 23rd Amendment to the Constitution in 1961; the right to elect a non-voting delegate to Congress in 1970; a 1974 limited home-rule charter providing for an elected mayor and city council, based on the 1973 *DC Self Government and Governmental Reorganization Act*. The League supported the last two reforms as interim steps until voting representation in Congress and full home-rule powers are achieved.

On August 22, 1978, the Senate confirmed the House-approved constitutional amendment providing full voting representation in Congress for citizens of the District of Columbia. State and local Leagues took the lead in ratification efforts. However, when the ratification period expired in 1985, only 16 states of the necessary 38 had ratified the amendment.

In 1993, at the request of the LWV of the District of Columbia, the LWVUS Board agreed that statehood for the District would “afford the same rights of self-government and full voting representation” for citizens of the District as for other US citizens. Accordingly, the League endorsed statehood as one way of implementing the national League position.

The 1998 Convention agreed to incorporate “full congressional voting rights for the District of Columbia” in the Campaign for Making Democracy Work®. In September 1998, DC League members were among the plaintiffs in a federal suit, *Alexander et al. v. Daley et al.*, challenging the denial of full voting representation for citizens of the District in Congress. This and a related suit were rejected 2-1 by a three-judge panel of the court in March 2000. The case was appealed to the Supreme Court, and LWVUS filed an amicus brief in September 2000. Later in 2000, the Supreme Court rejected voting rights in Congress for District of Columbia citizens.

LWVUS was instrumental in the formation of the Coalition for DC Representation in Congress (now DC Vote), which seeks to build a national political movement supporting full representation in Congress and full home-rule powers for the citizens of DC.

In April 2000, the LWVUS Board agreed that the existing LWVUS position on DC voting rights also includes support for autonomy for the District in budgeting locally raised revenue and for eliminating the annual congressional DC appropriations budget-approval process. Convention 2000 adopted a concurrence to add to the LWVUS position support for the “restoration of an annual, predictable federal payment to the District to compensate for revenues denied and expenses incurred because of the federal presence.”



While such congressional review remains in force, the League continues to urge members of Congress to oppose appropriations bills that undermine the right of self-government of DC citizens, including restrictions on abortion funding.

In the 108th Congress (2003 – 2005), the League worked with DC Vote to develop legislation providing voting rights in Congress to DC residents. The House Committee on Government Reform held hearings in spring 2004 to discuss four different legislative approaches to gaining representation in Congress. In 2005, members of Congress took on the DC voting rights issue with more enthusiasm than had been seen in years. Under a new legislative plan, Utah would receive an additional fourth seat in Congress, while congressional voting rights in the House of Representatives would be provided for Americans living in Washington, DC. This balanced approach, developed by Rep. Tom Davis (R-VA) and supported by the DC City Council and mayor, would provide voting rights for District residents without upsetting the partisan balance of the House. As momentum for this plan increased, the League worked tirelessly to encourage members of Congress and the public to act on DC voting rights.

In 2006, with support from the DC government, LWVEF launched a DC Voting Rights Education project, aimed at building public awareness of the unique relationship between Congress and District of Columbia citizens, specifically their lack of full voting rights. As part of the project, selected Leagues throughout the country began work to educate voters and local leaders on the DC voting rights issue through summer 2007.

Despite the League's hard work and progress in the 109th (2005 – 2007) and 110th (2007 – 2009) congressional sessions toward passing DC congressional voting rights legislation, supporters were not successful.

In 2016, LWVEF relaunched efforts to build awareness about the need for DC representation in Congress through a grant from the DC government. With ongoing support from the DC government, this effort continued through 2022, with LWVEF staff and LWVDC volunteers working to raise awareness and educate the public about the need for DC voting rights throughout the entire country, working with grass tops leaders, hosting public events, building a social media campaign, and providing leadership development. From 2016 through 2022, LWVEF received grant funds from the DC government to raise awareness about the struggle for DC voting rights and statehood and build support for the necessary reforms.

In the 116th session (2019 – 2021) of Congress, LWVUS worked closely with national partners and the DC League to continue to push for statehood as well as preventing the rights of DC residents from being undermined through federal government action. In 2019, the League submitted a letter to the House and Senate appropriations committees supporting Fiscal Year 2020 appropriations and asking Congress to ensure that no riders that would infringe on the rights of DC residents would be added to the package. In 2019, as a result of LWVUS advocacy and work around statehood, DC Vote recognized LWVUS as a Champion of Democracy. Additionally, LWVUS and LWVDC joined as amici to support a lawsuit that would expand voting rights for DC residents. The lawsuit, *Castanon v. United States* was filed in federal court against federal officials for violation of the equal protection and due process guarantees of the Constitution.

2020 – 2022 were exceptional years for the DC statehood fight. For the first time ever, the House of Representatives voted to pass HR51, *Washington DC Admission Act*. In advance of this vote, LWVUS urged Congress to support the passage and mobilized our base through an action alert to contact their representatives. LWVUS and



LWVDC also co-hosted a highly successful watch party to view the initial committee hearing outside the Rayburn House office building as well as an event to watch the final vote; both events had hundreds of attendees.

2020 was also the beginning of the COVID-19 pandemic. In its efforts to mobilize aid, Congress passed the CARE ACT. The package treated the District of Columbia as a territory. This misclassification meant the District was overlooked for nearly \$725 million in needed aid. LWVUS joined coalition partners to demand that in the subsequent relief packages, DC be made whole and awarded funds on the same basis as states.

In the 117th Congress (2021 – 2022), HR51 was reintroduced in January and passed the House chamber that April. The League elevated attention to this vote by helping to organize, with the DC League, “Honk for Statehood” events in every ward of DC and a virtual watch party for the Oversight & Reform Committee hearing. LWVUS also launched a successful action alert activating our membership to contact their representatives.

LWVUS was also a valued partner and member of the DC Kitchen Sink Coalition conversations in support of statehood that brought together organizations including LWVUS, LWVDC, DC Vote, Indivisible, Leadership Conference on Civil Rights, ACLU DC, Neighbors United for DC Statehood, American Progress, The Hub Project, Stand up America, and Civic Nation.

LWVUS also acted when statehood was taken up in the Senate in 2021. LWVUS’s volunteer lobby corps mobilized in June to encourage support for the bill among senators. LWVUS sent a letter to Senator Gary Peters, the then Chairman of the Homeland Security and Governmental Affairs Committee, urging him to have the committee take up the issue. In a victory, for only the second time in history (the first in 2014), the Senate held a hearing to discuss DC statehood in June 2021. LWVUS submitted testimony in favor of the legislation.

Between the fall of 2019 and the spring of 2021, LWVUS and LWVDC worked on a petition to demonstrate support across the country for DC statehood. In collaboration with ACLU-DC and DC Vote, LWVUS and LWVDC organized a petition delivery day in October 2021 to deliver signatures. The League contributed 13,000 signatures from all 50 states, among a petition amounting to 37,000 signatures to members of Congress.

The Election Process

APPORTIONMENT

The League’s Position

Statement of Position on Apportionment, as announced by the national board, January 1966, and revised March 1982:

The League of Women Voters of the United States believes that congressional districts and government legislative bodies should be apportioned substantially on population. The League is convinced that this standard, established by the Supreme Court, should be maintained, and that the US Constitution should not be amended to allow for consideration of factors other than population in apportionment.



League History

The apportionment of election districts was a state issue until 1962 and 1964 Supreme Court rulings, requiring that both houses of state legislatures must be apportioned substantially on population, transferred the issue to the national arena. These rulings, spelling out the basic constitutional right to equal representation, prompted introduction in Congress of constitutional amendments and laws to subvert the Court's one-person, one-vote doctrine. Leagues in 33 states already had positions on the issue when, in 1965, the League's national council adopted a study on apportionment. By January 1966, the League had reached national member agreement on a position that both houses of state legislatures must be apportioned substantially on population. The 1972 Convention extended the position to cover all voting districts.

League action at both the national and state levels during the late 1960s had a significant role in the defeat of efforts to circumvent the Court's ruling. The League first lobbied in Congress against the Dirksen Amendment, which would have allowed apportionment of one legislative house based on factors other than population, and later worked to defeat resolutions to amend the Constitution by petition of state legislatures for a constitutional Convention. Successful efforts to fend off inadvisable constitutional amendments have left the responsibility for work on this position at the state and local levels. Successive League Conventions have reaffirmed the commitment to an LWVUS apportionment position to be available for action should the need arise. After the 1980 Census, state and local Leagues used this position to work for equitable apportionment of state and local representative bodies.

Since 1988, LWVEF has worked with state and local Leagues to encourage full participation in the census and to ensure that subsequent reapportionment and redistricting complied with one-person, one-vote requirements under the *Voting Rights Act*. Leagues conducted projects to encourage the widest possible participation in the 1990 Census as a way to ensure the most accurate population base for apportionment and redistricting. Leagues also work for equitable apportionment and redistricting of all elected government bodies, using techniques from public education and testimony to monitoring and litigation.

Behind the League position on apportionment is the conviction that a population standard is the most equitable way of assuring that each vote is of equal value in a democratic and representative system of government. The term "substantially" used in Supreme Court decisions allows adequate leeway for districting to provide for any necessary local diversities and to protect minority representation under the League's voting rights position.

In 1998 and 1999, the League urged Congress to fully fund the 2000 Census and support scientific sampling as the means to ensure the most accurate count. State Leagues also have worked to ensure that scientific sampling is used for redistricting within the states.

In 2009, LWVEF was an official partner of the US Census, with the goal of getting everyone counted. LWVEF staff worked closely with national partners (e.g., civil rights and Latino groups) and provided information and support to state and local Leagues in their efforts to minimize an undercount.

The League also submitted an amicus brief in the US Supreme Court case *Evenwel v. Abbott*. The case addressed the question of whether states are required to use a metric other than total population, such as registered voters or citizen voting age population (CVAP) when apportioning districts for state legislative districts. The League's brief in



this case supported the current practice of drawing district lines based on population counts, and the Court upheld this practice.

Ahead of the 2020 Census, LWVUS worked to encourage participation and provide guidance for state and local Leagues wishing to participate in Complete Count committees. This included producing a Census Action Kit with printable materials for engaging communities in census activities. LWVUS also acted as a partner in the Census Counts campaign and an official partner of the 2020 Census.

The League also engaged in efforts to remove a citizenship question from the 2020 Census. LWV of New York joined one of six lawsuits across the country challenging the inclusion of the question. LWVUS joined an amicus as the suit headed to the US Supreme Court, challenging the question's inclusion without proper vetting. LWVUS also lobbied Congress, engaged the LWVUS Lobby Corps, and activated its grassroots network, yielding the most successful engagement campaign of 2018, to raise awareness of the damaging effects this question would have on communities around the country. In June 2019, the US Supreme Court ruled that there was no rational basis by the government to include a citizenship question and it had to be removed for the 2020 Census questionnaire.

In 2020, the League joined two census-related cases. The first dealt with extending the timeline for completing the census in light of COVID. In a flurry of lawsuits, the court first ruled that the count had to continue through October 31, but on appeal the Circuit Court ruled that the count could end immediately and thus counting wrapped on October 15, 2020. The League did an all-out social media campaign to educate the public on the new deadline and to ensure as many people participated as possible. In the second, the League drafted an amicus that was filed in New York, California, and District of Columbia dealing with an executive order excluding undocumented immigrants from the census. All three cases in federal court ruled that the census required a count of every person in the country regardless of citizenship, and the case has been appealed to the US Supreme Court.

