



Making Democracy Work®

► Vol. 89, No. 2 December 2009

FORWARD

LEAGUE OF WOMEN VOTERS OF WISCONSIN EDUCATION FUND, INC.

Supreme Court Denies League’s Judicial Recusal Rule

On October 28, the Wisconsin Supreme Court voted 4-3 to reject the League’s petition for new rules that would prohibit judges and justices from deciding cases involving major campaign contributors. The Court also rejected a similar petition by former Justice William Bablitch. Worse, they granted verbatim the proposals of the Wisconsin Realtors Association and Wisconsin Manufacturers & Commerce, stating that judges need not withdraw from cases involving major campaign contributors or endorsers.

Former Justice Bablitch testified about the importance of withdrawing in such cases, noting that these business groups, which weigh in heavily to elect judges, “want to keep a system that has worked for them but that has not worked for the average litigant.”

At the hearing, the League attorney and executive director were grilled by justices opposed to our proposal about everything from where the League gets its funding (irrelevant) to why we are studying judicial selection (to educate ourselves). Justices Gableman, Prosser, Roggensack and Zeigler voted to adopt the business groups’ proposals; Justices Abrahamson, Bradley and Crooks voted against.



can get their money’s worth,” said the *Milwaukee Journal Sentinel* (October 29).

“We’re just surprised that of all bodies of government, we expect the justices of our highest court to be most concerned with impressions of favoritism or influence,” said Neil Heinen, Editorial Director of WISC-TV in Madison.

On the bright side

The week after the hearing, the full Legislature passed a landmark bill providing public financing for Supreme Court elections, something the League has supported for many years. Governor Doyle signed the bill into law on December 1. The League will continue to work for other reforms to reduce special-interest influence, including issue-ad

regulation, and to return our judicial elections to the voters. ❖

Editorials following the hearing were scathing:

“We find it incredible that groups that have been so financially involved in elections are now writing the rules that govern judicial conduct as well,” said a *Sheboygan Press* editorial (November 2).

“The message out here in the real world is that special interests that contribute much



Inside:

President’s Message.....	2	Redistricting Hearing	3	Lake Michigan Report.....	6
Snowbirds	2	Waste Disposal	4	Executive Director’s Message	7
		Around The State	5	Calendar	8

President's Message

Melanie G. Ramey

Most of you know that I favor any and all reasons to have a party and next year we have a fabulous reason to celebrate: the League's 90th anniversary! We're busy looking at the availability of some prominent, nationally known women who we hope will join us for our celebration, which is tentatively set for October 2010 in Madison. You'll be hearing more about the event as we firm up plans.



While we'll have good cause to party, we'll also have plenty of work to do next year. In the spring, we'll work with others to achieve an accurate count for Wisconsin in the Census. The state League will produce a voters guide with candidates' answers for the 99 Assembly seats, 17 state Senate seats, the statewide offices of Governor, Lieutenant Governor, Attorney General, Secretary of State and Treasurer, members of Congress and one U.S. Senator. As no incumbents are expected to run for some of these offices, we'll work to host candidate forums in key locations. We'll also continue to work with our membership consultants and LWVUS to improve our services to members and strengthen our local Leagues.

I hope all League members will show their support as we move into this important election year. If you're able to participate actively in the League, your talents will make a big difference. Depending on the time you have to share, you could help devise candidate questions for the local or state voter guide, attend government meetings as a League observer, or serve in a leadership role on the local or state League board. Along the way you'll stay informed and educate your representatives about League policy issues and positions.

While not everyone has the time to volunteer, we hope you'll maintain your membership and contribute financially to the extent you can. If you know someone else who might enjoy League meetings or support our policies, please invite him or her to join.

And if you count party planning as part of your skill set, come help the League get ready to celebrate. After all, it's through the hard work and support of members like you that we've reached this significant milestone. Ninety years old has never looked better! ❖

Snowbirds—Be Sure You're Counted in Wisconsin!

Conducted every 10 years, the U.S. Census defines who we are as a nation. Census data determine the number of seats allotted to our state in the U.S. House of Representatives and people from many walks of life use the data to advocate for causes, rescue disaster victims, prevent disease, research markets, locate pools of skilled workers and more.

