



Rochester/Metro League of Women Voters

Mission Statement

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Voter education is one of the League's most important functions, and the League encourages all citizens to register and to cast an informed vote.

The League does not support political parties or candidates, but does take stands on important issues after careful study and research.

Membership in the League is open to all citizens of voting age.

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Join Us at Our March Forum!

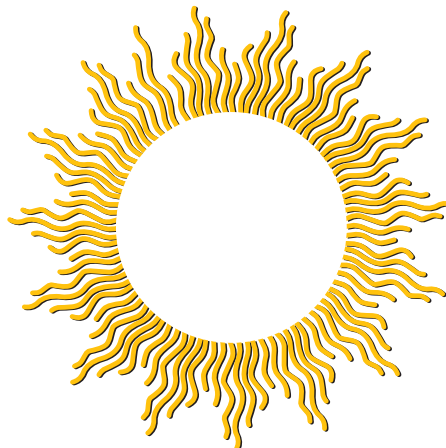
Sunshine! Openness in government!

Thursday, March 10, 2011
Brighton Town Hall at 7 pm
2300 Elmwood Avenue

Speakers:

Blair Horner, Director of the New York Public Interest Research Group (NYPIRG)
Dick Moss, Director of Local Content, including "Sunshine Projects", for the D&C
Light refreshments will be served afterwards.

See page 7 for details.



From the President

LWV/RMA Board has accepted, with regret, the resignation of Treasurer, Annette Miller. We extend appreciation to her for her diligent six month service. We are pleased that John Schmitt has agreed to serve as treasurer. A long time League member and volunteer, John has previously served as treasurer of a not-for-profit organization.

Directors continue to work on closing the LWV/RMA office. Our phone number will remain the same, 262- 3730. Our address is now PO BOX 10573, Rochester, 14610. This period of transition, without Rae Bernacki to assist a volunteer board, will undoubtedly have some challenging times.

However, plans for our local League's spring events and activities remain ongoing. Committee reports in this issue of the Voter give you the specifics. Our volunteers are out in the community every week delivering our mission of voter service and education.

LWV/RMA has received mention in the press several times in the last few months on our position on redistricting of the Monroe County Legislative lines. Working with the Center for Governmental Research (CGR), we will continue to keep this very important issue before the community.

An appointed five member commission of elected and political people will present a recommended map to the legislature in the spring. The make-up of this commission does not meet our goals of diversity and transparency. However, we look forward to the actual drawing of the map as an open process. We will follow this process carefully and report to you on whether or not the map meets LWVNY guidelines.

Katherine Smith,
President of LWV/RMA



Since Last Month

At the Naturalization ceremony on Feb. 10th at 10:00 am in the Monroe County Office Building, Mimi Wilson represented the League. In the Federal Building at 1:00 pm, Lois Winterkorn and Barb Hendry welcomed the new citizens.

Sheila Abelning, *VP Voters Service*

Sally Chamberlin represented the League on January 15 at Mountainside Church as a member of a panel on Immigration. The moderator commented that she was glad to have a League representative on the panel as they are "fair and unbiased". Thank you, Sally.

Georgia DeGregorio, *LWVNY Membership Vice President & Off-Board Specialist*

LWV/RMA President Speaks Out

The Monroe County Legislature voted February 2, 2011 to establish the Legislative District Revision Commission with three county legislators and the two Election Commissioners. LWV/RMA supported a commission with more members so there would be a more diverse group drawing the election lines for this year's November election of all 29 seats in the Monroe County Legislature. Katherine Smith, President of the LWV/RMA, spoke twice before the Agenda/Charter Committee on this issue, wrote a "Speaking Out" article for the D&C, and gave three interviews explaining the League's long standing guidelines for this extremely important political process.