With respect to apportionment data, the League responded to the structural issue of prison gerrymandering. In 2021, the LWVUS, along with the Campaign Legal Center and Washington Lawyers' Committee, co-authored and signed onto a letter addressed to Attorney General Merrick Garland and the US Department of Justice urging the adoption of a new routine use exception under the *Privacy Act*. Such a measure would allow the Federal Bureau of Prisons to share data necessary for states and localities to implement pro-democracy reforms like universal enfranchisement and abolishing prison-based gerrymandering, in which inmates are counted as residents of the district where the prison is located instead of at their home addresses.

Due to the pandemic's delay of census operations in 2020, the Census Bureau completed its operation in April of 2021 and delivered apportionment data to the Bureau's secretary later that month. The Bureau scheduled a release of high-quality redistricting data by August 16, 2021, then transmitted a more user-friendly representation of that data by September 30, 2021. Considering the delays and constant shifting of the census timeline and despite the pandemic's effects, the League advocated for the codification of a more predictable process and timeline for the release of such data in the future. To that end, in 2021, the League joined with 104 other state and national organizations in signing onto a letter authored by the Leadership Conference in support of *The Bipartisan 2020 Census Deadline Extensions Act (S. 1267)* which was sent to US senators, urging them to pass and codify new deadlines for the census data release.



See also the position on Voting Rights that applies to apportionment issues. Leagues applying the Apportionment position should be aware that the Voting Rights position (and League actions supporting the Voting Rights Act) recognizes that both the Constitution and the Voting Rights Act require that reapportionment not dilute the effective representation of minority citizens.

REDISTRICTING

The League's Position

Statement of Position on Redistricting, as adopted by concurrence, June 2016:

- 1. Responsibility for redistricting preferably should be vested in an independent special commission, with membership that reflects the diversity of the unit of government, including citizens at large, representatives of public interest groups, and members of minority groups.**
- 2. Every redistricting process should include:**
 - a. Specific timelines for the steps leading to a redistricting plan.**
 - b. Full disclosure throughout the process and public hearings on the plan proposed for adoption.**
 - i. Redistricting at all levels of government must be accomplished in an open, unbiased manner with citizen participation and access at all levels and steps of the process.**
 - ii. Should be subject to open meeting laws.**
 - c. A provision that any redistricting plan should be adopted by the redistricting authority with more than a simple majority vote.**
 - d. Remedial provisions established in the event that the redistricting authority fails to enact a plan. Specific provisions should be made for court review of redistricting measures and for courts to require the redistricting authority to act on a specific schedule.**
 - i. Time limits should be set for initiating court action for review.**
 - ii. The courts should promptly review and rule on any challenge to a redistricting plan and require adjustments if the standards have not been met.**
- 3. The standards on which a redistricting plan is based, and on which any plan should be judged, must:**
 - a. Be enforceable in court.**
 - b. Require:**
 - i. Substantially equal population.**
 - ii. Geographic contiguity.**
 - iii. Effective representation of racial and linguistic minorities.**
 - c. Provide for (to the extent possible):**
 - i. Promotion of partisan fairness.**
 - ii. Preservation and protection of “communities of interest.”**
 - iii. Respect for boundaries of municipalities and counties.**
 - d. Compactness and competitiveness may also be considered as criteria so long as they do not conflict with the above criteria.**

- e. **Explicitly reject:**
 - i. **Protection of incumbents, through such devices as considering an incumbent's address.**
 - ii. **Preferential treatment for a political party, through such devices as considering party affiliation, voting history and candidate residence.**

This position does not supersede any existing state League redistricting position.

League History

Partisan and racial gerrymandering distorts and undermines representative democracy by allowing officials to select their voters rather than voters to select their officials. When done for purposes of racial discrimination or to ensure the dominance of one political party, or even to ensure the election of a specific legislator, gerrymandering runs counter to the principle of equal voting rights for all.

For much of the League's history, redistricting has been considered a state and local issue, but as state Leagues have become more active—and the political gerrymandering of the US Congress and state legislative districts have become more apparent—LWVUS has provided assistance and, in the 2014 - 2016 biennium, developed a nationwide position statement.

Before the adoption of a specific position on redistricting, the national board affirmed that Leagues at all levels may act under LWVUS positions relating to redistricting. Using the positions on Apportionment, Citizen's Right to Vote, and Congress, Leagues should work to achieve three goals consistent with those positions: (1) congressional districts and government legislative bodies should be apportioned substantially on population ("one person, one vote"); (2) redistricting should not dilute the effective representation of minority citizens; and (3) efforts that attempt or result in partisan gerrymandering should be opposed.

In 2006, the League joined other groups in holding a nonpartisan redistricting conference in Salt Lake City. As a result of that meeting, the League and partners released a report, *Building a National Redistricting Reform Movement*, which looks at lessons learned from unsuccessful redistricting reform attempts in 2005 and suggests strategies to pursue and pitfalls to avoid in future reform efforts.

Leagues across the country continue to press for redistricting reform at the state level, and LWVUS has gone to the Supreme Court with amicus briefs in landmark cases against partisan and racial gerrymandering. In 2009, LWVEF hosted a unique redistricting conference that convened experts and stakeholders from across the nation to discuss how to work together to influence the results of the state redistricting processes following the 2010 Census. The participants agreed on several core principles and wrote a report emphasizing the importance of transparency in the redistricting process.

In the 2010s the League expressed concern about prison-based gerrymandering. Working with other organizations, the League sought better information from the Census Bureau to support the push to end this practice.

In 2011 and 2012, state Leagues played pivotal roles in advocating for improved redistricting processes through the nationwide funded *Shining a Light* project. Leagues hosted public events, delivered much-quoted testimony before decision-making bodies, presented alternative maps, launched major public education and media campaigns, and engaged key allies to promote transparent and fair redistricting processes. Key League priorities included



advocating for adequate public comment periods before and after the introduction of redistricting proposals; disclosure of committee timelines and other important details; and opportunities for community groups, especially those representing diverse voices, to get involved.

Following the 2011 redistricting process, several state Leagues engaged in litigation or statewide ballot initiative campaigns to challenge unsatisfactory redistricting outcomes. The Texas League and LWVEF jointly submitted comments urging the US Department of Justice to object to the removal of preclearance protections covered under Section 5 of the *Voting Rights Act* for what the League deemed a discriminatory redistricting proposal. Elsewhere, the North Carolina League joined other civil rights groups in challenging a redistricting plan that would negatively impact minorities and other voters, the Arizona League filed an amicus brief that successfully urged the state Supreme Court to protect that state's independent redistricting commission, and the Pennsylvania League participated in a successful citizens' appeal of a state plan.

In California, League leaders worked throughout 2011 and 2012 to defend and ensure success for that state's new Independent Citizens Commission process and provided a detailed analysis of and recommendations for future redistricting commissions. In Florida, the League spearheaded multiple legislative and legal efforts to ensure the integrity of new, groundbreaking redistricting criteria would be upheld. The League prevailed in court when it challenged the 2010 redistricting plan for violating the new criteria. The Florida League garnered an impressive array of statewide and national media coverage for its efforts.

In early 2012, LWVEF published *Shining a Light: Redistricting Lessons Learned*, which lays out key League priorities related to redistricting reform. The publication has been widely shared with Leagues and partners nationwide. In Ohio, the League led a high-profile effort to pass a November 2012 ballot initiative that would have instituted an independent redistricting commission; unfortunately, that effort was unsuccessful.

Public opinion polling has shown high public support for taking the redistricting process out of the hands of partisan legislatures, and many Leagues continue to consider how best to achieve more representative processes. Leagues remain engaged in pending legal challenges or appeals in several states and continue to pursue a range of opportunities to reform the redistricting process.

Wishing to give redistricting a higher profile for League action, the 2014 national program on Key Structures of Democracy called for a Task Force on Redistricting, which surveyed existing state League positions and recommended a new concurrence statement to the 2016 Convention.

League action on redistricting ramped up during the 2016 – 2018 biennium. Leagues built and participated in coalitions for reform efforts in states all across the country. In 2018, Leagues in Colorado, Michigan, Missouri, Ohio, and Utah were instrumental in passing ballot initiatives that created more independent redistricting processes. Other states also participated in LWVUS and LWVEF redistricting grants, which invited specific Leagues to apply for grant funding related to redistricting efforts. In addition to the five states that passed ballot initiatives, Leagues worked to build support and educate voters about the need for redistricting reform in 12 states.

The League was a plaintiff and filed amicus briefs in key litigation efforts around the country. The League filed an amicus brief in the case of *Gill v. Whitford* before the Supreme Court in 2018. The League's own case in North



Carolina, *League of Women Voters of North Carolina v. Rucho*, was also found to be an unconstitutional partisan gerrymander by the lower courts, and the US Supreme Court agreed in March 2019 to hear it. Following the 2018 election, LWVMI began discussion with the Michigan Secretary of State about settling *League of Women Voters of Michigan v. Benson*, which included redrawing 11 state legislative districts that the League challenged as partisan gerrymanders. All these cases were still pending in June 2019, when the court declined to rein in partisan gerrymandering, ruling that that partisan gerrymandering was a political question and thus, federal courts would no longer hear cases dealing with the issue.

People Powered Fair Maps®

Following the disappointing decision in *Rucho v. League of Women Voters of North Carolina*, a case that was consolidated with two other cases, the League launched People Powered Fair Maps (PPFM), a multi-focus national campaign focused on redistricting reform. The areas included ballot initiatives, state constitutional options, state legislative fix, and federal legislative fix.

Civic education and engagement were foundational components of the program, and it became an integral part of the PPFM story. The League achieved great success by outpacing all its quantitative metrics and had trackable influence across the country over all three years of PPFM. The first year of PPFM consisted of state Leagues working on reform initiatives across all 50 states and DC; the second year was primarily focused on educating and equipping advocates with knowledge of and tools around redistricting as well as building partnerships at both state and national levels; and the third and final year consisted of implementing redistricting advocacy strategies across participating states, including drafting, proposing, and testifying on maps.

Over the course of its three years and in the face of a global pandemic, PPFM engaged 1.4 million people, 2,446 partners, and 24 underrepresented communities. The League held 3,669 educational events and trainings through a combination of in-person and virtual events. It also held 4,699 meetings with key stakeholders to advance redistricting reforms throughout communities in the United States, with a total of five maps submitted and implemented by the League. The League was also a key collaborator in national redistricting advocacy efforts as a founding member of the Coalition Hub for Advancing Redistricting and Grassroots Engagement (CHARGE). Through CHARGE, the League contributed resources to help communities on the ground train volunteers to draw maps, propose maps and reforms, and testify throughout the 2021 – 2022 redistricting cycle.

The League was engaged in 24 redistricting-related lawsuits. The League joined 11 state lawsuits and six federal cases challenging congressional and state gerrymandered maps in California, Florida, Georgia, Maryland, Michigan, New York, Ohio, Pennsylvania, Texas, Utah, and Wisconsin. As of June 2022, the League litigated in federal racial gerrymandering cases in Georgia, Texas, and Wisconsin. On the state level, partisan gerrymandering suits were litigated in Ohio, New York, Wisconsin, and Utah.

Following the end of the 2022 redistricting cycle, the League will continue its work as a CHARGE partner and will continue to advance civic education around redistricting. The League is expected to relaunch PPFM in 2025 ahead of the 2030 Census and the 2031 redistricting cycle.