When you do the math, it is easy to see what an accurate count of residents can do for your community. Better infrastructure. More services. A brighter tomorrow for everyone. In fact, the information the Census collects helps to determine how more than \$400 billion dollars of federal funding each year is spent on infrastructure and services in our communities.

Census forms will be mailed out in mid March. Because of the Census's importance, and our state's inclement weather, our timely concern regards snowbirds—adults who travel to warmer climates during Wisconsin's cold months. Some questions are:

Q. I am leaving Wisconsin for the winter; will I be counted here or at my winter home?

A. If you consider Wisconsin your permanent home and wish to be counted here, you must wait until you get back to Wisconsin to complete the questionnaire. Wisconsin residents should NOT fill out the questionnaire received at their winter home. The form mailed to that address will have the winter home address only, and there is no place on the form to record another address.

If you return to Wisconsin in April, as many do, you can fill out the questionnaire during the mail-back period. Residents who need to obtain a Census questionnaire can do so at a Be Counted Center. Contact your municipality to find out where the center nearest you is located.

If returning to Wisconsin in May, a Census taker (enumerator) will complete the Census questionnaire in person at your home during the non-response follow-up process.

Q. I forward my mail to my vacation home; won't I receive my Census questionnaire there?

A. The Census questionnaire is not forwarded; forwarded forms will be returned to the US Census Bureau.

Watch for additional details in the coming months or visit www.2010census.gov to learn more.

Produced by the League of Women Voters of Wisconsin Education Fund and the Coalition of Wisconsin Aging Groups (CWAG), with thanks to our counterparts in Michigan. ❖

Resolution Would Not Count Prisoners for Redistricting

Rep. Fred Kessler (D-Milwaukee) introduced a constitutional amendment to the Legislature that holds that incarcerated felons not be counted for the purpose of redistricting in the state. At a public hearing held by the Assembly Committee on State Affairs and Homeland Security, which Kessler chairs, he said there are approximately 22,000 people incarcerated in the state prison system, which is equivalent to 40 percent of the population of one Assembly district. Wisconsin's prison population is very high compared to other states, with certain minority groups disproportionately represented. Kessler noted that almost 40 percent of the current Wisconsin prison population is African American, compared to less than 6 percent of the overall population. Under current law, these individuals are counted in the district in which they are incarcerated.

Having a population of disenfranchised offenders in a prison district results in an "inflated" level of representation for other residents of the district, even though prisoners do not use local services such as streets, fire and police. Kessler said that Assembly District 53 has 10 percent of its population incarcerated in Waupun and Oshkosh prisons and that he feels it is unfair for the district to benefit from the extra representation gained from individuals who may not vote.

Kessler believes AJR 63 is a step toward redressing the imbalance of representation. He considered introducing a bill (rather than a constitutional amendment) to have state prisoners counted in their home districts, but he pointed out they do not use local services in their home districts either. He feels AJR 63 has a better chance of passing and, as a constitutional amendment, is less likely to be reversed due to partisan political trends. Kessler does not think this amendment will be challenged legally because it does not impact voting rights; instead it impacts incarcerated, disenfranchised citizens. Kessler said this is not a partisan issue, noting that a number of prisons in the state are represented by Democrats, including those in Columbia, Boscobel and Sturtevant.

Following Kessler's presentation, Peter Wagner of the Massachusetts-based Prison Policy Initiative testified in favor of AJR 63. Wagner cited examples from Iowa where the prison population drastically skews the "one person-one vote" principle, giving prison districts up to 25 times as much say (representation) in local government than other districts. He also noted it is difficult to get people to run for office in such districts. He mentioned one district with only 58 non-incarcerated residents!

Wagner asserted that the best solution would be for the Census Bureau to count prisoners in their home districts; however, it is too late to do that in the 2010 Census. Therefore he believes it



is appropriate for states to change the way the Census counts are used for redistricting and that AJR 63 does this in a positive way. Wagner pointed out that under the current system the impact of the inflated representation for prison districts is much greater than the loss of representation for Milwaukee. The greatest cost of the current system is paid by rural districts near, but not including, prisons, he said.