Now that the decision has been made to keep the membership of the commission the same as 2001, the LWV/RMA is promoting a plan that will ensure that the 2011 reapportionment process will provide equal weight to all voters in Monroe County. If there is a partisan distortion of our 29 legislative districts, voters will be deprived of a very important right. Legislators need to be elected by voters who determine that candidates represent their philosophy of governing, support their positions on issues, and are not elected because of the configuration of geographical boundaries.

The territory of representative areas needs to be convenient, contiguous and in a compact form, as far as possible. LWV/RMA is looking forward to ample public hearings with full access to maps and proposed districts. We urge criteria for this process be made public. We have authorized the Center for Governmental Research to use funds from the Bee Bibby Endowment to draw a set of maps that meet LWV criteria and that citizens in Monroe County can use to compare with the commission's maps.

For far too long the public has been shut out of this process. Transparency is one of our goals. The public becomes skeptical about elections if redistricting appears to support the incumbents. LWV/RMA is committed to making citizens aware that the next two months is the time to express their opinions about the issue. The Monroe County Legislature will most likely vote on the final map in May. District lines will remain until the 2020 census.

Katherine Smith will present the League's position to several groups this month. Next month, we plan to present a public forum with CGR on this redistricting. **WATCH FOR THE DATE IN NEXT VOTER!**

Katherine Smith, *President of LWV/RMA*

The Law of Reapportionment in New York *(continued from last month)*

The Court held that irregular-shaped districts were patterned after “prior redistricting plans,” obviously indicating that a prior legislature’s discarding the “compactness” requirement would permit a subsequent legislature to ignore the same command. This seems to constitute judicial approval of the “you’ve done it before, you can do it again” doctrine.

In 1992, the (NYS) Court of Appeals gave it another go; this time, the Court admitted that the plans before the Court violated the state constitutional commands for compactness, contiguity and integrity of counties, *Wolpoff v. Cuomo*, 80 N.Y. 2d 70 (1992). The Court said that did not matter; the test articulated 20 years earlier in *Schneider v. Rockefeller* was whether the plans “utterly departed” from the state constitutional requirements to comply with federal mandates. The Court of Appeals seemed to signal that the state constitutional requirements have little meaning in any reapportionment so long as the federal objectives of nearly equal numerical quotas are met. In essence, if the numbers met the federal requirements – and the requirements of the Voting Rights Act – the plan is presumed constitutional and the lines can wander wherever.

In 2002, another challenge arose and the state constitutional requirements barely registered as a blip on the federal court’s radar. In *Rodriguez v. Pataki*, 308 F. Supp 2d 346 (S.D.N.Y. 2004), the Court reached the following “over-arching conclusions” in rejecting a challenge to the 2002 reapportionment plans for Senate and Assembly:

- Reapportionment is within the political prerogatives of the state legislature;
- The challenged plans reflect traditional districting principles: maintaining equality of population, “preserving the core of existing districts, preventing contests between incumbents and complying with the Voting Rights Act;”
- The plans serve “checks and balances” between Democrats and Republicans because each controls one house of the legislature;
- The districts comply with the 10% deviation rule;
- Politics is at heart of reapportionment but that is best left to the state’s political process; and
- There was no dilution of minority voters through the plans.

These principles evolved through a series of reapportionment court cases during the last 30 years from states around the nation... The Court gave the green light to partisan reapportionment, saying in essence that the state legislature can, through reapportionment, serve a constitutional purpose of keeping one political party in control of one house

(the Republicans in the Senate) and the other political party in control of the other house (Democrats in the Assembly). The Court said it was constitutionally permissible for incumbents to protect themselves through reapportionment.

Some may say these are not the rules; they do not supercede the provisions of the New York Constitution and they are just the conclusions of a single federal court. However, in future reapportionment cases, litigants favoring a legislatively approved plan, will be able to cite these guidelines with authority to buttress the legality of any plan. In addition, some lawyers may someday argue that this case is not controlling precedent on New York; it is simply a three-judge panel in the Southern District of New York and not the binding opinion of any higher appeals court. In fact, the case was submitted to the Supreme Court of the United States and the Supreme Court affirmed the lower court decision without an opinion.