MONEY IN POLITICS

The League's Position

Statement of Position on Campaign Finance, as announced by the national board, April 2016:

The League of Women Voters of the United States believes that the methods of financing political campaigns should:

Enhance political equality for all citizens; ensure maximum participation by citizens in the political process; protect representative democracy from being distorted by big spending in election campaigns; provide voters sufficient information about candidates and campaign issues to make informed choices; ensure transparency and the public's right to know who is using money to influence elections; enable candidates to compete equitably for public office; ensure that candidates have sufficient funds to communicate their messages to the public; and combat corruption and undue influence in government.

The League believes that political corruption includes the following:

A candidate or officeholder agrees to vote or work in favor of a donor's interests in exchange for a campaign contribution; an officeholder or staff gives greater access to donors; an officeholder votes or works to support policies that reflect the preferences of individuals or organizations in order to attract contributions from them; a candidate or office holder seeks political contributions implying that there will be retribution unless a donation is given; and the results of the political process consistently favor the interests of significant campaign contributors.

In order to achieve the goals for campaign finance regulation, the League supports:

Public financing of elections, either voluntary or mandatory, in which candidates must abide by reasonable spending limits; enhanced enforcement of campaign finance laws that includes changes to ensure that regulatory agencies are properly funded, staffed, and structured to avoid partisan deadlock in the decision-making process; abolishing Super PACs and abolishing spending coordinated or directed by candidates (other than a candidate's own campaign committee); and restrictions on direct donations and bundling by lobbyists, which may include monetary limits as well as other regulations.

Until full public financing of elections is enacted, limits on election spending are needed in order to meet the League's goals for protecting democratic processes. Among the different entities that spend money to influence elections, the League supports the following comparative limits:

- Higher spending limits for political parties, genuinely non-partisan voter registration and get-out-the-vote organizations and activities, and candidates spending money raised from contributors.
- Mid-level spending limits for individual citizens (including wealthy individuals), Political Action Committees (with funds contributed by individuals associated with the sponsoring organization, such as employees, stockholders, members, and volunteers), and candidates spending their own money.
- Lower spending limits for trade associations, labor unions and nonprofit organizations from their general treasury funds.
- Severely restricted spending by for-profit organizations spending from their corporate treasury funds.
- No limits on spending by bona fide newspapers, television, and other media, including the internet, except to address partisan abuse or use of the media to evade campaign finance regulations.

This position is applicable to all federal campaigns for public office — presidential and congressional, primaries, and general elections. It also may be applied to state and local campaigns.



League History

The 1973 Council — spurred by spending abuses in congressional and presidential campaigns — focused on campaign finance. An accelerated study and agreement in 1973 led to the Campaign Finance position, which applied League Principles supporting an open and representative government to political campaigns.

The League initiated a petition drive and lobbied intensively for the campaign reforms embodied in the *Federal Election Campaign Act of 1974 (FECA)*. When the law was challenged in court, the League, together with other organizations, intervened as defendants. In 1976, the US Supreme Court upheld portions of the law providing for disclosure, public financing, and contribution limits, but it overturned limits on candidates' spending if they used private financing and limits on independent expenditures. The court also ruled that the method of selection of the Federal Election Commission (FEC) was unconstitutional because it allowed Congress to encroach on the President's appointment power. After the court's decision, the League successfully lobbied for a new law creating an independent and constitutionally acceptable FEC.

From 1989 to 1992, the League fought for comprehensive campaign finance reform to address the abuses in the existing system, supporting bills that curbed special interest contributions and providing public financing for candidates who accepted voluntary spending limits. The League called for limits to PAC and large contributor donations, for closing the soft-money loophole, and for public benefits for candidates, such as reduced postage and reduced broadcasting costs.

Both houses of Congress enacted reform bills in 1990, but a conference committee was unable to resolve the differences before the adjournment of the 101st Congress (1989 – 1991). Both houses passed strong reform measures in 1992, and the bill that emerged from the conference committee promised the most far-reaching campaign finance reform since Watergate. President George H. W. Bush vetoed the bill, and an attempt to override was unsuccessful.

In 1991 and 1992, the League defended the system of public financing for presidential candidates through check-offs on income tax forms. Faced with an impending shortfall in the Presidential Election Campaign Fund, the League countered with an attack on many fronts: an appeal to taxpayers and preparers to use the check-off; testimony before the House Elections Subcommittee to increase the check-off from \$1.00 to \$3.00, with indexing for inflation; opposition to IRS regulations that would weaken the system; support for a House bill guaranteeing matching funds for qualified presidential primary candidates; and participation in an amicus brief that unsuccessfully challenged the US Treasury Department's regulations that subvert the language and congressional intent of the presidential public financing system. In 1993, the presidential check-off was increased to \$3.00, with support from the League, assuring continued viability for the fund. Also in 1993, the League supported comprehensive campaign finance reform, which stalled in partisan wrangling.

In 1995 and 1996, the League continued its support for comprehensive reform through lobbying, testimony, grassroots action, and work with the media. League members pushed for voluntary spending limits; public benefits, such as reduced-cost broadcasting and postal services, for participating candidates; aggregate limits on the total amounts candidates could receive in PAC and large individual contributions; and closing the loopholes that allow huge amounts of special-interest money to influence the system.



The near collapse of the federal campaign finance system during the 1996 election focused national attention on the need for reform. In December 1996, LWVUS endorsed the goals of a reform proposal developed by a group of academics. The approach focused on closing gaping loopholes in the law that allow special interests, political parties, and others to channel hundreds of millions of dollars into candidates' campaigns. Among the key goals: banning "soft money" (a contribution to a political party that is not counted as going to a particular candidate, thus avoiding various legal limitations), closing the sham issue advocacy loophole, and improving disclosure and enforcement. In 1996, opponents of League-favored reforms, arguing that politics is underfunded, sought to increase the amounts of special-interest money flowing into the system by loosening many existing contribution limits. The League and its allies soundly defeated this approach in the House, but leadership prevented any action on League-supported reforms. Reformers built bipartisan support for reform outside the leadership circles.

In response to budget attacks on the FEC in the 104th Congress (1995 – 1997), the League testified and lobbied in support of the FEC's Fiscal Year 1997 budget request and against efforts to undermine the agency's core enforcement and disclosure programs through funding cuts.

Also, in this period, LWVEF launched a comprehensive program for articulating a public voice on campaign finance. The Money + Politics: People Change the Equation project brought citizens together to debate the problems in the system and discuss possible solutions.

LWVEF mounted a major advertising and grassroots education initiative calling attention to achievable campaign reforms. Working with experts from diverse political views, LWVEF published a blueprint for reform, *5 Ideas for Practical Campaign Reform*. Other efforts included ads in major newspapers, a PSA featuring national news anchor Walter Cronkite, and citizen caucuses in 20 states.

An unrelenting push by LWVUS and other reform advocates succeeded in shifting the campaign-finance debate in the 105th Congress (1997 – 1999) from a deadlock over spending limits to real movement to close the most egregious loopholes. The League supported the bipartisan *McCain-Feingold* bill in the Senate and the counterpart *Shays-Meehan* bill in the House, bringing grassroots pressure to bear against efforts by congressional leaders to stonewall real reform. Leagues responded to Action Alerts and lobbied their members of Congress to defeat parliamentary maneuvers blocking votes and to support meaningful reform.

In summer 1998, reformers succeeded in forcing the speaker of the House to schedule a vote on reform bills, including *Shays-Meehan*. Despite concerted efforts to defeat it, the bill passed the House by a vote of 252-179 in August 1998. League members immediately urged senators to support a cloture vote on campaign finance reform legislation and to vote for real reform. However, in September 1998, the Senate once again failed to break the filibuster preventing a vote.

In 1998, LWVEF launched a campaign finance reform project, *Strategies for Success in the Midwest*, working with state Leagues in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin. Efforts focused on educating citizens on practical ways to reform campaign finance and to offer citizens an opportunity to participate in the debate. In 1999, LWVEF distributed *Make the Link* materials to state Leagues, drawing the connection between campaign finance and key issues such as the environment, teen smoking, and health care.



On the Hill, House leaders again worked to block the *Shays-Meehan* bill in the 106th Congress (1999 – 2001). Using a discharge petition, reformers forced the leadership to move the bill, and it passed on a strong vote. Senate passage once again proved elusive, despite citizen pressure. However, the League and other supporters were successful in achieving passage in June 2000 of so-called “527” legislation, requiring political organizations set up under Section 527 of the IRS code to disclose the identity and amounts given by their donors and how they spend the money.

As the League continued to focus on reducing the corrupting influence of big money in elections, League work at the state level contributed to real progress. Public financing, the Clean Money Option, was adopted in several states, including Arizona and Maine; other state reform efforts have made progress in Massachusetts and Vermont. Reform measures were on the 2000 ballot in Missouri and Oregon but fell short. Also, in 1999 – 2000, League members supported 90-year-old Doris Haddock, “Granny D,” in her walk across the country to promote campaign finance reform.

The League and other reformers succeeded in putting campaign finance reform on the front burner of the national political agenda. In January 2000, in *Nixon v. Shrink Missouri PAC*, the US Supreme Court upheld limits on state campaign contributions that were analogous to the federal limits. LWVUS joined an amicus brief in the case. The Court’s decision restated the constitutional underpinning for campaign finance reform formulated in *Buckley v. Valeo*, despite arguments by reform opponents.

The battle for meaningful campaign finance reform has been long and difficult. The Senate debated the *McCain-Feingold-Shays-Meehan* bill for more than a week in 2001. The League pushed successfully for a strengthening amendment from Senator Wellstone (MN) and to protect against a raft of weakening amendments. On the House side, the leadership once again tried to use the rules to block reform. Our allies in the House, with strong support from LWVUS, resorted to a discharge petition to force action.

LWVUS worked with the bill’s sponsors and lobbied swing members of the House and Senate to achieve campaign finance reform. LWVUS conducted two rounds of phone banking, asking League members in key districts to lobby at key junctures in the congressional debate. The League participated in many press conferences and rallies to make the citizens’ voice heard on campaign finance reform.

On March 27, 2002, the League’s five-year campaign for the *McCain-Feingold-Shays-Meehan* bill reached fruition when President George W. Bush signed the legislation into law. The bill, which is known as the *Bipartisan Campaign Reform Act* (BCRA), closed the most significant loopholes in campaign finance regulation—the soft money loophole that allowed unlimited corporate, union, and individual contributions and the “sham issue ad” loophole that allowed undisclosed contributions to campaign advertising advocating particular candidates. The League was instrumental in developing this approach and pushing it – at the grassroots level and in Congress – to final enactment.

With the passage of BCRA, the League turned its attention to legal challenges to the law, which continue to the present day. LWVUS filed an amicus brief on sham issue ads for the US Supreme Court case *McConnell v. FEC* (2003). The brief explained why it is important that funding for attack ads in the final days of an election not be used to circumvent the soft money ban in BCRA. In September 2003, the League organized a rally at the US



Supreme Court to demonstrate public support for the law. In December, the Supreme Court upheld all the key components of BCRA in *McConnell v. FEC*, including the sham issue ad provisions briefed by the League.

In the first half of the 108th Congress (2003 – 2005), the League urged senators to cosponsor the *Our Democracy, Our Airwaves Act* introduced by Senators McCain, Feingold, and Durbin. LWVUS helped targeted Leagues organize in-district lobby visits in support of the legislation, and the LWVUS Lobby Corps lobbied select senators requesting co-sponsorship of the bill.