In the committee discussion, Rep. Ballweg (R-Markesan), whose district has a state prison, asserted that prisons do use local services. Rep. Kleefish (R-Oconomowoc) said he is not comfortable with a resolution which holds that certain people not be counted. Rep. Roys (D-Madison) compared the current system to the three-fifths rule which counted slaves as three-fifths even though they could not vote.

As a constitutional amendment, the resolution will have to be passed by both houses of the Legislature in two consecutive sessions before going on the ballot in a statewide election.

The League has not yet taken a position on this resolution.

Notes taken by Andrea Kaminski. ❖

Save Trees and the League Money!

Money doesn't grow on trees, but we can save both by using email for League communications! Send an email to lwwwisconsin@lwwwi.org to sign up for any or all of the following (be sure to tell us which items you wish to receive by email):

- *Forward Newsletter* ❖
- *Wisconsin League Leader Update*
- *Action Alerts*

La Crosse Area Study Group Focusing on Waste Disposal

A number of Leagues in Wisconsin are working with their local governments to support adoption and implementation of resolutions to become “eco-municipalities” using a Swedish model called the Natural Step framework. This methodology provides decision-making guidelines for moving communities toward sustainability.

For example, a LWV La Crosse Area study group, formed to support this process in their area, felt that waste disposal, especially of plastics, merited further exploration. League members toured the Xcel Energy facility on French Island, which has an incinerator that generates electricity. The study group has concluded that there is now enough combustible waste to support the incinerator so that a plastics recycling program can be put in place.

The study group’s tour then moved on to the La Crosse County landfill and hazardous waste facility where machinery exists to remove contents from cans and crush them for recycling. The group was pleased to learn what materials can be reused or recycled and that the site is now filling at a slower rate than in previous years.

After the tours a former city manager for waste disposal in La Crosse made a presentation about waste disposal in the area that included examples of products made from discarded items. ❖



LWV La Crosse Area visited their county hazardous materials processing center.

Advocacy Update Advocacy Update Advocacy Update

As of December 1, 2009

News on League-supported legislation since the last issue of *Forward*:

- Legislation to restore the right to vote for non-incarcerated felons has had committee hearings in the Assembly and Senate, but has not come up for a vote in either house.
- The Impartial Justice bill, which guarantees public funding for Supreme Court elections, has been signed into law.
- A bill that holds dishwashing detergents to the same phosphate standards as other household cleaning products was signed into law by Governor Doyle.
- Legislation to restore authority to appoint the Secretary of Natural Resources to a citizen board was passed by the full Legislature and then vetoed by Governor Doyle. The Legislature can override the veto with a two-thirds majority vote in each house.

New Forums for LWV Members on League Website

The State League has two new forums for LWV members to post and discuss news and events. Links to the Climate Change/Sustainability Group and Health Care Reform Group are available at www.lwvwi.org on the right side of the “For Members” section. The forums are open to any LWV member. Email Laurel Fleet at the state office, ljfleet@gmail.com, for more information.

LWV Around The State

- 1** Ashland/Bayfield: hosted Learn the Issues—Build the Future, a general meeting about recycling, local issues, climate change and health care reform; raised \$500 from its 2009 Bulb Sale.
- 2** Beloit: discussed long-term health care issues at a recent Lunch and Learn forum.
- 3** Dane County: presented the forum "A Transportation System that Works for Dane County"; invited Dane County Sheriff to speak at a recent general meeting about increasing effectiveness in the Dane County justice system.
- 4** Door County: hosted Melanie Ramey, LWVWI President and director of HOPE (Hospice Organization and Palliative Experts) of Wisconsin, who presented "The Current Status of Health Care Reform," along with a panel of Door County agency representatives; "The Challenge of Sustainability," a September 23, 2009 forum, is available on DVD at the Door County Library or by contacting S. Senarighi at rsenarighi@charter.net or 920-743-1691. The program is also being aired on both the Sturgeon Bay and Sevastopol cable access channels.
- 5** Janesville: offering a Lunch and Learn series about health care topics, including the status of health in Rock County, Health Net and Badger Care and mental health and addiction issues; hosting the 19th Annual Susan B. Anthony Birthday Celebration on February 7, 2010.
- 6** Manitowoc: invited Joe Heller, editorial cartoonist with the Green Bay Press Gazette, to be the featured speaker for fall kick-off membership meeting; joined with the Superintendent of Manitowoc County Schools to present a program about the effects of government cutbacks on schools and how the community can help maintain the quality of education for students.
- 7** Ozaukee County: at its October forum, discussed the importance and benefits of increasing community awareness and participation in the 2010 Census.
- 8** Ripon Area: hosted "Getting to Know the League," an orientation event; held a general meeting about climate change in October; co-sponsored the Local Government Fall Forum in November.
- 9** Winnebago: presented "Food for Thought Lunch on the State of Drinking" with Wendy Harris Magas from the Appleton Post Crescent.
- 10** Wisconsin Rapids Area: sponsored a harvest bake sale at a Big Top Chautauqua "Wild Woods & Waters" performance; kicked off fall meeting with a program about health care with UW-Stevens Point political science professor Ed Miller, who provided an analysis of the current system and examined reform problems.