Significantly, the federal court barely paused to consider the rules that the people of New York had incorporated into their constitution in 1894. The point in this discussion is simply that putting New York’s reapportionment future in the hands of an independent commission – assuming that a non-partisan reapportionment commission passes the legislature and becomes law – is not the final answer that some seek in trying to restore competitive balance in legislative or congressional elections. Without other changes, the newly-chartered independent commission would be faced with the same substantive law as the current task force – preserve the “core of existing districts” (which have been drawn in the past to achieve political goals of the legislature), prevent contests between incumbents (avoid pairing incumbents in the same districts or avoid serious political challenges to incumbents) and preserve checks and balances between the major political parties. The independent commission would face these same standards and, if a proposed plan devised by the independent commission, deviated from these federally-approved “core principles,” it could be overturned by the courts.

In conclusion, changing reapportionment to achieve other laudable goals – more competitive districts (whatever that means) or enhanced community cohesion – is not attained by just changing the people who do it. Displacing the legislature as the drawer of lines will not, by itself, change the end results, so long as the federal principles articulated in *Rodriguez*, dictate the ultimate product. Without a firm constitutional commitment to change the criteria set forth in *Rodriguez*, anyone – independent or otherwise – reapportioning New York’s legislative districts will face familiar obstacles and, when the federal rules are applied, the new maps may look strikingly similar to those fashioned by the legislature under the current laws.

From speech by Justice Richard Dollinger, prepared for the November League Forum on Redistricting.



Violence Prevention

The League's Position

Statement of Position on Violence Prevention, as Adopted by the 1994 LWVUS Convention:

The League of Women Voters of the United States supports violence prevention programs in all communities and action to support:

- public and private development and coordination of programs that emphasize the primary prevention of violence
- the active role of government and social institutions in preventing violent behavior
- the allocation of public monies in government programs to prevent violence.

For more information on this topic, go to www.LWV.org and enter Violence Prevention in search box.

Directory Corrections

Emily Tobin
Canisius College
Residence Life Office
200 Main Street
Buffalo, New York 14208
585-314-8002
tobine@canisius.edu

Sue Gaffney
585-442-6415
sgaf1132@aol.com

Directory Additions

Alison & Donald Wilder
9 Song Bird Lane 14620
585-342-2459
awilder@frontiernet.net

New Member

Jean Tischer
1570 East Ave
Rochester, NY 14610
Phone: 585-271-5252



New Address!!!!

Beginning April 1, 2011 the league will no longer have a downtown office. The phones will remain the same: phone 585-262-3730 and fax 585-262-4493.

Starting when you receive this Voter, all mail should be sent to:

League of Women Voters/Rochester Metro Area
(or LWV/RMA)
PO Box 10573
Rochester, NY 14610.

Mail will be retrieved by the President, Katherine Smith, or a designated Board Member, and distributed accordingly.

Support the Affordable Care Act

The League of Women Voters urges you to oppose legislation to repeal the Affordable Care Act, the comprehensive health care law passed by Congress in 2010. The League believes that the Affordable Care Act is a major step forward in guaranteeing health care for all. It has already made a difference by improving health care access and coverage for millions of Americans. Repealing it now would be a step in the wrong direction.

We have a health care crisis in America. Too many citizens lack adequate health insurance coverage and rising costs threaten everyone. Since its passage, the Affordable Care Act has brought about positive changes: children are no longer denied coverage for pre-existing conditions, insurers can no longer impose lifetime limits on coverage, adult children can stay on their parents' health plans up until age 26, and Medicare recipients can have a number of preventive and well-care services without being charged a deductible, co-pay, or coinsurance.

The League of Women Voters believes that as provisions of the Affordable Care Act continue to be implemented, more and more Americans will have health care coverage while health care costs are reduced for individuals, businesses and communities. In contrast, the Congressional Budget Office estimates that repeal of the Affordable Care Act would add \$230 billion to the national deficit over the next ten years and leave about 54 million Americans without insurance.