The League, along with partners, conducted a national public education campaign, *Our Democracy, Our Airwaves*, studying the role of television in elections, the cost of accessing these public airwaves, and the importance of strengthening public interest information coming from broadcasters. LWVUS put together organizing tools for local Leagues to use while creating educational campaigns in their communities.

In the second session of the 108th Congress (2003 – 2005), the League continued its work on improving the presidential public financing system. LWVUS sought cosponsors to legislation introduced by Senators McCain and Feingold and Representatives Shays and Meehan to fix the system. LWVUS also joined a coalition project that sought pledge commitments from the 2004 presidential candidates to support the public financing system's reform if elected. In 2003 and 2004, the League again urged taxpayers to check the box to support the Presidential Election Fund.

In 2005 and 2006, the League continued to promote campaign finance reform as well as public funding for presidential elections. In December 2005, the League president spoke at a Capitol Hill conference, *The Issue of Presidential Public Financing: Its Goals, History, Current Status, and Problems*. In 2006, LWVUS joined with other organizations in a letter to US representatives urging them to co-sponsor and support the *Meehan-Shays* bill that would make a series of important reforms to the presidential public financing system.

Throughout 2005, the League urged members of Congress to vote against the *Pence-Wynn* and other bills aimed at undermining existing campaign finance regulations. In December, the League joined other groups in submitting an amicus brief in the US Supreme Court case *Wisconsin Right to Life, Inc. v. Federal Election Commission*, which challenged the application of the *Bipartisan Campaign Reform Act* to the financing of television ads in Wisconsin. Through 2006, the League continued to support meaningful campaign finance reform, urging representatives to vote for a ban on leadership PACs and to support a bill that would close soft money loopholes.

In 2007 and 2008, the League endorsed legislation to fix the public financing system for President and to establish congressional public financing for the first time. During the 2008 presidential campaign, the League pressed all the candidates to support reform of the presidential public financing system. The League also supported banning leadership PACs and continued to press the courts to properly interpret and enforce campaign finance law.

In the late 2000s, LWVUS filed amicus briefs in two pivotal US Supreme Court cases: *Caperton v. Massey* and *Citizens United v. FEC*. In the latter case, the League argued that corporate spending in elections should not be equated with the First Amendment rights of individual citizens.

In 2010, the League reacted swiftly and strongly to the Court's adverse decision in the *Citizens United* case, which allowed unlimited "independent" corporate spending in candidate elections. The League president testified before



the relevant House committee on the key steps that can be taken to respond, focusing on the importance of including tighter disclosure requirements. The League continues to urge passage of the *DISCLOSE* Act to counter the Court's decision and ensure that corporate and union spending in elections is fully disclosed.

With the explosion of supposedly “independent” spending by outside groups in the years since *Citizens United*, the League is pushing for tougher rules on coordination, because much of the outside spending is not independent and instead is coordinated with candidate campaigns. In addition, the League continues to push for legislation to protect and reinvigorate the presidential public financing system and to institute congressional public financing as well. The League also is working to reform the dysfunctional FEC, which has refused to enforce the law.

In early 2012, LWVUS board appointed a Campaign Finance Task Force to examine legislative and constitutional efforts to achieve campaign finance reform. Convention 2012 reaffirmed the League's commitment to campaign finance reform by passing a resolution that called for advocating strongly for campaign finance measures, including constitutional amendments.

In the summer of 2012, the League ran radio ads in Tennessee and Maine asking Senators Corker, Alexander, Snowe, and Collins to support campaign finance reform. The ads were timed in anticipation of congressional action on the *DISCLOSE* Act. The ads garnered press coverage from outlets in both states.

In the 2012 elections, significant amounts of campaign spending came from so-called independent groups, much of it from secret contributions. The League took on these issues, arguing that much of the “independent” spending was coordinated with candidate campaigns and therefore illegal. The League also pointed to the use of secret “dark money” and pushed for enhanced disclosure.

The 2014 – 2016 national program on Key Structures of Democracy focused increased attention at every level of League on Money in Politics (MIP) and included an updated study to provide additional detail to the League's position. Based on the new position statement and previous action on campaign finance reform, the four major elements of the League's MIP plan focus on disclosure, stopping Super PACs, public financing for congressional and presidential elections, and reform of the FEC to create an effective enforcement agency.

The 2016 – 2018 national program continued a focus on MIP issues as part of the Campaign for Making Democracy Work® (CMDW). Through CMDW, the League pushed for several reform measures in Congress. In the 115th Congress (2017 – 2019), the League supported legislation from Senator Tom Udall to restructure the FEC into a five-member commission with the authority to conduct investigations of campaign finance violations while also establishing a new system for enforcement. LWVUS issued Action Alerts and activated the LWVUS Lobby Corps in favor of this legislation, but it never even got through the committee process.

The FEC legislation was included in the *We the People Act*, a comprehensive reform bill that included legislation addressing money in politics, redistricting, ethics, and voting rights reforms. The LWVUS Lobby Corps lobbied select members of the US House and Senate to cosponsor this legislation. The *We the People Act* would become the precursor to legislation introduced in the 116th Congress (2019 – 2021), HR1, the *For the People Act*.

Following the 2016 presidential election and reports of foreign interference in the election, the League endorsed, lobbied, and activated grassroots action in favor of the *Honest Ads Act*. The goals of this legislation included



preventing foreign interference in future elections and improving online political ad disclosure. Despite hearings on this bill with leaders of major social media and internet companies, it did not move forward. However, the interest in this bill caused the FEC to renew its interest in updating regulations on online advertisements. LWVUS participated in a comment drive with like-minded groups to urge the FEC to act. After the FEC agreed to move forward, the League submitted technical comments to the FEC on the regulations.

During the 115th Congress (2017 – 2019) the League opposed efforts to roll back the *Johnson Amendment*. This provision prohibits 501(c)(3) nonprofit organizations, like churches and universities, from endorsing or opposing political candidates. Rescinding this provision would allow these organizations to maintain their charitable status while engaging in political activities. Both the House and Senate tried several times to repeal this provision, but each time, action from the League and other organizations ensured those attempts were unsuccessful.

In 2018, the League was instrumental in finally requiring the US Senate to file campaign finance reports electronically with the FEC. Electronic filing ensures transparency and increases access for voters to determine funding for Senate candidates.

In 2018, the League signed on to various letters in support of better campaign finance regulation on the federal level. The League also sent a letter to the FEC along with 8,601 partner organizations providing comments on FEC Regulations 2011-12, relating to internet advertisements and disclosure. The League asked the FEC support the creation of regulations that require the disclosure of who is financing these ads. The League also signed onto letters endorsing key money in politics legislation, *The Anti-Corruption and Public Integrity Act*, introduced in the Senate and the House of Representatives.

After the swearing in of the 116th Congress (2019 – 2021), the League advocated for the passage of HR1, the *For the People Act*, an omnibus democracy reform bill in the House and Senate. Among other reforms, HR1 imposes new restrictions on foreign money in American elections, requires greater disclosure for online advertisements, increases IRS oversight of nonprofit organizations' activities, and creates a pilot program for public financing of congressional elections. The League also focused on several main areas of campaign finance reform, such as transparency and disclosure. The League urged Congress to allow the SEC to require publicly traded corporations to disclose their political spending. As part of its advocacy for HR1, the League also urged Congress to reject poison pill amendments that aimed to prevent the IRS from properly regulating nonprofits' political activity, limited the SEC's ability to require disclosure of corporations' political spending, and exempted federal government contractors from disclosure of political spending. Through the League and other organizations' advocacy, all three amendments failed to pass.

Leading up to the 2020 election, the League joined calls for the presidential candidates of both major parties to disclose their "bundled" donors. The identities of bundled donors, who secretly raise substantial amounts of money for candidates, were not disclosed despite the requests.

In 2022, The League testified in support of the *DISCLOSE Act of 2021* in the Senate Rules and Administration Committee's hearing on the bill. LWVUS has supported the *DISCLOSE Act* for more than a decade, as it has been introduced in the Senate in every Congress since the 111th Congress in 2010. Supporting this bill aligns with League priorities to increase transparency in election spending and resist foreign influence in federal elections.



The League's position on campaign finance reflects continuing concern for open and honest elections and for maximum citizen participation in the political process. The League's campaign finance reform strategy has two tracks: (1) achieve incremental reforms where possible in the short term and (2) build support for public financing as the best long-term solution.

Although provided under current law for presidential elections, public funding of congressional elections, which the League supports, has been an elusive goal. Current law does embody other League goals: full and timely disclosure of campaign contributions and expenditures; one central committee to coordinate, control, and report financial transactions for each candidate, party, or other committee; an independent body to monitor and enforce the law; and the encouragement of broad-based contributions from citizens.

The League continues to look for ways to limit the size and type of contributions from all sources as a means of combating undue influence in the election process. League action on this issue is built on a careful assessment of all proposed changes in campaign financing law. The League continues to assess proposals to equalize government services for challengers and incumbents so that candidates can compete more equitably. The League favors shortening the time between primaries and general elections.

🔍 SELECTION OF THE PRESIDENT

The League's Position

Statement of Position on Selection of the President, as announced by the national board, January 1970, revised March 1982, updated June 2004 and revised by the 2010 Convention:

The League of Women Voters of the United States believes that the direct-popular-vote method for electing the President and Vice President is essential to representative government. The League of Women Voters believes, therefore, that the Electoral College should be abolished. We support the use of the National Popular Vote Compact as one acceptable way to achieve the goal of the direct popular vote for election of the President until the abolition of the Electoral College is accomplished. The League also supports uniform voting qualifications and procedures for presidential elections. The League supports changes in the presidential election system—from the candidate selection process to the general election. We support efforts to provide voters with enough information about candidates and their positions, public policy issues and the selection process itself. The League supports action to ensure that the media, political parties, candidates, and all levels of government achieve these goals and provide that information.

League History

A League study of the presidential electoral process culminated in a 1970 position supporting direct election of the President by popular vote as essential to representative government. The League testified and lobbied for legislation to amend the *US Constitution* to replace the Electoral College with direct election of the President, including provisions for a national runoff election in the event no candidates for President or Vice President received 40 percent of the vote. The measure, which passed the House and nearly passed the Senate in 1971, has been revived in each Congress without success. In 1997, LWVUS again called for abolition of the Electoral College and for direct election of the President and Vice President in testimony before the House Subcommittee on the Constitution.



The League has supported national voting qualifications and procedures for presidential elections to ensure equity for voters from all states and to facilitate the electoral process.

In February 2001, LWVUS sent a memo to state and local Leagues outlining the League's position on the Electoral College under the LWVUS position on Selection of the President.

The League believes strongly that the Electoral College should be abolished and not merely reformed. One reform that the League specifically rejects is the voting by electors based on proportional representation in lieu of the present "winner-takes-all" method. Such a system would apportion the electoral votes of a state based on the popular vote in that state. Instead of making the Electoral College more representative, such proportional voting would increase the chance that no candidate would receive a majority in the Electoral College, thereby sending the election of the President to the House of Representatives, where each state, regardless of population, would receive only one vote. Election of the President by the House further removes the decision from the people and is contrary to the "one person, one vote" principle. The League also does not support reform of the Electoral College on a state-by-state basis because the League believes there should be uniformity across the nation in the systems used to elect the President.