Lake Michigan League of Women Voters Annual Report

The annual meeting of the Lake Michigan League of Women Voters (LMLWV) was held in Saugatuck, Michigan in a lovely rustic camp on the dunes of Lake Michigan. Marge and Art Palleon represented the Wisconsin League.

Meeting delegates agreed that the 2009-2010 Program should emphasize the following areas, which subsequently will be prioritized:

1. Work to implement 2009 Great Lakes Restoration bills: restore water quality; prevent and control invasive species; clean up toxic pollution; mitigate impacts of global warming on the Great Lakes.
2. Work to implement the Great Lakes Regional Collaboration Protection and Restoration Strategy.
3. Support efforts to reduce the use of pesticides and promote use of nontoxic alternatives.
4. Advocate for water conservation and resource protection to complete the requirements of the Great Lakes Compact.
5. Monitor implementation of the Great Lakes Compact.
6. Monitor progress of the Great Lakes Water Quality Agreement, with particular attention to pharmaceuticals in the water.
7. Address permitted discharges into the Great Lakes with a goal of reducing pollutants.

Suggestions or questions regarding these initiatives should be sent to Marge or Art Palleon at palleon@sbcglobal.net before January 2010.



Cheryl Chapman, LMLWV Vice-President, reported on the availability of timely news on the Great Lakes Information Network. If you are interested in receiving this e-mail service, contact Cheryl at ccfritter@yahoo.com.

Although it rained the entire weekend, delegates enjoyed a Kalamazoo River tour on the Star of Saugatuck. Guide Suzanne Dixon spoke about the area's concern regarding the Denison property takeover by a developer who outbid the city and has no interest in preserving the pristine lakefront. Suzanne also discussed how the local paper mill sends pollutants downstream into Lake Michigan.

Several other speakers addressed the delegates, including:

- Attorney Jim Olsen, a Traverse City lawyer specializing in environmental litigation. He chairs the Flow for Water Coalition, a group of nonprofit organizations whose purpose is to correct a loophole in the Great Lakes Compact. More information is available at Flowforwater.org and savemewater.org.

- John Legge, Western Michigan conservation director for the Nature Conservancy. He discussed the Conservancy's goal to preserve the diverse plants, animals and natural communities in what is the longest stretch of sand dunes on the planet.
- Melvin Visser, author of *Cold, Clear, and Deadly*, and former corporate chemist turned environmental activist. Pollutants that reach our waters affect our shorelines and water creatures and eventually reach our food chain. He recommended that we encourage lawmakers to help ratify the Stockholm Convention and pursue global banning of "persistent organic pollutants" (POPs).

Next year's LMLWV annual meeting will be held in Wisconsin. Please contact LMLWV at its website at lakemichiganlwv.wordpress.com if you want to help out or have ideas for programming. ❖

Executive Director's Message *By Andrea Kaminski*



Seven League members joined me at the Supreme Court hearing for the League's judicial recusal rule, which was intense and at times bizarre. As Attorney Virginia Bartelt presented the League's petition, Justices Gableman and Prosser had several questions about the League and our positions, and I was called upon to speak. The justices wanted to know why the League is studying judicial independence this year,

including looking at merit selection. *Do we advocate that voters should not be able to elect judges?* they asked. I explained that the League has a long-time position supporting Wisconsin's system of judicial elections, and that we study issues from time to time to inform our members and ensure our positions are current.