As an organization that has worked for 90 years to improve government procedures, educate the electorate, and make government at all levels more accessible and responsive to citizens, we are deeply concerned that opponents of the Affordable Care Act have adopted a strategy of fear and obfuscation in attempting to repeal the law.

Medicare was enacted over strong opposition from those who opposed "socialized medicine." Social Security was adopted despite loud and prolonged complaints. Yet, both these systems are now sacrosanct. Many other accomplishments, from civil rights to voting rights, were controversial when first adopted but have proven to be critical steps forward. The Affordable Care Act is part of that tradition.

The League of Women Voters urges you to oppose repeal of the Affordable Care Act and support health care coverage for all Americans.

From: Elisabeth MacNamara, President LWVUS, January 20, 2011

We Need to Grow!

We're on a mission to GROW and we need your help, your ideas, your input! The Membership Committee will be meeting on March 4th at 1:00 pm at the Brighton Town Hall to begin drafting its 2011-2012 plan and would like to invite all interested members to join in.

Gin Busak, *LWV/RMA Director, Membership*

Safe Drilling Issue Adopted by LWVUS

The following resolution, sponsored by the LWV of Tompkins County (NY), entitled “*A Resolution in Support of Safe Drilling and Mining for Energy Resources*,” was unanimously passed at the 2010 national convention of LWVUS, held in Atlanta, Georgia in June 2010.

“Whereas The League of Women Voters of the United States believes that natural resources should be managed as interrelated parts of life-supporting ecosystems, resources should be conserved and protected to assure their future availability. Pollution of these resources should be controlled in order to preserve the physical, chemical and biological integrity of ecosystems and to protect public health.” (Statement on Natural Resources, as Affirmed by the 1986 Convention);

Whereas the LWVUS supports “full disclosure of pollution data;”

Whereas the LWVUS supports “management of land as a finite resource not as a commodity;”

Whereas the LWVUS supports “identification and regulation of areas of critical concern... including “...rare or valuable ecosystems; significant wildlife habitats; unique scenic or historic areas; wetlands...” and “renewable resource lands, where development could result in the loss of productivity (such as watersheds, aquifers, and aquifer-recharge areas, significant agricultural and grazing lands, forest lands);”

Whereas the LWVUS supports “policies to ensure safe treatment, transportation, storage and disposal of solid and hazardous wastes in order to protect public health and air, water and land resources;”

Whereas current practices of and disposal of waste from drilling and mining for energy resources have caused serious and permanent damage to the environment and public health;

Whereas new drilling and mining technologies are being developed and used for the extraction of energy resources, which techniques have the potential to cause additional damage to the environment and public health, as has already been experienced in a number of states;

Whereas legislation and regulations regarding the protection of water, air, and other environmental resources do not now adequately cover the problems caused by drilling and mining for energy resources and most have explicit exemptions for various forms of drilling and mining;

Whereas the orientation, mission and policies of the EPA and other federal regulatory agencies vary with the presidential administration in power, so that legislation is needed to ensure continuity across administrations;

Whereas enforcement of existing legislation and regulations has been severely inadequate;

Whereas current pressure for energy independence is encouraging the hasty development of energy resources, necessitating early action for strong protective legislation; and

Whereas gaps in federal legislation and oversight have left much of the responsibility to the individual states, with the consequence

that each state must develop its own studies and regulations while possibly also causing pollution to the water and air of neighboring states;

Be it therefore resolved that we, representatives at the 2010 National Convention of the League of Women Voters, call upon the Board to use the resources of the League to support and lobby for significant strengthening of appropriate regulation, oversight, inspection, and penalties associated with the development of fossil fuel resources. This strengthening should include elimination from national legislation of the exemptions for drilling and mining, as well as additional legislation requiring the federal agencies to regulate drilling and mining in a manner consistent with the preservation of a healthy environment. We also call on the Board to write letters to the President and the Congress putting them on notice that Leagues across the country are very concerned about this issue.”