The 2002 Convention voted to expand and update the position. The League came to concurrence on a new position in June 2004, which takes into account the entire presidential selection process and supports a process that produces the best possible candidates, informed voters, and optimum voter participation.

The 2008 Convention voted to conduct a study of the National Popular Vote Interstate Compact (NPVIC) proposal, which would establish the popular election of the President through a compact among the states governing how they would cast their votes in the Electoral College. The 2010 Convention adopted a concurrence to support the NPVIC as another method of selecting the President until the Electoral College is abolished.

Convention 2018 voted to amend and add advocacy of the NPVIC to the 2018 – 2020 Campaign for Making Democracy Work. To support this effort, in 2018 LWVUS created an online discussion group to enable members working on this issue across the country to connect and in early 2019 LWVUS created an NPVIC Task Force to assess state-level interest, evaluate the status of the effort, and recommend next steps. During the 2018 – 2020 biennium, the Task Force determined that the national office should support further education and support to states working to move the National Popular Vote. The NPVIC Task Force continued through the 2020 – 2022 biennium.

Through much analysis, discourse, and self-reflection, the 2018 – 2020 national board chose "eliminating the Electoral College through an amendment to the US Constitution" as an audacious long-term goal. In spring 2020, the League of Women Voters Board of Directors approved this organizational goal. Through this decision, the League embarked on a new North Star as part of our next 100 years – a new and audacious goal akin to achieving the 19th Amendment.

At the 2022 Convention, LWVUS announced the next big, audacious goal for the League: abolition of the electoral college. As the work begins, LWVUS will use this to build legislation to achieve our end goal and to educate League members and members of the public on the importance of this action. In addition, the membership amended



the Campaign for Making Democracy Work (CMDW) to include elevating the “direct election of the President by popular vote” as a prominent, listed component. This motion includes both the National Popular Vote Interstate Compact and the Abolishment of the Electoral College by constitutional amendment.

VOTER REPRESENTATION/ELECTORAL SYSTEMS

The League’s Position

Statement of Position on Voter Representation/Electoral Systems as adopted by concurrence by the 54th National Convention in June 2020:

LWVUS promotes an open governmental system that is representative, accountable, and responsive. We encourage electoral methods that provide the broadest voter representation possible and are expressive of voter choices.

Whether for single- or multiple-winner contests, the League supports electoral methods that:

- Encourage voter participation and voter engagement.
- Encourage those with minority opinions to participate, including under-represented communities.
- Are verifiable and auditable.
- Promote access to voting.
- Maximize effective votes/minimize wasted votes.
- Promote sincere voting over strategic voting.
- Implement alternatives to plurality voting.
- Are compatible with acceptable ballot-casting methods, including vote-by-mail.

The LWVUS believes in representative government. The League supports electoral systems that elect policy-making bodies--legislatures, councils, commissions, and boards – that proportionally reflect the people they represent. We support systems that inhibit political manipulation (e.g., gerrymandering).

The LWVUS supports enabling legislation to allow local jurisdictions to explore alternative electoral methods, as well as supporting state election laws allowing for more options at both the state and local levels. With the adoption of any electoral system, the League believes that education of the voting public is important and funding for startup and voter education should be available. We encourage a concerted voter education process.

League History

The League has positions on a multitude of public policy issues decided by our elected representatives, however, until the adoption of this position it did not have a position on how we elect the representatives that make those public policy decisions. Over time, 14 Leagues have conducted studies and developed positions supporting alternatives to the plurality system. This position is a compilation of positions adopted by state and Leagues in Arizona, California, Colorado, , Florida, Massachusetts, Maine, Minnesota, North Carolina, Oklahoma, Oregon, Pennsylvania, South Carolina, Vermont, and Washington, as well as Santa Monica, CA, and established LWVUS principles on representation.

This position does not support any particular election method but rather supports the LWV goals for “an open, governmental system that is representative, accountable and responsive.” It allows for Leagues to use the position



to evaluate or propose electoral options. This position provides us a clear but flexible base of principles to explore election method reforms and take action when appropriate for voters. Moving forward, LWVUS will work with state and local Leagues to interpret and use the position, but some basic guidelines for use include:

- The National League could use this position to support or oppose federal legislation.
- A State League can use it to support or oppose state legislation.
- Local Leagues can use it to propose or evaluate an electoral system proposed in their community.
- Local Leagues can propose or support a suitable election method as a remedy to voting rights lawsuits filed when a protected group is under-represented by the current system.

At the start of 2022, LWVUS launched a legislative office hours series to answer state/local Leagues' questions about LWVUS positions. One common theme was Ranked-Choice Voting (RCV). LWVUS has not supported legislation at the federal level to institute RCV across the board. However, LWVUS encourages state and local leagues to use the Voter Representation/Electoral Systems section of Impact on Issues – specifically, the position line that recommends informing their advocacy around state and local legislation and ballot initiatives – with regard to the use of ranked-choice voting locally.

Citizen Rights

CITIZEN'S RIGHT TO KNOW/CITIZEN PARTICIPATION

The League's Position

Statement of Position on the Citizen's Right to Know/Citizen Participation, as announced by the national board, June 1984:

The League of Women Voters of the United States believes that democratic government depends upon informed and active participation at all levels of government. The League further believes that governmental bodies must protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible.

League History

Transparency is a key tenet of the League and is often a way that LWV can weigh in on an issue, no matter how big or small. The League has worked for the public's right to know and for broad public participation in government as a necessary component of decision-making at all levels of government since its founding. League support for open meetings was first made explicit in the 1972 Congress position; in 1973, Leagues were empowered to apply that position at the state and local levels. Convention 1974 added to the League Principles the requirement that "government bodies protect the public's right to know by giving adequate notice of proposed actions, holding open meetings, and making public records accessible" and decided that Leagues could act on the Principles – with the necessary safeguards of member understanding and support. The League supported the 1976 *Government in the Sunshine* law to enhance the public's access to information.



In the 1980s, the League monitored and lobbied to revamp the way federal rules and regulations are made. The League supports broad public participation at every stage of the rule-making process. LWVUS, in coalition with numerous other organizations, opposed 1983 efforts by the Office of Management and Budget (OMB) to restrict the political advocacy activities of nonprofit organizations and thereby limit public participation in federal policy making. The coalition's opposition resulted in a much less onerous OMB regulation.

As part of its concerns about the public's rights, the League supports lobbying disclosure reform to provide information on the pressures exerted on the national policy-making process and guarantee the public's access to influence the process.

Early in 1995, congressional leadership launched a broad attack on public participation in government decision making. Under the guise of regulatory reform, bills were introduced to make it much more difficult for federal agencies to promulgate regulations dealing with health, safety, and the environment. These bills were based on the premise that regulations should be judged solely on their cost to the public and private sectors and not on their benefits to society.

The League responded quickly to this major threat, lobbying both houses of Congress in opposition. Along with members of 200 other consumer, environmental, and disability rights organizations, League members met with their members of Congress and participated in media activities opposing these efforts. The opposition succeeded in stalling all regulatory reform legislation in the Senate in 1996.

The League also responded to a major congressional attack in the 104th Congress (1995 – 1996), when an amendment to severely limit the ability of nonprofits to speak out on public policy matters was added to several 1996 appropriations bills. Known as the Istook amendment after its primary sponsor, Rep. Ernest Istook of Oklahoma, it was designed to limit public participation by forcing nonprofits to choose between community service and public policy.

The League, with hundreds of other nonprofits, organized a massive campaign to educate the public and members of Congress about the serious implications of this legislation. The Istook amendment was eventually dropped from the appropriations bills, but similar efforts continued in the 104th (1995 – 1997) and 105th (1997 – 1999) Congresses. The League continues to monitor attempts to gag nonprofit organizations.

In June 2000, LWVUS urged the Federal Communications Commission (FCC) to issue requirements for broadcasters to cover local public affairs in an effort to improve the public's understanding of local governing issues.

Beginning with a grant from the Open Society Institute in 2001, LWVEF participated in the Judicial Independence Project. State and local Leagues, working in conjunction with the national office, assessed the levels of judicial independence in their state and developed citizen education campaigns to educate their communities about this important issue. A key part of this program was encouraging Leagues to include judicial candidates in their voters' guides and to organize candidate forums for judicial candidates. In 2002 and 2003, more than 200 Leagues nationwide organized 70 forums, meetings, and workshops spotlighting their state court systems and the value of an independent judiciary.



This project continued in 2004 – 2008 and evolved into Safeguarding US Democracy: Promoting an Independent Judiciary, a program that increased citizen understanding of the importance of our nation’s system of separation of powers and highlighted the vital need for protecting a vibrant and independent judiciary. In 2009 and 2010, the project gained a new focus on promoting diversity at all levels of the state judiciary. In the first year of The Quest for a More Diverse Judiciary, Leagues in Kansas worked on this initiative and saw success in the new appointments that followed. In the second year, South Carolina was added and was also successful. In 2012, the State of Washington was added with a more limited scope, and in the same year the League published From Theory to Practice: A Grassroots Education Campaign, a practical guide for those wishing to create statewide education campaigns, illustrating each step of the campaign with practical information learned in Kansas, South Carolina, and Washington.

In 2002 and 2004, LWVUS participated as amicus curiae in the case of *Miller-El v. Cockrell*. The League’s interest in the case focused on the use of race-based peremptory challenges to jurors as a means to block citizen participation in government. The US Supreme Court agreed with the League’s position, but a lower federal court failed to carry out this interpretation, and the case was again before the US Supreme Court in late 2004. The US Supreme Court reaffirmed its earlier decision by agreeing with the League position.

In the 109th Congress (2005 – 2007), LWVUS endorsed the *Openness Promotes Effectiveness in our National Government Act* (OPEN) which expands the accessibility and accountability of the federal government by strengthening the *Freedom of Information Act* (FOIA) and making information more readily available to the public.

LWVEF has engaged in several efforts to assist Leagues in this area and to become more visible in federal transparency efforts. In 2005, the League launched Openness in Government: Looking for the Sunshine, a project to broaden public awareness about the issues involved in, and the threats related to, accountability and transparency in government. The project was continued in 2006, as Observing Your Government in Action: Protecting Your Right to Know. The League developed educational materials about federal, state, and local laws concerning citizen access; the extent and types of threats to these laws that have occurred in recent years; and data on the increasing levels of information being placed off-limits since the terrorist attacks on the United States on September 11, 2001.

Additional projects were initiated in the following years. One focused on public document audits, providing financial support to Leagues in 11 states and a toolkit, *Surveying Public Documents: Protecting Your Right to Know*. In 2010, work started on Sunshine 2.0, an online resource that provided criteria for assessing the transparency of local government websites and other online technologies.

At the federal level, the League was active in providing advice to the Obama administration (2009 – 2017) as it proceeded to implement its Openness in Government Directive. In so doing, the League helped several good government groups work together.

The League served as a cosponsor of the annual Sunshine Week in the mid 2000s, taking part in kickoff events in Washington, DC. Sunshine Week sponsors a nationwide live webcast to stimulate public discussion about why open government is important to everyone and why it is under challenge today. Leagues were encouraged to participate.



As we continue to push forward our general policy objectives, the League continues to make sure open meetings and open records laws are protected or expanded; state Leagues pushed for legislation to create increased transparency and public input in the redistricting process prior to the 2021 redistricting cycle.