Justice Gableman wanted to know whether the Open Society Institute is a funder of the League of Women Voters (it is a funder of LWVUS) and two other groups that testified in support of a recusal rule, the Brennan Center and Justice at Stake. *Did we know that OSI is George Soros' foundation?* he asked.

Mike McCabe, with Wisconsin Democracy Campaign, had time to do a little research over lunch and wisely addressed the Soros issue up front in his testimony. He stated that

indeed his organization is a recipient of OSI funds and then offered a long list of other distinguished recipients including many organizations that are not particularly political. McCabe also noted that by federal law such funds cannot be used to further the personal political agenda of George Soros.

Sparks flew when Justice Prosser accused McCabe of being the main force behind the waning public confidence in the courts!

Experts from the Brennan Center and Justice at Stake provided thoughtful testimonies that addressed the First Amendment issue among other things. Their testimonies, as well as McCabe's, offered suggestions for strengthening the League's proposal through nuanced amendments. It was clear early on that a study commission was probably the best we could have hoped for, yet even that was rejected.

It is interesting that the arguments in favor of the WMC and Realtors' petitions seemed to revolve around the First Amendment, and yet the press was on our side, judging by the editorials that ran in papers around the state. The League can be proud for having shone a light on the undue influence of special interests in our judicial elections. We will continue to advocate for a fair and impartial judiciary.

We are grateful for the strong support of every League member and friend. We could not keep going without you!



Officers

President: Melanie Ramey LWV Dane County 2009-2011	Treasurer: Ellen Rosborough LWV La Crosse Area 2008-2010
Vice President: Debra Cronmiller LWV Appleton 2008-2010	Secretary: Julie Arneith LWV Greater Green Bay 2009-2011

Executive Director: Andrea Kaminski
Administrative Assistant: Laurel Fleet
122 State Street, Suite 201A Madison, WI 53703
Phone: (608) 256-0827 FAX: (608) 256-1761
www.lwvwi.org Email: lwvwisconsin@lwvwi.org

Directors

Kathy Allen LWV Ashland/Bayfield Cos. 2008-2010	Linda Jorgenson LWV Ashland/Bayfield Cos. 2008-2010
Peggy Cox LWV Winnebago County 2008-2010	Joyce McCollum LWV Greater Green Bay 2009-2010
Patricia Finder-Stone LWV Greater Green Bay 2009-2011	Louise Petering LWV Milwaukee County 2009-2010
Ethel Himmel LWV Janesville 2009-2011	Pamela Rewey LWV Dane County 2009-2011

2009-2010 Nominating Committee:

Ruth Kalms, Member-at-Large, Marshfield, Chair
Rebecca Dougherty, LWV Stevens Point Area
Ethel Himmel, State Board

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

LWVWI 2010 Calendar

January 1

Deadline for local Leagues participating in update of state positions to send their recommendations to other local Leagues for comment.

January 15

State League sends Program Planning Packet to local Leagues

February 6 • 9:30 a.m.-2 p.m. • Madison

LWVWEN Board Meeting

February 14

90th Birthday of the League of Women Voters

February 16

Spring Nonpartisan Primary

February 28

Deadline for local Leagues participating in update of state positions to submit their final recommendations to the state office.

March 18

State Program Making Report Forms due to state office from local Leagues and MALs

March 18

If applicable, local League concurrence due on update of state positions.

April 10 • 9:30 a.m.-2 p.m. • Madison

LWVWEN Board Meeting

April 16

State League sends Annual Meeting Packets to local Leagues

June 18 • 9 a.m. • La Crosse

LWVWEN Board Meeting

June 18-19 • La Crosse

LWVWEN Annual Meeting

July 16-17

LWVWEN Board Meeting & LWVWAN Annual Meeting

September 14

Fall Partisan Primary

October date to be announced

League 90th Anniversary Event

November 2

Fall General Election



122 State Street, Suite 201A
Madison, WI 53703-2500



NONPROFIT
ORGANIZATION
US POSTAGE
PAID
MADISON WI
PERMIT #2945