For more information, go to: lwvtompkinscounty.org. Click on Programs, then on [proposed resolution](#).

How Do We Choose What to Study?

Members of LWVs at each level choose issues for their members to study. Criteria considered when selecting study program are:

- The issue must be one on which governmental action is needed.
- The issue must fall within the principles of the LWV.
- The issue must inspire member interest and commitment.
- Duplication of effort must be avoided.
- Funds, time, and people must be available to do a thorough job.

Final decisions on state and national programs are made by a vote of the delegates to the respective conventions. At the local level, the voting members in attendance at the annual meeting perform this function.

Through its consensus process, the LWV examines all aspects of a selected subject and tries to reach agreement on which to base a position. The LWV’s reputation for fairness rests on its practice of thorough and impartial study. Members discuss the issues; pros and cons are researched; and everyone has an opportunity to express an opinion. Once the LWV has a position on an issue, material is published to promote that position, always ensuring the distinction between LWV action on specific issues and the League’s nonpartisan voter information. (*From LWVNY website*)

Members may introduce new topics for study (if they meet the criteria above), suggest revisiting/revision of existing positions, or dropping old ones. Review of programs are conducted at all levels (local, state, national) with local leagues forwarding suggestions to state and national leagues to be considered at their respective conventions. State and national LWV conventions are held in alternating years. The local program meeting held last month passed our suggestions to the state league for consideration at the state convention this coming summer.

Jane Schmitt, *VOTER Editor*

Coming Events!



March

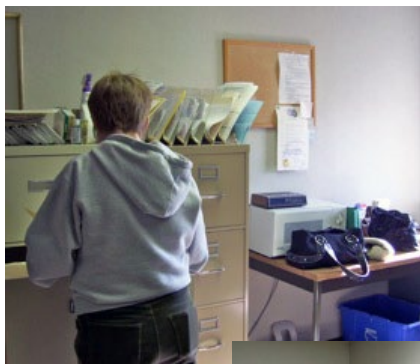
- 3** Local Government 11:00 am
- 4** Membership Committee 1 pm
- 7** Voter Deadline
- 10** Naturalization Ceremony 10 am and 1 pm
- 10** Sunshine Forum 7 pm
- 17** Board Meeting 2 pm

April

- 1** Membership Committee 1 pm
- 4** Voter Deadline
- 7** Local Government 11:00 am
- 14** Naturalization Ceremony 10 am* and 1 pm
- 21** Board Meeting 2 pm

**This ceremony to be held at Minerva DeLand School in Fairport, NY.*

Preparing to Close the Office



Program Planning



Board meets at 2:00 pm on the third Thursday of each month at Brighton Town Hall, Stage Conference Room, unless otherwise noted.

Local Government meets at the Brighton Town Hall, Stage Conference Room. For details, call Beth Keigher 271-6694.

Membership Committee meets at Brighton Town Hall - Stage Room at 1:00 pm, first Friday of each month. For details, call Gin Busack 467-6131

10:00 am Naturalization Ceremonies are held at Monroe County Office Building, 39 W. Main St;
1:00 pm Naturalization Ceremonies are held at Federal Court House at 100 State Street.

Forums are open to the public. Calendar information subject to change.

Board meetings of the LWV/RMA are open to membership.

For more complete information, consult our website at www.LWV-RMA.org, call 262-3730 or e-mail us at LWV/RMA@frontiernet.net

Sunshine Forum

“Sunshine” or openness in government is the topic of the panel to be presented by the League of Women Voters/Rochester Metropolitan Area on Thursday, March 10, 2011 at the Brighton Town Hall at 7 pm. Blair Horner of the New York Public Interest Research Group (NYPIRG), and Dick Moss, Director of Local Content and “Sunshine Projects” at the Democrat & Chronicle, are the speakers.