The onset of the COVID-19 public health crisis presented new challenges to informed and active participation by citizens as states instituted shelter-in-place orders and social distancing measures and governments transitioned to virtual or closed meetings. LWVUS created Virtual Transparency Guidelines for Leagues to use to advocate for open, transparent, and accessible processes for all governmental bodies in the face of COVID-19 and to be used in future emergencies requiring the limitation of in-person contact.

The League also focused on transparency as a key tenet in redistricting processes. Together with state Leagues, we worked to urge lawmakers to codify transparency in the map-drawing process and hold redistricting commissions and elected officials accountable for the decisions they were making about the drawing of district lines.

INDIVIDUAL LIBERTIES

The League's Position

Statement of Position on Individual Liberties, as announced by the national board, March 1982:

The League of Women Voters of the United States believes in the individual liberties guaranteed by the Constitution of the United States. The League is convinced that individual rights now protected by the Constitution should not be weakened or abridged.

League History

Individual liberties, a long-standing League Principle, have been central for the League during times of national tension.

The “witch hunt” period of the early 1950s led the League to undertake a two-year Freedom Agenda community education program on issues such as freedom of speech. Next, a focused study on the federal loyalty/security programs culminated in a position that emphasized protection of individual rights.

The 1976 Convention incorporated the League's individual liberties Principle into the national Program, thus authorizing the League to act against major threats to basic constitutional rights. Subsequent Conventions reaffirmed that commitment and, in 1982, the LWVUS Board authorized a specific position statement on individual liberties.

In 2003, the League contacted members of both houses of Congress, asking them to scale back several far-reaching provisions of the *USA PATRIOT Act*, passed in October 2001. In 2004, the League lobbied on behalf of the bipartisan *Security and Freedom Ensured (SAFE) Act*, which addressed many of the *PATRIOT Act*'s problems, while still allowing law enforcement officials broad authority to combat terrorism.

Late in the 108th Congress (2003 – 2005), the League lobbied against the House version of legislation to overhaul the organization of US intelligence operations because it went beyond the scope of the September 11th Commission's recommendations, expanding the government's investigative and prosecutorial powers and infringing



on civil liberties. When the bill was passed in December 2004 as the *National Intelligence Reform Act*, it had been amended and a number of the troubling provisions that the League opposed were eliminated.

At the 2004 Convention, League delegates voted to make civil liberties a top priority in the next biennium. LWVUS appointed an Advisory Task Force and created an online discussion list to foster dialogue about the League's course of action.

In 2005, LWVUS also expressed concerns about reports of torture by the US military and actively supported the *McCain Amendment*, banning cruel, inhuman, or degrading treatment or punishment of anyone under custody or control of the US armed forces. The amendment passed as part of the Department of Defense appropriation.

During the 109th Congress (2005 – 2007), the League continued to lobby in support of the *SAFE Act* and in opposition to the pending reauthorization of specific provisions of the *USA PATRIOT Act*. While final reauthorization did not address many of our concerns, there was limited improvement in some critical provisions.

In 2005, LWVEF sponsored a nationwide project, *Local Voices: Citizen Conversations on Civil Liberties and Secure Communities*, to foster public dialogue about the balance between civil liberties and homeland security. The League sponsored public discussions in 10 ethnically, economically, and geographically diverse cities. It released the findings of these discussions and public opinion research on the issue at the US Capitol in September 2005.

In 2007 – 2008, the League fought legislation in both houses of Congress that would continue allowing the executive branch to conduct warrantless wiretapping without judicial review. The League supported legislation that would protect citizens' personal information and limit the FBI's authority to issue national security letters in lieu of judicial warrants to produce information and materials.

In 2009, the League joined other organizations in support of the *Judiciously Using Surveillance Tools in Counterterrorism Efforts (JUSTICE) Act*, legislation to amend expiring provisions of the *USA PATRIOT Act*.

Recognizing that voting is the gatekeeper for all civil rights, in 2019, the League signed on to the Leadership Conference on Civil and Human Rights' report *Vision for Democracy*, which lays out policy recommendations to ensure that everyone is able to fairly and equally participate in our democracy.

The League continued to defend the First Amendment as the right to protest became increasingly threatened. In 2018, the League submitted comments regarding proposed regulations pertaining to the National Park Service's protest permitting process that would have made it harder to have demonstrations at the National Mall, Memorial Parks, and President's Park. In 2020, the League condemned the use of tear gas and violence against peaceful protesters gathering to decry police brutality and the killings of unarmed Black, Latino, and immigrant people and signed onto a letter compelling the UN Human Rights Council to convene a Special Session on police violence and repression of protests in the United States.

In 2020 and 2021, the League recognized that the individual liberties of Black, Latino, and immigrant individuals are not equally protected and joined efforts calling on both houses of Congress to pass federal statutory reforms to address policing issues and legislation prohibiting the use of federal funds for police officers on K-12 school campuses, as well as for the US Department of Justice to investigate the police departments and officials that



committed the horrific murders of Ahmaud Arbery, Breonna Taylor, and George Floyd for civil rights violations. The League also urged the Trump administration to take measures to protect the civil rights of Asian Americans and Pacific Islanders (AAPI) in the wake of increasing racist attacks and discrimination against the AAPI community during the COVID-19 pandemic.

From May to June 2022, the League participated in the US Department of State's Summit for Democracy Civil Society Consultations, to participate in priority-setting for the US government's upcoming Year of Action. In June 2022, the US Supreme Court ruled in *Dobbs vs. Jackson Women's Health Organization*, overturning *Roe v. Wade* and eliminating the constitutional right to abortion. Rolling back nearly 50 years of legal precedent, *Dobbs* marked the first time in history that the Court took away a fundamental right. It threatens a host of individual liberties that rely on the right of privacy as protected in the Fourteenth Amendment. These include the right to interracial marriage, certain acts of intimate conduct, same-sex marriage, and contraception. At the 2022 Convention, the League voted to adopt a position supporting the rights of women and those who can become pregnant to self-determination related to, and including, but not limited to bodily autonomy, reproductive health, and lifestyle choice. In light of the imminent threat to individual liberties, the League attended numerous related Summit for Democracy consultations on topics including racial justice, LGBTQIA+ issues, and gender, and prepared a memo for the State Department, including calling for the federal codification of the right for same-gender couples to marry under civil law.

PUBLIC POLICY ON REPRODUCTIVE CHOICES

The League's Position

Statement of Position on Public Policy on Reproductive Choices, as announced by the national board, January 1983:

The League of Women Voters of the United States believes that public policy in a pluralistic society must affirm the constitutional right of privacy of the individual to make reproductive choices.

League History

The 1982 Convention voted to develop a League position on Reproductive Choices through concurrence. That fall, League members studied the issue and agreed to concur with a statement derived from positions reached by the New Jersey and Massachusetts Leagues. LWVUS announced the position in January 1983.

In 1983, LWVUS successfully pressed for defeat of *S.J. Res. 3*, a proposed constitutional amendment that would have overturned *Roe v. Wade*, the landmark US Supreme Court decision that declared the right of privacy includes the right of a woman, or a person who can become pregnant, in consultation with their doctor, to decide to terminate a pregnancy. The League joined as an amicus in two successful lawsuits challenging proposed regulations by the US Department of Health and Human Services (HHS), thwarting attempts to implement regulations requiring parental notification by federally funded family planning centers that provide prescription contraceptives to teenagers.

The League has joined with other pro-choice organizations in continuous opposition to restrictions on the right of privacy in reproductive choices that have appeared in Congress as legislative riders to funding measures. In 1985, the League joined as an amicus in a lawsuit challenging a Pennsylvania law intended to deter women, or those



who can become pregnant, from having abortions. In 1986, the US Supreme Court found the law unconstitutional, upholding the right to make reproductive choices.

In 1986, the League opposed congressional provisions to revoke the tax-exempt status of any organization that performs, finances, or provides facilities for any abortion not necessary to save the life of a pregnant person. In 1987, the League unsuccessfully opposed regulations governing Title X of the *Public Health Service Act*. The League reaffirmed that individuals have the right to make their own reproductive choices, consistent with the constitutional right of privacy, stating that the proposed rule violated this right by prohibiting counseling and referral for abortion services by clinics receiving Title X funds.

In 1988 and 1990, the League urged congressional committees to report an appropriations bill for the District of Columbia without amendments limiting abortion funding. The League also supported 1988 legislation that would have restored Medicaid funding for abortions in cases of rape or incest.

The League joined an amicus brief to uphold the right of privacy to make reproductive choices in *Webster v. Reproductive Health Services*. In July 1989, a sharply divided US Supreme Court issued a decision that severely eroded the right of privacy to choose an abortion. Although *Webster* did not deny the constitutional right to choose abortion, it effectively overruled a significant portion of the 1973 *Roe* decision by upholding a Missouri statute that prohibited the use of public facilities, employees, or funds for counseling, advising, or performing abortions and required doctors to conduct viability tests on fetuses 20 weeks or later before performing an abortion.

In the fall of 1989, the League supported the Mobilization for Women's Lives. The League also joined an amicus brief in *Turnock v. Ragsdale*, challenging an Illinois statute that would have effectively restricted access to abortions, including those in the first trimester, by imposing strict requirements on abortion clinics.

In 1990, LWVUS joined the national Pro-Choice Coalition and began work in support of the *Freedom of Choice Act*, designed to place into federal law the principles of *Roe v. Wade*.

In 1990 – 1991, the League, in *New York v. Sullivan*, opposed the HHS “gag rule regulations that prohibit abortion information, services, or referrals by family-planning programs receiving Title X public health funds.” The Supreme Court upheld the regulations; Leagues nationwide responded in opposition and LWVUS urged Congress to overturn the gag rule.

The 1990 League Convention voted to work on issues dealing with the right of privacy in reproductive choice, domestic and international family planning and reproductive health care, and initiatives to decrease teen pregnancy and infant mortality (based on the International Relations and Social Policy positions). LWVUS acted on a series of pro-choice legislative initiatives. It supported the *International Family Planning Act*, which would have reversed US policy denying family planning funds to foreign organizations that provide abortion services or information. It opposed the Department of Defense policy prohibiting military personnel from obtaining abortions at military hospitals overseas and supported the right of the District of Columbia to use its own revenues to provide Medicaid abortions for women with low incomes.

In 1991 and 1992, the League continued to fight efforts to erode the constitutional right of reproductive choice by supporting the *Freedom of Choice Act* and attempts to overturn the gag rule. In coalition with 178 other groups, the



League filed an amicus brief in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, arguing that constitutional rights, once recognized, should not be snatched away. In June 1992, the Court decision partially upheld the Pennsylvania regulations, further eroding the principles of *Roe*. In response, Leagues stepped up lobbying efforts for the *Freedom of Choice Act*. The 1992 LWVUS Convention voted to continue work on all domestic and international aspects of reproductive choice.

In 1993, the League continued to support legislative attempts to overturn the gag rule. In late 1993, President Clinton signed an executive order overturning it and other restrictive anti-choice policies. LWVUS continued to work for passage of the *Freedom of Choice Act* and against the *Hyde Amendment*. LWVUS supported the *Freedom of Access to Clinic Entrances (FACE) Act*, a response to escalating violence at abortion clinics. The *FACE Act* was signed into law in 1993.

During the 1993 – 1994 health care debate, the League pressed for inclusion of reproductive services, including abortion, in any health care reform package. In 1995, the League again opposed amendments denying Medicaid funding for abortions for victims of rape and incest.

In 1998, LWVUS opposed the *Child Custody Protection Act*, federal legislation designed to make it illegal for an adult other than a parent to assist a minor in obtaining an out-of-state abortion.

In spring 2000, LWVUS joined an amicus brief in *Stenberg v. Carhart*, urging the US Supreme Court to affirm a US Court of Appeals ruling that a Nebraska law criminalizing commonly used abortion procedures was unconstitutional. The Court's affirmation of the ruling in June 2000 was pivotal in further defining the right to reproductive freedom.

As Congress continued to threaten reproductive rights with legislative riders to appropriations bills, the League lobbied Congress in opposition to these back door attempts to limit reproductive choices.

In 2002, LWVUS lobbied extensively against attempts to limit funding for family planning and, in 2003, the League lobbied the House to support funding for the United Nations Population Fund, which lost by just one vote. The League strongly opposed the passage of the so-called *Partial-Birth Abortion Act* in 2003, but it was passed and signed into law under the Bush administration.

In 2004, LWVUS lobbied in opposition to the *Unborn Victims of Violence Act (UVVA)*, which conveys legal status under the federal criminal code to an embryo and fetus, but it was signed into law.

The League also cosponsored the *March for Women's Lives* in Washington, DC, for the right to make reproductive choices, which drew widespread support, including from many state and local League delegations.

In 2008, the League filed official comments with HHS voicing concern over so-called "conscience" regulations that would limit reproductive health care options for women by allowing physicians, pharmacists, and other providers to sharply limit their services according to their own views on reproductive health care.

In 2009, the League joined other groups urging rescission of the conscience regulations. HHS subsequently modified the regulations to preserve reproductive health care options and the doctor-patient relationship.



In 2012, the League successfully fought attempts in Congress to allow any employer or provider who claimed an ill-defined “religious or moral” objection to a health care service, such as reproductive health care, to be exempted from providing such coverage under the *Affordable Care Act* (ACA). The League opposed this exemption, which would undermine the very premise of the ACA that all persons, regardless of gender, should be eligible for health services under the *Affordable Care Act*, and that failure to do so is discrimination based on sex.

The League also lobbied Congress in support of fully funding the Title X Family Planning program in response to proposed cuts to *Title X*, which provides family planning and reproductive health care services to millions of individuals and families with low incomes.

In 2013, LWWUS submitted comments to HHS opposing religious exemptions for contraceptive services. This debate continued in the courts and the League joined with other concerned organizations in opposing broad religious exemptions to the requirement that all insurance plans provide access to contraception as basic care in the US Supreme Court case of *Burwell v. Hobby Lobby Stores*. The Supreme Court ruled in favor of the religious exemptions.

In the fall of 2019, LWWUS joined an amicus brief in *June Medical Services v. Russo*, a case that challenged a Louisiana law that required abortion clinics to have hospital admitting rights. The law would have closed all but one clinic providing abortion services in the state. In a 5-4 decision, the court struck down the law, protecting women, especially women of color, and retaining the three clinics across the state. The League also joined domestic and international reproductive health and women’s rights partners in urging both houses of Congress to include provisions in FY2020 appropriations to repeal the reinstated gag rule and protect the Title X program, in light of the Trump administration’s new restrictive regulations on Title X-funded providers.

The League continued advocacy to protect reproductive choices and access to birth control under the ACA through 2020. The League also joined a letter to US House and Senate leadership that connected work on reproductive justice with that of the movement for racial justice following the murders of Breonna Taylor, George Floyd, and other Black Americans. The effort encouraged lawmakers to take federal action to end the use of discriminatory legislation like the Hyde Amendment, which perpetuates systems of oppression and disproportionately affects people of color.

In the fall of 2021, the League joined an amicus brief with numerous other civil rights and social justice organizations in *Dobbs vs. Jackson Women’s Health Organization*, in which the Center for Reproductive Rights challenged a Mississippi 15-week abortion ban, making it the first time the US Supreme Court considered the constitutionality of a pre-viability abortion ban since *Roe v. Wade*.

In May 2022, after a draft majority opinion in *Dobbs* was leaked revealing that the Supreme Court was prepared to overturn *Roe v. Wade* and *Planned Parenthood v. Casey*, the LWWUS Board of Directors met and agreed to support filibuster reform, including elimination of the filibuster, as a targeted strategy to protect reproductive rights. The League sent a letter to the US Senate urging support of the House-passed *Women’s Health Protection Act* (WHPA), which would federally codify the right to provide and receive abortion services. In May, for the second time in 2022, the WHPA was blocked in the Senate.



Then in June, the Supreme Court ruled in *Dobbs*, overturning *Roe* and *Casey*, eliminating the constitutional right to abortion, leaving it up to federal and state legislatures. LWVUS began working with state Leagues to support their state advocacy efforts to protect and expand rights and access to abortion and contraception. The decision was handed down during the 2022 LWVUS Convention, and League members immediately passed a resolution reiterating that “the League supports the rights of women and those who can become pregnant to self-determination related to, and including, but not limited to bodily autonomy, privacy, reproductive health, and lifestyle choice.” Following the day’s business, League members marched on the Colorado state capital in Denver to protest the decision.

The League also joined reproductive rights partners urging the administration to protect the right to abortion and ensure accessibility for all Americans. The League supported the Biden administration’s executive order instructing the US Department of Justice to defend the right to abortion medication, as well as additional potential measures including declaring a public health emergency and mobilizing federal resources to support people seeking health care with associated expenses.

Evaluating Constitutional Amendment Proposals and Constitutional Conventions

CONSTITUTIONAL AMENDMENT PROPOSALS

The League’s Position

Statement of Position on Evaluating Constitutional Amendment Proposals, as announced by the national board, January 2016:

The League will only support a proposed amendment to the US Constitution if it advances and conforms to an LWVUS position.

In addition, the League believes the following should be considered in identifying an appropriate and well-crafted constitutional amendment:

- a. Whether the public policy objective addresses matters of such acute and abiding importance that the fundamental charter of our nation must be changed. Amendments are changes to a document that provides stability to our system and should be undertaken to address extreme problems or long-term needs.**
- b. Whether the amendment as written would be effective in achieving its policy objective. Amendments that may be unenforceable, miss the objective, or have unintended consequences may not achieve the policy objective.**
- c. Whether the amendment would either make our political system more democratic or protect individual rights. Most adopted amendments have sought to make our system more representative or to protect the rights of minorities.**



- d. Whether the public policy objective can be achieved by a legislative or political approach that is less difficult than a constitutional amendment. In order to expend resources wisely, it is important to consider whether legislation or political action is more likely to succeed than an amendment.
- e. Whether the public policy objective is more suited to a constitutional and general approach than to a statutory and detailed approach. It is important to consider whether the goal can best be achieved by an overall value statement, which will be interpreted by the courts, or with specific statutory detail to resolve important issues and reduce ambiguity.

League History

Following the January 2016 meeting, the LWVUS Board announced a new position outlining considerations for evaluating constitutional amendment proposals. State Leagues can use this new position, as well as the new position calling for safeguards to govern the constitutional convention process, to address the ongoing debates in many legislatures regarding constitutional conventions, in particular as they relate to the Balanced Budget amendment.

The League continues to use this position to evaluate the Constitutional amendments proposed to overturn the Supreme Court's *Citizens United* decision. In 2019, as part of the *For the People Act*, the Democracy for All amendment was introduced within the bill and as stand-alone legislation. The League declined to endorse the legislation, but continues to look for opportunities to overturn the *Citizens United* decision through the promotion of other legislation that would remedy the issues it raised.

Another important topic during the 116th Congress (2019 – 2021) was the abolition of the Electoral College. Several amendments were introduced to abolish the Electoral College. Moving forward, the LWVUS will use the criteria highlighted above as well as the Selection of the President position to analyze additional proposals.

CONSTITUTIONAL CONVENTIONS

The League's Position

Statement of Position on Constitutional Conventions under Article V of the US Constitution, as announced by the national board, January 2016:

The League is concerned that there are many unresolved questions about the powers and processes of an Article V Constitutional Convention. The League believes such a convention should be called only if the following conditions are in place:

- a. **The Constitutional Convention must be transparent and not conducted in secret. The public has a right to know what is being debated and voted on.**
- b. **Representation at the Constitutional Convention must be based on population rather than one-state, one-vote, and delegates should be elected rather than appointed. The delegates represent citizens, should be elected by them, and must be distributed by US population.**
- c. **Voting at the Constitutional Convention must be by delegate, not by state. Delegates from one state can have varying views and should be able to express them by individual votes.**
- d. **The Constitutional Convention must be limited to a specific topic. It is important to guard against a “runaway convention,” which considers multiple issues or topics that were not initiated by the states.**



- e. Only state resolutions on a single topic count when determining if a Constitutional Convention should be called. Counting state requests by topic ensures that there is sufficient interest in a particular subject to call a Convention and enhances citizen interest and participation in the process.
- f. The validity of state calls for an Article V Constitutional Convention must be determined by the most recent action of the state. If a state has enacted a rescission of its call, that rescission must be respected by Congress.

League History

Following the January 2016 meeting, the LWVUS Board announced a new position calling for safeguards to govern the constitutional convention process. State Leagues can use this position, as well as the position outlining considerations for evaluating constitutional amendment proposals, to address the ongoing debates in many legislatures regarding constitutional conventions, in particular as they relate to the balanced budget amendment.

In the summer of 2016, LWVUS joined a coalition of groups working to address a wave of resolutions introduced in state legislatures calling for constitutional conventions under *Article V* of the US Constitution. At that time, 28 of the needed 34 states had passed resolutions calling for a convention. Proponents of a constitutional convention include the American Legislative Exchange Council (ALEC) and the tea party. The coalition believes that without a clear construct, a US constitutional convention would throw the country into turmoil, creating legal and political battles of great consequence to the nation's future. This is a power grab that would put control of our country's future into the hands of politicians and special interests. Many constitutional scholars also support this position.

As efforts to call for a Constitutional Convention continued in the most recent biennium, LWVUS worked with state Leagues to activate League members to contact their legislators, testify at hearings against these resolutions, and generate attention on social media and with traditional press. LWVUS continues to work with these coalition partners by monitoring activities around this issue, attending steering committee meetings of the national coalition, and engaging state Leagues in on-the-ground coalitions to fight these resolutions in their own legislatures.

Congress and the Presidency

CONGRESS

The League's Position

Statement of Position on Congress, as announced by the national board, April 1972 and revised March 1982:

The League of Women Voters of the United States believes that structures and practices of the US Congress must be characterized by openness, accountability, representativeness, decision-making capability, and effective performance. Responsive legislative processes must meet these criteria:

Accountability

A Congress responsive to citizens and able to hold its own leaders, committees, and members responsible for their actions and decisions.



Representativeness

A Congress whose leaders, committees, and members represent the nation as a whole, as well as their own districts and states.

Decision-making Capability

A Congress with the knowledge, resources, and power to make decisions that meet national needs and reconcile conflicting interests and priorities.

Effective Performance

A Congress able to function in an efficient manner with a minimum of conflict, wasted time, and duplication of effort.

Open Government

A Congress whose proceedings in committee as well as on the floor are open to the fullest extent possible.

League History

Congress has been a part of the League agenda for many decades. In 1944, the League adopted as a Program focus: “Strengthening governmental procedures to improve the legislative process and relationship between Congress and the Executive.” In 1946, LWVUS worked successfully for passage of the *Legislative Reorganization Act*. In 1954, the League unsuccessfully called on Congress to coordinate and simplify its budgetary procedures.