Our rights in terms of access to government information and decision making were not codified until more than 100 years after Lincoln made his famous Gettysburg Address in which he reminded the nation that ours is a government of the people, by the people, for the people.

In 1966, with the passage of the Freedom of Information Act, the federal government defined what the public has a right to know and how they can exercise this right to obtain government held information. This was followed by the Federal Advisory Committee Act of 1972 and the Sunshine Act of 1976, both of which focused on public access to government meetings. Pursuant to the federal example, all 50 states, the District of Columbia and some local governments passed similar laws. These laws are often known as the “sunshine” laws or public access laws.

Sunshine or openness in government refers to two distinct areas: access to public records and access to public meetings. From watching elected officials deliberate about a new traffic pattern in the community to being able to hear expert testimony about the environmental impact of a new landfill in the county, people can exercise their right to know.

The League of Women Voters is a nonpartisan grassroots political organization open to men and women. It encourages informed and active participation in government, works to increase understanding of major public policy issues through education and advocacy. We invite interested individuals to join us!

Gin Busak, *Membership Chair*

Join the League Today!



Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____ E-Mail: _____

Check Amount: _____

Level of Membership: _____

Yes! I would like to get The VOTER in my E-Mail!

Please send this form and your check payable to
 League of Women Voters/RMA to:
 LWV/RMA
 PO Box 10573
 Rochester, NY 14610

Smart Growth in 2011

In 2009, under our position on sprawl and regional planning, the League of Women Voters of New York State joined the coalition called Empire State Future, “a coming together of many civic improvement organizations, planning groups, and individuals interested in advancing the principles of ‘smart growth’ and turning them into reality in cities, towns and villages all across the Empire State.” As part of Empire State Future, the League has been effective in lobbying for state legislation to address the costs of sprawl.

For many years smart growth legislation has come before the state legislature, only to be ignored or watered down and vetoed by the governor. Finally, in 2010, with strong lobbying support from Empire State Future, the legislature passed the Smart Growth Public Infrastructure Policy Act. It guides the state in making more sustainable and strategic infrastructure investments.

This legislation requires state agencies to create Smart Growth Advisory Committees that would evaluate public infrastructure investments based on the Smart Growth criteria and will require such investments to meet the criteria to the extent practicable. Governor Paterson signed the bill at the end of August. We are proud of the role the League has played in the passage of this bill.

There is more good news for smart growth in 2011. Governor Cuomo has continued the 2007 executive order that established the Smart Growth Cabinet. That cabinet can play an important role in the implementation of the Smart Growth Public Infrastructure Policy Act. It appears that Governor Cuomo recognizes the important role that smart growth can play in our quality of life and in our efforts to mitigate climate change.

Ruth Bonn & Anne Huberman, February State Board Report

MEMBERSHIP LEVELS:

Individual/Associate	\$75
Household	\$105
Susan B. Anthony/Frederick Douglass	\$150
Carrie Chapman Catt	\$200
Student (full-time/under 25)	\$25
Low income, call office	\$sliding \$scale



**Rochester/Metro
League of Women Voters**

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Rochester, NY



Rochester **VOTER**

Monthly Publication of the League of Women Voters/Rochester Metropolitan Area.

Office Hours: 10:00 am – 2:00 pm
Monday and Wednesday

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Judy Dresnack
Secretary

Sheila Abeling
VP Voter Service

John Schmitt
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Gin Busack
Director, Membership

Gaynelle Wethers
Director, Budget

Jane Schmitt
VOTER Editor

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Chris Burleigh
VOTER Layout & Production

**April VOTER
Deadline is March 7!**

Goals of the League of Women Voters:

- To encourage informed citizen participation in government and politics
- To influence public policy through education and advocacy

“Indoors or out, no one relaxes in March, that month of wind and taxes, the wind will presently disappear, the taxes last us all the year.”
Ogden Nash