In 1970, the League undertook a comprehensive study of Congress, leading to a 1972 position on specific changes to make Congress more responsive to citizen needs. League members urged Congress to open the doors to its committee and hearing rooms, free up access to leadership positions, and coordinate its budgetary processes.

League support of procedural changes and the 1974 *Budget Reform and Impoundment Control Act* led to many improvements:

- New committee procedures that modified the seniority system and made committee membership more representative of diverse interests.
- Rule changes for more adequate staffing.
- Electronic voting.
- Modification of the Senate cloture rule.
- Moves to open all committee meetings and proceedings to the public, except when matters of national security are involved.
- Reorganization of the budget process, so that Congress can establish priorities and evaluate the budget package as a whole.

The League has continued to assess proposals for additional procedural changes in Congress. In 1986, the League urged the Senate to provide for radio broadcast and trial closed-circuit television coverage. In 1989, LWVUS successfully urged the House to enact an ethics reform package that included limits on honoraria and outside income. In 1998, the League joined 13 national groups in urging the Senate Majority Leader to eliminate the use of “secret holds” in the Senate. The League and 52 other groups endorsed draft legislation to put Congressional Research Service reports and products online.



In 1991, the League announced its opposition to term limits for members of the US Congress on the grounds that such limits would adversely affect the accountability, representativeness, and effective performance of Congress and, by decreasing the power of Congress, upset the balance of power between Congress and an already powerful presidency. The 1992 Convention reaffirmed opposition to term limits and authorized state and local Leagues to use national positions to take action on term limits for state and local offices.

In 1993 – 1994, the Leagues of Washington and Arkansas participated in suits challenging state term limit laws based on the US Constitution. In 1995, after hearing the Arkansas case, the US Supreme Court agreed that term limits imposed by states on the US House and Senate are unconstitutional. Proposals to amend the Constitution to allow or set federal term limits failed to receive the necessary two-thirds majority in both houses. The League vigorously opposed the proposed amendment through testimony, lobbying, and grassroots action. In 1997, the League again successfully lobbied House members on this issue.

In 1999, LWVUS and the LWV of Missouri filed an amicus brief in the US Court of Appeals in *Cook v. Gralike*, challenging a Missouri law requiring the phrase “disregarded voters’ instruction on term limits” to appear on the ballot next to the name of any candidate who had not taken certain actions related to term limits. The law was struck down by the Appeals Court, both because it was a backdoor attempt to impose term limits and because it burdened the election process. The state LWV and LWVUS subsequently filed amicus briefs with the US Supreme Court when the case was considered on appeal.

In 2007 and 2008, the League responded directly to congressional scandals that demonstrated a failure in the mechanisms that regulated ethics and lobbying. The League pushed Congress to enact lobbying reform measures to set fundraising limits on lobbyists and lobbying firms; change the gift, travel, and employment relationships among members of Congress, lobbyists, and lobbying firms; and institute new, more-effective enforcement mechanisms.

In 2008, the House passed new ethics procedures, including new ethics rules, disclosure requirements for campaign contributions bundled by lobbyists, and a new ethics enforcement process. The League also supported strengthening the investigative powers of the new Office of Congressional Ethics by providing access to subpoena power so investigators would be able to compel cooperation from outside entities and individuals, congressional staff, and Members.

In 2010, and again in 2012 and 2014, the League and coalition partners sent a letter to the Speaker urging him to preserve and strengthen House ethics rules and standards of conduct.

In 2018 and 2020, as the US Senate considered the nominations of two Supreme Court justices, the LWVUS contacted senators reminding them of their duty and responsibility to conduct the confirmation process in such a way as to build trust in our systems of government and ensure the longstanding independence of the judicial branch. This follows on the League’s actions in 1991, when the League urged the Senate Judiciary Committee to extend time for additional testimony on a Supreme Court nominee to let all voices be heard. This is in keeping with the League of Women Voters principle that all powers of the US government should be exercised within the constitutional framework of a balance among the three branches of government: legislative, executive, and judicial.



In 2021 and 2022, the League called on the US Senate to "fix or nix" the filibuster rule that continues to stand in the way of progress for the American people. After the draft Supreme Court decision to overturn *Roe* and *Casey* was leaked, LWVUS Board members voted to urge the Senate to pass the *Women's Health and Protection Act* by any means necessary, including by amending or eliminating the filibuster.

THE PRESIDENCY

The League's Position

Statement of Position on the Presidency, as announced by the national board, January 1976, and revised March 1982:

The League of Women Voters of the United States believes that presidential power should be exercised within the constitutional framework of a dynamic balance between the executive and legislative branches. Accountability and responsibility to the people require that unnecessary secrecy between the President and Congress be eliminated. Therefore, the League supports the following measures:

Executive Agreements

Presidential authority to negotiate international executive agreements should be preserved. Accountability to the public requires that the President report to Congress the text of all such agreements and that Congress review them periodically.

War Powers

The President should be required to seek the advice of the Congress before introducing US armed forces into situations where hostilities are imminent, to report promptly to Congress any action taken, and to obtain within a specified time congressional approval for continued military activity.

Emergency Powers

Presidential authority to declare a state of national emergency should be subject to periodic congressional review. The President should transmit to Congress yearly notice of all existing national emergencies and significant orders issued under each. Congress should review the emergencies and significant orders issued under each. Congress should review the emergencies every six months and should have the power to terminate them at any time by concurrent resolution. (All states of emergency now in existence should be terminated after a grace period for adjustment.)

Fiscal Powers

The President should exercise executive responsibility for sound management of public funds in a manner consistent with the programs and priorities established by Congress. This requires procedures for congressional consideration of the budget as a whole and measures for congressional disapproval of presidential impoundment of funds.



Succession and Tenure

The League of Women Voters of the United States supports the succession procedures spelled out in the 25th Amendment. However, the League favors a limit on the amount of time Congress may take to confirm the Vice President.

The League also favors retention of a two-term limitation on presidential terms of office.

League History

In view of growing public concern about presidential powers, the 1974 Convention adopted a two-year study of the executive branch with emphasis on presidential powers, succession, and tenure. The 1976 position tied closely to earlier positions on Congress and enabled the League to act to promote a dynamic balance between the powers of the President and those of Congress. Such a balance, according to member agreement, requires elimination of unnecessary secrecy between the branches, periodic congressional reviews of executive agreements and states of national emergency, and proper use of the procedures spelled out in the War Powers Resolution. LWVUS support of anti-impoundment measures in 1973 was consistent with the emphasis on the balance of power between the two branches.

In 1985, the League opposed the *Gramm-Rudman-Hollings Balanced Budget and Emergency Deficit Control Act* as a threat to this balance of power. In 1986, the US Supreme Court declared unconstitutional the key part of the law that provided for automatic budget cuts to be decided by the Comptroller-General if deficit targets were missed. A revision of the law met the separation-of-powers objection of the Court.

Privatization

The League's Position

Statement of Position on Privatization as announced by the national board in June 2012:

The League of Women Voters of the United States believes that when governmental entities consider the transfer of governmental services, assets, and/or functions to the private sector, the community impact and goals of such transfers must be identified and considered. Further, the League believes that transparency, accountability, and preservation of the common good must be ensured.

The League believes that some government-provided services could be delivered more efficiently by private entities; however, privatization is not appropriate in all circumstances. Privatization is not appropriate when the provision of services by the government is necessary to preserve the common good, to protect national or local security or to meet the needs of the most vulnerable members of society. While the League recognizes that the definition of core government services will vary by level of government and community values, services fundamental to the governance of a democratic society should not be privatized in their entirety. These services include the electoral process, justice system, military, public safety, public health, education, transportation, environmental protection, and programs that protect and provide basic human needs.



The decision to privatize a public service should be made only after an informed, transparent planning process and thorough analysis of the implications of privatizing service delivery. While specific criteria will vary by service and local conditions, the League believes the following considerations apply to most decisions to transfer public services, assets, and functions to the private sector:

- Ongoing and timely communication with stakeholders and the public.
- Statement of the circumstances as they exist and what is to be gained.
- Definition of the quality, level, and cost of service expected.
- Assessment of the private market— whether there are providers to assure competitive pricing and delivery (in some cases there may not be multiple providers if a service is so specialized (e.g., high-tech, airports).
- Cost-benefit analyses evaluating short- and long-term costs of privatization, including the ongoing costs of contract administration and oversight.
- An understanding of the impact on customers, the broader community, environment, and public employees.
- An open, competitive bidding process with clearly defined criteria to be used in selecting a contractor.
- A provision and process to ensure the services or assets will be returned to the government if a contractor fails to perform.
- A data-driven selection of private entities whose goals, purposes, and means are not incompatible with the public well-being.
- The careful negotiation and drafting of the controlling privatization contract.
- Adequate oversight and periodic performance monitoring of the privatized services by the government entity to ensure that the private entity is complying with all relevant laws and regulations, contract terms and conditions, and ethical standards, including public disclosure and comment.

The League believes that the enactment of state laws and issuance of regulations to control the process and delivery of privatization within a state's jurisdiction is often appropriate and desirable. Best practices for government regulation of the privatization process should include the following requirements:

- An open process that allows for citizen input and oversight in a timely manner.
- A reasonable feasibility study and project evaluation appropriate to the size and scope of the project.
- The establishment of carefully crafted criteria for selection of the private entity (beyond the lowest-cost bid).
- Additional consideration for local bidders in order to support the local economy.
- The retention of liability and responsibility with the government entity.
- Allowance for and promotion of opportunities for innovation and collaboration.
- Provision for employment, benefits, and training plans on behalf of employees displaced as a result of privatization.

League History

Convention 2010 delegates voted to undertake a study of the issue of privatization. Local and state Leagues across the country participated in the study and the League announced its position in June 2012.



Digital Equity

The League's Position

Statement of Position on Digital Equity as adopted by concurrence by delegates to Convention in June 2022:

The League of Women Voters believes that high-speed affordable internet access is an essential service that should be readily available to all US residents and businesses. National, state, and local government policies should support broadband, wireless, and other means of high-speed internet deployment throughout the nation. Efficient, high-speed, affordable access to the internet for all US residents in their homes, schools, and workplaces – regardless of geographic location or neighborhood demographics – is a necessity for assuring equal access to local and state government, maintaining openness and transparency in government activities, communicating with legislative leaders, engaging in political discourse, competing in the global marketplace, and assuring that voters receive the information they need to participate in our democracy.

The League of Women Voters supports making high-speed internet access available to all residents of the United States, without charge, through schools, libraries, and other secure public buildings.

Community Access and Public Affairs Media

The League of Women Voters believes that community access media – for public, educational, and governmental programming (PEG) – must be adequately protected, promoted, and funded, regardless of the provider of media services. Statewide public affairs programming must be adequately protected, promoted, and funded by state legislatures and available to all residents, regardless of the provider of media services. Government should provide opportunities for citizen participation in decisions regarding community access, or PEG media.

Access to public affairs programming through modern media communication is essential to the public interest and to the League of Women Voters' mission and purpose – to protect civil liberties, ensure open, transparent government, and promote the public's right to know. To protect the public interest, high-quality PEG transmission and PEG availability on basic service tiers and on the internet are essential.

League History

The 2022 convention voted to include this position in Impact on Issues and the national office will track the League's engagement and work around this issue for the next biennium. Convention 2022 adopted the LWV Connecticut position by concurrence.

